

CHAPTER 17

PLANNING AND ZONING

PLANNING COMMISSION

SECTION 17-1. PLANNING COMMISSION CREATED

There is hereby created a planning Commission, which shall consist of five citizens of Elk City as hereinafter provided. The members of the Planning Commission shall be nominated by the Mayor and appointed by the City Commission solely with reference to their fitness and without reference to party affiliations and shall serve without compensation, except as hereinafter provided.

SECTION 17-2. LENGTH OF TERM

Members of the Planning Commission shall hold office for a term of five years, with the exception that in the first instance, two shall be appointed to serve a term of one year, two for a term of two years and one for a term of three years. Appointments thereafter shall be made for a term of five years, except when a vacancy occurs; when an appointment shall be made to fill the unexpired term.

SECTION 17-3. EX OFFICIO MEMBERS

The Mayor and the City Engineer shall be ex officio members of the Planning Commission, but shall receive no compensation other than their fixed salary as said officials.

SECTION 17-4. QUORUM

Three members of the Planning Commission shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken and be binding upon the Planning Commission unless concurred in by not less than a majority of all five members comprising the Planning Commission.

SECTION 17-5. MAYOR SHALL APPOINT

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

SECTION 17-6. PROCEDURE

The members of the Planning Commission shall meet within two weeks after their appointment and confirmation and organize by electing from their members, a chairman, vice-chairman, and secretary, who shall serve for a period of one year, beginning on July 1 and ending June 30 of the fiscal year, and shall adopt from time to time such by-laws, rules and regulations and amendments thereto as may be necessary to effectuate the purpose of Sections 17-1 to 17-56.

SECTION 17-7. POWER TO EMPLOY STAFF

The Planning & Zoning Commission shall serve without pay, and it shall be the duty of such Planning Commission to prepare from time to time, plans for the systematic development and betterment of said municipality as a place of residence or for business. 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 City Commission of Elk City, Oklahoma. The salary and compensation of such employees shall be fixed by the City Commission of Elk City, Oklahoma, and shall be paid out of the City Treasury as other officers and employees; and the necessary expenses incurred by the Planning and Zoning Commission shall be paid out of the City Treasury as other legal expenses of the city government.

SECTION 17-8. POWERS AND DUTIES

The Planning & Zoning Commission may consider and investigate any subject matter tending to the development and betterment of such municipality and make recommendations as it may deem advisable concerning the adopting thereof to the City Commission of the City of Elk City, Oklahoma, and for any purpose make or cause to be made, surveys, maps or plans. Before the final action shall be taken by the City Commission of Elk City, Oklahoma, in the location and design of subdivisions, any public buildings, statue, memorial, park, boulevard, street and alley, playgrounds, public grounds, bridge or change in any location of any street or alley or the grade thereof, such question shall be submitted to the Planning Commission for investigation and report. All plans, plats or re-plats of land laid out in lots or plats and streets, alleys or other portions of the same intended to be dedicated to public or private use within the corporate limits of said city, shall first be submitted to the Planning & Zoning Commission for its approval or rejection. The disapproval of any such plan, plat or re-plat by the City Commission of the City of Elk City shall be deemed a refusal of the purported dedication shown thereon.

SECTION 17-9. ZONING COMMISSION

The Elk City Planning Commission shall also serve as Zoning Commission for said city. The Planning & Zoning Commission shall have the power to regulate and restrict 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.

SECTION 17-10. UNIFORMITY OF REGULATIONS

The Planning & Zoning Commission may divide the municipality into districts of such number, size and area as may be deemed best suited to carry out the Elk City Comprehensive Plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 17-11. COMPREHENSIVE PLAN PURPOSE OF REGULATIONS AND MATTERS CONSIDERED

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

ARTICLE I

GENERAL PROVISIONS

SECTION 17-12. CITATION

This Ordinance (Sections 17-1 to 17.56.1 of this code), in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Article 43, Sections 43-101 to 43-108 ; Article 44, Sections 44-101 to 44-110; and Article 45, Sections 45-101 to 45-105 of the Oklahoma Statutes, 1991, shall be a part of the Comprehensive Plan for the City of Elk City and shall be known as the Zoning Ordinance and may be cited as such.

SECTION 17-13. PURPOSE AND NECESSITY

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities.

SECTION 17-14. NATURE OF ZONING PLAN

This ordinance classifies and regulates the use of land, buildings, and structures within the city limits of the City of Elk City, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land as to height and number of stories or buildings, coverage of the land by buildings, size of yards and open spaces, density of population and location and use of buildings.

SECTION 17-15. INTERPRETATION AND APPLICATION

As concerns interpretation and application, the provisions of this Ordinance Section 17-12 to 17-56.1 shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other Ordinances, this Ordinance shall control.

SECTION 17-16. REGULATIONS OF USE, HEIGHT, AREA, AND OPEN SPACES

Except as hereinafter otherwise provide, no land shall be used and no buildings, 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 use, height, area, yard and space requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

ARTICLE II
DEFINITIONS

SECTION 17-17. DEFINITIONS

Unless otherwise stipulated or required, the following definitions shall be used in the interpretation and construction of the Ordinance, and words used in the present tense include the future tenses; words in the singular number and include the plural and words in the plural number include the singular; the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall" is mandatory and not directory.

1. ACCESSORY BUILDING OR USE. One Which:
 - a. Is subordinate to and serves a principal building or principal use.
 - b. Is subordinate in area, extent or purpose to the principle building or principle use served.
 - c. Contributes to comfort, convenience or necessity of occupants of the principal building or principal use served.
 - d. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
 - e. An "accessory use" includes, but is not limited to, the following:
 - (1) A children's playhouse, garden house and private greenhouse.
 - (2) A garage, shed or building for domestic storage
 - (3) Storage of merchandise normally carried in stock on the same lot with any retail service or business use unless such storage is excluded by the district regulations.
 - (4) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations.

- (5) Servants' quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling.
 - (6) Off-street motor vehicle parking areas and loading and unloading facilities.
 - (7) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this chapter.
 - (8) Public utility, communications, electric, gas, water and sewer lines, their supports and incidental equipment.
2. **ADVERTISING SIGN OR STRUCTURE:** Any material or structure of any character whatsoever, placed for outdoor advertising purposes. The term “placed” shall include making visible in any manner whatsoever. The area of the advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning nor other signs posted by Public Officials in the course of their public duties shall be construed as advertising signs for the purpose of this Ordinance.
3. **AGRICULTURE:** The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage to swine or other animals, stockyards or commercial feed lots for cattle.
4. **ALLEY:** A minor right-of-way, dedicated to public use, affording a secondary means of access to abutting property and not intended for general traffic circulation.
5. **AUTOMOBILE OR TRAILER SALES AREA:** An open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
6. **AUTOMOBILE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

7. **AUTOMOBILE REPAIR, MINOR:** Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity.
8. **AUTOMOBILE SERVICE STATION OR FILLING STATION:** Any area used for retail sale of gasoline or oil fuels, or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair or the sale of butane or propane fuels.
9. **AUTOMOBILE WASH OR AUTOMATIC CAR WASH:** A building or structure or chain conveyors, blowers, steam cleaners and other mechanical devices used primarily for the purpose
10. **BASEMENT:** A whole story wholly or partly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half (1/2) of it's height is above the average level of the adjoining ground or when sub-divided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
11. **BLOCK:** In describing the boundaries of a district the word "block" refers to the legal description. In all other cases the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or a street and a railroad right-of-way or watercourse.
12. **BOARDING HOUSE AND ROOMING HOUSE:** Where meals or lodging are provided for persons other than the family or their relation excluding facilities for transient persons such as hotels, motels, inns and other such facilities.
13. **BOARD OF ADJUSTMENT:** The Board of Adjustment for the City of Elk City, Oklahoma, also referred to as Board.
14. **BUILDING:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings and which is assigned or intended for the shelter, enclosure or protection of persons, animals or chattels.
15. **BUILDING LINE:** A line established beyond which no part of a building shall project, except as otherwise provided by this Ordinance.
16. **BUILDING, PRINCIPAL:** A building or buildings in which the principal use of the building site is conducted. In any residential district any dwelling shall be deemed to be the principal building on the building site.

17. **BULK LIMITATIONS (FLOOR AREA RATION):** The number of square feet of floor area as defined herein which is permitted for each square foot of lot area.
18. **BULLETIN BOARD:** Any board or sign erected for announcement purposes.
19. **CELLAR:** A story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
20. **CEMETERY:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.
21. **CHILD CARE CENTER:** Any place, home or institution which receives three or more children under the age of sixteen years for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided; however, this laws of this state, custody of children fixed by a court, children related by blood or marriage within caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities or as prescribed by Oklahoma State Health Department.
22. **CITY:** The incorporated City of Elk City, Oklahoma.
23. **CITY BUILDING INSPECTOR:** The Building Inspector of the City of Elk City, Oklahoma.
24. **CITY ENGINEER:** The City Engineer of the City of Elk City, Oklahoma.
25. **CITY PLANNING COMMISSION:** Elk City Planning Commission, as established by the statute hereinbefore cited, the City of Elk City, County of Beckham, State of Oklahoma, also referred to as Planning Commission.
26. **CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not provided with board and room or kept overnight on the premises.
27. **CLUB:** A non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
28. **COMPREHENSIVE PLAN:** The Comprehensive Plan of the City of Elk City, County of Beckham, State of Oklahoma.

29. **CONVALESCENT HOME:** A convalescent home, a nursing home, or a rest home is a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.
30. **COMMISSION:** The Commission of the City of Elk City, Oklahoma; and includes the use of the words City Commission, and Board of Commission.
31. **COVERAGE:** The lot area covered by all buildings located thereon, including the area covered by all the hanging roofs.
32. **DWELLING:** A building or portion thereof designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including house trailers or mobile homes, hotels, motels, boardinghouses, or lodging houses, tourist courts or tourist homes.
33. **DWELLING, SINGLE FAMILY:** A building designed for or used exclusively for resident purposes by one (1) family or house-keeping unit.
34. **DWELLING, TWO FAMILY:** A building designed for or used exclusively by two (2) families or house-keeping units.
35. **DWELLING, MULTI-FAMILY:** A building or portion thereof designed for or used by three (3) or more families or house-keeping units.
36. **DWELLING UNIT:** One or more rooms in a dwelling or apartment/hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.
37. **ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies approved by the Commission, of under ground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof; reasonable necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the Public Health or Safety or General Welfare, but not to include buildings.
38. **EXCEPTION:** A variance from the requirements of this Ordinance properly authorized by the Board of Adjustment.

39. **FAMILY:** A person living alone or two or more persons living together, related by blood or marriage, as a single house-keeping unit using a single facility for culinary purposes in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.
40. **FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings.
41. **FRONTAGE:** The width of a lot measured at right angles to the depth on the front or street side of the lot.
42. **GARAGE APARTMENT:** A dwelling for one (1) family erected as a part of a private garage.
43. **GARAGE, PARKING:** Any building or portion thereof used for the storage of four or more automobiles in which any servicing may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
44. **GARAGE, PUBLIC:** The structure or portion thereof, other than private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.
45. **GARAGE, PRIVATE:** A detached accessory building or a portion of the principal building or intended for use by the occupants of the premises for storage of passenger vehicles or trailers.
46. **GARAGE, REPAIR:** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
47. **HEIGHT:** The vertical measurement of any building or structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure or building.
48. **HEIGHT LIMIT:** The limit of height as imposed in this Ordinance for any structure or building or permitted use within the zoning district.
49. **HOME OCCUPATION:** An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business, manufacturing business or a repair shop of any kind on the premises. Home occupations, further, shall not include the employment of any additional persons in the

performance of such services; nor shall there be any mechanical equipment used other than is usual for purely domestic or hobby purposes.

There shall be no exterior display or sign except as allowed in the sign regulations for the district in which such "home occupation" is located and there shall be no exterior storage of equipment or materials used in connection with the home occupation.

A home occupation includes but is not limited to the following: Art studio, dressmaking, professional office of a clergyman, lawyer, architect, engineer, realtor, accountant, teaching of music, dancing and other instructions when limited to one pupil at a time when located in a dwelling unit occupied by the same. However, "home occupation" shall not be construed to include uses such as the following: clinic or hospital, beauty parlor or barbershop, tearoom or millinery shop, restaurants, tourist homes, commercial stable or kennel.

A Home Daycare Facility is considered a home occupation. The Zoning Ordinances of the City of Elk City define Home Occupation as an occupation carried on in a dwelling by the resident thereof, and not include the employment of any additional person in the performance of such services. Every home Daycare must have a current Facility Child Care License. If there is additional persons employed in the Home Daycare Facility you must be located in a Commercially zoned district.

50. HOSPITAL: A building or portion thereof used for the accommodation of sick, injured or infirmed persons.
51. HOTEL: A building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under a restraint.
52. INDUSTRY: Storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.
53. INSTITUTIONAL USES: Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, philanthropic activities normally operated on a nonprofit basis.
54. JUNK OR SALVAGE YARD: A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yard, used lumber yards and places or yards for storage or salvaged house wrecking and structural

steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

55. **KENNEL:** Any lot or premises or portion thereof on which more than four dogs, cats and other household domestic animals over four months of age are kept or on which more than two such animals over four months of age are kept or on which more than two such animals are boarded for compensation or kept for sale.
56. **LOADING SPACE:** An off-street space or berth on the same lot with the building or contiguous to a group or building, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
57. **LOT:** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having access on a public street.
58. **LOT, CORNER:** A lot which has at least two adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty five (135) degrees.
59. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.
60. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
61. **LOT, INTERIOR:** A lot other than a corner lot.
62. **LOT, WEDGE SHAPED:** A lot situated so that the front is either wider or narrower than the rear of the lot.
63. **LOTS OF RECORD:** Herein designated as a separate and distinct parcel on a legally recorded subdivision plat or a legally recorded deed filed in the office of County Clerk, Beckham County, State of Oklahoma.
64. **MAXIMUM COVERAGE:** The maximum amount of land that may be covered by buildings on any lot.
65. **MEAN LOT ELEVATION:** The average elevation of a lot.

- 66. **MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for a placement of mobile homes for non-transient use.
- 67. **MOBILE HOME LOT:** A parcel of land for the exclusive use of the occupants of a single mobile home.
- 68. **MOBILE HOME PAD:** The part of an individual lot which has been reserved for the placement of the mobile home.
- 69a. **MODEL HOME:** A structure that is designed and built as a residence, with at least part of the dwelling in temporary use as a sales office and showcase or prototypical example of the kind of dwelling that the builder will construct within that subdivision. The dwelling may be used as a sales office for a period not to exceed four years. A model home does not include a home owned and occupied as a personal residence, but which has been offered for sale and is simply being shown as an open house."
- 69. **NONCONFORMING USE:** A parcel of land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
- 70. **OFF-STREET PARKING:** The provision of space reserved exclusively for the parking of motor vehicles entirely off the public street and lying wholly within the property boundaries of the parcel of land affected.
- 71. **OPEN SPACE:** Area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches.
- 72. **PARCEL:** A lot as defined therein.
- 73. **PARKING AREA, PRIVATE:** An open area for the same uses as private garage.
- 74. **PARKING AREA, PUBLIC:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free or as accommodation for clients or customers.
- 75. **PARKING SPACE:** A permanently surfaced area of not less than two hundred (200) square feet, either within or in the open, exclusive of driveways or access drives for the parking of motor vehicles.
- 76. **PERMITTED USES:** The uses of a structure or of a tract of land allowed by the use regulations of this Ordinance.
- 77. **PORTABLE TEMPORARY STORAGE UNIT:** Portable, temporary storage units (steel containers, shipping containers, rail/box car, semi-truck trailer,

mobile home and the like) intended or used for the purpose of storing materials on a temporary basis in residential zoning districts for family purposes and in commercial zoning districts for business purposes.

78. ROOMING HOUSE: See boarding house.
79. SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.
80. SIGN, PROJECTING: A sign erected on the face or outside wall of a building which projects out at any angle there from.
81. SIGN, TEMPORARY: Signs of the temporary nature used to advertise the premises for sale, rent, or lease.
82. SIGN: Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any lettering, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, on announcement, direction, advertisement, or other attention-directing device. A sign shall not include the similar structure or device located within a building except for illuminated signs within show windows. The sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or any state, city, or any other political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive movement, or event.
83. STORY: That portion of a building, included between the surface of any floor and the surface of the floor next above it, then the space between the floor and the ceiling next above it.
84. STORY, FIRST: The lowest story or the ground of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building; except t h a t any basement or cellar used for residence purposes shall be deemed t h e first story; provided that a basement or cellar used purely for recreational purposes shall not be deemed the first story.
85. STORY, MESSANINE: A story which covers one-third (1/3) or less of the story directly underneath it.
86. STREET: A public right-of-way more than twenty (20) feet in width which provides a public means of access to abutting property and used primarily for vehicular circulation. The term street shall include avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare, and any other similar term.

87. STREET COLLECTOR: As described and shown on the Major Street Plan.
88. STREET, INTERSECTION: Any street which adjoins another street at an angle whether or not it crosses the other.
89. STREET, MAJOR: As described and shown on the Major Street Plan.
90. STREET, MINOR: Any street not designated as a major or collector street and intended to serve or provide access exclusively to the properties abutting thereon.
91. STRUCTURAL ALTERATION: Any change in the structural members of a building such as walls, columns, beams or girders.
92. STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveway and similar improved areas.)
93. THOROUGHFARE-EXPRESSWAY: A primary thoroughfare with divided roadways, partial or full control of access in general with grade separations at intersections. A freeway shall mean an expressway with full control of access and meeting the standards of the Oklahoma State Highway Department.
94. THOROUGHFARE-PRIMARY OR SECONDARY: An officially designated Federal to State numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare or major street plan for the City of Elk City, Oklahoma, or County or other road or street designated as a secondary thoroughfare on said plan, respectively.
95. THOROUGHFARE PLAN: The part of the Comprehensive Development Plan referring to transportation development goals, principles, and standards and also includes use of the words Major Street Plan and Traffic Ways Plan. principles,
96. TOURIST COURT: An area containing one (1) or more building designed or intended to be used as temporary sleeping facilities of one or more transient persons.
97. TRAFFIC SIGNAL DEVICE: A sign, device of mechanical contrivance, used for the control of motor vehicular and pedestrian movement.
98. TRAILER OR MOBILE HOME: A portable or mobile living unit used or designed for human occupancy on a permanent basis.

99. USE: The purpose of which land or building or structure is arranged, designed or intended, or for which either land, building or structure is, or may be occupied or maintained.
100. UTILITY SERVICE INSTALLATION: Any structure or installation by utility company or the City of Elk City, Oklahoma deemed to be necessary for the safe or efficient operation of that utility.
101. VARIANCE: Any modification of the terms of this Ordinance.
102. YARD, FRONT: A yard extending across the full width of a lot from side lot line to side lot line abutting on a street beyond which a building may not protrude.
103. YARD, REAR: A yard extending across the rear of a lot measured from side lot line to side lot line and at opposite end to front lot line.
104. YARD, SIDE: A yard extending from front building line to the rear building line abutting the side lot line beyond which no building may protrude.
105. ZONING COMMISSION: Elk City Zoning Commission.
106. ZONING MAP: The adopted zoning map or maps of the City of Elk City together with all amendments.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 17-18. ZONING DISTRICTS

For the purpose of this Ordinance and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the City of Elk City.

Agricultural Districts

- A-1 Residential District
- R-1 Single-Family District
- R-2 Two-Family District
- R-3 Multi-Family District
- R-4 Residential Estate District

Commercial Districts

- C-1 Convenience Commercial District
- C-2 Highway Commercial and Commercial Recreation District
- C-3 General Commercial District

Industrial Districts

- I-1 Light Industrial Districts
- I-2 General Industrial Districts
- I-3 Heavy Industrial Districts

Planned Unit Development District

Flood Plain District

1. As districts are designated they shall be bounded and defined as shown on a map entitled “zoning Map of the City of Elk City, County of Beckham, State of Oklahoma”. The zoning map, and all of the explanatory material thereon, is hereby made a part of this Ordinance.
2. In the event of uncertainty in the exact boundaries of any of the aforesaid districts as shown on the “: Zoning Map of the City of Elk City, State of Oklahoma”, the Planning Commission upon written application or upon its own motion, shall recommend the location of such boundaries to the City Commission and the City Commission shall make the final determination.

ARTICLE IV

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

SECTION 17-19. APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT

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

It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes.

SECTION 17-20. EXISTING BUILDINGS AND LAND USE

Except as herein provided, no building or parcel of land shall be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified.

SECTION 17-21. HEIGHT AND DENSITY

No building shall hereafter be erected or altered which will exceed the height limit nor shall any building or land be used or occupied hereafter in excess of the density regulations for that district; no building shall hereafter be erected or altered to accommodate a greater number of families than those specified for that district; no building shall be erected or altered to exceed the specifications of required lot size, maximum coverage, yard requirements, height limitations, or bulk limitations for that district as defined.

SECTION 17-22. BUILDINGS AND PORTABLE TEMPORARY STORAGE UNITS

1. Buildings

Any building hereafter erected or structurally altered shall be located on one (1) lot and except as provided herein; there shall be no more than one (1) principal building and the customary accessory buildings on one (1) lot; provided further that accessory building may not be erected or placed in the front and side yard areas as required in the separate districts.

2. Portable Temporary Storage Units

- a. Portable temporary storage units may be utilized in residential and commercial zoning districts upon filing an application by the property owner and issuance of a permit from the City in accordance with b., c., d. and e., herein. No permit shall be required unless the unit will be at the site for more than one week. The permit fee shall be \$50.00 per unit.
- b. Permits for construction will be granted for the duration of construction activities. Units serving as offices will also have to be permitted. Permits for residential use will be granted for 90 days. Permits for commercial business use will be granted for 180 days.
- c. Units are prohibited from being placed in streets or on the front yard of a property. Units must be located on the property at the furthest accessible point from streets. Unless the unit is located on a paved off-street surface, the property owner must obtain pre-approval of the location by the city manager or his designee.
- d. Only one unit may be placed on a property in a residential zoning district. The unit shall not exceed 40 feet in length.
- e. Units shall not be used to store solid waste or any illegal or hazardous substance. Upon reasonable notice to the property owner, the city may inspect the contents of any unit.

SECTION 17-23. STREET ACCESS

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.

SECTION 17-24. OFF-STREET PARKING

1. Purpose and Application

It is the intent of these requirements that adequate parking and loading facilities be provided of the street easement for each use of land within the City of Elk City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

2. Required Open Space

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

3. Location

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

4. Joint Parking Facilities

Whenever two 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.

5. Size 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 feet (20) plus adequate area for ingress and egress.

6. Amount of Off-Street Parking and Loading Required

- a. Dwelling, Single-Family or Duplex: Two (2) parking space for each separate dwelling unit within the structure.
- b. Dwelling, Multiple-Family: The number of spaces provided shall not be less than two (2) times the number of units in the dwelling.
- c. Boarding or Rooming House or Hotel: One (1) parking space for each two (2) guest provided overnight accommodations.
- d. Hospitals: One (1) 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.
- e. Medical or Dental Clinics or Offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.
- f. Convalescent or Nursing Homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.

- g. Community Center, Theater, Auditorium, Church Sanctuary: One (1) parking space for each four (4) seats, based on maximum seating capacity.
- h. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
- i. Office Building: One (1) parking space for three-hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
- j. Commercial Establishment Not Otherwise Classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- k. Industrial Establishments: One (1) off-street parking space for each one thousand (1000) square feet of gross floor area or one (1) off-street parking space for each three (3) employees whichever is greater and one (1) loading and unloading berth for each twenty five thousand (25,000) square feet or fraction thereof of gross floor area.

7. Paved Surface Required

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

8. Off-Street Parking Lots in Residential Districts

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

- a. All sides of the lot within or abutting the Residential District shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) feet. Such fence, wall or hedge shall be maintained in good condition.
- b. No parking shall be permitted within a front yard set-back line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, a minimum five (f) foot setback shall be required.
- c. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

- d. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- e. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.
- f. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.

SECTION 17-25. 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 a Residential District except in accordance with the following provisions:

- 1. No more than one commercial vehicle, which does not exceed one and one-half (1 ½) 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.
- 2. No more than one camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied whether temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the City of Elk City.
- 3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the City of Elk City, with certain exceptions as hereinafter provided in Section 17-36, (8)-(h) of this Ordinance.

SECTION 17-26. ANNEXATION CLAUSE

All territory annexed to the corporate limits of Elk City, Oklahoma, subsequent to the effective date of this Ordinance is within the jurisdiction of this Ordinance and will upon annexation be zoned as A-1 General Agricultural District, unless otherwise classified by the City Commission. Within six (6) months after the effective date of such annexation, the City Commission of the City of Elk City shall, in accordance with

Title II, Article 43, Sections 43-101 to 43-108, Oklahoma Statutes and this Ordinance, rezone said annexed territory in keeping with the Comprehensive Plan.

SECTION 17-27. EXISTING LOTS OF RECORD

In any district where single-family residences are permitted, a single-family detached dwelling may be erected on any lot which is of official record on the effective date of this Ordinance, subject to be the following restrictions:

1. There must be provided a minimum lot width of fifty (50) feet.
2. There must be provided a minimum of ten (10) feet in side yards with five (5) feet on any one side.
3. The front and rear yards must comply with the requirements set forth for the zoning district within which the lot of record is located.

SECTION 17-27.1. METAL BUILDINGS

Buildings within residential or commercial zoning districts utilizing a metal exterior surface on any side wall having any street frontage shall, without considering any intervening fence, be constructed so that not less than thirty three (33%) percent of any such side wall having street frontage is constructed of materials dissimilar to the metal exterior surface used on the balance of the building. If the building is located on a corner lot, then this requirement applies to sidewalls of both street frontages. Acceptable dissimilar materials shall include stone, brick, glass, aggregate or other decorative exterior materials appropriate for residential/commercial applications.

SECTION 17-27.2. LANDSCAPING

Property owners and occupants located in C-1 and C-2 zoning districts shall be required to provide and maintain not less than five percent (5%) of the total land area of the development shall be landscaped with trees, ornamental shrubs, walkways, and green areas. Artificial grass or any form of synthetic plant shall not be permitted landscaping. Use of gravel as ground cover shall not count as part of the 5% total landscaping. All landscaping improvements shall be maintained in a live and healthy manner.

ARTICLE V

NON CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 17-28. INTENT

1. Within the district established by this Ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
2. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance.

SECTION 17-29. NONCONFORMING LOTS OF RECORDS

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.

SECTION 17-30. NONCONFORMING STRUCTURE

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

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

2. Should such structure be destroyed by any means of an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 17.31. NONCONFORMING USES OF STRUCTURES

If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended through any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such buildings.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 17-32. NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that are no longer permissible under the terms of this Ordinance as enacted or amended, such uses may be continued, so long as they remain otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

ARTICLE VI

SPECIFIC DISTRICT REGULATIONS

SECTION 17-33. A-1 GENERAL AGRICULTURAL DISTRICT

1. General Description

The A-1, General Agricultural District, is established for several purposes:

- a. To provide for the continued uses of land for predominately agricultural purposes.
- b. To preserve underdeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, etc.
- c. To restrict development in areas subject to serve inundation until such time as it can be shown that these areas are no longer subject to flooding.

2. Uses Permitted

No building or use shall hereafter be established or enlarged within the A-1, General Agricultural District, except a building or use devoted to one of the following purposes:

- a. Agriculture, as defined in this Ordinance.
- b. Single-family dwellings.
- c. Churches and temples.
- d. Elementary schools and high schools.
- e. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses.
- f. Parks and forest preserves, operated not for profit.
- g. Temporary buildings and uses for construction purposes, only and not for dwelling purposes, nor for a period that exceeds the completion of the construction.
- h. Accessory buildings or uses incidental to the foregoing principal uses.
- i. Municipal or community recreation centers.

- j. Police or fire stations.
 - k. Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries, or museums.
 - l. Public or not-for-profit auditoriums, stadiums, arenas, armories, or sanitariums.
 - m. Public or private hospitals or sanitariums.
 - n. Public or private schools and colleges.
 - o. Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water metering and distribution equipment and structures, micro-wave relay towers, water reservoirs or pumping stations, and other similar facilities.
3. Area and Height Regulations
- a. Minimum Area: 5 acres
 - b. Minimum Lot Frontage: 150 feet
 - c. Maximum Percentage Lot Coverage: 30% (including accessory buildings)
 - d. Maximum Height: 35 feet
 - e. Minimum Front Yard Setback: 50 feet
 - f. Minimum Side Yard Setback: 25 feet
 - g. Minimum Rear Yard Setback: 50 feet

SECTION 17-34. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

1. General Description

The R-1 Single-Family Residential District is established as a district in which the use of the land is for single-family dwellings except as noted. It is the purpose and intent of this District to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this District. The intent is to further

discourage any use in this District which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This District further encourages only those uses which because of character or size, would to create additional requirements and costs for public services which are in excess of such requirements and costs if the District was not developed solely for single-family dwellings.

2. Uses Permitted

The following uses are permitted in a R-1, Single-family Residential District, and are subject to all the general provisions and regulations of this Ordinance.

- a. Single-family detached dwellings.
- b. Elementary schools, public and private where the curriculum is similar in nature and preparation of course work to the public school.
- c. Public park or playground.
- d. Agricultural uses of the garden type that are not intended for commercial purposes.
- e. Model Home Sales Office.

3. Uses Permitted Subject to Additional Requirements Reviewed by Planning Commission

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

- a. Churches - A minimum lot size of one (1) acre and major street frontage as shown on the Major Street Plan.
- b. Library - Provided it has major street frontage as shown on the Major Street Plan.
- c. Home Occupation - Provided that it is in keeping with the meaning of Home Occupation as defined in this Ordinance.
- d. Plant Nursery - Provided that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises.

- e. Golf Course, Private or Public, or Country Club – Provided that the chief activity is for recreational purposes and any commercial activity is accessory or incidental thereto.
- f. Junior High or Senior High Schools – Provided that they have major street frontage as shown on the Major Street Plan.
- g. Accessory buildings which are not a part of a main building, including one private garage, or accessory building which are a part of a main building, including one private garage.
- h. Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed.
- i. Parking lot required to serve the uses permitted in this District.
- j. A temporary bulletin board or sign not exceeding twelve (12) square feet in area pertaining 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.

4. Area and Height Regulations

ALL SETBACKS WILL BE FROM THE PROPERTY LINE

- a. Minimum Lot Area: 8,400 square feet, except in single-family residential districts established before 1955, in which the minimum lot area shall be 6,000 square feet and the maximum ground floor square footage shall be 1400.
- b. Minimum Lot Frontage: 60 feet, except in single family residential districts established before 1955, in which the minimum lot frontage shall be 50 feet.
- c. Maximum Percentage Lot Coverage: Interior Lot: 30%
Corner Lot: 35%
- d. Maximum Height: 35 feet
- e. Front Yard Setback: 30 feet
- f. Side Yard Setback: Interior Lot: 5 feet
Street Side of Corner Lot: 30 feet

- g. Rear Yard Setback: 20 feet

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

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

- i. Rear Yard

Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

- j. Lot Size Requirements

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

5. Off-Street Parking

Except as provided for elsewhere in this Ordinance all permitted uses in the R-1 Residence District shall comply with the following minimum requirements for off-street parking:

- a. Single-family dwellings: Two (2) off-street parking spaces for each dwelling unit.

- b. Schools, elementary schools, junior and senior high schools, including public, private and parochial schools: One (1) off- street parking space for each employee plus one (1) for each classroom, plus one (1) for each fifty (50) square feet of assembly area with stationary or movable seats.

- c. Other uses permitted: One (1) off-street parking space for each four (4) seats provided for patron use, or one (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greatest number of parking spaces. The open space required by front-yard requirements shall not be used for parking.

- d. Utilities service installations: One (1) off-street parking space for each four hundred (400) square feet of floor space.

6. Sewer Service

No dwelling unit in an R-1, Single-Family District, shall be constructed which is not provided with an effective connection to a public sewer system unless or until the County Public Health Officer certifies that septic tank or any substitute disposal system can be satisfactorily installed on the lot. As a basis for making his decision, the County Public Health Officer may require such percolation tests as he deem to be necessary. Such tests are to be made at the expense of the property owner.

7. Signs and Billboards

No signs, billboards, posters, bulletin boards or other similar matter shall be permitted in the R-1, Single-Family Residential District, except as follows:

- a. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold, but not to exceed the duration of six (6) months.
- b. One bulletin board to exceeding fifty (50) square feet may be erected by each church.
- c. Official public notices may be erected on affected property.
- d. One (1) un-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.

SECTION 17-35. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

1. General Descriptions

This is the Residential District to provide for a somewhat higher density, with basic restrictions similar to the R-1, Single-Family Residential District. The principal use is the single-family dwelling and the two-family dwelling in association with related educational, religious, and recreational facilities. The development and continued use of this land for residential dwellings, is encouraged and the encroachment of commercial and industrial use or any other use which would substantially interfere with the development of or continuation of this District as residential is prohibited. Any use which would generate

traffic or create congestion on neighborhood streets other than normal traffic which service the residence on the street is discouraged. Encouraged are those uses which, because of character or size would not create additional requirements and costs for public services which are in excess of such requirements and costs if the Districts were developed solely for residential dwellings.

2. Uses Permitted

Property and buildings in an R-2, Two-Family Residential District shall be used only for the following purposes and shall be subject to all of the general provisions and regulations of this Ordinance.

- a. All uses permitted and as resulted in the R-1, Single-Family Residential district.
- b. Two-Family dwellings.
- c. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

3. Uses Permitted Subject to Additional Requirements

Any use permitted subject to additional requirements in R-1, Single-Family Residential District.

4. Area and Height Regulations

- a. Minimum Lot Area: Single-Family Dwelling: 8,400 square feet
Two-Family Dwelling: 11,200 square feet
- b. Minimum Lot Frontage: Single-Family Dwelling: 60 feet
Two-Family Dwelling: 80 feet
- c. Maximum Percent Lot Coverage: 35%
- d. Maximum Height: 35 feet
- e. Front Yard Setback: 25 feet
- f. Side Yard Setback: Interior Lots: 5 feet
Street Side of Corner Lots: 15 feet
- g. Rear Yard Setback: 20 feet

h. Side Yard:

1. For buildings of more than one (1) story, the minimum width of side yard on all lots shall be not less than ten (10) feet.
2. On a lot where the principal use is a non-residential building, there shall be a side yard of not less than one-half (1/2) the height of the building but in no case less than fifteen (15) feet.

i. Rear Yard

For buildings more than two (2) stories in height, the minimum rear yard required hereby shall be increased by five (5) feet for each additional story or fraction thereof.

j. Lot Size Requirements

1. No dwelling or use shall be constructed or commenced in the R-2, Two-Family District, which does not conform with the minimum requirements for lot size.
2. For single-family dwellings, there shall be a minimum lot width of sixty (60) feet at the front building line. For two-family dwellings, there shall be a minimum lot width of eighty (80) feet at the front building line. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of forty (40) feet at the street line; however, the front building line on the lot shall be a minimum of seventy (70) linear feet for single-family, and eighty (80) feet for two-family units.
3. For each two-family dwelling and accessory building, there shall be a lot area of not less than eleven thousand two hundred (11,200) square feet.
4. A garage apartment shall not be located on the same lot with a two-family dwelling.

5. Off-Street Parking

Except as provided for elsewhere in this Ordinance all permitted uses in R-2 Residence District shall comply with the following minimum requirements for off-street parking:

- a. Single-family dwellings: Two (2) off-street parking spaces for each dwelling unit.

- b. Schools, elementary schools, junior and senior high schools, including public, private and parochial schools: One (1) off- street parking space for each employee plus one (1) for each classroom, plus one (1) for each fifty (50) square feet of assembly area with stationary or movable seats.
- c. Other uses permitted: One (1) off-street parking space for each four (4) seats provided for patron use, or one (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greatest number of parking spaces. The open space required by front-yard requirements shall not be used for parking.
- d. Utilities service installations: One (1) off-street parking space for each four hundred (400) square feet of floor space.

6. Sewer Service

No dwelling unit in an R-2 Two-Family District shall be constructed that is not provided with an effective connection to a public sewer system unless and until the County Public Health Officer certifies that the septic tank or any substitute disposal system can be satisfactorily installed on the lot. As a basis for making his decision, said health officer may require such percolation tests as he deems to be necessary. Such test are to be made at the expense of the property owner.

7. Signs and Billboards

No signs, billboards, posters, bulletin boards, or other similar matter shall be permitted in the R-2, Two-Family Residential District, except as follows:

- a. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold, but not exceed the duration of six (6) months.
- b. One bulletin board not exceeding fifty (50) square feet may be erected by each church.
- c. Official public notices may be erected on affected property.
- d. One (1) un-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.

SECTION 17-36. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

1. General Description

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

2. Uses Permitted

The following uses are permitted in an R-3, Multi-Family Residential District and are subject to all the general provisions and regulations of this Ordinance.

- a. Any use permitted in R-1 Single-Family District and R-2 Two-Family District.
- b. Multi-Family Dwellings.
- c. Rooming or boarding house.
- d. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

3. Use Permitted Subject to Additional Requirements and Reviewed by the Planning Commission

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

- a. Convalescent home, rest home, and nursing home - Provided they have frontage on a major street as shown on the Major Street Plan.
- b. Mobile home courts - In Compliance with Chapter 12 of the Code of Ordinances for the City of Elk City.

- c. Sororities- and Fraternities - Provided they are constructed within 200 feet of the property owned by the institution of higher education with which they are associated or on a major street as shown on the Major Street Plan.
 - d. Lodges and other service institutions - Provided they are located on a lot of not less than one (1) acre and have frontage on a major street as shown on the Major Street Plan.
 - e. Any use permitted in Section 17-34 (3), of the R-1 Single-Family Residential District.
4. Area and Height Regulations
- a. Minimum Lot Area: 8,400 square feet
 - b. Minimum Lot Frontage: 60 feet
 - c. Maximum Percentage Coverage: 50%
 - d. Maximum Height: Single-Family: 35 feet
 - e. Front Yard Setback: 25 feet
 - f. Side Yard Setback: 5 feet
 - g. Rear Yard Setback: 20 feet
 - h. Front Yard
 - 1. When a yard has double frontage, the front yard requirements shall be complied with on both streets.
 - 2. One (1) foot of set-back for each one (1) foot of height for all use other than single-family and duplex.
 - i. Side Yard
 - 1. For dwellings and accessory buildings located on corner lots, there shall be a yard set-back from the intersecting street of not less than fifteen (15) feet.
 - 2. One (1) foot of set-back for each one (1) foot of height for all uses other than single-family and duplex.

j. Rear Yard

1. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.
2. One (1) foot of set-back for each one (1) foot of height of all uses other than single-family and duplex.

k. Lot Size Requirements

There shall be a lot area of not less than eleven thousand two hundred (11,200) square feet for a two-family dwelling and an additional area of not less than two thousand (2,000) square feet for each unit, more than two, occupying a dwelling. If the lot is a wedge-shaped lot which meets the requirements of minimum lot size, it may have less than the minimum requirements for frontage as long as the front building line of the lot is a minimum of eighty (80) linear feet.

5. Off-Street Parking

Except as provided for elsewhere in this Ordinance all permitted uses in the R-3 Multi-Family Residence District shall comply with the following minimum requirements for off-street parking:

- a. Convalescent or Nursing Homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
- b. Single-family dwellings: Two (2) off-street parking spaces for each dwelling unit.
- c. Schools, elementary schools, junior and senior high schools, including public, private and parochial schools: One (1) off-street parking space for each employee plus one (1) for each classroom, plus one (1) for each fifty (50) square feet of assembly area with stationary or movable seats.
- d. Other uses permitted: One (1) off street parking space for each four (4) seats provided for patron use, or one (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or client, whichever requires the greatest number of parking spaces. The open space required by front-yard requirements shall not be used for parking.

- e. Utilities service installations: One (1) off-street parking space for each four (400) square feet of floor space.

6. Sewer Service

No dwelling unit in an R-3 Multi-Family Residential District shall be constructed which is not provided with an effective connection to a public sewer system unless and until the Public County Health Officer certifies that a septic tank or any substitute disposal system can be satisfactorily installed on the lot. As a basis for making his decision, the Health Officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

7. Signs and Billboards

No sign, billboards, posters, bulletin boards, or other similar matter shall be permitted in the R-3, Multi-Family Residential District, except as follows:

- a. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold, but not to exceed the duration of six (6) months.
- b. One bulletin board not exceeding fifty (50) square feet may be erected by each church.
- c. Official public notices may be erected on affected property.
- d. One (1) un-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises.

SECTION 17-36.1 R-4 RESIDENTIAL ESTATE DISTRICT

1. General Description

This district is intended to provide a location for those subdivisions which are within the corporate limits of the City of Elk City but beyond the service boundaries of existing or potential sanitary sewage collection systems. The larger lot sizes established herein are required in order to provide adequate light, air, and open space for home sites which rely chiefly upon private water supplies and individual septic systems. Special attention should be given to see that developments in this district are protected from intensification of zoning once the district has been established.

2. Uses Permitted

Property and buildings in an R-4 Residential Estate District shall be used only for the following purposes:

- a. Detached one family dwelling.
- b. Home occupation.
- c. Accessory buildings which are not a part of the main building, including one detached garage, one pump house not to exceed one hundred (100) square feet. Nothing in this section shall be interpreted as allowing barns or sheds for the keeping of livestock or other agriculturally related machinery or material except where such livestock or agricultural activity is confined to the property and maintained in accordance with all other provisions of this district. In addition, all accessory buildings shall be of the same or complementary materials as the main dwelling and shall be maintained in an attractive manner.
- d. Agricultural crops, provided that any crop or product produced or grown on the premises is not sold on or near the lot on which it is produced.
- e. The keeping of not more than two (2) horses , provided that such animals shall be kept at least eighty (80) feet from the front lot line and shall be confined within the property lines by means of a suitable fence, except that a corral or pen shall not be located nearer than twenty-five (25) feet to any property line.

Additional horses may be permitted provided that for each additional horse, one (1) additional acres shall be required. For purposes of this section a corral or pen is defined as any area enclosing less than two-thirds (2/3) of the area of an individual lot. In addition, the excrement from any and all horses shall be collected and buried or disposed of in an acceptable manner in order to prevent the breeding of insects or the creation of odors.

- f. The keeping of farm animals and poultry, excluding hogs, providing that:
 1. All livestock and poultry excrement be collected and buried or disposed of in an acceptable manner in order to prevent the breeding of insects or the development of odors.
 2. That the same area standards for the keeping of horses shall apply to the keeping of livestock.

3. That the keeping of poultry shall be limited to one area not to exceed five hundred (500) square feet which shall not be closer than fifty (50) feet from side and rear lot lines and shall be located behind the rear of the main structure or eighty (80) feet from the front lot line, whichever is greater.
- g. Transportation and utility easement, alleys and rights-of-way.
 - h. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, except those signs used by a builder or sub divider to advertise the property during the construction and sales period, which board or sign or signs shall be removed as soon as the premises are leased, hired or sold. Such sign larger than twelve (12) square feet shall be approved by the planning commission for periods of one (1) year with renewal approved by the planning commission.
 - i. A church bulletin board or sign, not exceeding fifteen (15) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building, when the church is an approved use permitted on review.
 - 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.
 - k. Parking lot required to serve the uses permitted in this district.

3. Uses Permitted on Review

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

- a. Municipal use, public building, and public utility.
- b. Plant nursery in which no building or structure is maintained in connection therewith.
- c. Golf course or country club, but not a driving range, pitch and putt course, or miniature golf operation.
- d. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one (1) operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change

the character thereof. No sign shall be permitted except one (1) non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building.

- e. Private recreation facility operated on a nonprofit basis for the residents of the subdivision or immediate area.
- f. Churches, but not including missions or revival tents or arbors.

When the Planning Commission reviews an application for a use permitted on review in the R-4 Residential Estate District, it shall consider the impact upon the surrounding properties and the potential for increased traffic upon the residential estate streets. If ~~any~~ proposed use will generate an unreasonable increase in the influx of traffic into a residential estate development the Planning Commission shall deny such application. It is the intent of the regulations that uses permitted in review be located on high standards streets or have access from a major street as indicated in the Major Street Plan for the City of Elk City. Churches, public or private recreational facilities or municipal facilities which are open to the public shall not be so located as to have their primary access from residential estate streets.

4. Area and Height Regulations

All buildings shall set back from street right-of-way and lot lines and comply with the following requirements.

a. Front Yard

1. The minimum front yard depth shall be forty (40) feet. Those lots fronting upon a major street, or section line road, shall set back a minimum of forty (40) feet from the right-of-way line or the proposed street right-of-way as established in the Major Street Plan, or eighty (80) feet from the center line, whichever is greater.
2. When a lot has double frontage the front yard setback as established in (1) above shall apply to both streets and all accessory buildings.
3. When at least sixty percent (60%) of the lots in an area, or block, have been built with a setback of greater than forty (40) feet, no structure shall be built nearer than front property line than the average depth of the existing structures without the Planning Commission's approval.

b. Side Yard

1. The minimum width of any size yard shall be twenty-five (25) feet.
2. On any corner lot there shall be a setback of at least forty (40) feet from the right-of-way line of the intersection street.
3. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings shall set back from all exterior and interior side lot lines a distance of not less than fifty (50) feet.
4. On any corner lot which abuts a major street, there shall be minimum side yard setback for all main or accessory buildings of sixty (60) feet from the right-of-way line or proposed street right-of-way line as established in the Major Street Plan, whichever is greater.

c. Rear Yard

There shall be a rear yard of at least thirty (30) feet; accessory buildings shall set back at least twenty-five (25) feet from any utility easement, alley, rear lot line, or reserve for future street or easement purposes.

d. Lot Width

1. Lots of less than two (2) acres shall have minimum frontage or width at the building line of one hundred fifty (150) feet.
2. Lots of two (2) acres or greater shall have a minimum frontage or width at the building line of two hundred (200) feet.
3. All lots shall abut upon a public street for a minimum distance of seventy (70) feet, except that on a cui-de- sac turn around this may be reduced to fifty (50) feet.

e. Intensity of Use

1. There shall be a lot area of not less than one (1) acre except that where a lot or parcel has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this article that lot may be used for any of

the uses permitted by this section, but may not be split or divided into smaller lots or parcels.

2. 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.

f. Off-Street Parking

Except as provided for elsewhere in this Ordinance all permitted uses in the R-4 Residential Estate District shall comply with the following minimum requirements for off-street parking:

- a. Single-family dwellings: Two (2) off-street parking spaces for each dwelling unit.
- b. Schools, elementary schools, junior and senior high schools, including public private and parochial schools: One (1) off-street parking space for each employee plus one (1) for each classroom, plus one (1) for each fifty (50) square feet of assembly area with stationary or movable seats.
- c. Other uses permitted: One (1) off-street parking space for each four (4) seats provided for patron use, or one (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greatest number of parking spaces. The open space required by front-yard requirements shall not be used for parking.
- d. Utilities service installations: One (1) off-street parking space for each four hundred (400) square feet of floor space.

g. Lot Depth

The maximum depth of any lot shall not be more than three (3) times its width or six hundred and forty (640) feet, whichever is greater.

h. Limits on Buildings

Not more than one (1) main building, one (1) guest house and two (2) accessory buildings, including one (1) detached garage, but not including one hundred (100) square feet pump house, shall be allowed

on any one lot. In all cases, the main building must be under construction before erection of any accessory buildings.

i. Height Regulations

No buildings shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

j. Coverage

Main and accessory buildings shall not cover more than twenty percent (20%) of the lot area of any lot within this district.

SECTION 17-37. C-1 CONVENIENCE COMMERCIAL DISTRICT

1. General Description

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

2. Uses Permitted

All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below:

a. Any of the following shall be permitted: Artist Supplies and Hobby Shop

- | | |
|-----------------------------------|---------------|
| Bakery Shop | Tailor Shop |
| Barber and Beauty Shop | Toy Store |
| Book Store | Variety Store |
| Clothing or Wearing Apparel Store | |
| Drug Store | |
| Dairy Products Store | |
| Delicatessen | |
| Florist Shop | |
| Gift Shop | |
| Medical Facility | |
| Office General | |
| Pharmacy | |
| Public Uses | |
| Shoe Repair Shop | |

Any other commercial use deemed by the Planning Commission to be of a similar nature.

Advertising signs relating to the stores and shops therein. All Advertising signs and structures shall be designed as an integral part of the building.

Accessory buildings and uses customarily incidental to the above uses.

3. Area and Height Regulations

- a. Minimum Lot Area: 12,000 square feet
- b. Minimum Lot Frontage: 100 feet
- c. Maximum Percentage Coverage: 50%
- d. Maximum Height: 35 feet
- e. Front Yard Setback: 50 feet
- f. Side Yard Setback: 10 feet
- g. Rear yard Setback: 20 feet.
- h. Minimum Area

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

i. Yard Requirements

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

- 1. All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.
- 2. On the side of a lot adjoining a residential district there shall be a side yard set back of one (1) foot for each one (1) foot of height.

4. Bulk Limitations (Floor Area Ratio)

In no instance shall the total floor space of the structures in this District exceed the relationship of one to four (1 to 4) i.e., there must be provided four (4) square feet of lot area to each one (1) square feet of floor space in the structure.

5. Off-Street Parking

In the C-1, Convenience Commercial District, three (3) square feet of space dedicated to parking and automobile maneuvering must be provided for each one (1) square foot of floor space which may be a part of the open space.

6. Sewer Service

No structure or use in this District shall be erected or commenced which does not have a connection to the public sewer systems, unless and until the County Health Officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the land owner.

7. Signs and Billboards

All signs in the C-1 District shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the City of Elk City, and then they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

- a. Any projecting sign in the C-1 District shall not exceed fifty (50) square feet in size, nor will it exceed the height of the building.
- b. No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residence, hotel or from any room used for sleeping purposes.
- c. The use of red, green or amber illumination in connection with any sign shall not be permitted within one hundred (100) feet of any intersection. Any use of red, green, or amber illumination in connection with any sign must be so located that it in no way creates a confusion with any traffic signal or maybe interpreted by any motorist as a traffic signaling device.

SECTION 17-38. C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT

1. General Description

This commercial district is established as a district in which the principal use of land is establishments offering accommodations, supplies, or service to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and

service establishments which may serve the entire community but do not and should not locate in the central business district or the convenience district.

2. Uses Permitted

a. Any use permitted in the C-1 District.

b. Other uses including:

Amusement enterprises

New and used automobile sales and service, new and used machinery sales and service, and public garages

Advertising signs or structures

Ambulance service, office or garage

Automobile service station

Bakery

Boat sales

Bowling alleys

Bus terminal

Clothing store

Dance hall

Department store

Drive-In theater or restaurant

Electric transmission station

Feed and fuel store

Food stores

Frozen food locker

Furniture repair and upholstery

Funeral parlor

Garden stores

Grocery stores

Golf Courses, miniature or practice range

Heating and plumbing sales and service

Hospital for small animals

Interior decorating store

Ice plant

Key shop

Kennel

Laundry

Laundry and dry cleaning pick-up stations

Liquor store

Motels

Music, radio and televisions shop and repairs

Night club

Novelty shop

Pawn shop

Pet shop
Printing plant
Public uses
Recreation center private
Research laboratories
Restaurants
Roller skating rink
Self-service laundries
Sign painting shop
Sporting goods store
Stock broker
Theater
Tavern
Toy store
Travel trailer park and sales
Wholesale distributing center

- c. Buildings, structures, and accessory uses customarily, incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- d. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, or traffic than those above.

3. Area and Height Regulations

- a. Minimum Lot Area: 10,000 square feet
- b. Minimum Lot Frontage: 100 feet
- c. Maximum Percentage Lot Coverage: 70%
- d. Maximum Height: 45 feet
- e. Front Yard Setback: 25 feet
- f. Side Yard Setback: 1 foot of setback
1 foot of height when abutting an R-District
- g. Rear Yard Setback: 20 feet

4. Off-Street Parking

- 1. Purpose and Application

It is the intent of these requirements that adequate parking and loading facilities be provided of the street easement for each use of land within the City of Elk City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

2. Required Open Space

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

3. Location

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

4. Joint Parking Facilities

Whenever two 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.

5. Size of Off-Street Parking Space

The size of a parking space for one (1) 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.

6. Amount of Off-Street Parking and Loading Required

- a. Boarding or rooming house or hotel: One (1) parking space for each two (2) guest provided overnight accommodations.
- b. Hospitals: One (1) 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.
- c. Medical or Dental Clinics or Offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.

- d. Convalescent or Nursing Homes: One (1) space for each six (6) patients beds plus one (1) of each or visiting doctor plus one (1) space for each two (2) employees including nurses.
- e. Community Center, Theater, Auditorium, Church Sanctuary: One (1) parking space for each four (4) seats, based on maximum seating capacity.
- f. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
- g. Office Building: One (1) parking space for each three hundred (300) square feet of gross floor area the building, exclusive of the area used for storage, utilities and building service.
- h. Commercial Establishments Not Otherwise Classified: One (1) parking space for one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- i. Industrial Establishments: One (1) off-street parking space for each one thousand (1000) square feet of gross floor area or one (1) off-street parking space for each three (3) employees whichever is greater and one (1) loading and unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

7. Paved Surface Required

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

SECTION 17-39. C-3 GENERAL COMMERCIAL DISTRICT

1. General Description

This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

2. Uses Permitted

Property and buildings in a C-3, General Commercial District, may be used for the following purposes:

- a. Any use permitted in a C-1 or a C-2 Commercial District.

- b. Any other retail, personal service, business service, or professional use not already mentioned.
- c. Any public buildings or uses.
- d. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

3. Area Regulations

- a. Minimum Lot Area: None
- b. Minimum Lot Frontage: None
- c. Maximum Percentage Coverage: 70%
- d. Maximum Height: 45 feet
- e. Front Yard Setback: None
- f. Side Yard Setback: None
- g. Rear Yard Setback: None

4. Off-Street Parking

In the C-3 General Commercial District there shall be provided one (1) off-street parking space for each 400 square feet of gross retail floor area.

SECTION 17-40. I-1 LIGHT INDUSTRIAL DISTRICT

1. General Description

This industrial district is intended primarily for manufacturing and assembly plants and warehousing that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general industrial district. Buildings in this district shall conform to Section 17-28 and Section 17-29 of the Comprehensive Plan.

2. Uses Permitted:

Any use, except residential use, permitted in a C-2 Highway Commercial and Commercial Recreation District. No dwelling uses, except sleeping facilities for caretakers and night watchmen employed on the premises, shall be permitted.

Any of the following uses:

- a. Book bindery.
- b. Bottling works.
- c. Candy manufacturing.
- d. Clothing manufacturing.
- e. Electrical equipment assembly.
- f. Electronic equipment assembly and manufacture.
- g. Engraving plant.
- h. Food products processing and packing.
- i. Furniture manufacturing.
- j. Instrument and meter manufacturing.
- k. Jewelry and watch manufacturing.
- l. Laundry and cleaning establishment.
- m. Leather goods fabrication.
- n. Optical goods manufacturing.
- o. Paper products manufacturing.
- p. Shoe manufacturing.
- q. Sporting goods manufacturing.
- r. Wholesale or warehousing enterprises.

3. Primary Operations

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes, outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street.

Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

Any other manufacturing and assembly plant which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

4. Area and Height regulations:

- a. Minimum Lot Area: None
- b. Minimum Lot Frontage: None
- c. Maximum Percentage Coverage: 40%
- d. Maximum Height Setbacks: 45 feet
- e. Front Yard Setback: 50
- f. Side Yard Setback: 25 feet
50 feet minimum or 1 foot of setback for each 1 foot of height when adjacent to Residential Districts.

5. Off-Street Parking:

1. Purposes and Application

It is the intent of these requirements that adequate parking and loading facilities be provided of the street easement for each use of land within the City of Elk City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

2. Required Open Space

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

3. Location

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

4. Joint Parking Facilities

Whenever two 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.

5. Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

6. Amount of Off-Street Parking and Loading Required

- a. Office Buildings: One (1) 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.
- b. Commercial Establishments Not Otherwise Classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- c. Industrial Establishments: One (1) off-street parking space for each one thousand (1000) square feet of gross floor area or one(1) off-street parking space for each three (3) employees whichever is greater and one (1) loading and unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

7. Paved Surface Required

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

8. Sewer Service

No structure or use in the I-1 Light Industrial District shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system unless and until the County Health Officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making decision, such Health Officer may require such percolation tests as he deems to be necessary. Such test is to be made at the expense of the landowner.

SECTION 17-41. I-2 GENERAL INDUSTRIAL DISTRICT

1. General Description

This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

2. Standards

Any use, except dwellings, permitted in the C-2, Highway Commercial and Commercial Recreation or in the I-1 Light Industrial District. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 General Industrial District.

3. Uses Permitted

- a. Building material sales yard and lumberyard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.
- b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- c. Freighting or trucking yard or terminal.
- d. Oil field equipment storage yard.
- e. Public utility service yard or electrical receiving or transforming station.
- f. No article or material permitted in subsection 3 of this section shall be kept, stored or displayed outside of a building unless it be so screened by fences, walls or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level immediately adjacent to the lot on which the use is located; provided, however, that screening shall not be required in excess of seven feet (7') in height.
- g. The following uses when conducted within a completely enclosed building:
 1. 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.
 2. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

3. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.
 4. Machine shop.
 5. 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.
 6. 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 stones, shell, textiles, tobacco, wood, yarn and paint not employing a boiling process.
 7. 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.
 8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
 9. Manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- h. Buildings, structures and uses accessory and customarily incidental to any of the above uses.
 - i. 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.
4. Area and Height Regulations:
- a. Minimum Lot Area: None
 - b. Minimum Lot Frontage: None
 - c. Maximum Percentage Coverage: None
 - d. Maximum Height Setbacks: 45 feet

- e. Front Yard Setback: 50
- f. Side Yard Setback: 25 feet
50 feet minimum or 1 foot of setback for each 1 foot of height when adjacent to Residential Districts.

5. Off-Street Parking:

1. Purposes and Application

It is the intent of these requirements that adequate parking and loading facilities be provided of the street easement for each use of land within the City of Elk City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

2. Required Open Space

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

3. Location

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

4. Joint Parking Facilities

Whenever two 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.

5. Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

6. Amount of Off-Street Parking and Loading Required

- a. Office Buildings: One (1) 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.

- b. Commercial Establishments Not Otherwise Classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- c. Industrial Establishments: One (1) off-street parking space for each one thousand (1000) square feet of gross floor area or one(1) off-street parking space for each three (3) employees whichever is greater and one (1) loading and unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

7. Paved Surface Required

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

8. Sewer Service

No structure or use in the I-1 District shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system unless and until the County Health Officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making decision, such Health Officer may require such percolation tests as he deems to be necessary. Such test is to be made at the expense of the landowner.

SECTION 17-42. I-3 HEAVY INDUSTRIAL DISTRICT

1. General Description:

This district is intended for heavy industrial and commercial livestock trade facilities which require relatively large land areas and which cannot, in reasonably normal practices, be operated so that the noise, odor, dust and other emissions are confined totally on the premises, and uses which require access to railroad transportation and/or heavy truck ingress and egress.

2. Uses Permitted:

Any uses permitted under I-2 General Industrial District.

- a. Concrete batch plant.
- b. Fabrication, sandblasting and painting of oil field and heavy industrial equipment and structural materials too large for conducting inside buildings.
- c. Feed mills and processors.

- d. Handling and storage of bulk chemicals and acids.
- e. Handling and storage of bulk flammable petroleum products in liquid or gas forms.
- f. Handling and storage of bulk materials used in oil field drilling and service operations, such as cementing and fracturing materials.
- g. Livestock handling and auction facilities, including large animal veterinary clinics.
- h. Meatpacking plants which slaughter and/or process animals and/or animal carcasses for the primary purpose of providing a meat food product capable for use as human food.
- i. Refinery or oil reclaiming or oil field fluids disposal facilities.
- j. Uses accessory and customarily incidental to any of the permitted uses.

3. Area and Height Regulations:

- a. No land use permitted by this section shall be conducted adjacent to any area zoned for residential purposes or C-1, C-2 or C-3 in this title.
- b. The premises shall be totally enclosed by security fencing or other barriers designed to limit access to those employed or doing business on the premises.
- c. No tanks or other storage facilities, buildings, conveyors, structures or loose piles of sand or other materials which can be moved by wind or water shall be placed closer than one hundred feet (100') to the property line, unless the property line is adjacent to railroad right of way. This subsection shall not apply to any building or structure used for offices or which would be a permissible use under I-1 or I-2 zoning, and then no closer than twenty five feet (25') to the property line.
- d. The enterprise conducted on I-3 premises shall at all times be in compliance with all applicable federal and state statutes and the directives, rules and regulations of any federal or state governmental agency having jurisdiction over all or any part of such enterprise.
- e. Maximum Height Setbacks: none

4. Off-Street Parking:

- 1. Purposes and Application

It is the intent of these requirements that adequate parking and loading facilities be provided of the street easement for each use of land within the City of Elk City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts.

2. Required Open Space

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

3. Location

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

4. Joint Parking Facilities

Whenever two 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.

5. Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

6. Amount of Off-Street Parking and Loading Required

- a. Office Buildings: One (1) 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.
- b. Commercial Establishments Not Otherwise Classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- c. Industrial Establishments: One (1) off-street parking space for each one thousand (1000) square feet of gross floor area or one(1) off-street parking space for each three (3) employees whichever is greater and one (1) loading and unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

7. Paved Surface Required

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

8. Sewer Service

No structure or use in the I-1 Light Industrial District shall be erected, commenced, or allowed to continue, which does not have a connection to the public sewerage system unless and until the County Health Officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making decision, such Health Officer may require such percolation tests as he deems to be necessary. Such test is to be made at the expense of the landowner.

SECTION 17-43. PLANNED UNIT DEVELOPMENT DISTRICT

1. General Description

A Planned Unit Development District as the terms is employed this section has the following purposes:

- a. To produce a development which would be as good or better than that resulting from the traditional lot by lot development by applying to large areas, whether consisting of consolidated lots or un-subdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels.
- b. To correlate comprehensively the provisions of this and other ordinances and codes of the city, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area.
- c. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, population density and area coverage permitted in the zone in which the project is located.
- d. To permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape.

2. Uses Permitted

In the planned Unit Development District only the following uses are permitted:

- a. In a residential planned unit development:

1. Residential units, either detached or in multiple dwellings.
2. Accessory incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design, accessory retail uses to serve only as a convenience to the inhabitants of the project.
3. Recreational facilities including but not limited to tennis courts, swimming pools and playgrounds.
4. Schools, libraries and community halls.

3. Area Regulations

A Planned unit development project shall contain an area of not less than five (5) acres.

4. Initiation of Planned Unit Development

Planned unit development projects may be initiated by:

- a. The owner of all the property involved, if under one ownership.
- b. An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there be more than one owner.
- c. A governmental agency.

5. Creation of Planned Unit Development Plan District

A Planned Unit Development Plan District shall be created upon application and approval after public hearings by the Commission as an amendment to an existing zoning district and following the same procedure as all other zoning amendments. Said application shall be made on forms provided by the Planning Commission and containing the following information:

- a. Legal description of tract.
- b. Preliminary development plan.
- c. Listing of types of uses and general square footage or acreage amounts of each.
- d. Total number of dwellings if residential.

Following the establishment of a Planned Unit Development District a Planned Unit Development Plan shall be prepared and approved by the Planning Commission prior to any zoning clearance permits being issued for construction of development.

6. Procedure for Approval of Planned Unit Development Plan

- a. A development plan including both maps and text shall be submitted to the planning Commission for approval. Before such approval, the Planning Commission shall determine that from the information contained in the Planned Unit Development Plan District application that such plans comply with the development policies of the Comprehensive Plan and Zoning Classification of which the Planned Unit Development Plan District is a part. Said approval may be conditional, adding to or deleting from the provisions of the application.
- b. The approval by the Planning Commission of the Planned Unit Development Plan shall constitute a limitation of the use and design of the site.
- c. The development resulting from the application of the provisions of this Section shall be made a part of the zoning map and identified thereon by appropriate reference to the detailed planned unit development map and explanatory text (if any) either by number or by symbol.

7. Expiration

Upon the abandonment of a particular project authorized under this District or upon the expiration of three (3) years from the final approval of a Planned Unit Development Plan which has not by then been completed (or commenced with an extension of time of completion granted), the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the planned unit development is located.

8. Form of Contents of Application and Types of Information Required

- a. The Planning Commission shall prescribe the form on which applications are made for planned unit development projects. It may prepare and provide blanks for such purpose and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of the information given by the signature of the applicant attesting thereto.
- b. There shall be included as a part of the application an accurate map drawn to a scale of not less than one hundred (100) feet to the inch showing the boundaries of the site, names and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all building and structures proposed to be located on the site; proposed location and dimensions of "open space", if any, within the site; proposed public dedications, if any, within

the site; location, dimensions and design of off-street parking facilities showing points of ingress to and egress from the site; the location, direction and bearings of any major physiographic features such as railroads, drainage canals and shore lines and existing topographic contours at intervals of not more than five (5) feet together with proposed grading, drainage and landscaping.

- c. The explanatory text shall contain a written statement of the general purposes of the project, the expected schedule of development, and an explanation of all features pertaining uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

9. Use Control in Planned Unit Developments

- a. In residential planned unit developments accessory incidental limited retail uses will only be permitted in those developments which are planned for four hundred (400) families or more. Building permits or occupancy permits for such uses shall not be issued until one half (1/2) of the total project is completed.
- b. In residential planned unit development there shall be a minimum of ten percent (10%) of the total area of the planned unit development dedicated or reserved as usable common "open space" land.
- c. Adequate guarantee must be provided to insure permanent retention of "open space" land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to public or a combination thereof.

10. Permissive Variations in Requirements

In considering a proposed planned unit development project the approval thereof may involve modifications in the regulations, requirements and standards of the zone in which the project is located so as to appropriately apply such regulations, requirements and standards to the larger site. In modifying such regulations, requirements and standards as they may apply to a planned unit development project, the following limitations shall apply:

- a. Yards: The requirement for front yards for the zone in which the planned unit development is located shall apply to all exterior boundary lines of the site. Other yards shall be approved on the development plan.
- b. Open Spaces: The distance between buildings containing dwelling units, which buildings do not exceed a height greater than thirty-five (35) feet, shall be not less than that required for the zone in which the property is located. Where buildings containing dwelling units exceed a height greater than thirty-five (35) feet, each such building shall maintain a distance the equivalent of the required side yard

plus one (1) foot for each one (1) foot such building exceeds thirty-five (35) feet in height from any other building on the site containing a dwelling unit.

- c. An accessory building not more than thirty-five (35) feet in height shall observe a distance from a building containing a dwelling unit as set forth in the zone in which the project is located. Any accessory building exceeding a height of thirty-five (35) feet shall observe a distance from a building containing a dwelling unit or units as set forth herein for residential buildings.
- d. **Height of Buildings:** For buildings and structures exceeding thirty-five (35) feet in height there shall be maintained a distance from side and rear boundaries equal to the required yard plus one (1) foot for each one (1) foot such building exceeds a height of thirty-five (35) feet.
- e. **Number of Dwelling Units:** The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zone in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools or commercial uses from the total development area.
- f. **Off-Street Parking:** The total required off-street parking facilities shall be not less than the sum of the required parking facilities for the various uses computed separately.

SECTION 17-44 FLOOD PLAIN DISTRICT

1. General Description

This district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses.

2. Uses Permitted

Property and buildings in the Flood Plain District shall be used only for the following purposes:

- a. The growing of agricultural crops and nursery stock, and gardening.
- b. The keeping of agricultural livestock in accordance with the municipal ordinances relating thereto.
- c. Public recreation.
- d. Private open space.

3. Uses Permitted on Review

Special or temporary commercial or industrial uses may be permitted subject to review by the Planning Commission.

ARTICLE VII

BOARD OF ADJUSTMENT

SECTION 17-45. AUTHORITY

There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. It is specifically provided, however, that on the effective date of this Ordinance such Board of adjustment as was legally in existence immediately prior to such date shall be constituted as the Board of Adjustment hereby created, and the terms of then members of said Board shall expire after a period of three (3) years, or until their successors are duly appointed and qualified. The Board of Adjustment shall be appointed by the Mayor and confirmed by the City Commission.

SECTION 17-46. QUORUM

Three members of the Board of Adjustments shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken and be binding upon the Board of Adjustment unless concurred in by not less than 80% of members present.

SECTION 17-47. PROCEDURE

The Board of Adjustment shall elect one (1) of its member as Chairman, who shall serve for the duration of his term. The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such times as the Board by determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses by causing a subpoena to issue. The Board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All meetings of the Board shall be open to the public.

SECTION 17-48. APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved of by any officer, department, board or bureau of the municipality affected by any administrative decision based on this Zoning Ordinance. Such appeal shall be taken within thirty (30) days by filing with the City Clerk and the Board of Adjustment a notice of appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

SECTION 17-49. PUBLIC HEARING REQUIRED

1. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it give fifteen (15) days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent, or by attorney.
2. The Board of Adjustment shall charge a fee of \$125.00 for the hearing of appeals which shall defray the cost of publishing the notice of the public hearing and any other costs associated with the hearing; the appellants shall pay such fee upon filing the appeal.

SECTION 17-50. POWERS

1. The Board of Adjustment shall have the following powers:
 - a. Administrative review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Chief Administrative Officer in the enforcement of this Ordinance.
 - b. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Ordinance will, in any individual case, result in unnecessary hardships, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual case of unnecessary hardship upon finding by the Board of Adjustment that:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
 - (2) The application of this Ordinance to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer.
 - (3) Such conditions are peculiar only to the particular piece of property involved.
 - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes intent of this Zoning Ordinance; provided, however, that no variance may be granted for a use of land or building structure that is prohibited by this Ordinance.
 - (5) All variances, if granted, will be dealt on a case by case situation.
2. In exercising the above powers, the Board of Adjustment shall have the concurring vote of 80% of quorum present in order that it may reverse or affirm, wholly or partly, or

may modify the order, requirement, decision or determination, and to the end shall have all the powers of the Chief Administrative Officer for directing the issuance of a permit.

SECTION 17-51. APPEAL TO DISTRICT COURT

1. An appeal from any action, decision, ruling, judgment of order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the City of Elk City to the District court by filing a notice of appeal with the City Clerk and with the Board of Adjustment within ten (10) days from filing of the decision of the Board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the Board shall transmit forthwith to the Court Clerk of the District Court the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Board.

2. An appeal to the District Court from the Board of Adjustment stays all proceeding in the furtherance of the action appeal from, unless the Chairman of the Board of Adjustment, from which the appeal is taken, certified to the Court Clerk, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay in his opinion would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise that by a restraining order which may be granted by the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Ordinance, and upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and, upon due cause being shown the court may reverse or affirm, wholly or partly or modify the decision brought up for review.

ARTICLE VIII

ADMINISTRATION

SECTION 17-52. ZONING ADMINISTRATION

The City Manager of the City of Elk City shall be the Chief Administrative Officer and Zoning Administrator of this Ordinance.

SECTION 17-52. ZONING CLEARANCE PERMIT REQUIRED

1. Purpose

The Zoning Clearance Permit is a permit issued by the Zoning Administrator which states that, a particular development meets all of the requirements of the Zoning Ordinance. It is not a building permit and does not authorize construction, it simply clears the land and structure in terms of Zoning and authorizes the Building Inspector to issue the Building Permit. This permit also provides a good check for the applicant in that any irregularities can be eliminated before the detailed plans are prepared.

2. Existing Buildings

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued even though such building, structure, or use does not conform with the provisions of this Ordinance. However, no building or other structure shall be erected, constructed, enlarged or altered, or repaired, in such a manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed without a Zoning Clearance Permit issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this Ordinance.

3. Application

An application for a Zoning Clearance Permit shall be made to the Zoning Administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days the Zoning Administrator shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Ordinance.

4. Accompanying Material

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

5. Fees

Zoning Clearance Permits shall not be issued until a fee of five dollars (\$5.00) shall have been paid.

6. Penalties

Any persons, firm or corporation, violating any provisions of this Ordinance is guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) each day the violation exists. Each day constitutes a separate offense.

SECTION 17-53. BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED

This Ordinance shall be enforced by a Building Inspector, acting at the direction of the Chief Administrative Officer. It shall be a violation of its Ordinance for any person to change or permit the change in use of the land or buildings or structures or to erect, alter, move, or improve any building or structure until a building permit has been obtained under the following conditions:

1. Building Permits--Every application for a building permit shall be accompanied by:
 - a. The Building Inspector shall be a person who in the judgment and opinion of the City Manager is competent by reason of building experience to properly cause inspections to be made and to determine whether permits should be granted. The Inspector shall serve by appointment of the City Manager and the term shall begin upon the passage of this Ordinance and one year thereafter and shall continue to serve unless removed by the City Manager who may remove without cause.
 - b. A plat drawn to scale, showing the plat, showing the exact size, shape and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be built, repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities, if such be for a business, commercial and industrial building.
 - c. A declaration of the existing or intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
 - d. Additional information relating to the proposed improvement needed to determine compliance with these regulations.

- e. A survey, prepared by a competent surveyor in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located shall be required by the Building Inspector where the boundaries of the lot are not clearly defined by the survey pins and monuments.
 - f. All applications shall be considered filed with the Building Inspector by the filing of the same with the City Clerk who shall deliver such applications to the Building Inspector.
2. Fees--The cost of building permits shall be provided in the building code.
 3. Certificate of Occupancy-- No change shall be made in the use of any land or building or structure after the passage of this Ordinance until a Certificate of Occupancy is obtained from the City Clerk certifying that all of the provisions of this Ordinance are complied with. Whenever a Building Permit is issued for the erection of a new building or structure a Certificate of Occupancy shall not be required, except where the use of the building or structure is changed from that for which the Permit is issued or where the intended use is not clearly stated on the Building Permit.

SECTION 17-54. VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 17-55. AMENDMENTS

1. The City commission may, by ordinance, amend, change, or repeal this Ordinance or any part thereof; provided, however, that before the Commission shall amend, change, or repeal this Ordinance or any part thereof, it shall request the Planning Commission to submit its recommendation on such proposed amendment, change or repeal. Such recommendation on such proposed amendment, change, or repeal, whichever the case may be, shall be made after not less than one (1) public hearing thereon, which hearing may be adjourned from time to time. After considering the Planning Commission's recommendation at public hearing for which public notice shall be given, the Commission may approve the recommendation in whole or in part, or return the recommendation to the Planning Commission for further consideration.
 - a. The Planning Commission may, upon its own initiative, hold at least one (1) public hearing on a proposed amendment, change or repeal of this Ordinance or any part thereof and any recommendations there from shall be transmitted to the Commission. The Commission shall consider and act upon such recommendations requested by the Commission.

- b. Notice of public hearing as herein required shall include at least one (1) publication notice in a newspaper of general circulation in the City of Elk City not less than fifteen (15) days but not more than thirty (30), prior to such public hearing. If a proposed amendment is for the purpose of rezoning a lot, parcel or tract of land to a less restrictive classification, public notice herein required shall also include the posting of at least one (1) sign on such lot, parcel or tract of land and such sign shall remain there a period of fifteen (15) successive days prior to the public herein, including the day immediately preceding the day for which such public hearing is scheduled, and shall include notice sent by ordinary mail, to all abutting property owners as defined in Paragraph 3 of this section. The notice as herein referred to shall state, in terms certain, the nature of the proposed amendment, change, or repeal of this Ordinance or any part thereof, and the date, time and place of the public hearing.
2. Petition for amendment to the Zoning Ordinance and Zoning Map shall henceforth be filed with the Planning Commission by the owner of the property concerned or duly authorized representative thereof, on a standard form furnished by the Planning Commission. All petitions for amendment proposing a change in zoning district classification shall be accompanied by sketch plan of the area proposed to be rezoned, drawn to approximate scale and showing the boundaries and dimensions of the tract, the outline of existing and proposed buildings and structures, the size and location of off-street parking lots, the type of surfacing proposed for said lots, and the plan of structures and the drives proposed for ingress and egress. An area map showing land of all abutting property owners shall also be submitted unless such is shown on tract sketch.
3. If a protest against an amendment, change or repeal of this Ordinance or any part thereof be presented, duly signed and acknowledged by the Owners of twenty percent (20%) or more of the area of the lots immediately abutting the territory included in such proposed change, or separated there from only by an alley or street, such amendment shall not be passed except by the favorable vote of four-fifths (4/5) of the City Commission.
4. Upon the filing of a petition of amendment to these regulations the property owner or his duly authorized representative shall pay a filing fee of One hundred twenty five dollars (\$125.00) to the Planning Commission. All fees collected by the Planning Commission shall be deposited with the City Clerk and credited to the general fund of the City of Elk City.
 - a. The fees or expenses for all public notices herein required pursuant to petition for amendment shall be paid by the Owner of the property or his duly authorized representative. The form for such notice shall be established by the Commission. The Commission or the Planning Commission, as it concerns their respective hearings, shall designate the agency or agencies which shall affect the public notices to be used pursuant to this Ordinance.

- b. If pursuant to a petition for amendment the Commission votes to rezone a lot, parcel, or tract or land, the owner of such land shall pay the cost of the Ordinance publication. Such payment shall be submitted to the City Clerk and the City Clerk shall not cause the Ordinance to be published prior to such payment.
5. In the event the Planning Commission fails to set up a petition for amendment for public hearing within twenty (20) days after its proper filing with the Planning Commission at a regular scheduled meeting; or if after public hearing the Planning Commission fails to recommend that this Ordinance be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the Planning Commission. The final determination of the Planning commission may be appealed tot the Commission provided a written request for a hearing before the Commission is served on the Chairman of the Planning Commission within fifteen (15) days after the final determination of the Planning Commission.
6. The Planning Commission shall supervise the official Zoning Map and shall keep same up to date with all changes and amendments.

SECTION 17-56. VACATION OF PUBLIC EASEMENTS

Whenever any street, alley or other public easement is vacated, the portion vacated shall have the same district classification as the land to which the vacated accrues.

SECTION 17-57. USE OF PUBLIC AND SEMI-PUBLIC AREAS; REZONING AFTER DISCONTINUANCE OF USE

All areas indicated on the zoning map as a public park, recreation area, public or private school site, cemetery or other similar open space shall not be used for any purpose other than that designated. When the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district.

SECTION 17-58. INVALIDITY OF A PART

In case any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.

SECTION 17-59. REPEAL OF CONFLICTING ORDINANCES

Any ordinance now in effect that conflicts with any provisions of this Ordinance is hereby repealed.

SECTION 17-60 ZONING ORDINANCES TO LIMIT HEIGHT OF OBJECTS AROUND AIRPORT

Ordinance #646, limiting the height of objects around the Elk City Municipal Airport, was adopted by the City Commission of Elk City pursuant to the authority conferred by Title 3, Sections 101 to 115, Oklahoma Statutes 1971, H.B. 359, 1945 Session Laws of Oklahoma. Said Ordinance was adopted and published in condensed form on the 5th day of November, 1979. The full text of Ordinance #646 is adopted herein by reference and a copy of said Ordinance is on file in the office of the City Clerk.

PART II
SUBDIVISION REGULATIONS

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ARTICLE I

GENERAL PROVISIONS

SECTION 17-57. PURPOSE AND INTENT

The regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the subdivision of land within the city's jurisdiction.

The provisions of this ordinance are specifically designed to lessen the congestion on street; promote the orderly layout and use of land; secure safety from fire and other dangers; provide adequate light and air, facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.

These regulations are designed, intended and should be administered according to the purposes so to achieve the following:

1. Implement the Comprehensive Plan, or Official City Plan.
2. Provide for conservation of existing standard residential areas and prevent the development of slums and blight.
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
4. 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 whole community.
5. Provide the best possible design for the tract.
6. Reconcile any difference of interest.
7. Establish adequate and accurate records of land subdivision.

SECTION 17-58. SHORT TITLE

These regulations shall be known as the Subdivision Regulations of the City of Elk City, Oklahoma.

SECTION 17-59. 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. 1977, Sections 45-101 to 45-105.

SECTION 17-60. JURISDICTION

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

1. The division of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area.
2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area.
3. 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.
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

SECTION 17-61. DEFINITIONS

1. ALLEY: 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.
2. BLOCK: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets; highways, railroads rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.
3. BUILDING LINE OR SETBACK LINE: A line or lines designating the area outside of which buildings may not be erected.
4. EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.
5. GENERAL PLAN: The Comprehensive Development Plan for the City which has been officially adopted as the Official City Plan to provide long-range development policies for the area subject to urbanization in the foreseeable future and includes the plan for land use, land subdivision, traffic ways, and community facilities.

6. LOT: A subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.
7. LOT, CORNER: A lot which has at least two adjacent sides abutting for the full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).
8. LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets.
9. LOT SPLIT: Any division of land by metes and bounds description into two or more parcels for the purpose, whether immediate or future, of transfer of ownership, and which does not constitute a subdivision as herein defined.
10. PLAT, PRELIMINARY: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.
11. PLAT, FINAL: A map of a 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 areas, and other dimensions of land.
12. ROADWAY: That portion of any street so designated for vehicular traffic and where curbs are normally placed, means that portion of the street between the curbs.
13. STREET, MAJOR: An arterial street which is designated on the Major Street Plan or Traffic Ways Plan of the Official City Plan.
14. STREET, MINOR: Any street not classified as a major street on the Traffic Ways Plan whose primary purposes to provide access to adjacent properties.
15. STREET, COLLECTOR: A minor street as designated on the Traffic Ways Plan is a street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.
16. STREET, CUL-DE-SAC: A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.
17. STREET, FRONTAGE OR SERVICE: A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.
18. SUBDIVIDER: Any person, firm partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

19. **SUBDIVISION:** The division or re-division of land into two 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.

**ARTICLE II
DESIGN STANDARDS**

SECTION 17-62. STREET PLAN AND RELATION TO ADJOURNING STREET SYSTEM

1. The arrangement, character, extent, width, grade and location of all streets in a proposed subdivision shall conform to the City of Elk City Major Street Plan and these Regulations.
2. All such street shall be related to existing and proposed streets in the area, topographical conditions, public convenience and safety, and existing and proposed land uses along such streets.
3. All streets shall be platted in such a manner that all resulting lots shall conform to the applicable zoning regulations.
4. Where such streets are not shown in the Traffic Ways Plan, the arrangements of these streets in the subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas.
 - b. Conform to a neighborhood plan approved or adopted by the Planning Commission.
5. Minor streets shall be laid out so as to discourage through traffic.
6. Where a residential subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission shall require:
 - a. Marginal access streets.
 - b. Reverse frontage with screen planting contained in a non-access reservation along the rear property line.
 - c. Deep lots with rear service streets.
 - d. Such other treatments as may be necessary for the adequate protection and stabilization of residential properties and to afford separation of through and local traffic. (See Appendix B,1.)

SECTION 17-63. RELATION TO OTHER LIMITED RIGHTS-OF-WAY

Where a subdivision borders on or contains a railroad right-of-way or limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way.

SECTION 17-64. RESERVE STRIPS PROHIBITED

Reserve Strips designed and used for the primary purpose of controlling access to minor street by parties or persons other than a public agency shall be prohibited.

SECTION 17-65. STREET ALIGNMENT

1. A tangent of not less than one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets. (See Appendix, B, 2.)
2. Sight Distance – Minimum clear sight distance, measured along the chord of the center line, shall be provided on all streets as follows:

Primary Thoroughfare	400 feet
Secondary Thoroughfare	350 feet
Local Residential Streets	250 feet

SECTION 17-66. STREET RIGHTS-OF-WAY AND ROADWAY WIDTHS

1. Street right-of-way and roadway width shall conform to the Traffic Ways Plan of the Official City Plan.
2. All streets shall be paved according to the established standards adopted by the City of Elk City.
3. The following minimum standards shall apply:

<u>Street Type</u>	<u>R/W Width</u>	<u>Roadway</u>
Major Thoroughfare	80 feet	Four 12 feet lanes with 2 feet in the Center, walks on both sides, 10 feet back from the curb. Each sidewalk shall not be less than 5 feet wide.
Collector Street	60 feet	36 feet with sidewalks on both sides 8 feet back from the curb. Each sidewalk shall not be less than 4 feet wide with minimum depth of 4 inches.
Local Residential	50 feet	26 feet with sidewalks on both sides 8 feet back from the curb. Each sidewalk shall not be less than

4 feet wide with minimum depth of 4 inches.

SECTION 17-67. MAJOR STREET FRONTAGE ACCESS CONTROL

1. No access on a major street shall occur within minimum intervals of six hundred (600) feet, measured from the nearest intersecting rights-of-way lines, (except as modified by Section B); said distance may be extended or increased if traffic conditions as determined by the Planning Commission warrant such extension. (See Appendix B, 6 and 8)
2. In commercial and industrial subdivisions, specifically designated “one-way turn only” access may be provided in the direction of the adjacent traffic lane at a minimum distance of three hundred (300) feet between major street intersection or a minimum of three hundred (300) feet between each access point. (See Appendix B, 10)
3. Commercial or industrial subdivisions should have access to a major or commercial and may have access to a collector street, if traffic conditions as determined by the Planning Commission warrant such extension, but shall not have access to a residential street. (See Appendix B, 10)
4. To assure traffic safety, appropriate non-access provisions shall be designated and dimensioned along all abutting streets in commercial and industrial subdivisions, and along major streets in residential subdivisions. A description of such non-access provisions shall appear upon the plat.
5. Access to property occurring within the minimum distance prescribed for major street access, six hundred (600) feet, shall only be by the closest service or frontage road entrance onto the major street. (See Appendix B, 6)
6. Individual driveways will be located on each lot to avoid direct vehicular access to or from any expressway, thoroughfare or major street. Driveways should be located to enable access primarily to or from a minor street, or, if necessary, to the collector streets which serve as feeders to or distributors from the major street. (See Appendix B, 1 and 6)

SECTION 17-68. STREET AND SUBDIVISION NAMES

1. No street name shall be used which will duplicate or be confused with the names of existing streets.
2. Street names shall be referred to the City Manager for recommendation and are subject to the approval of the City Council.
3. Subdivision names shall not duplicate existing subdivisions of record.

SECTION 17-69. STREET GRADES

1. The minimum grade of all streets shall be 0.4%.
2. Except where unusual topographic conditions justify it, the maximum grade of all streets shall not be greater than the following:

<u>Street Type</u>	<u>Grade</u>
Primary Thoroughfare	5%
Secondary Thoroughfare	7%
Local Residential	10%

SECTION 17-70. STREET INTERSECTIONS

1. Streets shall be laid out to intersect at right angles and may be curved, if necessary, in order to make this possible. In no event shall a street intersect any other street at any angle of less than seventy-five degrees (75°).
2. Street comers on local residential streets shall have a minimum radius of twenty (20) feet at curb line or its equivalent.
3. Street comers on commercial and industrial streets shall have a minimum radius of twenty-five (25) feet at the curb line or its equivalent.
4. Street intersections involving major thoroughfares shall have a minimum street comer radius of thirty (30) feet at the curb line or its equivalent.
5. All street corner radii shall be shown on the preliminary and final plats.
6. A twenty-five (25) foot area of clear vision at street intersections in subdivisions shall be provided. This area shall be kept clear of all structures and vegetation exceeding a height of three (3) feet above the established city street elevation. (See Appendix B, 4).

SECTION 17-71. CUL-DE-SACS AND DEAD-END STREETS

1. The maximum length of a cul-de-sac shall be five hundred (500) feet, except where topography would prohibit the use of a standard distance, as set forth in Article II, Section 6 of these Regulations, between intersecting streets.
2. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of fifty (50) feet. (See Appendix B, 5).
3. The road surface within the cul-de-sac right-of-way shall have a minimum width of twenty-eight (28) feet.

4. In the case of temporarily dead-ended streets, which are stub streets designed to provide future connection with un-subdivided area adjoining, the Planning Commission may require:
 - a. Temporary easement for a turnaround having a radius of fifty (50) feet.
 - b. An appropriate area for a background. (See Appendix B, 7).
5. In all instances, proper provision shall be made for adequate storm drainage so that storm water does not collect at the ends of these streets.

SECTION 17-72. ALLEYS

1. Alleys shall be provided in all commercial districts except where a commercial district will be developed as a self-contained unit; then other provisions shall be made on the site for service drives and service areas.
2. Alleys shall be provided in all residential areas and where practicable, they shall be dedicated to the rear of the lots.
3. Alleys in all areas shall not be less than twenty (20) feet in width.
4. Dead end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead end alleys are unavoidable they shall be provided with adequate turnaround areas with a minimum radius of forty (40) feet at the dead end. Back around areas may be allowed in residential subdivisions.

SECTION 17-73. EASEMENTS

1. Where alleys are not provided or may not be used for utility purposes, easements shall be provided as may be advisable for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines, and other similar purposes.
2. Rear-yard easements shall be at least twenty (20) feet wide in commercial zones in the event one-half (112) of an easement is platted, it shall be not less than ten (10) feet is width.
3. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width of construction or both as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
4. Twenty (20) foot utility easements shall be provided at the end of cul-de-sacs along major thoroughfares.

SECTION 17-74. BLOCKS

1. In general, blocks should have the following dimensions:

	<u>Minimum</u>	<u>Maximum</u>
Length	600 feet	1,200 feet
Width	240 feet	400 feet

2. The foregoing dimensions shall be subject to adjustment upon recommendation by the Planning Commission where topography, the character of the proposed development, or other similar conditions, justify blocks of greater or lesser length and/or width.
3. Block Lengths and widths shall be measured from the street right-of-way line.

SECTION 17-75. LOTS

1. The lot size, width, depth, shape orientation, and building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.
2. Lot dimensions shall conform to the existing zoning regulations, but in no case shall the width of a lot designed for residential use be less than sixty (60) feet.
3. Each lot shall have access and front upon a public street.
4. Double frontage and reverse frontage lots should be avoided except where their use will produce definite advantages in meeting special situations in relation to topography and proper land use.
5. Side lot lines shall be substantially at right angles or radial to street lines.

SECTION 17-76. MARGINAL LAND

When a plat is filed on land that is subject to flooding or has been flooded within the last 20 years and corrective measures have not been taken to prevent re-flooding, or it has soil conditions unsuitable for building purposes, said plat shall not be acceptable until such time as it can be shown that necessary corrective measures have been taken.

ARTICLE II-A

RESIDENTIAL ESTATE SUBDIVISION POLICIES AND STANDARDS

SECTION 17-76.1. AUTHORITY

These standards and policies are an addendum to Ordinance No. 467 of the City of Elk City, Oklahoma, and are adopted pursuant to the authority granted in Title 11, Article XLV, Sections 45-101 to 45-105, O.S. 1977.

SECTION 17-76.2. JURISDICTION

These policies and standards for "Residential Estate Subdivisions" are intended to be administered in conjunction with the Subdivision Ordinance as adopted by the City of Elk City, Oklahoma. These policies and standards do not eliminate or allow for the circumvention of any procedural or substantive requirements established in the Subdivision Ordinance of the City of Elk City, Oklahoma, unless such exception is explicitly set forth herein. In addition, the policies and standards set forth in this addendum shall not be applied to any development which is not qualified as a "Residential Estate Subdivision."

SECTION 17-76.3. ADMINISTRATION

In the administration of these regulations it shall be the policy of the City of Elk City to distinguish between R-4 Residential Estate District Zoning and "Residential Estate Subdivisions." In order to qualify for a "Residential Estate Subdivision" designation a proposed development shall:

1. Lie outside the potential service area of the City of Elk City's sewage treatment facility, assuming a strictly gravity flow sewage collection system.
2. Have soils capable of sustaining a high rate of permeability in order to assure adequate functioning of individual sewage disposal units.
3. Have been granted an R-4 Residential Estate District zoning classification or have such zoning pending before the Planning Commission and City Commission.
4. Have on file with the Planning Commission an approved preliminary development plan which the Planning commission has reviewed and formally approved in the minutes of Planning commission. The preliminary development plan shall be approved in conjunction with, or prior to, Planning commission hearings on the required R-4 Residential Estate District Zoning.

The Planning Commission shall determine the adequacy of information supplied by the applicant for a "Residential Estate Subdivision" designation. If adequate information is presented, the Planning Commission shall proceed to hold public hearings on the zoning request and/or preliminary development plan. If the Planning Commission finds the information presented to be inadequate, it shall enumerate the deficiencies in such information

and table action until the next regularly scheduled meeting. At this time the Planning Commission shall take final action to recommend approval or reject the preliminary development plan and "Residential Estate Subdivision" designation. The recommendations of the Planning Commission shall be forwarded to the City Commission for final action on the zoning change request.

Following approval of the zoning and preliminary development plan the developer shall comply with the platting procedures and improvement requirements as established by: 1) this addendum; 2) Sections 17-57 through 17-97 of this Code; and 3) the City Commission.

SECTION 17-76.4. PRELIMINARY DEVELOPMENT PLAN

A preliminary development plan, as required with an R-4 Residential Estate District zoning application, is a general design of adequate detail to allow analysis of the proposed development. Such plan shall be neatly drawn to a scale of one hundred (100) feet to the inch and shall contain the following items of information:

1. The proposed name of the subdivision.
2. The name and address of the owner of record, of the developer, and of the engineer preparing the plan.
3. 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.
4. The scale, north point and date.
5. The location of adjoining property lines, intersecting or adjacent streets, alleys or easements and the owners of any adjacent tracts not within an approved subdivision; provided, however, the actual measured distances shall not be required.
6. The land contours with vertical intervals not greater than five (5) feet referenced to a United States Geological Survey or Coast and Geodetic Survey bench mark or monument.
7. The length of the boundaries of the tract, measured to the nearest foot, the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions.
8. The approximate location of all drainage channels and proposed drainage structures or drainage easements.
9. In those instances where percolation tests are used to provide the required soils analysis, the approximate location of test holes will also be indicated upon the Preliminary Development Plan.

SECTION 17-76.5. SOILS ANALYSIS

In those instances where the developer does not propose to extend the community sewage system or provide another form of sewage disposal other than individual septic tanks, he shall supply a soils analysis of his proposed development. This analysis shall be sufficient in detail and content to provide assurance that the proposed septic fields will meet Oklahoma Health Department requirements. Septic systems shall not be an approved method of sewage disposal in soils which will not absorb a minimum of one inch of one inch of water within one hour, based upon the standard percolation testing procedures as established by the Oklahoma Health Department, or the best available data.

SECTION 17-76.6. DESIGN PRINCIPLES

The design of a "Residential Estate Subdivision" should generally follow the design principles established in Sections 17-57 through 17-91 of this Code. There are, however, certain exceptions which should be noted. These exceptions are necessary in order to prevent the deterioration of residential estates through the generation of undue traffic burdens and excessive re-division of individual parcels. These exceptions are:

1. Street System Design

As a general rule, the design of "Residential Estate Subdivision" street pattern shall constitute a closed system. Only where necessary to allow the potential development of other properties shall streets be designed to allow future extensions. In no case, should a street system be designed so as to allow or facilitate the flow of vehicular traffic through an entire section.

2. Provision of Utility or Street Easements

In the design of "Residential Estate Subdivisions" full consideration shall be given to the potential possibility of extending public utilities into such an area. Even if proposed development will not provide public water or sewage collection systems, or only one of the above, the engineer will design said development so as to facilitate such extensions. The developer may also be required to dedicate such easements or right-of-way as are deemed necessary to provide for the future construction of water distribution systems, sewage systems or roadways.

3. Reservation Open Spaces

In the case of a plat proposing the reserving or dedicating of land to be used common by owners of lots in the subdivision, there shall be submitted by the sub-divider evidence acceptable to Council of the City that all necessary steps have been taken for:

- a. The establishment of a property owner's association for adequately maintaining the common property.

- b. Disposition of the common property in the event of dissolution of the association.

SECTION 17-76.7. STREET IMPROVEMENTS

Residential estate streets shall meet the following standards:

1. All street easements and pavement widths shall meet subdivision standards and Major Street Plan Regulations. All streets within "Residential Estate Subdivisions" shall be constructed upon a compacted sub-grade and comply with Elk City Paving Ordinance No. 509. All street construction shall be approved by the City Engineer for the City of Elk City and the City Commission.

Provided, however, the sub-divider may build streets without curb and gutter with an eighty (80) foot dedication and grassed swales to carry water. In such a case, the paved surface must be at least thirty (30) feet wide.

2. All driveway entrances in a "Residential Estate Subdivision" shall conform with the design standards set forth in "Driveway Regulations for Oklahoma Highways." Furthermore, all driveways shall be paved with concrete from the street surface to the property line and so constructed as to prevent washing of gravel, chat, or other driveway materials onto the public street.

Nothing in the above standards shall be interpreted as eliminating the developer's responsibility to prepare detailed improvement plans for the review of the City Engineer and approval of the City Commission.

SECTION 17-76.8. EXTENSION OF UTILITIES

Where public utilities are available within a reasonable distance, the City Commission may require a developer to extend such services. The City will, in such cases, participate according to established policies in such extensions.

As a guide, all developments which are within a quarter of a mile of existing utilities may be required to extend water and sewer facilities to the proposed addition. In all other cases, the Planning Commission shall consider all relevant information and make recommendations to the City Commission regarding the requirements of utility extension.

SECTION 17-76.9. RESTRICTION ON LOT SPLITS

It shall be the policy of the City of Elk City not to allow the reduction of lot sizes within duly approved residential estate subdivisions. Therefore, lot splits will not be approved within residential estate developments.

ARTICLE III

PROCEDURE

SECTION 17-77. PRELIMINARY PLAT

1. The sub-divider shall submit at least ten (10) copies of the preliminary plat to the City Clerk who shall distribute them as follows: One (1) copy each to the school board, the local electric company, the local gas company, the local telephone company, Urban Planning Division, State Highway Commission, Board of County Commissioners, and four (4) copies to the Planning Commission. The Planning Commission shall return one (1) to the sub-divider and forward one (1) to the City Council together with its report and recommendation and retain the other copies for its use and official record.
2. After review of the preliminary plat, the Planning Commission shall, within sixty (60) days of its submission approve, conditionally approve or reject the plat. The sub-divider shall be notified in writing of this action, together with any conditions of approval or the reasons for rejection.
3. Approval of the preliminary plat shall not in all cases entitle the sub-divider to approval of the final plat. Upon preliminary approval, if any conditions arise which would cause the preliminary plat to become unsatisfactory due to health, safety, or welfare of the community, the Planning Commission shall recommend that the final plat be rejected.

SECTION 17-78. PRELIMINARY PLAT DATA

1. The preliminary plat shall be drawn on suitable tracing paper or cloth with black waterproof ink or pencil; however, legible reproduction of said drawings may be submitted.
2. The plat shall be drawn to a scale of one hundred (100) feet to the inch and shall contain the following information:
 - a. Date, scale, and north point.
 - b. The proposed subdivision name and all intended street names.
 - c. The name of the sub-divider and/or the engineer or surveyor the plat.
 - d. Legal description showing location of plat.
 - e. Topographic survey map of the area being subdivided, showing contours at two (2) feet intervals.

- f. A key map showing the location of the plat in the section, township, and range in which the plat is located. (See Appendix B)
- g. Locations and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land.
- h. Locations, widths, and names of all existing platted or dedicated streets, alleys, or other public ways and easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings, bridges, and other pertinent data as required by the Planning Commission.
- i. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the established U.S. Coast and Geodetic Survey datum.
- j. When a subdivision borders a lake or stream, the distance and bearings of a meander line shall be established not less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
- k. Layout and width of all new streets and rights-of-way including alleys, highways, and easements, whether private or public, and for public and private utilities.
- l. The exact length of the exterior boundaries of the land to be subdivided.
- m. Approximate dimensions of all lots.
- n. Approximate radii of all curves and lengths of all tangents.
- o. Approximate location and area of property to be dedicated for public use or to be reserved by deed convenient for use of all property owners in the subdivision with any conditions of such dedication or reservations.

SECTION 17-79. OTHER DATA

1. Where deed restrictions are to be recorded on the plat, a brief description of the same shall accompany the preliminary plat.
2. A description of the improvement such as grading, paving, tree planting, walk, and installation of utilities which the sub-divider proposed to make, and the time when they are proposed to be made, shall also accompany the preliminary plat.

SECTION 17-80. FINAL PLAT

1. The final plat shall be a print or series of prints on a stable base-tracing medium of Mylar, Cronar, or similar durable material, or linen tracing cloth 24 x 36 inches. When more than one sheet is used in connection with the plat, each additional sheet shall be numbered consecutively and shall contain a notation indicating the total number of sheets.
2. The developer shall submit sufficient copies for examination, but in no case shall it be less than the following:
 - a. Five (5) paper copies and one (1) copy on stable base-tracing medium of Mylar or comparable Cronaflex of the proposed subdivision, drawn to a scale of 1" = 100', and shall be prepared by a registered civil engineer or surveyor.
 - b. Five (5) copies of any restrictive covenants.
3. Time of Submission

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. If not submitted for final approval within such time, the preliminary plat approval shall be considered as null and void unless the Planning Commission agrees to an extension of time. The final plat shall be filed in the office of the County Clerk within six (6) months after approval by the City Council, or if not filed within such time, said approval shall be considered null and void.
4. Date Required

The final plat shall contain the following information:

 - a. Name of subdivision and the name of the owner, the sub-divider, and the engineer or land surveyor.
 - b. Date, north point, scale (written and graphic).
 - c. Boundaries of the subdivided area with accurate distances and bearings noted thereon.
 - d. Exact location of the subdivided area with accurate distances and bearings noted thereon.
 - e. The lines, names, and width or dimensions, of all proposed street rights-of-way.
 - f. The lines, widths, and purposes of all easements.
 - g. Numbered designation of all lots in the subdivision, with their lines and dimensions accurately shown.

- h. The names of all adjacent subdivisions.
- i. Certification by the registered professional engineer or land surveyor who designed the plat, as to the accuracy of the survey and plat.
- j. Dedication by the owner or lands for public use, including streets and walkways.
- k. Exact dimensions of all lots.
- l. Exact radii of all curves and length of all tangents.
- m. Any additional data as may be required by the Planning Commission.

ARTICLE IV

REQUIRED IMPROVEMENTS

SECTION 17-81. MONUMENTS

1. Each block corner shall be marked with iron pipes or pins not less than three-quarters (3/4) inch in diameter and twenty-four (24) inches long at least one (1) inch below finished grade.
2. Monuments marking property lines and corners shall not be disturbed; or if necessary to disturb, shall be replaced at the exact spot from which they were removed.

SECTION 17-82. IMPROVEMENTS

1. Any final plat or subdivision located within the corporate limits shall not be approved unless the sub-divider or developer shall provide the facilities listed below or file a surety bond with the City Clerk to insure the actual construction of such improvements according to the plans and specifications approved by the City Council and/or City Engineer within a period of time not to exceed one (1) year from date of final plat approval. Such bond shall equal one hundred percent (100%) of the cost of improvements as estimated by the City Council and/or City Engineer. Conditions stipulated by the bond shall be acceptable to the City Attorney and City Council. No building shall take place until such facilities have been constructed or are under construction under a binding contract.
 - a. Water mains properly connected with public water supply system shall be provided to insure adequate water flow for fire protection.
 - b. A sanitary sewer system properly connected with the existing system in accordance with standard specifications governing sanitary sewer construction and in accord with requirements of State and county Health Departments.
 - c. Streets shall be required to be paved with a stable base material such as concrete or asphalt in accordance with the City of Elk City street standards and principle.
 - d. Storm drainage facilities, curbs and gutters to provide adequate surface water drainage for the area being drained.
 - e. Street signs according to specifications and requirements established by the City of Elk City.
2. All such facilities shall be installed according to plans and specifications of the City of Elk City.

3. All lots in residential subdivisions where septic tanks or individual sewerage disposal devices are to be installed shall not contain less than fifteen thousand (15,000) square feet and the width of the lot at the building line shall be a minimum of one hundred (100) feet. All such lots to be serviced by private sewerage facilities shall comply with the regulations of the County and State Board of Health.

SECTION 17-83. PUBLIC SITES AND OPEN SPACES

1. Where a site for a proposed park, playground, playfield, school, library, fire station, or other public use is proposed by the Elk City Comprehensive Plan, or is deemed by the Planning Commission to be necessary, and is located in whole or in part in a subdivision, the Planning Commission may require the reservation of such area within the subdivision.
2. The developer shall give the public agency involved thirty (30) days' written notice of the proposed subdivision, with a copy of such notice to be mailed to the Planning Commission. During the thirty (30) day period, the agency may or may not express its interest in the proposed subdivision in connection with the provision of appropriate public site. Should such interest be expressed, that agency shall have a period of thirty (30) days within which to arrange for the acquisition of the public site under consideration.
3. Where the proposed subdivision is too small to provide space of suitable size for the public site intended, the site provided may be combined with that provided or to be provided in adjoining areas. Thus, in the aggregate, there will be provided site of suitable size for the purpose intended.

ARTICLE V

REVIEW OF PLAT

SECTION 17-84. PLANNING COMMISSION ACTION

1. The Planning Commission shall review the final plat for conformance with the preliminary plat and shall prepare a set of written recommendations to be submitted to the City Council at the time the final plat is considered.
2. The Planning Commission shall examine the final plat and shall approve or disapprove the plat within sixty (60) days of the date of its submittal. If the final plat is approved with the modification or waiver of certain requirements, the Planning Commission shall specify the reasons therefore. If the final plat is disapproved, the grounds for refusal, including citation of the applicable regulations or general plan, shall be stated on the records of the Planning Commission. If the Planning Commission fails to act, a certificate by the City Clerk as to the date of submission of plat for final approval and failure of Planning Commission to act thereon within such specified time, shall be sufficient in lieu of written endorsement of approval.
3. The action of the Planning commission shall be shown on the final plat, with the date of action over the signature of the Chairman, Vice Chairman, or Secretary.
4. The Planning Commission shall transmit to the City Council the tracing and two (2) paper copies of the final plat, together with four (4) copies of the restrictive covenants, and a listing of all required improvements indicating they have been installed; or a contract and bond insuring their installation has been satisfactorily secured by the City Clerk.
5. The City Clerk shall transmit a copy of the final plat as approved by the Planning Commission to the School Board affected and the Public Utility Companies.
6. After the Planning Commission and City Council have approved the final plat, no change shall be made therein unless said plat is resubmitted for approval of the Planning Commission and City Council.

SECTION 17-85. CITY COUNCIL ACTION

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. This approval of the plat shall be shown over the signature of the Mayor or City Council and attested by the City Council shall be deemed disapproval of any plat of plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

ARTICLE VI

RECORDING OF PLAT

SECTION 17-86. RECORDING OF PLAT

After final approval of the plat and the affixing of all required signatures on the original tracing, the sub-divider shall provide the Planning Commission with two (2) dark line prints thereof, and on (1) contact reproducible cloth tracing, said tracing to be filed with the City Clerk. One (1) dark line print shall be retained in the permanent file of the Planning commission and one (1) shall be sent to the office of the City Clerk. The applicant shall file within six (6) months after the date of approval by the City Council the original tracing, one (1) dark line copy on linen-back, and one (1) contact reproducible cloth tracing or film with the County Clerk.

ARTICLE VII

ADMINISTRATION AND AMENDMENT

SECTION 17-87. VARIANCES AND EXCEPTIONS

Whenever it would be inadvisable to apply a provision of this ordinance because a tract is of such unusual size, shape, or character and would render an extraordinary hardship not created or imposed by the owner or developer, the Planning Commission may modify such provisions only to provide that substantial justice may be done, the public interest secured; and the intent and spirit of these regulations fulfilled, provided that in no event shall the requirements of procedure or improvements be waived. Such modification thus granted shall be made at the written request of the developer stating the reasons for such modification and shall be waived only by three-fourths (3/4) vote of the regular membership of the Planning Commission. Any such modifications thus granted shall be duly entered and recorded in the minutes of the Planning Commission, setting forth therein the reasons which justify the modifications.

SECTION 17-88. 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 17-89. VALIDITY

If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

SECTION 17-90. REPEAL

All ordinances of parts of ordinances in conflict herewith are hereby repealed.

SECTION 17-91. VIOLATION AND PENALTY

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.

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation which violates or refuses to comply with any of the provisions of these regulations shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00), including costs, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

ARTICLE VIII

PAVING STANDARDS FOR STREET CONSTRUCTION

SECTION 17-92. CITY ACCEPTANCE OF STREETS

No streets in new subdivisions shall be accepted by the City for maintenance until they have been built according to these standards. (Ord. 509, Sec. 1.)

SECTION 17-93. ENGINEERING AND SUPERVISION

All grading, curb and gutter, and pavement work shall be designed and supervised by a Registered Professional Engineer. The owner or developer of the subdivision shall submit to the City and/or Planning Commission, complete sets of plans and specifications of the proposed project for approval before construction is started. In the absence of either a City Engineer or Planning Commission to pass on the validity of said plans and specifications, the engineer shall submit to the City a certificate stating that all designs have met these minimum standards. No subdivision plat shall be approved until validity of plans and specifications has been assured.

(Ord. 509, Sec. 2.)

SECTION 17-94. PAVEMENT THICKNESS

The thickness of the pavement shall be as follows:

	<u>Street Class</u>	<u>Surface</u>	<u>Base</u>
<u>Portland Cement Concrete</u>	Residential	5"	4"
	Collector	6"	5"
<u>Asphalted Concrete</u>	Residential	2"	4"
	Collector	2"	5"

(Ord. 509, Sec. 3.)

SECTION 17-95. SUBGRADES

The sub-grade for new pavement shall be free from all organic matter, roots, brush, and vegetable matter and shall be rolled or compacted until firm and able to support without displacement of the construction equipment. Soft or yielding sub-grade shall be corrected before construction proceeds. The sub-grade shall be compacted to ninety-five percent (95%) Standard Proctor density at optimum moisture.

(Ord. 509, Sec. 4.)

SECTION 17-96. PORTLAND CEMENT CONCRETE PAVEMENT

All Portland Cement pavement shall be plain pavement constructed of Class A concrete in accordance with Section 414 of the Oklahoma Standard Specifications for Highway Construction. Joint details shall be the responsibility of the engineer. (Ord. 509, Sec. 5.)

SECTION 17-97. ASPHALTED CONCRETE PAVEMENT

1. Base

All base sections shall be plant mix bituminous base -- fine aggregate type (hot sand) and built in accordance with Section 314 of the 1967 Oklahoma Standard Specifications for Highway Construction.

2. Surface

Surface courses shall be Type C and mixed and laid in accordance with Section 411 of the Oklahoma Standard Specifications for Highway Construction.

3. Curb and Gutters

All curbs and gutters shall be thirty (30) inches wide and the thickness of the paving section. (Ord. 509, Sec. 5.)

CITY COUNCIL ADOPTION:

Passed and approved this _____ day of _____, 20____.

ATTEST:

City Clerk
Elk City, Oklahoma

Mayor
Elk City, Oklahoma

Approved as to form and legality this _____ day of _____, 20____.

City Attorney

PLANNING COMMISSION ADOPTION:

Adopted this _____ day of _____, 20____.

ATTEST:

Secretary
Elk City Planning Commission

Chairman
Elk City Planning Commission

APPENDIX A

SUGGESTED FORM OF CERTIFICATES TO BE FURNISHED

1. SUBDIVISION BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as PRINCIPAL, and the undersigned Surety, are held and firmly bound unto the City of Elk City, Oklahoma, hereafter called "City", held in the full sum of _____ DOLLARS (\$ _____), for the payment of which, well and truly to be made, we, and each of us, bind ourselves jointly and severally, by these presents.

Dated this _____ day of _____, 20_____.

The conditions of this obligation are such that,

WHEREAS, PRINCIPAL has submitted to the CITY a preliminary plat for subdivision of a tract of land described as follows:

AND WHEREAS, PRINCIPAL has, pursuant to the Ordinances of the City of Elk City, elected to file this bond in lieu of actual completion of improvements and utilities in the above described subdivision.

NOW, THEREFORE, if the PRINCIPAL shall, within two (2) years from date of approval of this final plat of the subdivision faithfully install and complete improvements and utilities in the subdivision according to requirements or ordinances, approved plans, specifications and subdivision rules and regulations of the CITY, and pay all bills for contractors, subcontractors, labor and materials incurred in completion thereof, and shall hold harmless and indemnify the CITY and all interest property owners against liability, loss or damage by reason of failure of PRINCIPAL to faithfully perform the conditions hereof, then this obligation shall be null and void, otherwise to remain in full force and effect; PROVIDED, however, that actions upon this bond by contractors, subcontractors, laborers, or material, men shall be limited to six (6) months from and after completion of the improvements and utilities hereinbefore referred to.

Signed, sealed and delivered the day and year first hereinabove written.

PRINCIPAL

ATTEST:

_____ BY _____

ATTEST:

_____ BY _____

Approved as to form and legality this _____ day of _____, 20____.

CITY ATTORNEY

Approved by the City Council of the City of Elk City this _____ day of _____,
20____.

ATTEST:

_____ _____
MAYOR

2. OWNER'S CERTIFICATE AND DEED OF DEDICATION

We, the undersigned, _____, do hereby certify that we are the owners of and the only person having any right, title, or interest in the land shown on the annexed plat of _____ and that the plat represents a correct survey of the above described property made with our consent, and that we hereby deed to public use all the streets as shown on said annex plat; that the streets and easements as shown on the annexed plat are created for the installation and maintenance of public utilities; that we hereby guarantee a clear title to all lands so dedicated from ourselves, our heirs or assigns forever and have caused the same to be released from all encumbrances so that the title is clear, except as shown in the abstractor's certificate.

RESTRICTION: (If any, follow here)

Witness _____ hand _____ this _____ day of _____, 20 ____.

3. SURVEYOR'S CERTIFICATE

I, _____, the undersigned, do hereby certify that I am by profession a land surveyor or civil engineer and that the annexed map of _____ consisting of _____ sheets, correctly represents a survey made under my supervision on the _____ day of _____, 20____; and that all of the monuments shown hereon actually exist and their positions are correctly shown.

Signature

(Acknowledgement)

4. CERTIFICATE OF CITY CLERK

I, _____, City Clerk of the City of Elk City, Beckham County, State of Oklahoma, do hereby certify that I have examined the records of the said city and find that all payments or un-matured installments upon special assessments have been paid in full and that there is no special assessment procedure now pending against the land shown on the annexed plat of

_____ except on this _____ day of _____, 20_____.

City Clerk

5. PLANNING COMMISSION APPROVAL

I, _____, Chairman/Secretary of the Elk City Planning Commission for the City of Elk City, Beckham County, State of Oklahoma, hereby certify that the said Commission duly approved the annexed may of

_____ except on this _____ day of _____, 20____.

Chairman/Secretary

6. ACCEPTANCE OF DEED OF DEDICATION BY CITY COUNCIL

BE IT RESOLVED by the City Council of the City of Elk City that the Deed (s) dedicating land for public use shown on the attached plat of _____ are hereby accepted.

Adopted by the City Council of the City of Elk City this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

7. APPLICABLE WHERE SEPTIC TANKS ARE TO BE USED

I, _____,
registered engineer in the State of Oklahoma, do hereby certify that a soil survey has been
completed by
_____ on _____, and that this test
(name of testing laboratory) (date)
shows that the soil to be sufficiently porous to permit septic tanks for each lot shown on the plat.

Signature

8. RELEASE OF MORTGAGE

In consideration of the platting of the property shown on the annexed map of _____ . Addition, and other good and valuable considerations, receipt of which is hereby, relinquish and forever discharge a certain mortgage made by _____ and dated the _____ day of _____, 20_____, to _____, which is recorded in the Book _____ of Mortgages at Page _____ of the records of Beckham County, State of Oklahoma, insofar as the same covers all property deeded for streets, alleys, parks, boulevards, easements, or other public use, as shown on said map.

Witness _____ hand _____ this _____ day of _____, 20____.

Signature

(Acknowledgement)

9. COUNTY TREASURER'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified and acting County Treasurer of Beckham County, State of Oklahoma. That the tax records of said County show all taxes are paid for the year _____ and prior years on the land shown on the annexed plat of _____ Addition in Beckham County, Oklahoma; that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current year's taxes.

IN WITNESS WHEREOF, said County Treasurer has caused the instrument to be executed at _____, Oklahoma, on this _____ day of _____, 20_____.

County Treasurer

10. APPLICATION FOR PRELIMINARY APPROVAL OF SUBDIVISION

TO: The Planning Commission of the City of Elk City:

Application is hereby made for preliminary approval of the subdivision of land described below:

Proposed name of subdivision: _____

Brief description of land:

Area: _____ acres.

Name of Owner (s): _____

Number of out-lots and private parks: _____

Number of lots: _____

Accompanying this application are ten (10) prints of a preliminary plat of the proposed subdivision. Also five (5) copies of any restrictive covenants.

I have examined and am familiar with the regulations covering the subdivision of land, as adopted by the Planning Commission.

Respectfully submitted this _____ day of _____, 20____.

Signature

Print or Type:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

(For use of Planning Commission)

This will acknowledge receipt of _____ Dollars (\$_____) in payment of the fee required for the above requested preliminary approval of applicant's subdivision.

DATE: _____ TITLE: _____