The Unified Development Code (UDC), which was adopted by City Council on April 3, 2007 and became effective May 4, 2007, contains all procedures, standards and regulations relating to the development of land in the City of Altus. The UDC is one of the main tools used to implement the Comprehensive Plan 2025.

The UDC is periodically amended to reflect changes in federal and state laws and changes in City policy and directions.

Copies may be obtained from:

City of Altus
Barbara Burleson, Planning Director
218 E. Commerce
Altus, Oklahoma 73521

Most recent amendment: 2/5/2008

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Article 1 Jurisdiction and Zoning Districts

Division 1.100 Authority and Jurisdiction

A. **Authority.** This Code is adopted pursuant to the authority granted by the Constitution and laws of the State of Oklahoma, including, but not limited to, that contained in Section 11-43-101, General Powers of Municipalities, of the Oklahoma Statutes, Title 11, Cities and Towns.

B. **Jurisdiction.** Except as provided herein, all development within the corporate limits of the City of Altus (hereinafter referred to as City), as may be changed from time to time, and all land use applications made to the City shall comply with the provisions of this Code.

Sec. 1.101 Title

This Code shall be known as the "Altus Unified Development Code." References to "Code" or "UDC" shall be interpreted as references to the Altus Unified Development Code.

Sec. 1.102 Types of Development

All the following are considered development and are subject to this Code.

A. **Use.** The use of any building, structure, land, or water. Every use shall comply with this Article. Every new or expanded use shall require a zoning certificate and a certificate of occupancy for the construction, modification, use, or occupancy of any lot, parcel, building, or structure as specified in this Code.

B. **Disturbance or Alteration.** Any disturbance of land, soil, vegetation, or waterways. Alteration of land for development or other purposes shall conform to the standards contained in this Code and shall require a permit prior to commencing any work.

C. **Division or Subdivision.** Any division of land or land development, for sale or lease, whether by metes and bounds, subdivision, or land development shall comply with all regulations and standards contained in this Code.

Sec. 1.103 Exemptions and Exceptions

Unless otherwise provided in this Code, the following land uses and land use applications shall be exempt from the application of this Code, and shall be processed and reviewed under all applicable former regulations:

A. **Existing land use applications.** Any land use application submitted to the Department on or before the effective date of this Code.

B. **Land disturbance.** Land disturbances of less than 1,000 square feet, not involving any bufferyard, resource, or conservation area.

C. **Nonconformities.** Nonconforming situations resulting from the adoption of this Code, as may be exempted pursuant to Article 6, *Nonconformities* of this Code.

Division 1.200 Establishment of Zoning Districts

This Article, the Official Zoning Map, and all maps adopted by the City, such as those within the Comprehensive Plan, shall apply to all property regulated by the City, as permitted by State law. Areas of floodplain, floodway, and special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Altus, Jackson County," dated July 19, 2005, with accompanying Flood Insurance Rate Map (FIRM), are adopted by reference and shall be considered part of this Code.

Sec. 1.201 Zoning Districts

The City is hereby divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, consistent with the spirit and intent of the City's Comprehensive Plan. Set forth in Table 1.201A, *Zoning Districts*, is the character and type of each zoning district, with a conversion between the new and former zoning districts. The conversion is approximate because mapping changes have occurred to conform to the Comprehensive Plan. The purpose of each district is described in *Division 1.300*, *District Purposes*.

Table 1.201A
Zoning Districts

Community Character from Comprehensive Plan	District Name (Map symbol)	Former Districts
Rural	Agriculture (AG)	"A"
	Countryside (CS)	"A"
Suburban	Suburban Estate (SE)	None
	Suburban Residential (SR)	"R-1"
	Suburban Commercial (SC)	"C-1", "C-2"
Auto-Urban	Auto-Urban Manufactured Home (AMH)	"R-MH"
	Auto-Urban Residential (AR)	"R-1S", "R-1T", "R-2"
	Auto-Urban Commercial (AC)	"C-3"
	Business Park (BP)	"I-1"
	Industrial (I)	"I-2"
	Neighborhood Conservation (NC)	Existing built subdivisions
Urban	Urban Residential (UR)	"R-3"
	Urban Center (UC)	"C-4"
	Neighborhood Conservation (NC)	Existing built subdivisions

Sec. 1.202 Zoning Map

Zoning districts established by this Article are bounded and defined as provided in this Article and as shown on the City's Official Zoning Map, adopted as a part of this Code. The Official Zoning Map, together with all notations, references, and amendments, is adopted by reference and declared as part of this UDC.

Sec. 1.203 Interpreting the Map

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the Official Zoning Map.

A. **Property Lines**. Boundary lines shown as following, or approximately following, lot lines, other property lines, or municipal boundaries shall be construed as following such lines.

B. **Rights-of-way**. Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where streets or alleys on the ground differ from streets or alleys shown on the Official Zoning Map, the streets or alleys on the ground control.

C. **Watercourses**. Boundaries shown as following, or approximately following, the centerline of streams or other continuously flowing watercourses shall be construed as

following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

D. **Parallel to Features**. Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in subsections A through C, above, shall be construed to be parallel to such features and at such distances as are shown on the Official Zoning Map.

E. **Un-subdivided Land**. On un-subdivided land or when a district boundary follows no identifiable feature, the location of district boundaries shall be determined by the ordinance establishing the district boundaries or by using the map scale appearing on the Official Zoning Map, unless the district line is indicated by dimensions on the Official Zoning Map, in which case the printed dimensions shall control.

Sec. 1.204 Land in More than One District

Where a tract or parcel of land is located in more than one zoning district, the development may be designed as if each district is a separate parcel, or it may be designed as a single project. The following rules govern developments in two or more districts that are developed as a single project:

A. **Concept Plan**. A concept plan shall be required as a condition of approval to alter densities.

B. **Nonresidential Uses**. Uses allowed in a nonresidential district may not intrude into a residential district, even if the parcels are being developed as a single project.

C. **Acreage**. The acreage of all tracts may be combined and used to determine the minimum site area, as required in Article 4, *Environmental Standards*.

D. **Intensity**. The required open space and maximum allowable dwelling units shall be the sum of that required or allowed, by separate calculations, for each district, as required in Article 4, *Environmental Standards*.

E. **Plan**. The proportion of density of the development between multiple districts is not required to be identical to that when the density is calculated separately. The plan for allocating density shall be submitted as part of the concept plan for the entire property. Consideration shall be based on the following criteria:

1. The proportion of land used for development shall be increased only in the higher intensity district, except as provided in paragraph 2, below.

2. Where, for aesthetic or environmental reasons, the concept plan may permit increased development to occur in the lower intensity district, if such results in the most optimum use of the total site. For such a plan, the applicant shall submit an environmental impact assessment report showing alternative siting options as part of the concept plan approval process. The report must demonstrate the advantages of the proposed location as opposed to siting as required in 1 above. *See* Figure 1.204A, *Property in More than One District.*

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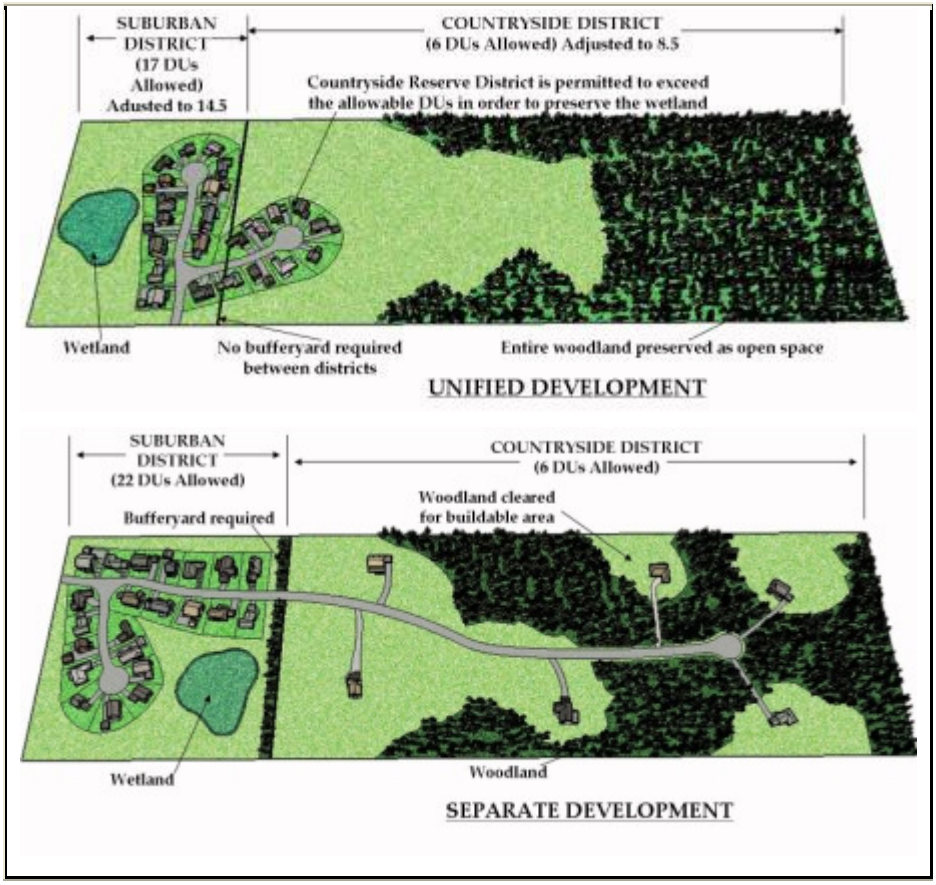
Figure 1.204AProperty in More than One District



F. **Bufferyards.** Where a single development straddles a district boundary, bufferyards shall not be required between the differently zoned tracts. Where a development takes place in two separate phases or alters the use or density at a zoning district boundary, then the buffer requirements contained in Table 10.401A, *Buffer Opacity Standards*, shall be required.

Sec. 1.205 Annexed or Undesignated Land

Any land in the City that is not shown or labeled on the Official Zoning Map or for which no conversion has been provided shall be considered zoned Agriculture (AG). Any newly annexed land shall be annexed as AG unless differently zoned by ordinance at or after the time of annexation. Where the annexation seeks more intensive zoning, the procedures of *Article 14*, *Procedures and Decision-Making*, shall be followed to change the zoning, although these may be scheduled to occur simultaneously.

Division 1.300 District Purposes

This Division sets forth the purpose of the districts so as to guide zoning decisions in a manner that achieves the purpose of the Comprehensive Plan. For each district, there is a general purpose statement, a description of the character to be achieved, the uses the district is intended to provide, and infrastructure needs.

Sec. 1.301 Agricultural (AG) District

A. **General.** This district is a use-based district intended to permit agriculture to be the primary use of land and restrict uses or activities that interfere with agriculture or where owners would be impacted by the noise, dirt, or odors associated with agricultural uses.

B. **Character.** This district is entirely rural in character. The agricultural uses around the City have trivial amounts of impervious surfaces and, thus, are considered an open space use.

C. **Uses.** Agriculture is the primary use of the land to which residential is an accessory to the primary use. Other uses shall be highly limited to those that are supportive of or similar to the primary agriculture use. Only uses that require large areas of land not available in the urbanized areas of the City are permitted.

D. **Infrastructure.** Water and sewer are to be provided on site. Greywater may be extended to irrigate agricultural uses.

Sec. 1.302 Countryside (CS) District

A. **General.** This district is a use-based district intended to permit agriculture to be the primary use of land over the short term, while allowing very low-intensity residential development in a manner that is consistent with the preservation of agriculture and keeping of livestock.

B. **Character.** This district is intended to retain a rural character upon full development. The character is ensured by a combination of very low-density development or extreme development clustering with a high level of open space for higher densities.

C. **Uses.** Agriculture is the primary short-term use of the land. This is an exurban environment where residential uses are expected to ultimately supplant agriculture. The very high ratios of open space for various forms of development clustering are intended to allow agriculture or natural environments to occupy a majority of the land area. Nonresidential uses should be consistent with the preservation of agriculture or natural areas.

D. **Infrastructure.** Water and sewer are to be provided on site. Greywater may be extended to irrigate agricultural uses.

Sec. 1.303 Suburban Residential (SR) District

A. **General.** This district is the primary residential district. It is intended to permit a wide range of residential use and encourage a variety of housing types.

B. **Character.** This district is suburban in nature, which is characterized by a balance between the landscape and buildings with on-site landscaping and tree-lined streets that shelter the buildings. Open space and low impervious surface ratios characterize the built environment. Development clustering will ensure an adequate amount of open space will be available upon build-out to enhance neighborhood character and the lifestyle of residents.

C. **Uses.** This district is intended to create residential neighborhoods, while permitting a range of housing types to meet all residential needs. Institutional and recreational uses

that serve the neighborhoods are permitted, but are restricted in scale to preserve the safety of the residential neighborhood streets.

D. **Infrastructure.** Water and sewer are publicly provided. Even if designated as Suburban Residential by the Comprehensive Plan, areas without infrastructure should not be zoned Suburban Residential until adequate infrastructure is provided.

Sec. 1.304 Suburban Commercial (SC) District

A. **General.** This district is a neighborhood-oriented commercial district where the uses are expected to serve the immediate neighborhood, rather than multiple neighborhoods or the entire City. It is not intended for highway-oriented businesses or businesses of community or regional scale.

B. **Character.** This district is suburban in nature, which is characterized by a balance between the landscape and buildings with trees softening the impact of the commercial uses. Open space and low impervious surface ratios characterize the built environment, with open space and landscaping required to ensure the uses are compatible with the character of the Suburban Residential neighborhoods they serve. The scale of the use is regulated to ensure appropriateness and compatibility, as well as to prevent larger highway, community, or regional business uses.

C. **Uses.** This district is intended to create neighborhood commercial areas, the character of which is primarily controlled by limiting the scale of buildings. As applied to highway uses, the character is controlled by a minimum landscaped surface ratio and floor area ratio.

D. **Infrastructure.** Water and sewer are publicly provided. Even when designated as Suburban Commercial by the Comprehensive Plan, areas without infrastructure should not be zoned Suburban Commercial until adequate infrastructure is provided.

Sec. 1.305 Suburban Estate (SE) District

A. **General.** This district is a low-density residential district. It is intended to permit single-family residential uses on large lots or development clustering with high open space and low impervious surface ratios for higher densities.

B. **Character.** This district is rural residential in nature, which is ensured by a combination of low density or development clustering with high levels of open space for higher densities. A high ratio of open space and low impervious surface ratio characterizes the built environment. Landscaping and design are intended to enhance the character of the development and preserve views of the landscape.

C. **Uses.** This district is intended to create low-density residential neighborhoods.

D. **Infrastructure.** This district is not serviced by sewer and is not planned for sewer service in the future. Some areas may have public water available. The development pattern is planned for full build-out.

Sec. 1.306 Neighborhood Conservation (NC) District

A. **General.** This district is intended to preserve the character of the existing residential neighborhoods that were developed under prior zoning categories that are no longer districts in this Code or of platted areas that may now be nonconforming. This is

intended to ensure that these areas are not required to seek variances to improve housing that was conforming to the regulations in place when the area was platted. By retaining existing lot size and dimensional character of the areas as platted and built-upon, nonconformities are avoided. The Neighborhood Conservation designation is applied to areas previously zoned R-1, R-1S, R-1T, R-2, R-3, and R-MH. It is also intended to address areas platted prior to zoning, as applicable. This district may provide for infill lots, but is not to be used to zone vacant land that is more than three times the required minimum lot area.

B. **Subdistricts.** The NC District has four subdistricts. If a regulation within this Code does not specify a subdistrict, then the regulation applies to all subdistricts. The subdistricts are intended to be mapped over existing, built subdivisions as follows:

1. NC-9 is intended to apply to subdivisions with an average lot size of 9,000 square feet.
2. NC-6 is intended to apply to subdivisions with an average lot size of 6,000 square feet.
3. NC-3 is intended to apply to subdivisions with an average lot size of less than 6,000 square feet and more than 2,000 square feet.
4. NC-MH is intended to apply to manufactured home parks and manufactured home subdivisions. [Ordinance No. 2007-31, 9/4/2007]

C. **Character.** This district has a predominant auto-urban character, although the NC subdistricts based upon the former R-1T, Townhome Residential District, and R-3, General Residential District, have an urban character.

D. **Uses.** The district is intended to preserve residential character and discourage conversion to other uses.

E. **Infrastructure.** Water and sewer are publicly provided.

Sec. 1.307 Auto-Urban Manufactured Home (AMH) District

A. **General.** This district is to provide for the placement of Manufactured Homes within a manufactured home park.

B. **Character.** This district is auto-urban in nature as a result of the development density and amount of the land devoted to parking and vehicular circulation areas. For the purpose of enhancing appearance and a quality living environment, adequate open space is required within the manufactured home park development. So as to provide neighborhood identity and buffering between adjacent uses, perimeter open space and bufferyards are required.

C. **Uses.** This district is intended to create livable manufactured home neighborhoods, while permitting both single- and double-wide units to meet varying residential needs. Recreational uses that serve the development are required and restricted in scale for the immediate use of residents.

D. **Infrastructure.** Water and sewer are publicly provided. Even if designated as Auto-Urban Residential by the Comprehensive Plan, areas without infrastructure should not be zoned Auto-Urban Manufactured Home until adequate infrastructure is provided.

Sec. 1.308 Auto-Urban Residential (AR) District

A. **General.** This district is the primary higher density residential district. It is intended to permit a wide range of two-family, attached single-family, and multi-family residential uses and encourage a variety of housing types.

B. **Character.** This district is auto-urban in nature, which is characterized by attached housing, garages that occupy much of the street face, and parking lots.

C. **Uses.** This district is intended to create residential neighborhoods, while permitting a range of housing types to meet all residential needs. Institutional and recreational uses that serve the neighborhoods are permitted, but are restricted in scale to preserve the safety of the residential neighborhood streets.

D. **Infrastructure**. Water and sewer are publicly provided. Even if designated as Auto-Urban Residential by the Comprehensive Plan, areas without infrastructure should not be zoned Auto-Urban Residential until adequate infrastructure is provided.

Sec. 1.309 Auto-Urban Commercial (AC) District

A. **General.** This district is the primary commercial district. It accommodates highway service uses and community or regional commercial, office, and service uses.

B. **Character.** This district has an auto-urban character, which is characterized by a large amount of parking, often exceeding the building coverage. Landscape buffers and landscaped parking areas are required to soften the impact of such commercial uses. Architectural and other design controls are intended to encourage and require more attractive buildings and avoid visual degradation caused by very large buildings with large blank walls and no building articulation or design elements.

C. **Uses.** This district is intended to provide for a full range of commercial uses.

D. **Infrastructure.** Water and sewer are publicly provided. Even when designated Auto-Urban Commercial by the Comprehensive Plan, areas without infrastructure should not be zoned Auto-Urban Commercial until adequate infrastructure is provided.

Sec. 1.310 Business Park (BP) District

A. **General.** This district is intended as the primary business and industrial district. It reflects a character of an employment area where a mix of industrial, office, warehousing, wholesaling, and other uses are found in a campus-like setting. This district is appropriate in selected areas of the City where compatibility with adjacent uses or where achieving enhanced aesthetics and appearance are important. As determined by the City, this district may be appropriate within the land designated as Auto-Urban Industrial by the Comprehensive Plan.

B. **Character.** This district has an auto-urban character, which is generally characterized by large areas of parking and larger buildings. Landscape buffers, landscaped parking areas, and increased landscape surface areas are required to soften the impact of these uses. Treatments around the perimeter of the development, as well as architectural and design controls of perimeter buildings, are intended to encourage and require a more attractive business park environment. Perimeter treatments allow an improved street frontage, with interior areas that can support businesses that are not visible to the general public.

C. **Uses.** This district is intended to provide for a full range of office, business, and industrial uses.

D. **Infrastructure.** Water and sewer are publicly provided. Even when designated as Auto-Urban Industrial by the Comprehensive Plan, areas without infrastructure should not be zoned Business Park until adequate infrastructure is provided.

Sec. 1.311 Industrial (I) District

A. **General.** This district is the primary heavy industrial district. It is intended to serve uses that are visually obtrusive, generate nuisances such as noise and odors, or have excessive exterior operations or storage of equipment and materials.

B. **Character.** This district has an auto-urban character, which is characterized by large-scale buildings, exterior storage of materials, and/or exposed equipment. Landscape buffers and special perimeter design are required to mitigate impacts on the City's visual character.

C. **Uses.** This district is intended to provide for heavy industrial uses with high nuisance potential.

D. **Infrastructure.** Water and sewer are publicly provided. Even when designated as Auto-Urban Industrial by the Comprehensive Plan, areas without infrastructure should not be zoned Industrial until adequate infrastructure is provided.

Sec. 1.312 Urban Residential (UR) District

A. **General.** This district is the highest intensity residential district. It is intended to permit a wide range of residential use and encourage a variety of housing types. It reflects existing development in the original town area, particularly in the area immediately around the historic downtown square, where increased density and infill development is desirable.

B. **Character.** This district has an urban character, which is characterized by residential buildings that cover a large percentage of the lot and are spaced closely enough such that there is a sense of street enclosure. A minimum height of two stories and zero or minimal front and side yard setbacks are necessary to preserve an urban character.

C. **Uses.** This district is intended to create higher density residential neighborhoods to meet the community's housing needs, particularly for higher density and infill housing development. Institutional and recreational uses that serve this urban neighborhood environment are permitted and encouraged.

D. **Infrastructure.** Water and sewer are publicly provided. Even when designated as Urban Residential by the Comprehensive Plan, if the infrastructure is not adequate to support higher density development, it should not be zoned Urban Residential until adequate infrastructure is provided.

Sec. 1.313 Urban Center (UC) District

A. **General.** This district is for the City's historic downtown square and its immediate environment. It is intended to permit a range of commercial uses, as well as high-density residential uses. Mixed use with offices or residential on the upper floors is encouraged. This district is not appropriate or warranted in any location other than the historic

downtown square and should not be permitted except for expansions to the immediate historic downtown square.

B. **Character.** This district has an urban character, which is characterized by multi-story buildings that create a mass of buildings occupying the entire block. Zero front and side yard setbacks are essential to preserve the urban character.

C. **Uses.** This district is intended to encourage and require mixed use. Retail, restaurants, and service businesses are desired on the street level. Upper levels should provide office and residential uses. A significant residential population is intended to provide a need for convenience and neighborhood serving businesses.

D. **Infrastructure.** Water and sewer are publicly provided.

Article 2 Land Uses

Division 2.100 Purpose

The purpose of this Article is to identify the uses that are permitted in each zoning district and address accessory and other structures or activities permitted as accessory uses. It is also the purpose of this Article to provide standards for uses that present specific concerns and, thus, require limitations on the intensity of use, land area, site design, and other factors appropriate to each class of use.

Sec. 2.101 Applicability and Exemptions

This Article and the delineations of the zoning districts shown on the Official Zoning Map control the uses permitted on any particular lot, parcel, or tract. Unless otherwise provided in this Code, the following land uses shall be exempt from the application of this Article and shall be processed and reviewed as indicated in subsections A and B, below.

A. **Existing land use applications.** Any land use application submitted to the Department on or before the effective date of the Code, as specified in Section *1.103*, *Exemptions and Exceptions*. Alternatively, this could be triggered by final approval of building permits on the date of adoption.

B. **Nonconformities.** Any land use legally established on the date of adoption of this Code, as specified in Section *1.103*, *Exemptions and Exceptions*, is nonconforming and, thus, controlled by *Article 6*, *Nonconformities*.

Division 2.200 Uses by District

All land uses or structures shall be permitted in individual zoning districts only as indicated in this Division. No use prohibited in a zoning district shall be permitted under any circumstances.

Sec. 2.201 Permitted Uses

A. **Symbols in Tables 2.201A through 2.201D, Permitted Uses.** There are several types of permissions and prohibitions of uses in each of the zoning districts. The following symbols are used in Table 2.201A through Table 2.201D, *Permitted Uses*.

1. "P" indicates a Permitted Use, where the use is permitted as a matter of right, subject to all performance and general standards specified in this Division.
2. "N" indicates a use is prohibited in the district.
3. "L" indicates a Limited Use permitted subject to administrative review by the Administrator. In addition to conformance with the general standards specified in *Division 2.300*, *General Use Standards*, ministerial review determines whether the location, design, or other criteria of *Division 2.400*, *Limited and Conditional Uses*, have been met for the proposed site. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built. There is no discretion; the requirements of *Division 2.300*, *General Use Standards* are objective standards.
4. "C" indicates a use allowed only upon granting a Conditional Use by the City, in accordance with *Division 2.400*, *Limited and Conditional Uses*. In addition to conforming to the general standards specified in *Division 2.300*, *General Use Standards*, the use must conform to the location, design, or other conditions of *Division 2.400*, *Limited and Conditional Uses*. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built. Further, the City may find the use unsuitable for that location and deny the conditional use permit.

B. **Use Categories.**

1. The use category "Home Uses" is all accessory uses that require an occupied residential structure on the property as a prerequisite to the uses. Such uses would not be permitted if the home were not used as the residence of the operator.
2. The use category "Temporary Uses" is all temporary, rather than permanent, uses of the property and would be removed after the use. A temporary use permit shall be required even where the tables show them as a permitted use. *See Division 2.500*.

Table 2.201A Permitted Uses

Table 2.201A Permitted Uses (Residential Use Table - Part I)									
P="permitted," N="prohibited," L="limited" review, C="conditional" use review									
Land Use	**AG**	**CS**	**SE**	**SR**	**NC**	**AMH**	**AR**	**UR**	**Limited/Conditional Use Standard**
Agricultural Uses									
Agriculture	P	P	N	N	N	N	N	N	
Farmstead	P	P	N	N	N	N	N	N	
Kennels and veterinary clinics	L	L	N	N	N	N	N	N	Sec. 2.417
Commercial stables	L	L	N	N	N	N	N	N	Sec. 2.407
Residential Uses									
Single-family, detached	P	P	P	P	P[1]	N	P	N	
Single-family, cluster	P	P	P	P	N	N	N	N	
Planned	P	P	P	P	N	N	P	P	
Two-family	N	N	N	N	N	N	N	P	
Single-family, attached	N	N	N	N	N	N	N	P	

Manufactured home park	N	N	N	N	P[2]	P	N	N	Sec. 2.419
Small-family dwelling	N	N	N	P	P[1]	N	P	P	Sec. 2.428
Group home	P	P	P	P	P	N	P	N	
Home Uses									
Family child care home	L	P	L	L	L	N	L	N	Sec. 2.412
Home occupations	L	L	L	L	L	L	L	L	Sec. 2.415
Home business	L	L	N	N	N	N	N	L	Sec. 2.414
Cottage industry	L	L	N	N	N	N	N	N	Sec. 2.408
Institutional Uses									
Places of assembly	N	L	L	L	N	L	L	N	Sec. 2.421
College	N	C	C	C	N	N	C	C	Sec. 2.406
Institutional residential	N	P	P	P	N	N	P	P	
Protective care	L	N	N	N	N	N	N	N	Sec. 2.422
Public service	N	N	L	L	N	L	L	L	Sec. 2.423
Utilities, neighborhood	P	P	P	P	P	P	P	P	
Hospitals	N	N	N	N	N	N	N	C	Sec. 2.416

[1] Permitted in the NC-9 and NC-6 subdistricts only. Prohibited in the NC-MH subdistrict.
[2] Limited Use in the NC-MH subdistrict only. Prohibited in the NC-9 and NC-6 subdistricts.

Table 2.201B Permitted Uses

Table 2.201B Permitted Uses
(Residential Use Table - Part II)

P="permitted," N="prohibited," L="limited" review, C="conditional" use review

Land Use	AG	CS	SE	SR	NC	AMH	AR	UR	Limited/Conditional Use Standard
Commercial Uses									
Adult uses	N	N	N	N	N	N	N	N	
Agricultural support and other rural services	P	N	N	N	N	N	N	N	
Bed and breakfast	L	L	L	L	N	N	L	L	Sec. 2.403
Body piercing / tattoo	N	N	N	N	N	N	N	N	
Commercial lodging	N	N	N	N	N	N	N	N	
Retail commercial	N	N	N	N	N	N	N	L	Sec. 2.426
Services	N	N	N	N	N	N	N	L	Sec. 2.426
Drive-in facility	N	N	N	N	N	N	N	N	
Heavy retail and service	N	N	N	N	N	N	N	N	
Light automobile service	N	N	N	N	N	N	N	N	
Mixed use	N	N	N	N	N	N	N	L	Sec. 2.420
Restaurants	N	N	N	N	N	N	N	L	Sec. 2.426
Office	N	N	N	N	N	N	N	N	
Shopping center	N	N	N	N	N	N	N	N	
Vehicular sales, rental, and service	N	N	N	N	N	N	N	N	
Recreation and Amusement Uses									
Campgrounds and RV parks	C	L	N	N	N	N	N	N	Sec. 2.405
Commercial amusement, indoor	N	N	N	N	N	N	N	N	
Commercial amusement, outdoor	N	N	N	N	N	N	N	N	
Recreation, indoor	N	N	N	N	N	N	N	N	
Recreation, outdoor	P	P	P	P	P	P	P	P	
Industrial Uses									

Extraction	C	N	N	N	N	N	N	N	Sec. *2.411*
Heavy industry	N	N	N	N	N	N	N	N	
Light industry	N	N	N	N	N	N	N	N	
Recycling or storage	N	N	N	N	N	N	N	N	
Disposal	N	N	N	N	N	N	N	N	
Utilities, community	C	C	C	C	C	C	C	C	Sec. *2.429*
Utilities, regional	N	N	N	N	N	N	N	N	
Special Uses									
Airports	N	N	N	N	N	N	N	N	
Wireless telecommunications facilities	C	L	L	L	N	L	L	N	Sec. *2.431*
Temporary Uses -- Note that all these uses require a temporary use permit.									
Commercial temporary outdoor sales	N	N	N	N	N	N	N	N	
Concrete/asphalt batch plant	L	L	N	N	N	N	N	N	Sec. *2.506*
Contractor's office	P	P	P	P	N	P	P	P	
Farm stand	L	L	N	N	N	N	N	N	Sec. *2.508*
Sidewalk sales and farmers' markets	N	N	N	N	N	N	N	N	
Garage sales	L	L	L	L	L	L	L	N	Sec. *2.510*
Model homes/sales office	N	P	P	P	N	N	P	P	
Public interest and special events	C	L	L	L	N	L	L	N	Sec. *2.512*
Other outdoor sales	L	L	N	N	N	N	N	N	Sec. *2.513*

Table 2.201C Permitted Uses

Table 2.201C Permitted Uses (Nonresidential Use Table - Part I)						
P="permitted," N="prohibited," L="limited" review, C="conditional" use review						
Land Use	**SC**	**AC**	**BP**	**I**	**UC**	**Limited/Conditional Use Standard**
Agricultural Uses						
Agriculture	N	N	N	N	N	
Farmstead	N	N	N	N	N	
Kennels and veterinary clinics	N	L	N	L	N	Sec. *2.417*
Commercial stables	N	N	N	N	N	
Residential Uses						
Single-family detached	L	L	L	L	N	Sec. *2.427*
Single-family cluster	N	N	N	N	N	
Planned	N	N	N	N	N	
Two-family	N	N	N	N	N	
Single-family attached	N	N	N	N	N	
Manufactured home park	N	N	N	N	N	
Small single-family	P	P	N	N	P	
Group home	N	N	N	N	N	
Home Uses						
Family child care home	L	L	L	N	N	Sec. *2.412*
Home occupation	P	P	P	P	P	
Home business	L	L	L	L	L	Sec. *2.414*
Cottage industry	N	N	L	L	N	Sec. *2.408*

Institutional Uses						
Places of assembly	P	P	N	N	P	
Colleges	P	P	P	N	P	
Institutional residential	N	N	N	N	N	
Protective care	N	N	N	L	L	Sec. *2.422*
Public service	P	P	P	P	P	
Utilities, neighborhood	P	P	P	P	P	
Hospitals	N	P	P	N	P	

Table 2.201D Permitted Uses

Table 2.201D Permitted Uses (Nonresidential Use Table - Part II)						
P="permitted," N="prohibited," L="limited" review, C="conditional" use review						
Land Use	**SC**	**AC**	**BP**	**I**	**UC**	**Limited/Conditional Use Standard**
Commercial Uses						
Adult uses	N	N	N	L	N	Sec. *2.401*
Agricultural support and other rural services	N	N	N	P	N	
Bed and breakfast	P	P	N	N	P	Sec. *2.403*
Body piercing / tattoo	N	L	N	L	N	Sec. *2.404*
Commercial lodging	P	P	P	N	P	
Retail Commercial	P	P	L	L	P	Sec. *2.426*
Services	P	P	P	P	P	
Drive-in facilities	L	L	L	N	L	Sec. *2.410*
Heavy retail and service	N	P	N	N	N	
Light auto service	L	P	N	P	N	Sec. *2.418*
Mixed use	L	L	N	N	L	Sec. *2.420*
Restaurants	P	P	L	L	P	Sec. *2.426*
Office	P	P	P	P	P	
Shopping center	P	P	N	N	P	
Vehicular sales, rental, and service	N	P	N	P	N	Sec. *2.430*
Recreation and Amusement Uses						
Campgrounds and RV parks	N	N	N	N	N	Sec. *2.405*
Commercial amusement, indoor	P	P	N	N	P	
Commercial amusement, outdoor	N	P	N	N	N	
Recreation, indoor	P	P	L	N	P	Sec. *2.424*
Recreation, outdoor	P	P	P	N	P	
Industrial Uses						
Extraction	N	N	N	C	N	Sec. *2.411*
Heavy industry	N	N	N	C	N	Sec. *2.413*
Light industry	N	N	P	P	N	
Recycling or storage	N	N	N	L	N	Sec. *2.425*
Disposal	N	N	N	C	N	Sec. *2.409*
Utilities, community	P	P	P	P	L	Sec. *2.429*
Utilities, regional	N	N	N	P	N	
Special Uses						
Airports	N	N	C	N	N	Sec. *2.402*
Wireless telecommunications facilities	L	L	L	L	L	Sec. *2.431*
Temporary Uses -- Note that all these uses require a temporary use permit						
Commercial temporary outdoor sales	L	L	N	N	L	Sec. *2.505*
Concrete/asphalt batch plant	L	L	L	P	N	Sec. *2.506*
Contractor's office	P	P	P	P	P	
Farm stand	N	N	N	N	N	
Sidewalk sale and farmers' markets	L	L	N	N	L	Sec. *2.509*

Garage sales	N	N	N	N	N	
Model homes/sales office	N	N	N	N	N	
Public interest and special events	L	L	N	N	L	Sec. 2.512
Other outdoor sales	L	L	L	N	L	Sec. 2.513

Sec. 2.202 Prohibited Uses

Certain uses are prohibited in various districts, having been found to be incompatible with the general development pattern desired in the district. These are designated in Table 2.201A through Table 2.201D, *Permitted Uses*, by an "N." The following uses are specifically prohibited throughout the City:

A. Intensive agriculture.

B. Disposal facilities involving radioactive materials.

Sec. 2.203 Uses Not Listed

If the Planning Director determines that a use is not listed or if there is ambiguity as to its proper classification within the respective zoning district(s), the Planning Director shall make an official determination as to the appropriate district or districts for the use. This decision may be appealed by an aggrieved party to the Board of Adjustment for a final determination as to the appropriate district for the use to be located.

Division 2.300 General Use Standards

This Division contains standards for accessory uses and other activities, such as fences and waste storage, with which all uses must comply. Within this Division are two sections, one addressing residential uses and the second addressing nonresidential uses.

Sec. 2.301 Residential Uses

The following provisions apply to all residential uses:

A. **Accessory Structures.** Unless specified in subsection B, Storage and Utility Sheds, and C, Fences, of this Section, all accessory structures shall meet the following standards:

1. An accessory use shall be established only after construction and occupancy of the principal structure.

2. Accessory structures located in residential districts shall not be used for commercial purposes.

3. Freestanding accessory structures shall not be permitted in front of the principal structure, within the required front yard, or within a required street yard, except as provided in subsection B, Storage and Utility Sheds, below.

4. Freestanding accessory structures may be located in side yards (excluding street yards) of lots having an area of one acre or more in size, provided that the structure is located at least 20 feet behind the extended front plane of the principal structure.

5. Freestanding accessory structures may be located in the rear yard, including rear yards that are street yards, provided:

a. A single-family (including lot-line and village house) lot less than 15,000 square feet shall have a setback from the rear property line of at least one foot from an alley or easement.

b. A single-family lot between 15,000 square feet and one acre shall have a setback from the rear property line of at least 10 feet.

c. A single-family lot of one acre or more shall have a setback from the rear property line of at least 15 feet.

d. For attached dwelling units, freestanding accessory structures shall be permitted only as provided in paragraph 6, below. Walled units, patio houses, and atrium houses shall contain all accessory structures within their walls.

6. For multi-family or attached dwellings where freestanding structures must be accessible from private roads and fire lanes, their location shall be approved during the site plan review process to ensure essential access is safe and the structures do not create a nuisance to the adjoining properties.

7. Tennis courts and swimming pools shall be permitted only on lots where the total impervious surface, including buildings, drives, walks, patios, and recreation facilities, is as set forth in Table 2.301A, *Maximum Impervious Area*. Pools shall be fenced or otherwise protected. All fences shall be screened with shrubs or evergreens that will grow to the fence height. At installation, evergreens shall be a minimum of six feet in height where the fence exceeds six feet in height. All other evergreens and shrubs shall be at least three feet in height upon installation. There shall be a maximum spacing of no more than 36 inches between evergreens and shrubs to ensure the planting will provide full screening within no more than five years.

8. Except as may be specifically permitted in subsection B, *Storage and Utility Sheds*, below, no freestanding structure shall exceed 30 percent of the floor area of the principal structure.

Table 2.301A
Maximum Impervious Area

Lot Size	Maximum Impervious Area
Less than 8,000 sf.	0.60
8,000 to 14,999 sf.	4,200 sf + 0.4 times the area in excess of 8,000 sf.
15,000 to 43,560 sf.	7,000 sf + 0.2 times the area in excess of 15,000 sf.
Greater than 43,560	12,712 sf. + 0.1 times the area in excess of 43,560 sf.

B. **Storage and Utility Sheds.** One storage building is permitted on a residential lot provided it meets the following standards:

1. All such structures shall be used only for residential storage. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment shall not be used for storage.

2. The storage building's total area does not count toward the allowable building floor area; however, it shall not exceed 15 percent of the floor area permitted in *Division 3.200*, *District Standards*, or 300 square feet, whichever is less, for lots of less than 12,000 square feet. For lots larger than 12,000 square feet, the maximum

is 30 percent or 2,000 square feet, whichever is less. Larger sheds shall be permitted only by a Conditional Use to determine whether it is consistent and compatible with the character of the neighborhood and will not be a public nuisance.

3. Subdivisions having more than four lots backing on a street shall have a covenant indicating the restrictions on storage building design and placement. The covenant shall be submitted and approved as part of the development approval. The restrictions shall be incorporated into the plat and approved based on whether they provide a means of storage in a manner that is consistent and compatible with the development and minimizes the storage building's impact on lots within the subdivision, adjoining land, and public views from roads or elsewhere. Subdivisions in which all such lots exceed three acres in size shall be excluded.

C. **Fences.** Fences may be permitted and shall be constructed of materials expressly designed for fences, including, unless otherwise specified, wood, stone, brick, stucco, steel, fiberglass, textured or scored concrete, or manufactured fencing materials. Chain link fences may be permitted in rear yards or side yards, but are prohibited in street yards. Chain link fences with inserts for opacity are strictly prohibited. No fence shall exceed eight feet in height. Fences shall be subject to the following standards:

1. All fences shall be erected so that the structural supports are not visible to the public or adjacent properties. All wood fences shall have either a grade beam or rot board along the entire length of the base, which may be partly below grade.

2. All fences shall be maintained by the owner of record in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright position, and any surface treatment is substantially maintained in its original appearance so that there is no unreasonably noticeable discoloration or defects.

3. No fences shall be permitted in street yards except where the lot has multiple street yards.

4. On lots where a street yard is also a side yard, as shown in Figure *2.301*A, *Street Yard that is Also a Side Yard*, a fence may not extend into the street yard. Fences along street yards that are also rear yards, as exhibited in Figure *2.301*B, *Street Yard that is Also a Rear Yard*, shall be permitted only if specified in the landscaping plan and final plat of subdivisions. The landscape plan shall specify a fence design along road frontages to ensure a uniform appearance. No chain link fences facing a street shall be permitted.

5. A fence may be permitted in the front yard where it is part of the overall subdivision landscape plan and all homes have fences or hedges that are specified in the plan. No front yard fence shall exceed three feet in height.

6. On lots of record as of the effective date of this Code, as specified in Section *1.103*, *Exemptions and Exceptions*, fences in street yards that are also rear yards shall be permitted as a limited use per paragraph 4 above if more than 50 percent of the properties along the street face have fences. They may be requested as a conditional use where more than 25 percent of the properties on the street face

have fences. None shall be permitted if less than 25 percent of the properties on the street face have fences.

7. Atrium houses and patio houses are exempt from the requirements since they are required to have walls. (Refer to Section *11.204*, *Patio and Atrium Units*.)

Figure 2.301A
Street Yard that is Also a Side Yard

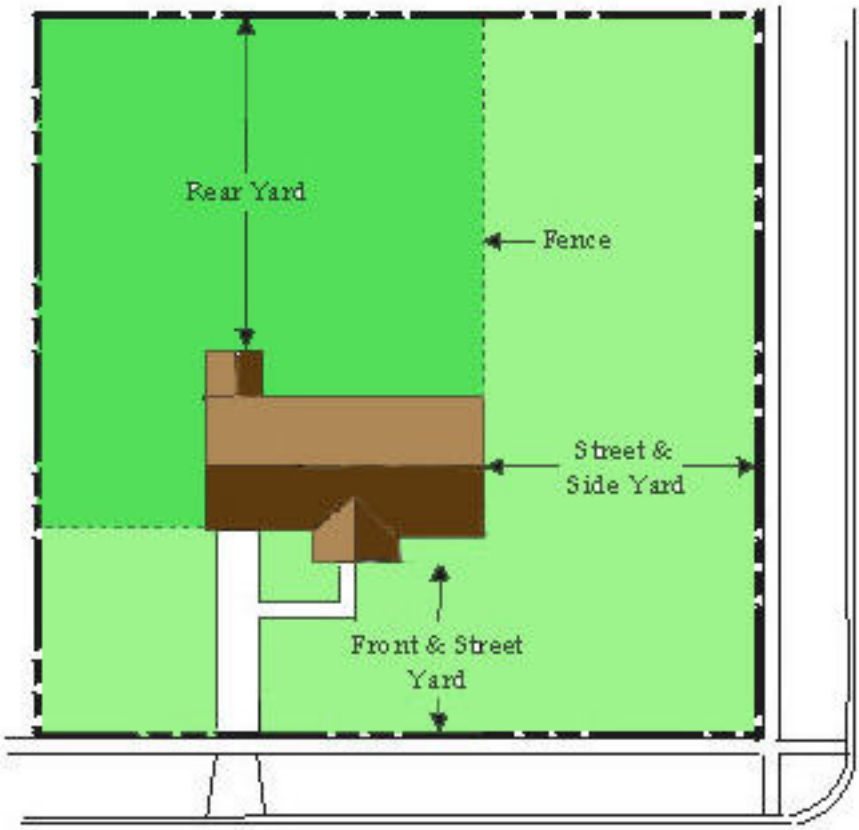
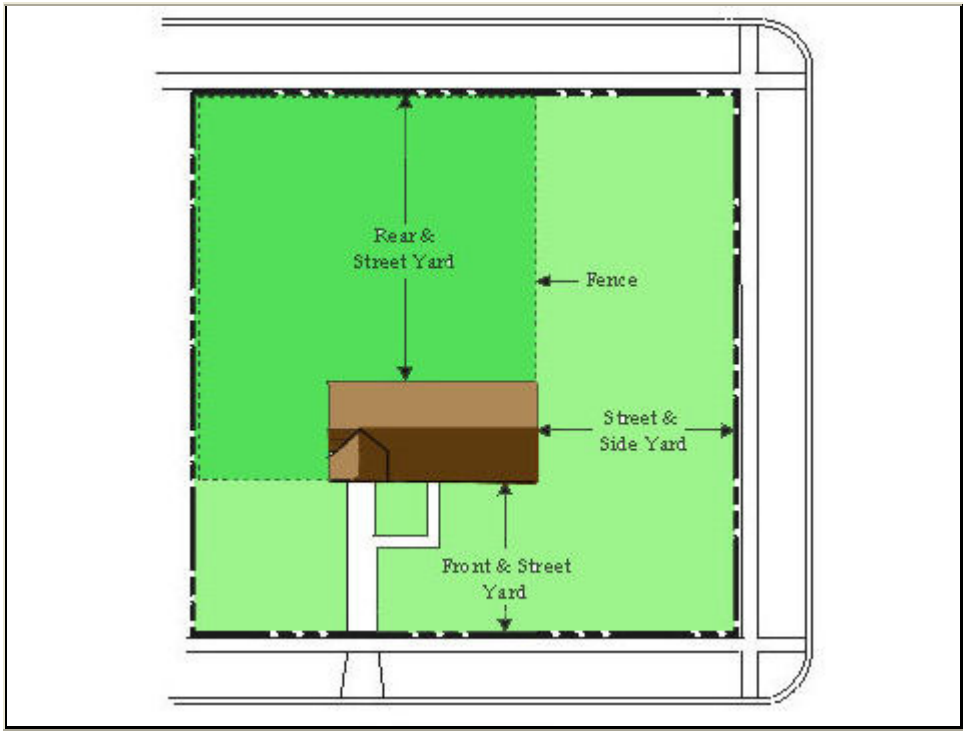


Figure 2.301B
Street Yard that is Also a Rear Yard



D. **Satellite Dish or Antenna.**

1. Generally, Satellite dishes or antennas shall not exceed three feet in diameter.
2. Where there is a need for an antenna or dish over three feet in diameter, including amateur ham radio antennas, a conditional use permit shall be required, and compliance with the following standards shall be demonstrated:
    a. Such dishes or antennas shall be mounted on the ground within the rear yard. If location in the rear yard is not possible, then the dish or antenna may be located in the side yard, excluding a street yard, subject to applicable setback requirements.
    b. The dish or antenna shall be fully screened from public view with an evergreen hedge or shrub and understory trees. The dish or antenna shall be located such that the screening protects neighboring properties and streets. However, these screening standards do not apply where the satellite dish or antenna is located in a rear yard and is not visible to the street or adjacent properties.

E. **Trucks or Business Vehicles.** No vehicles, trucks, semi-trailer trucks, or vans over three tons in gross vehicle weight shall be parked on residential lots or local residential streets.

F. **Outdoor Refuse**. Where there is a dumpster or trash enclosure, screening must meet the standards of Section 2.302 F, *Accessory Waste/Trash Storage*.

G. **Stables.** Stables containing up to one horse per acre of lot area may be permitted for the personal use of residents on lots of three acres or more in size. The stable must be located in the rear yard. No rental of stable space shall be permitted.

H. **Home Uses.** Home day care, home occupations, home businesses, and cottage industry are limited or conditional uses (see *Division 2.400*, *Limited and Conditional Uses*).

Sec. 2.302 Nonresidential Use

Nonresidential uses may have a variety of accessory uses within the principal structure or in separate structures provided they meet the following standards:

A. **Accessory Uses.** All uses not permitted in the district shall be prohibited except where:

1. They constitute less than 15 percent of the total gross floor area of the *principal use*; and
2. The use is essential to, or traditionally conducted in association with, the principal use which is a permitted use, an approved limited use, or an approved conditional use; and
3. Accessory industrial uses shall be permitted only in the Business Park (BP) or Industrial (I) districts and are prohibited in all other districts.

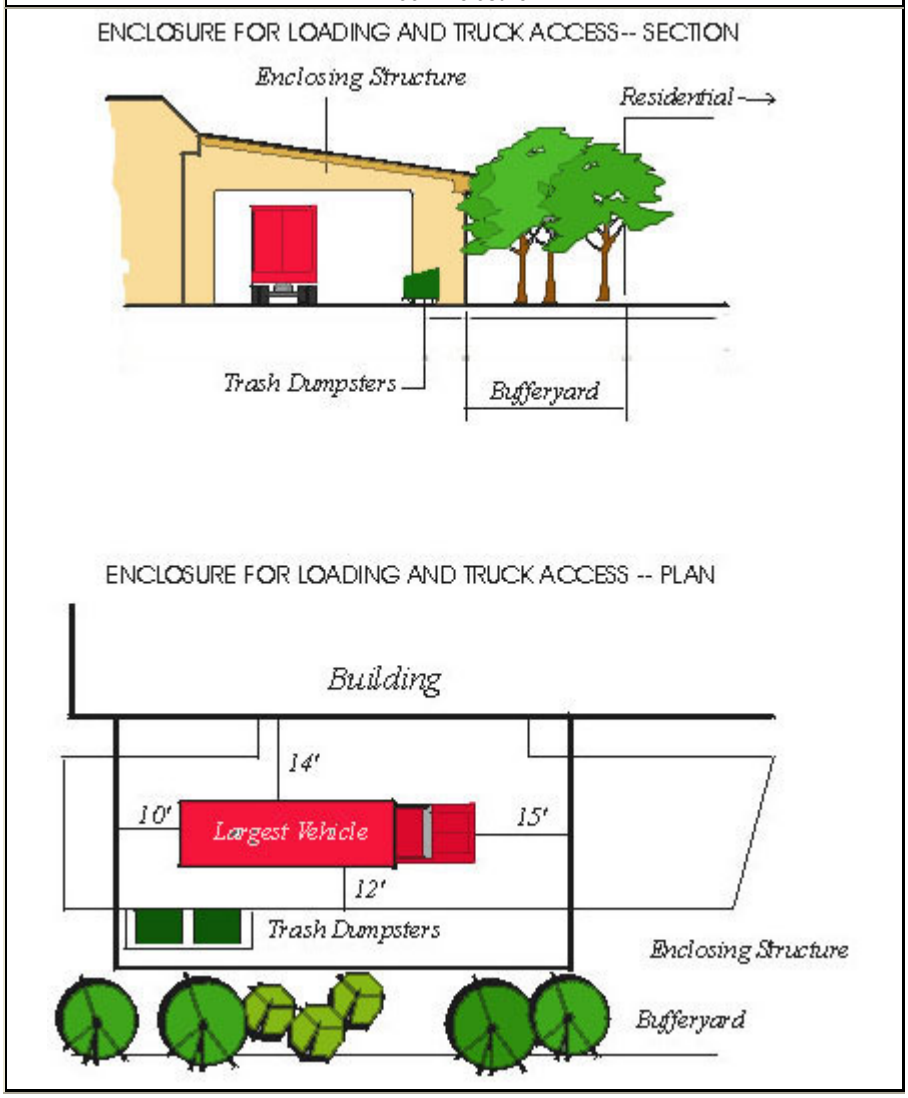
B. **General.** No uses or structures shall be within the required front, side, street, or rear yards. Except for loading and storage, the organization or placement of an accessory use shall be at the landowner's discretion.

C. **Fences.** Hazardous utilities or other uses requiring fencing for safety or liability reasons or to prevent access shall meet the following standards:

1. A hedge shall be required around the fenced area where a metal mesh fence is used. The shrubs shall be installed at a maximum of 48 inches on-center.
2. If barbed wire is necessary, a double row of shrubs shall be planted, each row at 36 inches on-center and maintained at the fence height.
3. If razor wire or concertina wire is to be used, a metal and/or masonry decorative fence (with approval by the Planning Commission) shall be erected 15 feet outside the wire fence and surrounded by a two-tenths opacity bufferyard.

D. **Loading, Truck Access, and Waste Storage.** Where loading and truck access is in the yard between residential uses or vacant land that can only be residentially used, the area shall be 100 percent screened by a bufferyard that has a two-tenths greater opacity than required by the district boundary and contains at least a six-foot tall berm or low maintenance, durable solid fence or wall. An option to this is to place these activities under roof as indicated in Figure 2.302D, *Roof Enclosure*. The buffer with the loading shed may be reduced by two-tenths opacity adjoining the shed and be the district standard elsewhere (see Article 10, *Landscaping and Tree Protection*).

Figure 2.302D
Roof Enclosure



E. **Outdoor Storage.** Outdoor storage is prohibited except as provided in this section. Except in the Industrial (I) district, all exterior or outdoor storage shall be enclosed by a wall or opaque fence of sufficient height to fully screen the stored materials from public view. If a fence, rather than a solid wall, is used, then shrubs shall be planted a maximum of 36 inches on center around the entire periphery of the storage area. The following standards cover outdoor storage:

1. **AG and CS Districts.** Only on farmsteads. Must be related to agricultural use of a home business or cottage industry. The area shall be screened by a hedge or fence from residential neighbors within 300 feet or from the road. It shall occupy no more than one percent of the property or 20,000 square feet, whichever is less.

2. **SE, SR, AR, AMH, SR, UR, NC, and CN Districts.** None permitted.

3. **AC and UC Districts.** Limited to five percent of the buildings floor area. Must be designed into the building facade and screened with a wall in the same architectural materials as the building. Where there is existing exterior storage,

the landowners shall have five years from being given notice by the City to comply with the five percent and all screening requirements of this section.

4. **BP District.** The outdoor storage shall be screened from the street by the building. Where this is not achieved, then it shall be fully screened. The outdoor storage shall not exceed the lesser of 10 percent of the building area on the lot or 10,000 square feet.

5. **I District.** The storage shall be fully screened, with all storage being in the rear or side yards. The storage area shall not exceed 20 percent of the building area unless a conditional use permit is obtained. The screening involved with a conditional use may be required to be a berm.

F. **Accessory Waste/Trash Storage.** Where dumpsters or common waste storage facilities are used in nonresidential developments, the area where the unit is stored shall be surrounded on three sides with a wood or masonry fence (or other durable, low-maintenance materials approved by the Planning Commission).

G. **Outdoor Sales / Display of Merchandise.** Outdoor displays of merchandise by retail businesses shall be allowed if the outdoor display area involves items for sale by a commercial retailer located within a permanent structure or designated area on the same site. Outdoor displays of merchandise shall be allowed on a continuous basis, subject to the following:

1. Outdoor sales areas, such as garden and lumber centers, shall be enclosed by masonry walls of at least nine feet in height, which shall be designed so that they appear to be integrated into the principal building.

2. Merchandise in an enclosed outdoor sales area shall not be stacked higher than the walls that enclose the outdoor sales area.

3. If an enclosed outdoor sales area is present, merchandise may be displayed along the sidewalk outside of the enclosure, provided that:

    a. The merchandise is no more than 15 feet away from the walls of the enclosure and no more than 20 feet from the entrance to the enclosure;

    b. The merchandise is not located in parking spaces or drive aisles;

    c. The merchandise is set back at least 15 feet from all lot lines;

    d. The merchandise does not block windows, entrances, or exits,

    e. The merchandise is displayed only during business hours; and

    f. At least five feet of clear sidewalk width remains in all areas where merchandise is displayed.

    g. The display area outside of the enclosure does not exceed 15 percent of the building ground floor area or 1,000 square feet, whichever is less.

    h. Merchandise is not stacked upon other merchandise.

    i. No display exceeds 15 feet in height.

4. On the effective date of this Code, any property on which there are outdoor displays of merchandise shall fully comply with the requirements of this section

or cease and remove the outdoor display of merchandise no later than one year after the effective date of this Code.

Division 2.400 Limited and Conditional Uses

This Division describes the standards governing individual limited uses and conditional uses, including standards for buffering, location, bulk, and scale. All limited or conditional uses shall complete a site plan review process to ensure that the standards of this Division are met. If a limited or conditional use is to be contained in a subdivision, the lot for such use shall be so designated. The districts in which various limited and conditional uses are permitted are set out in Section *2.201*, *Permitted Uses*.

A. **Limited Uses.** Limited uses are permitted upon review of a site plan. However, there are standards that may disallow limited uses on certain properties. In other cases, there are specific design or planning standards that must be met, which are contained in this Division.

B. **Conditional Uses.** Conditional uses require individual review and a public hearing to accept public comment. In addition to the standards of Section *14.304*, *Conditional Use*, for the approval of conditional uses, the use shall meet all specific standards of this Division.

Sec. 2.401 Adult Uses

Adult use facilities shall conform to the following standards:

A. **View from outside.** It shall be unlawful for an owner or operator of an adult use to allow the merchandise or activities of said business to be visible from any point outside the walls of the building housing the enterprise.

B. **Signage and lighting.**

1. No flashing lights, words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner, subject to *Article 12*, *Signs* (Reserved), shall be allowed on the exterior of the building.

2. Notwithstanding the provisions of *Article 12*, *Signs* (Reserved), it shall be unlawful for any such enterprise to erect, construct, or maintain any sign for such enterprise other than one primary sign, which shall meet the following requirements:

    a. Affixed flat against a primary wall of the building;

    b. Not exceed 15 square feet in area, displaying the business name only;

    c. Not exceed 10 feet in height or 10 feet in length; and

    d. Contain only lettering.

C. **Bufferyards.** A five-tenths opacity bufferyard with a minimum 20-foot width shall be provided on all sides of the lot containing the adult use.

D. **Separation from protected uses.** The following separation requirements shall be measured from the nearest property line of a protected use to the nearest public entrance door of the premises of the adult use along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of

determining measured distance, property situated on the opposite side of the street from a protected use shall be considered as if it were located on the same side of the street with such protected use. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line. It shall be unlawful to establish an adult use within 500 feet of any residential zoning district; lots containing a residence or residences, multiple-family residence, dwelling or rooming unit; or from the following protected uses:

1. Any building primarily and regularly used for worship services and religious activities;
2. Public or private school;
3. Public park and playground;
4. Public library;
5. Public or private community center;
6. Public or private college, university, or institution of higher learning;
7. Indoor or outdoor stadium;
8. Hospital;
9. Museum; and
10. Cultural entertainment facility.

E. **Separation between adult use establishments.** The minimum spacing between adult uses shall be one mile.

F. **Building entrance.** The entrance to the building shall be set back in a courtyard with a masonry wall at a minimum height of five feet. The entrance to the courtyard shall be the point at which customers are determined to be adults. The actual entrance door shall be a solid opaque door and must always remain closed.

G. **Access.** An adult use shall only take access from an interior street in the Industrial (I) district.

H. **Required notice.** At the entrance to the building inside the courtyard, a notice shall be posted indicating that this is an adult use, which may involve activities or materials that do not meet community decency standards.

I. **License.** Adult uses shall require a valid adult use license.

Sec. 2.402 Airports

All airport development shall be submitted with a noise impact assessment. The assessment shall identify the initial and 20-year projected Day Night Level (DNL) noise contour lines beginning with 50 DNL and proceeding to 75 DNL. The following standards shall be met:

A. **Airport Boundary.** The 20-year, 65 DNL line shall lie completely within airport property or Industrial (I) zoned or used land that has been granted a noise easement.

B. **55 DNL Limited Development Area**

1. No new residential development shall be permitted within the 55 DNL line. If for some reason a new residential use must be permitted, the building shall have insulation and windows that limit aircraft noise within the building to 50 DNL.
2. Existing residential uses shall have five years to remodel to provide insulation meeting the standards in 1 above.
3. If the 55 DNL area expands, a zoning and land use plan for all land within the 55 DNL noise contour shall be submitted. This plan shall indicate the feasibility of restricting such land to nonresidential uses. Airport approval shall be based on the ability to minimize noise intrusion into existing residential areas and to prohibit new residential development that would hinder future airport expansion.
4. Once established, the City shall require all rezonings that would permit residential use within the 55 DNL noise contour to record the noise contours on the property. In addition, all developments and all individual lot surveys shall show the noise contours, with an accompanying warning indicating the City will not restrain future airport growth because of residential development inside the 55 DNL noise contour.

C. **Site.** The minimum site area for this use shall be 300 acres.

Sec. 2.403 Bed and Breakfast

Bed and breakfast uses shall conform to the following standards:

A. **Building.** The facility must be a reuse of an existing single-family building having a minimum floor area of 2,000 square feet. Additions shall amount to no more than 25 percent of the total floor area, subject to the provisions of *Article 3*, *District and Bulk Standards*.

B. **Signs.** Bed and breakfast uses in the Agriculture (AG), Countryside (CS), Suburban Estate (SE), Suburban Residential (SR), and Auto-Urban Residential (AR) districts are limited to five square feet of total sign area, except that on farmsteads, the sign area shall not exceed 10 square feet. Such signs must be constructed of wood or other durable, non-plastic material and shall be affixed flat against the principal structure or as a monument sign exceeding no more than four feet in total height.

C. **Parking.** Bed and breakfast uses must provide for all parking off-street, which shall be fully screened from adjoining land uses by hedges and canopy trees. The Planning Commission may permit on-street parking to be substituted upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the appearance of the area.

Sec. 2.404 Body Piercing and Tattoo Businesses

Body piercing operators and tattoo operators shall conform to the following standards:

A. **View from outside.** It shall be unlawful for an owner or operator of a body piercing or tattoo business to allow the merchandise or activities of said business to be visible from any point outside the walls of the building housing the enterprise.

B. **Signage and lighting.**

1. No flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner subject to Article 12 Signs (Reserved), shall be allowed on the exterior of the building.
2. Notwithstanding the provisions of Article 12, *Signs* (Reserved), it shall be unlawful for any such enterprise to erect, construct, or maintain any sign for such enterprise other than one primary sign, which shall be the following requirements:
    a. Affixed flat against a primary wall of the building;
    b. Not exceed 15 square feet in area, displaying the business name only;
    c. Not exceed 10 feet in height or 10 feet in length;

C. **Separation from protected uses.** The following separation requirements shall be measured from the nearest property line of a protected use to the nearest public entrance door of the premises of the body piercing or tattoo use along the right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from a protected use shall be considered as if it were located on the same side of the street with such protected use. Where a multi-tenant facility, such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line. It shall be unlawful to establish a body piercing or tattoo business within 1000 feet from the following protected uses:
    1. Any building used primarily and regularly for worship services and religious activities;
    2. Public or private school;
    3. Public park and playground.

D. **License.** Body piercing operators and tattoo operators must be licensed by the Oklahoma Department of Health.

Sec. 2.405 Campgrounds and Recreational Vehicle Parks

Campgrounds and recreational vehicle (RV) parks, shall meet the following:

A. **Place of Residence**. No recreational vehicle shall be used as a permanent place of residence.

B. **Intensity.** The overall density shall not exceed three campsites or recreational vehicle sites per acre for the entire site.

C. **Open Space**. Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least 200 square feet per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas not accessible to the tenants.

D. **Sites.** Campsites must be between 4,000 and 8,000 square feet in size and must be clustered. The minimum size of a cluster is four campsites and the maximum size is 12 campsites.

E. **Utilities**. All recreational vehicle spaces shall be served with sanitary sewer, water, and electrical power, which shall be placed underground. All tent camp sites shall have water and electric power provided underground to the site.

F. **Improvement**. Each parking space shall be improved with gravel or better covering in order to maintain a dust-free condition.

G. **Buffers.** This use shall have a minimum bufferyard opacity of five-tenths on all sides and six-tenths if the adjoining property is in residential use.

H. **Floodplain.** No campsites shall be allowed in the 100-year floodplain.

I. **Site Area.** The minimum site area for this use shall be 20 acres.

J. **Access**. Site access shall be from an arterial or collector road.

Sec. 2.406 Colleges and Secondary Educational Institutions

Expansion of Western Oklahoma State College shall be permitted as a limited use. Any new college or educational institution shall be permitted only as a conditional use. The following conditions apply:

A. **Campus master plan.**

1. A new college shall submit a campus master plan, which shall be reviewed and approved by the City.
2. Within two years, Western Oklahoma State College shall submit a campus master plan for approval.
3. Any building that is proposed shall be consistent with the City-approved campus master plan.

B. **Revision of campus master plan.**

1. Any building that is inconsistent with a City-approved master plan shall first require the submission and approval of a revised campus master plan.
2. Approval of a revised campus master plan shall be reviewed by the City as a conditional use.

Sec. 2.407 Commercial Stables

Commercial stables may be permitted in the Agriculture (AG) and Countryside (CS) districts, in accordance with the following standards:

A. **Minimum Lot Area.** The minimum lot area is 10 acres or one and two-tenths acres per horse, whichever is greater.

B. **Setbacks.** Barns or riding rings shall be set back at least 50 feet from all property lines. All outdoor areas for riding, paddocks, or pastures shall be set back a minimum of 10 feet from all property lines.

C. **Buffers.** Setbacks for buildings and outdoor areas in B above shall be planted with a two-tenths opacity buffer, as specified in *Division 10.400*, *Bufferyard Requirements*.

Sec. 2.408 Cottage Industry

All cottage industries shall conform to the following regulations:

A. **Location.** In the Agriculture (AG) and Countryside (CS) districts, a cottage industry shall be conducted from a farmstead. In all other districts where this use is allowed, it shall occur in dwelling units that existed on the effective date of this Code.

B. **Use.** Allowable uses include crafts, such as cabinetry, furniture making, weaving, pottery, and arts, which are permitted in each of the above described districts. Food processing, blacksmithing and welding, and contractors are permitted only in the Business Park (BP) and Industrial (I) districts. Products manufactured on the premise may be sold on the premise.

C. **Employees.** No more than three persons other than members of the immediate family residing in the dwelling shall be employed. Businesses that do work off-site may have up to 10 employees, provided that the additional employees do not work on the premise.

D. **Building.** Any freestanding building shall be designed to blend with surrounding structures as indicated below:

   1. In the Agriculture (AG) district, the building shall either be an existing farm building converted to the new use or a new building built in the character of the farmstead's traditional buildings.

   2. In all other districts, the building shall be built to fit into the style and materials used for the principal structure.

Sec. 2.409 Disposal

Disposal uses shall be approved only as conditional use and shall meet the following requirements:

A. **End Use Plan.** An end use plan shall be submitted providing the following:

   1. The ground surface shall be restored to a condition permitting one of the following uses: agriculture, residential, recreational (see 2 below), or nonresidential. Either an escrow account or an annual fee shall be required, as approved by the City Attorney and City Council, to ensure that there are sufficient funds set aside for the restoration.

   2. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials to future uses shall be identified.

   3. Monitoring and post-closure maintenance plans shall be submitted and adequate funding provided.

B. **Buffers.** All buffers shall contain berms.

   1. The buffer must be at least 100 feet inside the property boundary and used for an agricultural use or forested.

   2. Noise studies shall be conducted to determine the berm's exact height based on the equipment operated at the site. The berm shall ensure the Day Night Level

(DNL) does not exceed 55 at the property line or any building with a line of sight to the property.

C. **Ground and Surface Water.** Different types of disposal uses have different potential impacts on ground water. Construction wastes are generally the least likely to threaten the ground water; composting, sanitary land fills, and hazardous waste sites are progressively more threatening. The following standards shall be applied to the review and approval of these uses:

1. The depth of natural soil and type of soil shall be reviewed. Clay and composite liners shall be adequate to contain all wastes. The City may impose requirements for multiple liners, drainage systems, monitoring, and pumping systems to control leachates.
2. Monitoring wells may be required.
3. An emergency response plan must be reviewed and approved. The City may impose tipping fees to ensure that an adequate emergency response fund is available.

Sec. 2.410 Drive-In Facilities

Drive-in facilities shall conform to the following standards:

A. **UC District.** In the Urban Center (UC) district, access to drive-in facilities shall be from an alley, if one exists, and the circulation shall be on the rear or interior sides of the facility so the streetscape of the use retains an urban character.

B. **SC District.** In the Suburban Commercial (SC) district, the use shall have pitched roofs for both the building and canopy that are consistent in pitch and color with the adjacent and nearby residential structures. The service area and outdoor speakers shall be directed away from abutting and nearby residentially zoned or used properties or a buffer of at least six-tenths including a fence or wall shall screen the drive-in facility from residentially zoned or used properties.

C. **BP District.** In the BP district, the drive-in facilities use shall be accessory to a permitted service use.

D. **Noise buffering.** Where any driven-in facilities use abuts a residential zoning district, the ordering station shall be buffered with a wall and/or landscaping to reduce noise transmission.

Sec. 2.411 Extraction

Extraction uses shall be approved only as conditional use and shall meet the following requirements:

A. **Spacing.** Extraction uses shall not be located closer than 1,320 feet to any residential or educational use.

B. **Hours of operation.** Extraction uses shall restrict hours of operation to 8:00 a.m. to 6:00 p.m., weekdays.

C. **End Use Plan.** An end use plan shall be submitted providing the following:

1. The ground surface shall be restored to a condition permitting one of the following uses: agriculture, residential, recreational (see 2 below), or nonresidential. Either an escrow account or an annual fee shall be required, as approved by the City Attorney and City Council, to ensure that there are sufficient funds set aside for the restoration.
2. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials to future uses shall be identified.
3. Monitoring and post-closure maintenance plans shall be submitted and adequate funding provided.

D. **Buffers.** All buffers shall contain berms.

1. The buffer must be at least 100 feet inside the property boundary and used for an agricultural use or forested.
2. Noise studies shall be conducted to determine the berm's exact height based on the equipment operated at the site. The berm shall ensure the Day Night Level (DNL) does not exceed 55 at the property line or any building with a line of sight to the property.

E. **Ground and Surface Water.** Different types of extraction uses have different potential impacts on ground water. The following standards shall be applied to the review and approval of these uses:

1. The depth of natural soil and type of soil shall be reviewed. The City may impose requirements for drainage systems, monitoring, and pumping systems to control potential water pollution.
2. Monitoring wells may be required.
3. An emergency response plan must be reviewed and approved. The City may impose tipping fees to ensure that an adequate emergency response fund is available.

Sec. 2.412 Family Child Care Home

Family child care homes shall be permitted in the Agriculture (AG), Suburban Estate (SE), Suburban Residential (SR), Neighborhood Conservation (NC), and Auto-Urban Residential (AR), and in Suburban Commercial (SC), Auto-Urban Commercial (AC), and Business Park (BP) districts on existing built single-family lots, provided they meet the provisions of Oklahoma Statutes, Part 5, Requirements for family child care homes and large family child care homes and the following standards:

A. **Maximum number of children.** No more than seven children, including children of the family providing day care, shall be accommodated.

B. **Play area requirements.**

1. Uses shall provide an on-site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of 42 inches so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.

2. The fenced outdoor play area shall be fully screened by shrubs or other vegetation with a height equal to the fence height if it is located within 10 feet of a property line.

C. **Pick-up/drop-off.** An off-street pick-up/drop-off area shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions for such use.

D. **Parking.** One space per four children shall be reserved for on-site parking during the normal hours of operation.

E. **Cul-de-sac limitation.** No such uses shall be permitted on a cul-de-sac unless the cul-de-sac is designed with off-street, overflow parking.

Sec. 2.413 Heavy Industry

Heavy industry shall be subject to the following standards:

A. **Enclosed operations.** If the facility is completely enclosed within a building, the following standards apply:

1. Access to the use shall be from an arterial roadway.
2. The use shall be located at least 1,000 feet from any residentially zoned or used properties and any public use or building.
3. A bufferyard of 0.6 opacity shall be provided along the perimeter of the site.

B. **Outside operations.** If the facility is not enclosed within a building, the following standards apply:

1. Access to the use shall be from an arterial roadway.
2. The use shall be located at least 2,000 feet from any residentially zoned or used properties and any public use or building.
3. All areas in which there is outside storage of materials shall be enclosed by a masonry wall of at least six feet in height.
4. A bufferyard of 0.8 opacity shall be provided along the perimeter of the site.

C. **Processing of hazardous materials.** Processing of hazardous materials is prohibited, except in leak-proof buildings with negative pressure.

Sec. 2.414 Home Business

All home businesses shall conform to the following regulations:

A. **Location.** In the Agriculture (AG) and Countryside (CS) districts, a home business shall be conducted from a farmstead.

B. **Relationship to Dwelling.** The use for the occupation must be clearly incidental to the use of the dwelling as a residence in the Agriculture (AG) and Countryside (CS) districts. A floor area equal to no more than 40 percent of the dwelling unit may be used for the business. In all other districts, the home business shall not be more than 60 percent of the dwelling's floor area.

C. **Use.** Office uses and service businesses shall be permitted. No stock-in-trade shall be displayed or sold upon the premises except that in the Suburban Commercial (SC), Auto-

Urban Commercial (AC), and Urban Center (UC) districts, any retail permitted in the district may be permitted in a single-family dwelling that is used for both residence and retail uses.

D. **Employees.** No more than two persons other than members of the immediate family residing in the dwelling unit shall be employed.

E. **Parking.** All parking shall comply with the provisions of *Article 9*, *Parking, Loading, Access, and Lighting*, and shall be fully screened from public view with a berm, solid fence, and/or hedge.

F. **Signs.** A single non-illuminated sign or nameplate is permitted up to six square feet in size, which shall comply with the standards contained in *Article 12*, *Signs* (Reserved).

Sec. 2.415 Home Occupations

A home occupation is only permitted as an accessory use in a residential dwelling if it meets the following conditions:

A. **Maximum floor area.** It does not exceed more than 10 percent or 220 square feet of the gross floor area of the principal building, whichever is less;

B. **Common ownership.** It is managed and owned by a person residing in the dwelling unit;

C. **Employees.** It does not depend on the employment of any person other than a member of the immediate family living in the structure;

D. **Access.** An entrance is not specifically dedicated for the home occupation, unless otherwise required by law;

E. **Building character.** An alteration is not made that changes the character or appearance of the dwelling;

F. **Outdoor storage.** It does not require or use outdoor storage;

G. **Outdoor display of merchandise.** No commercial display of materials, merchandise, goods, or equipment is visible from the exterior of the dwelling unit;

H. **Signage.** Signage is restricted to an unlighted name plate or business sign with an overall size of no more than two square feet that is attached flush to the building;

I. **Deliveries.** It does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one ton step-up vans, or similar sized trucks;

J. **Commercial vehicles.** It does not have vehicles or trailers parked on the premise in a place visible from adjoining property or public rights-of-way, which identifies by sign, logo, or emblem the occupation, business, or activity;

K. **Nuisance.** It does not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties;

L. **Risk.** It is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;

M. **Parking.** It is conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

N. **Other permits.** It is operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

O. **Prohibited home occupations.** The following uses are prohibited as home occupations:

1. Barber, beauty, and other personal service shop;
2. Animal care facility, such as hospitals, stables, or kennels;
3. Dance studio or school;
4. Repair shop;
5. Rooming/Boarding House; or
6. Day Care Facility.

Sec. 2.416 Hospitals

In the UR District, hospitals shall be located so that they take access from an arterial street.

Sec. 2.417 Kennels and Veterinary Clinics/Hospitals

Kennels and veterinary clinics/hospitals may be permitted in the Agriculture (AG), Countryside (CS), Auto-Urban Commercial (AC), or Industrial (I) districts.

A. **AG and CS Districts**. The use is permitted as a home business on a farmstead. It may also be permitted on lots of 10 acres. Runs or paddock areas shall be a minimum of 50 feet from residentially zoned or used property.

B. **AC District**. A minimum of one acre is required if there are to be outside runs. No dog runs may abut or be within 50 feet of residentially zoned or used land. No large animal veterinary clinics may be in this district. For uses where all operations and activities are conducted within a fully enclosed building, which is to be designed with noise resistant materials, the minimum lot size shall be 5,000 square feet in a shopping center or 10,000 square feet for freestanding buildings. Plans and specifications for noise reduction materials shall be approved by the City through the site plan approval process. Runs shall be used only during daylight hours and shall be a minimum of 100 feet from residentially zoned or used property.

C. **I District**. No outdoor runs shall be permitted on less than one acre for kennels or small animal clinics. Large animal veterinary clinics shall require a minimum of two acres. Runs or paddocks shall be used only during daylight hours and shall be a minimum of 100 feet from residentially zoned or used property.

Sec. 2.418 Light Auto Services

In the Suburban Commercial (SC) district, light auto services shall have pitched roofs for both the building and canopy, which is of a compatible pitch and color to that of adjacent and nearby residential structures. A minimum buffer of six-tenths, including a fence or wall, shall screen the use from residentially zoned or used property. At no point shall lighting on the site exceed 60 footcandles.

Sec. 2.419 Manufactured Home Parks and Subdivisions

A. **Permanent Foundations.** All manufactured homes in manufactured home parks or manufactured home subdivisions shall be mounted on a permanent foundation pad consisting of masonry or concrete. Each foundation pad shall provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations, runway screw augers, arrowhead anchors, or other devices, which secure the stability of the unit and shall be placed at least at each corner of a manufactured home.

B. **Utilities**. All units shall be served with sanitary sewer, water, and electrical power, which shall be placed underground.

C. **Unit Specifications**. All manufactured homes shall meet the following specifications:

1. The average height of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
2. The roof of each manufactured home unit shall be pitched with a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run.
3. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.

D. **Skirting.** The vacant space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, manufactured vinyl, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit.

E. **Site Design.** Manufactured home parks shall meet the following standards:

1. A minimum of 20 percent of the lot area shall be public open space.
2. Where a manufactured home park contains more that eight units, at least two public accesses shall be provided.
3. A six-foot solid fence shall be provided along any property line adjoining a residential district or use.
4. Laundry and maintenance buildings are permitted as an accessory use.
5. All units are required to have an enclosed area for outdoor storage, which shall be permanently affixed to the land, set back a minimum of five feet from all property lines, and shall have a minimum floor space of 80 square feet.
6. All manufactured homes and manufactured home parks shall provide bufferyards on all borders and shall have an increased bufferyard opacity of four-tenths.

F. **Area.** Parks shall have a minimum site area of five acres and a maximum site area of 15 acres. Subdivisions shall have a minimum area of five acres, but no maximum area.

G. **Unit Inspection.** When a unit is to be released, it shall be inspected by the City. All units that do not comply with standards for manufactured housing shall be given a complete interior and exterior inspection focusing on habitability and safety. If the unit is deemed unfit, the City may require improvements or replacement with a newer unit certified by the U.S. Department of Housing and Urban Development (HUD).

Sec. 2.420 Mixed Use

Mixed uses contain different use types on different floors, one of which shall be a residential use. Other uses including commercial lodging, commercial retail, office, restaurant, services, and places of assembly shall be permitted so long as mixed use is permitted. Any other use permitted in the district is also permitted. The following standards apply to mixed uses:

A. **Minimum Residential.** At least 30 percent of the total floor area shall be devoted solely to residential use.

B. **Recreation Space.** Each residential unit shall have 200 square feet of public or private outdoor recreation or activity space in the form of balconies, roof top areas, or ground level space such as a plaza that is designed for the use and enjoyment of the residents.

C. **Parking.** Parking shall be reduced to the maximum parking needed for the composite uses in the peak parking hour.

D. **Multiple Building Mixed Uses.** Where there are more than four buildings, not all buildings have to have residential use, nor do all buildings have to be mixed use, provided the following are met:

1. At least 65 percent of the buildings shall have residential use in them at full project build-out. Residential uses must be included in the first building constructed.

2. If any building is to be solely residential or nonresidential, the City shall require its phasing to ensure that the project meets the desired mix.

3. Institutional uses may be housed by single-use buildings, unless their primary use is an office function.

4. Such complexes shall have a unified site plan, which shall have a pedestrian-oriented circulation plan that is a key element in the overall site plan.

Sec. 2.421 Places of Assembly

So as to ensure land use compatibility, protect the integrity of neighborhoods, and preserve community character, places of assembly shall conform to the following standards:

A. **Location.** All places of assembly shall comply with the provisions of Section *3.203*, *Nonresidential Scale Regulations*, and shall be located on the classification of roadway required for the scale of the use, with the most intensive uses located on arterial roads.

B. **Minimum Lot Size.** In all residential districts, places of public assembly shall have a minimum site area four times greater than the minimum lot size of the respective district or as specified in this paragraph, whichever is greater.

1. Schools shall have a minimum site area of 10 acres.

2. A library or museum shall have a minimum site area of two acres.

3. A religious institution shall have a minimum site area of one acre.
4. Day care uses shall have a minimum site area of one acre or 1,000 square feet per child, whichever is greater.

Sec. 2.422 Protective Care

All protective care facilities shall have an emergency plan filed with the police, emergency services, and disaster and emergency agencies indicating that these facilities have a plan ensuring against any form of emergency to protect the adjoining properties. The following standards shall apply to protective care facilities:

A. **Agriculture (AG) District.** The use shall meet the following standards:
   1. A minimum site area of 30 acres is required.
   2. The building and any yards shall be set back a minimum of 300 feet from any property line.
   3. A buffer with a six-tenths opacity shall be required, which shall be a minimum of 30 feet in depth.

B. **Industrial (I) District.** The use shall be designed as a building with outdoor exercise areas behind walls designed in the same materials and forms as the building. A minimum setback of 30 feet from any side or rear yard is required. Such uses shall be a minimum of 500 feet from a residential zoning district.

C. **Urban Center (UC) District.** This use shall only be permitted as an adjunct to the City or County buildings. A detailed site plan and architectural plan shall be submitted to the City for review to ensure that the building is consistent and compatible in material, scale, and appearance with the character in the historic downtown area. Its design must embrace and enhance the urban character of the streets upon which it abuts.

Sec. 2.423 Public Service

Public service encompasses an array of uses with varying impacts. Where the use is allowed as a limited use, it shall be subject to the following standards:

A. **Location.** The public service use shall front on a collector or arterial street.

B. **Vehicle storage.** The public service use shall not include outdoor vehicle storage.

Sec. 2.424 Recreation, Indoor

Indoor recreation uses in the Business Park (BP) district are intended to serve the employees who work within the district. As such, the following standards ensure that they will be integrated into the character of the district and will not generate substantial amounts of additional traffic.

A. **Maximum floor area.** The indoor recreation use does not exceed 25% of the floor area of the building in which it is located.

B. **Visibility.** The indoor recreation use is not visible from outside of the building.

C. **Signage.** No freestanding signage is allocated to the indoor recreation use.

Sec. 2.425 Recycling or Storage

Recycling and storage uses have different scales with varying nuisance potentials. Small-scale recycling is permitted as a limited use with few restrictions, while larger-scale uses must meet more restrictive standards, as follows:

A. **Recycling drop-off.** This is a small local drop-off where materials are collected for shipment to a recycling facility. It may be permitted in the Industrial (I) district. All such facilities shall meet the following:

   1. It shall be located along and have direct access to a collector or arterial roadway.
   2. All recycling materials shall be stored inside a solid perimeter fence at a height such that the recycling materials are not visible from any public right-of-way or adjacent property.
   3. No materials causing offensive odors or unsanitary conditions or having caustic, toxic, or otherwise potentially harmful chemicals or compounds shall be stored on any lot or premise.
   4. All principal structures and accessory structures shall be located a minimum of 500 feet from residentially zoned or used properties and any public use or building.
   5. The total area devoted to this accessory use shall not exceed 500 square feet.
   6. If storage is located outside against the building, it shall be enclosed by a wall designed to blend with the architecture of the building.
   7. If it is freestanding, it shall be designed to meet the standards of the waste or trash storage area in Section 2.302F, *Accessory Waste/Trash Storage*. It shall be oriented so that landscaping faces adjoining properties or streets.

B. **Resource recovery or recycling facility**.

   1. If the facility is completely enclosed within a building, the following standards apply:
      a. The facility is located in an Industrial (I) district.
      b. Access to the use shall be from an arterial roadway.
      c. The use shall be located at least 1,000 feet from any residentially zoned or used properties and any public use or building.
      d. The building shall be designed so that trucks can pass through it to unload materials.
      e. A bufferyard of 0.6 opacity shall be provided along the perimeter of the site.
   2. If the facility is not enclosed within a building, the following standards apply:
      a. The facility is located in an Industrial (I) district.
      b. Access to the use shall be from an arterial roadway.
      c. The use shall be located at least 2,000 feet from any residentially zoned or used properties and any public use or building.

d. All areas in which there is outside storage of materials shall be enclosed by a masonry wall of at least six feet in height.

e. A bufferyard of 0.8 opacity shall be provided along the perimeter of the site.

C. **Processing of hazardous materials.** Processing of hazardous materials is prohibited, except in leak-proof buildings with negative pressure.

Sec. 2.426 Retail Commercial, Services, and Restaurants

A. **UR District.** In the Urban Residential (UR) district, retail commercial and services uses shall be located on the ground floor of a multi-story building that is a permitted use in the district. The use shall constitute no more than 25 percent of the gross floor area. The use shall also front on a collector or arterial street. Restaurants are not permitted.

B. **BP Districts.** In the Business Park (BP) district, retail commercial, services, and restaurant uses shall be located on the ground floor of a multi-story building that is a permitted use in the district. The use shall constitute no more than 25 percent of the gross floor area.

C. **I District.** In the Industrial (I) district, restaurants and services are prohibited. Retail commercial use shall be permitted:

1. In the same building as the manufacture or assembly of the products which are being sold, provided that:

   a. At least 60 percent of the building is manufacturing or warehousing; and

   b. The business does both wholesale and retail sales.

2. Any such building, if it fronts on an arterial street, shall meet the design standards and provisions of Section *11.303*, *Auto-Urban Commercial District Standards*.

D. **Parking.** The required parking for composite uses shall be in accordance with *Article 9*, *Parking, Loading, Access, and Lighting*.

Sec. 2.427 Single-Family Detached

A. **Limitation to existing units.** Only those single family detached dwelling units that existed as of the effective date of this Code are permitted to continue as Limited Uses.

B. **Expansion and alteration.** Single family detached dwelling units may be expanded up to the lesser of 5,000 square feet or the maximum floor area permitted in the underlying zoning district by Table *3.201*B. *Nonresidential Use District Standards.* The maximum height is 35 feet.

C. **Minimum lot size.** The minimum lot size of Table *3.201*B. *Nonresidential Use District Standards* shall not apply to single family detached dwelling units that are subject to this Section. However, lot size shall not be reduced if the FAR standards of Table *3.201*B. *Nonresidential Use District Standards* are exceeded before or after the reduction.

Sec. 2.428 Small-Family Dwelling

Refer to *Article 5*, *Housing Bonus*, Section *5.202*, *Affordable Housing Eligibility*.

Sec. 2.429 Utilities, Community

A. **AG, CS, SE, SR, NC, AMH, AR, and UR Districts.** In the Agriculture (AG), Countryside (CS), Suburban Estate (SE), Suburban Residential (SR), Neighborhood Conservation (NC), Auto-Urban Manufactured Home (AMH), Auto-Urban Residential (AR), and Urban Residential (UR), the applicant shall demonstrate that the use cannot be located in a district in which it is a permitted use and has to be located in one of the above districts for service reasons. A bufferyard shall be provided on all sides with an increased opacity of three-tenths.

B. **UC District.** In the Urban Center (UC) district, the design of the community utilities shall be compatible with the urban environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to provide an expansion of the sidewalk areas with landscaping and seating to make the utility a useful part of the streetscape.

Sec. 2.430 Vehicular Sales, Rental, and Service

A. **General.** The display, on any lot, of vehicles or equipment for sale (including automobiles, boats, lawn equipment, all-terrain vehicles, or other similar items) is prohibited, unless the sale of such vehicles or equipment is permitted within the district and the current certificate of occupancy for the location has been obtained from the City. However, this prohibition shall not apply to the sale, by owner, of a private vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition and, when parked, is parked on a paved surface on the occupant's residential property and no more than one vehicle per year is offered for sale.

B. **Standards.** Vehicular sales, rental, and service establishments, where permitted as limited or conditional uses, shall conform to the following standards:

1. All lighting shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties, in accordance with *Article 9*, *Parking, Loading, Access, and Lighting*.

2. Repair bays shall not front an adjacent public street rights-of-way or towards residentially zoned land.

3. All vehicle display areas and lots shall be screened in accordance with *Article 10*, *Landscaping and Tree Protection*. One vehicle may be on an elevated display, with a maximum height of the structure being no more than 36 inches for each 100 feet of arterial street frontage.

4. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back a minimum distance of 50 feet from all rear and side yards of a residentially zoned or used property.

5. In the Urban Center (UC) district, the use shall be in a multi-story building that contains all sales and service areas with no outdoor vehicle storage, except an expanded sidewalk area may contain a display of up to three vehicles located entirely on the property. Design of such display area shall enhance the streetscape, as approved by the City. The frontage of the building shall be 70 percent glass to provide a view of the showroom.

6. No vehicles shall be parked on the public right-of-way. Violating vehicles shall be towed by the City without notice and constitute a zoning violation.

Sec. 2.431 Wireless Telecommunications Facilities

A. **Purpose.** The purpose and intent of this subsection is to provide a uniform and comprehensive set of standards for the development and installation of wireless telecommunication facilities. These regulations are designed to coordinate development of the wireless telecommunication infrastructure necessary to provide communication services for the City of Altus while preserving the public health, welfare, and aesthetic qualities of the City and for its residents. Specifically, the purposes of this section are:

1. To promote and encourage the joint use of new and existing tower locations as a primary option, rather than construction of additional single-use towers;
2. To minimize tower proliferation throughout the community; all reasonable efforts should be made to co-locate facilities on existing or new towers or existing structures;
3. To ensure that towers are located throughout the community and, to the extent possible, in areas that minimize adverse impact to the community;
4. To protect residential areas and land uses from the potential adverse impact of towers by locating towers in nonresidential districts;
5. To encourage that towers and antennas are configured in a way that minimizes objectionable visual impacts through careful design, buffering, and camouflage techniques;
6. To enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively, and efficiently;
7. To avoid damage to adjacent properties from tower failure through appropriate siting of wireless telecommunications facilities and engineering principles; and
8. To consider the public health and safety of residents.

   In furtherance of these purposes, the City of Altus shall give due consideration to the Comprehensive Plan, Zoning Map, Altus Air Force Base, Altus/Quartz Mountain Regional Airport, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. **Interpretation and Applicability.** This section does not apply to the use of or location of:

1. FCC exempted antennas;
2. Private residential citizen-band radio towers, amateur radio towers, and television antennas;
3. Towers located on property owned, leased, or otherwise controlled under the authority of any City, County, or State or by any agency of the United States of America, used exclusively for police, fire, emergency medical services, 911, or other public emergency communications are exempt from the requirements and with all standards contained in this Code, provided that such only be available if a commercial lease or license has been approved by the applicable governing body; or

4. Antennas on existing structures that do not extend above 20 feet in height above the structure.

C. **Co-location Standards.** All applicants for a Wireless Telecommunications Facilities Permit shall co-locate on an existing facility if it is feasible and available to do so.

1. An existing facility shall be deemed to be feasible and available to the applicant for co-location if:

    a. The facility is within the search ring of the applicant or within a reasonable distance so as to fit into the applicant's design;

    b. Space is available on the facility; and

    c. The facility owner will lease space to applicant at a reasonable market rate.

2. No proposal for the construction of a new wireless telecommunications tower shall be approved unless the applicant documents to the satisfaction of the Wireless Telecommunications Facilities Committee that:

    a. the antenna planned for the proposed tower cannot reasonably be accommodated on:

        i. A City-owned structure;

        ii. An existing, conforming co-location tower or structure; or

        iii. A utility pole within the applicant's search ring transcending the municipal borders for the purpose of providing service to the residents and businesses of the City;

    b. Due to one or more of the following:

        i. No existing towers, antennas, or other structures are located within the geographical area that meet the applicant's engineering requirements.

        ii. The antenna would exceed the structural capacity of an existing tower or building (new tower antenna support structures must be built with a base structural capacity which would have the ability to locate up to three additional users).

        iii. Existing towers or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

        iv. The antenna would cause electromagnetic interference with other existing or planned equipment at the tower or building, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

        v. Existing or approved towers and buildings cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to provide services to the residents and businesses of the City.

vi. Existing or approved towers and commercial buildings are outside of the documented search area.

vii. The owners or lessors of the existing or approved towers and buildings are unwilling to allow co-location upon their facilities, or the fees, costs, or contractual provisions required by the owner in order to share an existing tower, antenna, or other structure or to adapt an existing tower, antenna, or other structure for sharing are unreasonable. Costs exceeding new tower or antenna development are presumed to be unreasonable.

viii. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas, or other structures, such as cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

ix. The applicant demonstrates that there are other limiting factors that render existing towers, antennas, and other structures unsuitable.

3. If the applicant finds co-location is not feasible and available, it shall submit to the City a written statement of the reasons for the infeasibility and unavailability. The City may retain a technical expert in the field of Radio Frequency (RF) engineering to determine whether co-location at the site is feasible and available. The cost for such a technical expert will be at the expense of the applicant.

4. The City may deny the permit unless the applicant demonstrates to the City by substantial evidence that existing wireless telecommunications facilities and/or City-owned property cannot accommodate the applicant's proposed antenna.

5. A wireless telecommunications tower shall not be permitted unless the owner of the proposed tower certifies to the City that the tower is available for use by other wireless telecommunications service providers on a reasonable and nondiscriminatory basis. Towers and accessory support facilities shall be designed and built to accommodate a minimum of three wireless telecommunications services.

6. To facilitate co-location and coordination of wireless telecommunications sites, all wireless telecommunications service providers shall, within 90 days of the passage of this Code, provide the City with their respective master plans. Said plans shall include detailed maps showing the locations of all wireless telecommunications towers serving any portion of the City and indicating their coverage areas.

7. Wireless telecommunications service providers shall also provide the City with any updates to the above documents within 90 days of their creation.

D. **Conditions of approval.** In granting a permit, the Wireless Telecommunications Facilities Committee may impose conditions to the extent such conditions are necessary to

minimize any adverse effect of the proposed tower or antenna on adjoining properties. The Committee may also waive or reduce the burden on the applicant for one or more of the criteria of this Section if the Committee concludes that the goals of this Code are better served.

E. **Design and Construction Standards**

1. **Federal and state standards.** In addition to any other requirements of this or any other section of this Code, specific standards for the design and construction of wireless telecommunication facilities are as follows:

    a. All wireless telecommunication facilities shall be constructed, emplaced, erected, modified, and operated in compliance with current FCC and FAA rules and regulations and other applicable federal and state standards.

    b. Applicants are responsible for complying with all FCC rules and regulations, including all regulations providing protection from radio frequency interference.

    c. Wireless telecommunication facilities must conform to the most current revision of TIA/EIA 222 standards and shall be designed and located such that, if the structure should fall, it will avoid structures authorized for assembly occupancy and public ways.

2. **Documentation.**

    a. The applicant must provide a copy of its FCC license or, if the applicant is not a FCC license holder, documentation of applicant's exemption from a FCC license requirement.

    b. The City may require the applicant to provide documentation that the power density levels do not exceed federally approved levels or American National Standards Institution (ANSI) standards, whichever provides the stricter requirements.

    c. The applicant must supply an engineer's certification of the structural integrity of the tower and associated equipment. If more than one user is involved, the applicant shall supply certification that the tower has sufficient integrity to accommodate more than one user.

    d. The application process for such towers shall include a certification from the applicant that the tower meets all fall zone standards for the height requested.

    e. Compliance with the requirements of this Section shall be certified by a professional engineer, licensed by the State of Oklahoma or eligible for registration in the State of Oklahoma, in a report describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

3. **Design standards.**

   a. Wireless telecommunication facilities shall be designed and engineered to withstand wind loading and other design standards as defined by Building Officials and Code Administrators (BOCA) and American National Standards Institute (ANSI) for Jackson County, Oklahoma.

   b. Towers and related buildings and equipment used in conjunction with wireless telecommunication facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and the built environment.

   c. There are areas within the City of Altus where wireless telecommunication towers shall be located, provided appropriate zoning district and other requirements of this Article are met. Towers may be located in any zoning district except residential, within a tower zone described as follows: Beginning at the intersection of East Broadway and North Park Lane; north to the Altus city limits; east to Veterans Drive; south to the Altus city limits; west to the Altus city limits; north to West Broadway and east to North Park Lane as shown on the Tower Zone Map.

   d. The total height of the projection of the wireless telecommunication facility measured Above Ground Level (AGL) shall not exceed the building height restrictions in the applicable zoning district under this Code by more than 20 feet, with the following exceptions:

      i. Within the Urban Center (UC) districts, towers shall not exceed 55 feet in height.

      ii. Within the Industrial (I) or Agriculture (AG) districts, towers shall not exceed 150 feet in height.

   e. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

   f. The exterior of equipment buildings and/or equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings and must be constructed so as to minimize health and safety problems.

   g. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. **Separation.** Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing or approved towers. The

separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. For purposes of measurement, separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

a. Towers located in the Urban Center (UC) district shall not be constructed, emplaced, erected, or modified closer than 500 feet to another existing or approved tower.

5. **Fall Zone.** In order to ensure public safety, wireless telecommunication facilities shall be designed to withstand the maximum forces expected from wind and ice when a tower is fully loaded with antennas, transmitters, and other equipment or for antennas installed on alternative structures. No tower or antenna shall be constructed, emplaced, or erected unless the minimum setback from the center of the base of the structure to any property line, road, habitable dwelling, business or institutional use, recreational facility, or other tower and/or antenna equals or exceeds 110 percent of the total height of the tower and all attachments thereto. This setback is considered the "fall zone."

6. **Landscaping.** Existing mature tree growth and natural land forms on the wireless telecommunications facility site shall be preserved to the maximum extent possible. Facility sites shall be landscaped with a buffer of plant materials, which effectively screens the view from property used for residences or included in a residential zone. The standard buffer shall consist of a landscaped strip at least four feet wide along the perimeter of the facility compound.

7. **Guy wires.** Guy wires must be anchored no closer than 25 feet to any property line. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

8. **Fence.** The base of the tower and any accessory support facilities, such as anchored locations of guy wires, shall be screened from view with decay resistant security fencing, which shall be a minimum of six feet in height. Towers shall also be equipped with an appropriate anti-climbing device.

9. **Signs.** No signs of an advertising nature shall be located on an antenna, tower, or screening fence surrounding such tower. However, the tower owner or operator shall post a sign no larger than four square feet designating a person or response agency to contact in an emergency, together with the telephone number and address. Such signs shall be posted no higher than 10 feet AGL.

10. **Parking Spaces.** The applicant will be required to provide ingress/egress only from approved access points and a minimum of one off-street parking space per provider with no more than three parking spaces per site.

11. **Illumination.** Illumination of a tower is prohibited except as required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Required lighting shall be directed upward and away from adjoining properties. Ground level security lighting shall not be more than 20 feet in height and directed downward, not upward or outward.

12. **Noise.** Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 55 dBA at the property line. Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of 55 dBA at ground level at the base of the building closest to the antenna.

13. **Accessory support facilities.** Accessory support facilities can be no more than 350 square feet of gross floor area or more than 12 feet in height. Minimum setback requirements of the zoning district apply to accessory support facilities.

14. **Alternative tower structures.** Wireless telecommunication facilities may be permitted on an alternative tower structure at least 30 feet in height under the following conditions, which shall be in addition to the requirements of subsections E.1., E.2., E.4., E.5., E.9., E.10., and E.12. above. Subsections E.3., E.6., E.7., E.8., and E.11. do not apply to alternative tower structures.

    a. If the facility or an accessory support facility is located upon the roof of a structure, each such facility shall be set back a distance at least equal to the height of the wireless telecommunication facility unless the facility is screened or camouflaged in a manner that is compatible with the surrounding property. The top of the antenna or other facility shall not be more than 30 percent of the height of the alternate structure or 75 feet, whichever is less.

    b. The alternative structure must be similar in color, scale, and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment and must be constructed so as to minimize health and safety hazards.

15. **Antennas mounted on structures or roof tops.** The equipment cabinet or structure used in association with antennas shall comply with the following:

    a. A safety report from a structural engineer shall be provided establishing the structural integrity of the principal support structure.

    b. Equipment storage buildings or cabinets shall comply with all applicable building codes.

16. **Antennas mounted on utility poles or light poles.** Antennas mounted on utility poles or light poles shall be subject to franchises as required by law. The equipment cabinet or structure used in association with these antennas shall be located within designated easements or within the public right-of-way as provided in the franchise agreement. In no way shall the equipment cabinet or structure interfere with pedestrian or vehicular circulation and visibility.

17. **Accessory structures.** The related, unmanned equipment structure shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

F. **Inspection.** The City may, at any time, inspect any wireless telecommunication tower, antenna, or other facility to ensure its structural integrity. If, upon such inspection, the

city's chief building inspector determines that the facility fails to comply with such applicable codes and that such failure constitutes a danger to persons or property, then, upon notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with the applicable codes and standards. Failure to bring the facility into compliance within the said 30 days shall constitute cause for the removal of the facility at the owner's expense.

G. **Removal.**

1. Abandoned antennas and towers are hereby considered a public nuisance and removable by the City in accordance with nuisance abatement procedures (See Section *15.204*, *Failure to Correct*). Failure to remove an abandoned antenna or tower within 90 days shall be grounds for removal of the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. This requirement shall apply to co-located facilities unless the co-location agreement provides for the removal of abandoned facilities by the tower operator.

2. Any wireless telecommunication facility that is not operational shall be considered abandoned, and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. If not so removed, the City may remove all abandoned towers, antennas, or facilities at the expense of the owner or operator. As used in this subsection, the word "abandoned" shall mean a facility that has not been operational for a consecutive twelve-month period, except where non-operation is the result of maintenance or renovation activity pursuant to valid city permits. Notice shall be given to the owner and to the owner of the structure or property on which the antenna or tower is located if different from the tower owner.

3. The project sponsor of a proposed Wireless Telecommunication Facility shall be required to provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The sinking fund shall be established to cover a two-year period at a financial institution approved by the City Council. The sinking fund payment shall be determined by the City Council and shall be adequate to defray expenses associated with the removal of the wireless telecommunication facility.

H. **General Requirements**

1. **Building Codes.** To ensure the structural integrity of wireless telecommunications towers and antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers and antennas that are published by the Telecommunication Industry Association (TIA)/Electronic Industries Alliance (EIA), as amended from time to time. If, upon inspection, the City believes that a tower or an antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then the City may proceed under applicable State of Oklahoma law or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

2. **State or Federal Requirements.** All wireless telecommunication towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Code shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the City to seek a court order authorizing the City or its designee to remove the tower or antenna at the owner's expense.

3. **Airport Operations Compliance.** Any person desiring to construct, emplace, erect, or modify any wireless telecommunications towers, antenna support structures, or facilities, including devices or antennas, shall comply with Section 6, Aviation, of the Altus Code of Ordinances, which pertains to airport operations and restrictions now in existence or hereafter amended. In the event of any conflict between FAA regulations and local ordinances, the stricter of the two shall apply.

4. **Environmental Standards.** Wireless telecommunication facilities shall not be permitted in any wetland and disturbance to wetland buffer areas shall be minimized. A wireless telecommunication facility shall not be permitted in any area where it would threaten endangered species or critical habitats. In addition, wireless telecommunications facilities shall not be permitted where they would significantly change surface area, contribute significantly to deforestation, or create significant water diversions.

5. **Franchises.** Owners and/or operators of wireless telecommunication towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises with the City Clerk.

I. **Approval Required.** No person shall place, construct, or modify a wireless telecommunications facility, including towers, antennas, and equipment, without first having obtained a Wireless Telecommunications Facilities Permit. In addition to any other requirements of this or any other section of this Code, the Wireless Telecommunications Facilities Permit requirements are as follows:

1. **New Construction.** Approval and issuance of a Wireless Telecommunications Facilities Permit is required for:

    a. Construction of a new wireless telecommunications facility; and

    b. Any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

2. **Expansion of an Existing Facility and Co-location.** Approval and issuance of a modification to an existing Wireless Telecommunications Facilities Permit is required for:

a. Any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet;

b. Development of an accessory use to an existing wireless telecommunications existing facility; and

c. Co-location on an existing wireless telecommunications facility.

Division 2.500 Temporary Uses

This Division addresses temporary uses. Section *2.201*, *Permitted Uses*, includes use tables that differentiate between uses that are listed as "Permitted" and uses that are "Limited" or Conditional" in each district. Uses listed as "Permitted" are regulated by Section *2.503*, *Permitted Temporary Uses*. For those listed as "Limited" or "Conditional" temporary permits will be issued in accordance with Section *2.504*, *Limited and Conditional Temporary Uses*. A temporary use permit shall be required in all cases.

Sec. 2.501 General Standards for All Temporary Uses

All temporary uses shall be reviewed against the following criteria:

A. **Traffic circulation.** The temporary use shall have adequate sight distances for safe vehicular ingress and egress. It shall have adequate turn lanes or provide for police control to move traffic in and out of the use. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.

B. **Public convenience and litter control.** Adequate on-site restroom facilities may be required to handle the expected attendance. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.

C. **Signs.** A sign permit is not required; however, the Planning Director shall review and approve all signage. The Planning Director may approve signs up to 50% larger than the sign ordinance would permit, and may also approve attention getting devices. The number, type, and size of signs and attention getting devices shall be determined using the following criteria.

1. The need for obvious way-finding information, based on the location of the event and its likelihood of attracting visitors who are unfamiliar with the area, who may lose their way or become confused if signs are limited to the sign area otherwise allowed by this Code.

2. The type, length, and size of the proposed event or use.

3. Sight distances, other signage in the area or on the property, sidewalks, traffic volumes, and speed on the road.

4. Other lighting in area, type of neighbors, light intensity, and glare potential.

5. Logical travel routes to the site.

Sec. 2.502 Imposition of Conditions

The Planning Director may establish additional conditions deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City. These may include, but are not limited to, the following:

A. **Hours of operation.** Modification or restrictions on hours of operation or duration of the event.

B. **Performance bond.** Posting of a performance bond to ensure clean up and removal of signage.

C. **Special services and insurance.** Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.

D. **Size of event.** The Planning Director may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

Sec. 2.503 Permitted Temporary Uses

Uses listed in Section 2.201, *Permitted Uses*, are permitted. A temporary use permit shall be issued provided the use meets the other requirements of this Code for setback and parking and receives approval of proposed signs from the Planning Director. Other specific requirements of this section control hours of operation and duration of the project.

A. **Contractor's office.** See Sec. *2.507*, *Contractor's Office*.

B. **Garage sales.** See Sec. *2.510*, *Garage Sales*.

C. **Block sales.** Block sales shall require Other Outdoor Sales permits (*See* Section *2.513*, *Other Outdoor Sales*).

D. **Model homes or sales offices.** Both are permitted prior to the completion of the roads and require water and sewer as required by the district standards. If model homes are completed and there was a sales office, the sales office shall be removed within 15 days of completion of the model home and the model home used as the sales office.

Sec. 2.504 Limited and Conditional Temporary Uses

All limited or conditional temporary uses shall be approved as are other limited or conditional uses, subject to the additional standards in this *Division 2.500*, *Temporary Uses*.

Sec. 2.505 Commercial Temporary Outdoor Sales

Commercial temporary outdoor sales are subject to the standards of this section. Such sales may be special events or regular sales and are governed differently.

A. **General.** Commercial outdoor sales may be held in the parking lot or pervious areas of the site that are on a lawn.

B. **Types of sales.**

1. **Weekend sales.** These are sales by a person holding a City peddler's license, having a display area limited to 150 square feet and staffed by a single person at

any time. Such events are limited to Friday afternoons and weekends with opening after 9 a.m. and closing prior to 8 p.m. The location must have adequate parking to accept the added customer traffic. Such events are limited to 10 days per year.

2. **Special sales events.** A permitted retail use is holding truck load sales, tent sales, or other special sales. For stores with regular garden products, the outdoor sales area shall be part of the overall site plan, not a temporary sales event, even though it may be inactive part of the year.

    a. There may be a total of three such events per year with a cumulative duration of five weeks.

    b. The use shall have a minimum site area of 60,000 square feet for a freestanding use or three acres for a shopping center.

    c. In no event shall more than five percent of the parking lot be used for a special sales event. The applicant shall demonstrate that the area of parking occupied by the sales area is sufficient for the normal parking activity and that generated by the sales event.

    d. If the site has a conforming bufferyard, the sale need have no additional setback. If there is no bufferyard, then it shall have a minimum 50-foot setback. The owner shall be notified that if the sales are to continue, a site plan needs to be submitted that shows the installation of a buffer and street trees to conform to this code. The owner shall have four years to bring the property into conformance. If it is not brought into conformance, no additional special sales events shall be permitted.

C. **Licensing.**

1. **Vendor license required.**

    a. No person shall conduct outdoor sales either in the open or under a tent or other temporary cover for commercial or business purposes without first obtaining a vendor license from the City Clerk's office.

    b. Any person desiring to conduct outdoor sales shall apply for a vendor license. The application shall state:

        i. The name of the person conducting the activity;

        ii. The proposed location;

        iii. The name of the owner of record where the sales are to be located;

        iv. The nature of the intended activity;

        v. The proposed dates of use; and

        vi. Other pertinent information on the form as may be required.

    c. A copy of the activity's sales tax certificate shall also be submitted prior to issuance of a permit.

d. The City reserves the right to require additional information or verifications, such as a site plan or health permits, depending upon the type of business and regulatory oversight by other governmental entities.

2. **License fee.** A fee shall be collected before issuance of a vendor license, in an amount set by the City Council. If the activity ceases, closes, or is terminated for any reason prior to the expiration of the permit, there shall be no refund of the required fee.

3. **Maximum number of licenses.** There shall not be more than three vendor licenses issued to a person or business or for a location within a calendar year; nor shall the aggregate period of outdoor sales within a calendar year exceed 60 days or a weekend-only permit.

D. **Clean-up.** The licensee must remove all items, tents, and materials used for the conduct of the outdoor sales from the location on or before the final day of the permit period.

E. **Fire and safety codes.** All tents or other coverings and materials used for commercial and business purposes must otherwise comply with all applicable fire, safety, and other codes in effect during the dates of the permitted activity.

F. **Display of permit.** A copy of the vendor license shall be conspicuously posted at or upon the entrance to the outdoor sales activity at all hours during the approved dates of the activity.

G. **Impact on parking areas.** Outdoor sales activities within any parking lot shall not be permitted if the proposed area reduces the capacity of the parking area below that required by this UDC or occupies an area greater than 20 percent of the ground floor area of the building or tenant space.

H. **Existing outdoor sales.** Any person conducting outdoor sales on the effective date of this UDC is required to be permitted pursuant to this subsection and must either apply for and receive a vendor license or cease the use and remove the activity no later than 5:00 p.m. 30 calendar days after the effective date of this UDC.

I. **Farmer's markets.** For farmers' markets, refer to Section *2.509*, *Sidewalk Sales and Farmers' Markets*.

Sec. 2.506 Concrete/Asphalt Batch Plant

Concrete/asphalt batch plants shall meet the following standards:

A. **Location.** The facility must be for a project within or immediately adjoining the City. No such use shall be located within 500 feet of a residentially used property in a residential zone.

B. **Hours of operation.** If any one land use within a distance of 500 feet is residentially used, the hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. In all other instances, hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.

C. **Surety.** The applicant shall provide a written agreement and advanced surety in the amount of 125 percent, as determined by the City Council or their designated appointee, of:

1. The estimated site restoration cost, to ensure complete site restoration upon the facility's dismantling or should the permit be revoked; and
2. The estimated road restoration/replacement costs along anticipated principal truck routes. This surety ensures roads will be reconstructed to their original or better condition as the use concludes or if the permit is revoked.

D. **Access.** If deemed necessary by the City Council or their designated appointee, the property access shall be controlled by special traffic markings and/or signalization paid for by the applicant. Such instances warranting such traffic improvements may include locations at busy intersections or other extensive interference with primary traffic from trucks. Prior to receiving a permit, the applicant must provide written communication from the City Council's designated appointee indicating adequate provisions have been made.

E. **Sanitation.** The City, or another applicable department or agency, shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the applicable department or agency indicating adequate provisions have been made.

F. **Electric service and lighting.** The City's Inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the Inspector indicating adequate provisions have been made.

G. **Noise.** Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar uses.

Sec. 2.507 Contractor's Office

Contractors' offices are subject to the following standards:

A. **Occupancy.** The offices will not be opened or occupied until after the latest of the following:

1. Final plat or development plan approval which identifies the location of the sales or contractor's office
2. Issuance of a curb cut permit for the development.

B. **Removal.** The office structure shall be removed or converted to a use permitted in the district upon the earlier of:

1. 10 days after the issuance of a certificate of occupancy for the final unit or building; or
2. In residential developments, after the last house is framed.

C. **Hours of operation.** Contractors' offices shall operate from no more than an hour before to an hour after permitted construction hours in the City.

Sec. 2.508 Farm Stand

A. **Curb cut.** The City shall approve the curb cut for the farm stand.

B. **Parking.** Adequate parking shall be provided for the expected needs of the farm stand.

Sec. 2.509 Sidewalk Sales and Farmers' Markets

A City-designated farmers' market may be established by the City and permit issued after review by the Planning Director. Individual businesses may hold sidewalk sales within the Urban Center (UC), Auto-Urban Commercial (AC), and Suburban Commercial (SC) districts without an individual permit on sales event days when established by the City for specific weekends or weeks, and/or they may apply for an individual permit, subject to the following standards: [Ordinance No. 2007-30, 8/7/2007].

A. **Sidewalks.** There shall be four feet of unobstructed space on the sidewalk during the sales event.

B. **Parking area closures.** The City may close part of the parking area for an event in the Urban Center (UC) district, which may be used for sales in accordance with a City-approved plan.

C. **Duration.** Individual sales shall be limited to a total of 10 days each calendar year, with no more than three applications per year. City-designated sales events shall not count against individual events.

Sec. 2.510 Garage Sales

Garage sales are subject to the standards of this section.

A. **Application.** An application to hold the sale must be requested with permit issued by the Planning and Development Department. *See* Appendix 5, *Development Review Applications*.

   1. Application may be made with the following information:

      a. Name and address of the applicant;

      b. Location of the proposed sale; and

      c. Dates during which the sale will be held.

   2. A garage sale temporary use permit will be issued at the Planning and Development Department prior to the close of business on the Wednesday prior to sale.

   3. If a residential sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permittee to this effect is submitted, the Planning and Development Department shall issue another permit to the applicant for a residential sale to be conducted at the same location within 30 days from the date when the first sale was to be held.

   4. The permit fee is refundable, but shall be retained if the City finds the signs up after the sale and may remove and destroy the signs if they remain up.

B. **Operation.** Garage sales shall be operated according to the requirements of this subsection.

   1. **Frequency.** Garage sales may be permitted on an individual site up to 4 times each calendar year.

2. **Duration.** Garage sales may be conducted for a period not to exceed three consecutive days for each individual garage sale event.
3. **Location.** The sale shall be confined to the premises for which the license had been issued, and all goods shall be removed at the expiration of the sale period.
4. **Hours of operation.** Garage sales may be conducted from 8 a.m. to 6 p.m.
5. **Signage.**
    a. No signs shall be installed more than two days prior to the event, and all signs shall be removed on the final day of the sale.
    b. No signs shall be attached to utility poles, placed in medians, or placed in a location that obstructs or impairs the view of vehicular or pedestrian traffic.
    c. No more than two signs shall be posted, with one sign being in the front yard of the property where the sale is being held.
    d. Signs shall not exceed four square feet in area and 40 inches in height.
    e. A permit tag shall be affixed to the front side of all signs.
    f. No sign shall be closer than three feet to the back of the street curb or edge of pavement.
    g. If signs are placed in front or alongside any occupied residence, the person in control of the sale advertised by such signs shall receive written permission from the occupant prior to erecting such signs.
6. **Display of permit.** The permit shall be displayed in a prominent place on the property holding the sale.
7. **Merchandise.** Persons conducting a sale shall be restricted to the selling of only personal property that belongs to that such person and which has not been purchased for the purpose of resale. Garage sales must be held at a residence by a person who does not habitually engage in the business of selling such tangible personal property at retail.
8. **Disturbance or nuisance.** Each sale must be conducted in such a manner so that it does not create a disturbance or become a nuisance to the neighborhood.

C. **Penalties for Violations.** It shall be an offense punishable by a fine not to exceed $100.00 to conduct a garage, yard, or other temporary sale in violation of this Section.

1. Written notice will be issued for a first sale conducted without a permit, with citations issued from any subsequent sales held at the same location without a permit.
2. Any signs found illegally placed, without sign stickers, will be immediately removed by City or State officials.
3. Any signs left in the right-of-way or in the yard at the expiration of the permit period will be removed, with a citation issued to the person who applied for and received a permit and stickers for such signs.

Sec. 2.511 Sales Office

In nonresidential districts, a sales office may be approved where an office, business, or industrial park needs a sales office during construction of roads and the first buildings. When a building that is not built for a single user is occupied, the sales office shall be moved and the temporary structure removed.

Sec. 2.512 Public Interest and Special Events

Special events in stadiums or City parks shall be regulated by the City and are not limited by this section. All other special events shall meet the following standards:

A. **Frequency.** Special events shall not be held on a property more than two times per calendar year.

B. **Duration.** The special event shall be limited to no more than four successive days.

C. **Access.** If deemed necessary by the Police Department, property access shall be controlled by special traffic personnel paid for by the applicant. Prior to receiving a permit, the applicant must provide written communication from the Police Department indicating adequate provisions have been made.

D. **Sanitation.** The City, or another applicable department or agency, shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the applicable department or agency indicating adequate provisions have been made.

E. **Electrical service and lighting.** The City's Inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the Inspector indicating adequate provisions have been made.

F. **Noise.** Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar events.

G. **Surety.** The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked.

Sec. 2.513 Other Outdoor Sales

Other outdoor sales are subject to the standards of this section.

A. **Frequency.** Other outdoor sales shall be limited to no more than twice a year

B. **Duration.** Other outdoor sales shall be have a duration of no more than three days at a time.

C. **Location.** All such sales shall be approved by the Planning and Development Department and police and fire departments for the location.

D. **Approval by City Council.** For residential areas where street closures are requested, City Council must approve the recommendations of the police and fire departments.

E. **Parking.** For commercial or industrial sales, an appropriate area to display the merchandise must be provided that does not obstruct required parking.

F. **Special rule for industrial uses.** For industrial uses, all products must be made by the company holding the sale.

Article 3 District and Bulk Standards

Division 3.100 Purpose

A. **General.** The purpose of this Article is to establish the intensity standards for land uses within each zoning district, providing for the maximum allowable intensities of use.

B. **District standards.** The district standards are designed to provide a specific community character, consistent with the Altus Comprehensive Plan. Intensity for residential uses is governed by density and an open space ratio (OSR). Governing the intensity of nonresidential uses is a floor area ratio (FAR) and a landscape surface ratio (LSR). Additional use standards include a minimum site area and required utilities specific to each district. These standards vary by zoning district, community character, and, within a district, by land use.

C. **Bulk standards.** Bulk standards govern the provisions for lots based on housing type and by zoning district. These standards include minimum lot area, lot width, setback, and floor area ratio. Maximum heights and residential mix requirements are also identified.

Division 3.200 District Standards

The district standards establish the intensities of uses within each district so as to achieve a desired community character. There are separate standards for residential and nonresidential uses.

Sec. 3.201 District Standards, Residential and Nonresidential

The district standards applicable to all residential uses are provided in Table 3.201A, *Residential Use District Standards*, which includes provisions for density, intensity, utility requirements, and minimum site area. Provided in Table 3.201B, *Nonresidential Use District Standards*, are the applicable standards for nonresidential uses, which include provisions for intensity, utility requirements, and maximum height. Information relating to these standards and their abbreviations is as follows:

A. **Use district and development types.** The first column of both tables reflects the zoning districts (shaded in grey) and permitted uses and intensities.

B. **Minimum Open Space Ratio (OSR) / Landscaped Surface Ratio (LSR).** The second column reflects the minimum open space (Table 3.201A, *Residential Use District Standards*) or landscaped surface ratio (Table 3.201B, *Nonresidential Use District Standards*) that are required on a site. The ratio is calculated as a percentage of the site area, *e.g.*, 0.25 indicates 25 percent of a site must be open space (residential) or landscaped area (nonresidential).

C. **Density.** The third and fourth columns of Table 3.201A, *Residential Use Standards*, reflect the maximum allowable dwelling units per acre. The specifications of maximum gross density and maximum net density are for the purpose of calculating site capacity (*Division 4.300*, *Site Capacity Calculations*).

D. **Maximum Floor Area Ratio.** The third and fourth columns of Table 3.201B, *Nonresidential Use District Standards*, reflect the maximum allowable intensity of nonresidential uses, which is measured by total floor area and controlled by a floor area ratio (FAR). The specifications of maximum gross FAR and maximum net FAR are for the purpose of calculating site capacity (*Division 4.200*, *Resource Protection Standards*).

E. **Required Utilities.** The fifth column of both tables indicates whether public utilities are required. The requirement for public utilities, either from the City or from an approved public utility provider, is indicated by "P," whereas "OS" indicates that on-site water and sewer (septic) are permitted.

F. **Minimum Site Area.** The last column of Table 3.201A, *Residential Use District Standards*, indicates the area needed for eligibility of the applicable development type.

G. **Maximum Height.** The last column of Table 3.201B, *Nonresidential Use District Standards*, indicates the maximum allowable height by district. Height is not included as a column in Table 3.201A, *Residential Use District Standards*, because the heights of residential units are controlled by housing type (refer to Section *3.301*, *Housing Design for Planned Residential Development*).

Table 3.201A. Residential Use District Standards

Table 3.201A Residential Use District Standards					
District and Development Type	Min. OSR	Density		Required Utilities	Minimum Site Area
		Max. Gross	Max. Net		
Agriculture (AG)					
Farmstead	0.00	0.025	0.025	os	40 ac.
Single-Family	0.00	0.09	0.09	os	10 ac.
Cluster	0.85	0.11	0.81	os	37 ac.
Countryside (CS)					
Single-Family	0.00	0.18	0.18	os	5 ac.
Cluster	0.70	0.22	0.81	os	18 ac
Planned	0.85	0.27	2.80	public	50 ac.
Suburban Estate (SE)					
Single-Family	0.10	1.48	1.65	public	20,000 sf.
Cluster	0.40	1.57	2.80	public	8 ac.
Planned	0.50	1.70	2.80	public	15 ac.
Suburban Residential (SR)					
Single-Family	0.10	2.52	2.80	public	10,000 sf.
Cluster 1	0.30	2.55	3.46	public	6 ac.
Cluster 2	0.40	2.79	4.62	public	6 ac.
Planned	0.50	3.15	6.00	public	10 ac.
Auto-Urban Manufactured Home (AMH)					
Manufactured Home Parks	0.25	4.54	5.50	public	10 ac.
Manufactured Home Subdivisions	0.25	3.41	4.62	public	10 ac.
Auto-Urban Residential (AR)					
Single-Family	0.10	4.15	4.67	public	6,000 sf.
Planned	0.30	5.00	14.00	public	2 ac.
Urban Residential (UR)					

Two-Family	0.15	5.75	7.53	public	12,000 sf.
Attached Single-Family	0.20	9.00	12.00	public	1 ac.
Planned	0.25	12.00	23.00	public	5 ac.
Affordable housing provides bonuses that exceed these values (see *Article 5*, *Housing Bonus*).					

Table 3.201B. Nonresidential Use District Standards

Table 3.201B
Nonresidential Use District Standards

District and Development Type	Min. LSR	FAR		Required Utilities	Minimum Site Area	Height
		Max. Gross	Max. Net			
Agriculture (AG)						
Agriculture	0.95	na.	na.	os	10 ac.	60
All uses	0.90	0.025	0.459	os	10 ac.	35
Countryside (CS)						
All uses	0.80	0.18	0.459	os	10 ac.	35
Suburban Estate (SE)						
All uses	0.60	0.10	0.459	public	2 ac.	35
Suburban Residential (SR)						
All Uses	0.40	0.20	0.459	public	2 ac.	35
Suburban Commercial (SC)						
Commercial retail	0.40	0.197	0.329	public	10,000 sf.	28
Offices and service	0.50	0.216	0.431	public	10,000 sf.	32
All other uses	0.40	0.274	0.457	public	20,000 sf.	32
Auto-Urban Manufactured Home (AMH)						
All uses	0.20	0.365	0.457	public	*	25
Auto-Urban Commercial (AC)						
Commercial retail	0.15	0.280	0.350	public	10,000 sf.	35
Offices and lodging	0.35	0.302	0.465	public	10,000 sf.	45
Services	0.15	0.322	0.431	public	10,000 sf.	45
All other uses	0.15	0.388	0.457	public	20,000 sf.	45
Business Park (BP)						
Offices and lodging	0.30	0.325	0.465	public	40,000 sf.	45
Industrial	0.20	0.425	0.531	public	40,000 sf.	45
Warehouse	0.20	0.539	0.674	public	80,000 sf.	45
All other uses	0.20	0.365	0.457	public	40,000 sf.	45
Industrial (I)						
Industrial	0.15	0.462	0.543	public	40,000 sf.	50
Warehouse	0.15	0.573	0.674	public	80,000 sf.	60
All other uses	0.15	0.365	0.457	public	40,000 sf.	45
Urban Residential (UR)						
All uses	0.20	0.473	0.529	public	15,000 sf.	35
Urban Center (UC)						
Commercial retail	0.05	0.374	0.394	public	5,000 sf.	45
Office and lodging	0.15	0.411	0.484	public	20,000 sf.	65
Services	0.15	0.397	0.467	public	5,000 sf.	65
All other uses	0.25	12.000	0.592	public	10,000 sf.	45

Sec. 3.202 Bonuses

The zoning districts in Table 3.201 A, *Residential Use District Standards*, include bonuses to achieve the preferred character of the community, consistent with the Altus Comprehensive Plan. For instance, density bonuses are incorporated to encourage single-family cluster and planned

development over conventional single-family development. In addition, within the Suburban Residential (SR) district, there are bonuses for transitioning between districts and for providing affordable housing (refer to *Division 5.200*, *Incentives*, for the provisions for affordable housing and small family dwellings).

Sec. 3.203 Nonresidential Scale Regulations

All nonresidential uses are limited in scale either by the provisions of *Article 2*, *Land Uses*, or by the standards of this Section. Scale is defined by neighborhood, community, or regional units. Some uses, such as an institutional use within a residential district, are regulated to ensure a scale that is consistent with the functional classification of the adjacent street and its design capacity. For other uses, the scale of building is essential to its character, such as the scale of a Suburban Commercial (SC) use abutting or in close proximity to a residential district. For other uses, scale defines the level of design to be applied. The following standards apply:

A. **District Limitations.** In the Suburban Commercial (SC) district, scale or size of buildings is limited as follows:

   1. Single use buildings shall be limited to a maximum of 5,000 square feet.
   2. A center or building designed for multiple tenants with individual exterior access shall be limited to 9,000 square feet.
   3. A multi-tenant building with common entrances shall be limited to 7,500 square feet.
   4. A drug store or neighborhood hardware store shall be limited to 15,000 square feet.

B. **Institutional Uses.** The scale of institutional uses in residential districts is controlled by the type of street to which the property has primary access as follows:

   1. The scale is measured by use, so that whether the use is a single building or a campus of two or more buildings, the maximum scale is for the whole use, not for individual buildings.
   2. For uses that are accessed from local streets, the maximum building scale is 6,000 square feet on the ground floor with a maximum for all floors of 9,000 square feet.
   3. For uses that are accessed from collector or minor arterial streets (two-lane roads), the maximum building scale is 20,000 square feet on the ground floor with a maximum for all floors of 36,000 square feet.
   4. For uses that are accessed from major arterials and four-lane streets, the maximum scale in a residential district is 60,000 square feet on all floors.

C. **Recreational, Indoor Uses.** The scale of indoor recreational uses in residential districts is controlled by the type of road to which the property has primary access as follows:

   1. The scale is measured by use, so that whether the use is a single building or a campus of two or more buildings, the maximum scale is for the whole use, not for individual buildings.
   2. For uses that are accessed from local streets, the maximum building scale is 8,000 square feet for all floors.

3. For uses that are accessed from collector or minor arterial streets (two-lane roads), the maximum building scale is 15,000 square feet all floors.
4. For uses that are accessed from major arterials and four-lane streets, the maximum scale in a residential district is 30,000 square feet on all floors.

Division 3.300 Bulk Regulations

Sec. 3.301 Housing Design for Planned Residential Development

This Division provides for a range of housing types and sizes allowed by right in planned residential developments. Each housing type herein includes the required dimensions, such as minimum lot area, lot width, and setbacks; maximum height; and maximum floor area ratio (FAR). Section *3.302*, Single-Family Detached, covers single-family and single-family cluster units. All housing types are permitted in the planned use, as indicated in Table 3.301, *Housing Palette*.

Table 3.301
Housing Palette

Housing Form	Housing Types
Single-Family	Single-Family, Lot Line, Village, Patio
Two-Family	Twin, Duplex
Attached Single-Family	Atrium, Weak Link, Townhouse, Roof-Deck Townhouse, Duplex Townhouse
Multiple-Family	Multiplex, Apartments

Sec. 3.302 Single-Family Detached

This housing type consists of a single-family detached residence located on a privately-owned lot with private yards on each side of the unit, as shown in Figure 3.302, *Single-Family Detached or Single-Family Cluster Units*. Provided in Table 3.302A, *Single-Family Lot and Building Standards*, are the dimensional standards for single-family detached units. Pre-existing lots subdivided according to the standards of prior ordinances shall conform to the standards for the applicable Neighborhood Conservation (NC) district in this section. The dimensional criteria for single-family cluster units shall be governed by Table 3.302B, *Cluster Single-Family Lot and Building Standards*.

Figure 3.302
Single-Family Detached or Single-Family Cluster Units

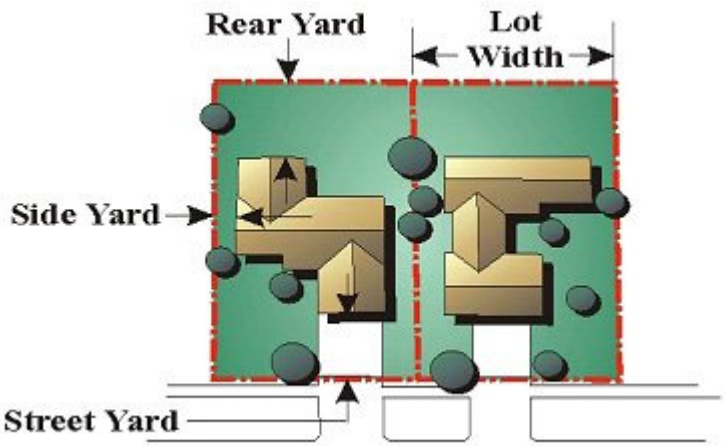


Table 3.302A
Single-Family Lot and Building Standards

Zoning District	Minimum					Maximum	
	Lot Area	Lot Width (ft.)	Street Yard (ft.)	Side Yard / Total[1] (ft.)	Rear Yard (ft.)	Height (ft.)	FAR
Agriculture (AG)	10 ac.	500	100	100 / 200	60	35 / 60[2]	0.025
Countryside (CS)	5 ac.	250	50	60 / 120	60	35	0.037
Suburban Estate (SE)	20,000 sf.	100	30	20 / 40	30	35	0.23
Suburban Estate (SE) w/affordable bonus	15,000 sf.	90	30	20 / 40	30	35	0.20
Suburban Residential (SR)	10,000 sf.	80	25[3]	7/14[3]	30	35	0.30
Suburban Residential (SR) w/affordable bonus	7,500 sf.	70	30	15 / 30	25	35	0.28
Auto-Urban Residential (AR)	6,000 sf.	60	12	5 / 12	20	35	0.40
Auto-Urban Residential (AR) w/affordable bonus	5,000 sf.	50	12 / 20	5 / 10	25	35	0.40
Neighborhood Conservation (NC-9)	9,000 sf.	75	35	8 / 20	25	35	0.40
Neighborhood Conservation (NC-6)	6,000 sf.	60	25	5 / 10	20	35	0.40
NC Manufactured Home (NC-MH)	3,500 sf.	35	15	5 / 10	10	35	0.57

[1] The first number is the minimum required side yard. The second number is the minimum required sum of the two side yards. For example, "8 / 20" means that if one side yard is 8 feet wide, then the other side yard must be 12 feet wide (8 ft. + 12 ft. = 20 ft.).

[2] The second height refers to agricultural structures.

3[Ordinance No. 2008-01,3/5/08]

Table 3.302B Cluster Single-Family Lot and Building Standards								
Cluster - Zoning District	Minimum						Maximum	
	Lot Area	Lot Width (ft.)	Percent in Width Type	Street Yard (ft.)	Side Yard / Total[1] (ft.)	Rear Yard[2] (ft.)	Height (ft.)	FAR
Agriculture (AG)	1 ac.	130	Na.	50	15 / 40	50	35	0.1
Countryside (CS)	2 ac.	180	Na.	50	15 / 40	50	35	0.1
Suburban Estate (SE)	16,670 sf.	100	remainder	30	8 / 20	30	35	0.28
	15,000 sf.	90	50					0.28
	13,360 sf.	80	25					0.23
Suburban Residential(SR)	9,000 sf.	90	remainder	20 / 30[3]	8 / 20	25	35	0.33
	8,000 sf.	80	50					0.32
	7,000 sf.	70	25					0.25
Suburban Residential (SR) w/ affordable bonus	7,300 sf.	73	remainder	15 / 25[3]	6 / 15	30	35	0.35
	6,800 sf.	68	50					0.35
	6,300 sf.	63	25					0.27

[1] The first number is the minimum required side yard. The second number is the minimum required sum of the two side yards. For example, "8 / 20" means that if one side yard is 8 feet wide, then the other side yard must be 12 feet wide (8 ft. + 12 ft. = 20 ft.).
[2] Where the lot is accessed from an alley, the garage shall have an 18-foot setback from the alley if it loads directly to the alley or five feet if it is a side load garage.
[3] The first number is the house setback; the second is the setback for a front load garage.
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

Sec. 3.303 Planned District Housing Types

A. **Lot-Line and Village House.** These two single-family housing types have different yard configurations than the typical single-family unit. The lot line house is positioned on one lot line without any setback. The building separation is narrower in the front to provide a large private side yard. The village house is an urban type that is set much closer to the street. The lot sizes duplicate lot sizes for single-family (*see* Figure 3.303A, *Lot-Line and Village Houses*; and Table 3.303A, *Lot-Line and Village House Lot and Building Standards*).

Figure 3.303A
Lot-Line and Village Houses

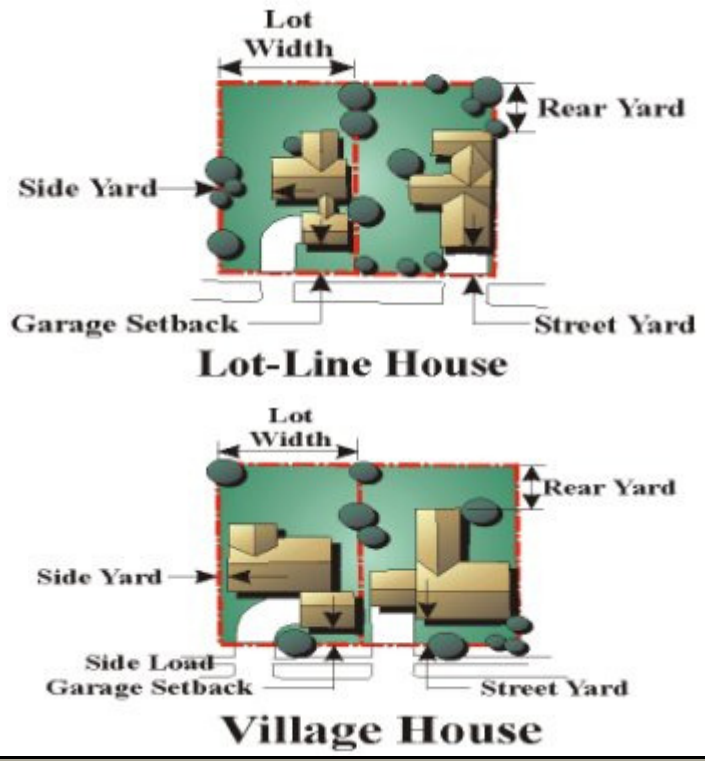


Table 3.303A
Lot-Line and Village House Lot and Building Standards

Development Type - Zoning District	Minimum						Maximum	
	Lot Area (sf.)	Lot Width (ft.)	Percent in Width Type	Street Yard House/Garage (ft.)	Side Yard / total (ft.)	Rear Yard (ft.)	Height (ft.)	FAR
Lot Line	7,862	73	remainder	15 / 25	10 / 28[1]	30	35	0.3
	7,000	65	50					0.3
	6,138	57	25					0.26
Village House	5,450	60	remainder	10 / 25	5 / 15	25	35	0.38
	5,000	55	50					0.38
	4,540	50	25					0.32

[1]The lot-line house is set on one property line with a zero setback, and the building is intended to be L-shaped. The two side yard numbers are the minimum setback, the first being the street face of the building. This portion of the building must be at least 25 percent of the building's depth. The second number is the setback of the remainder of the unit, which provides a private side yard.
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

B. **Twin Houses and Duplexes.** These are two-family dwellings. The twin house may be divided into lots for individual fee simple ownership, while the duplex is two units on a single lot with units on different floors (*see* Figure 3.303B, *Twin House and Duplex Dwellings*, and Table 3.303B, *Twin House and Duplex Lot and Building Standards*).

Figure 3.303B
Twin House and Duplex Dwellings

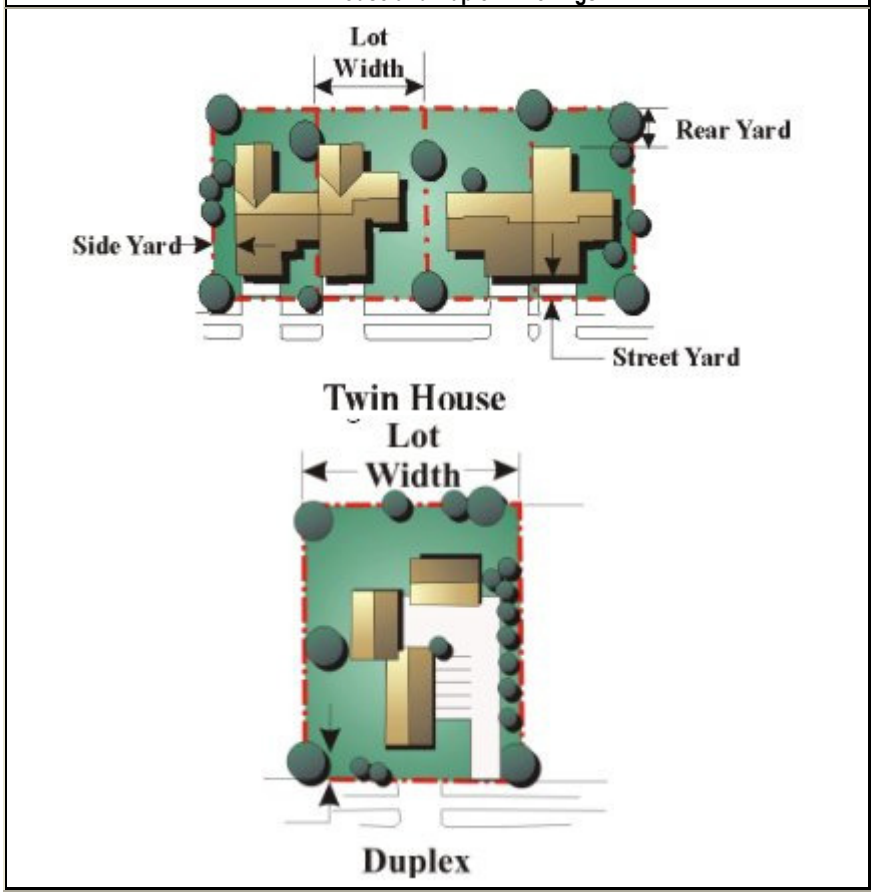


Table 3.303B
Twin House and Duplex Lot and Building Standards

Standard	Twin			Duplex
Minimum Site Area per Building (sf.)	9,600	9,000	8,400	8,000
Minimum Lot Area per Dwelling Unit (sf.)	4,800	4,500	4,200	4,000
Minimum Percentage in Width Type	remainder	50	25	na.
Minimum Frontage (ft.)	48	45	42	70
Minimum Street Yard (ft.)	20	20	20	20
Minimum Side Yard / total (ft.)[1]	5 / na.	5 / na.	5 / na.	8 / 22
Minimum Rear Yard (ft.)	25	25	25	25
Maximum Floor Area Ratio	0.42	0.42	0.40	0.40
Maximum Height (ft.)	32	32	32	32

[1] The first number is the minimum required side yard. The second number is the minimum required sum of the two side yards. For example, "8 / 22" means that if one side yard is 8 feet wide, then the other side yard must be 14 feet wide (8 ft. + 14 ft. = 22 ft.).
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

C. **Patio and Atrium Houses.** These are both units whose lots are walled. The patio house can be single-family, similar to a lot-line, or in a two-family configuration. Only the rear yard is fenced on the patio house, preserving a narrow street yard. The atrium can be considered a form of one-story attached housing, and a street yard is not required (*see*

Figure 3.303C, *Patio and Atrium Houses*; and Table 3.303C, *Patio and Atrium Lot and Building Standards*).

Figure 3.303C
Patio and Atrium Houses

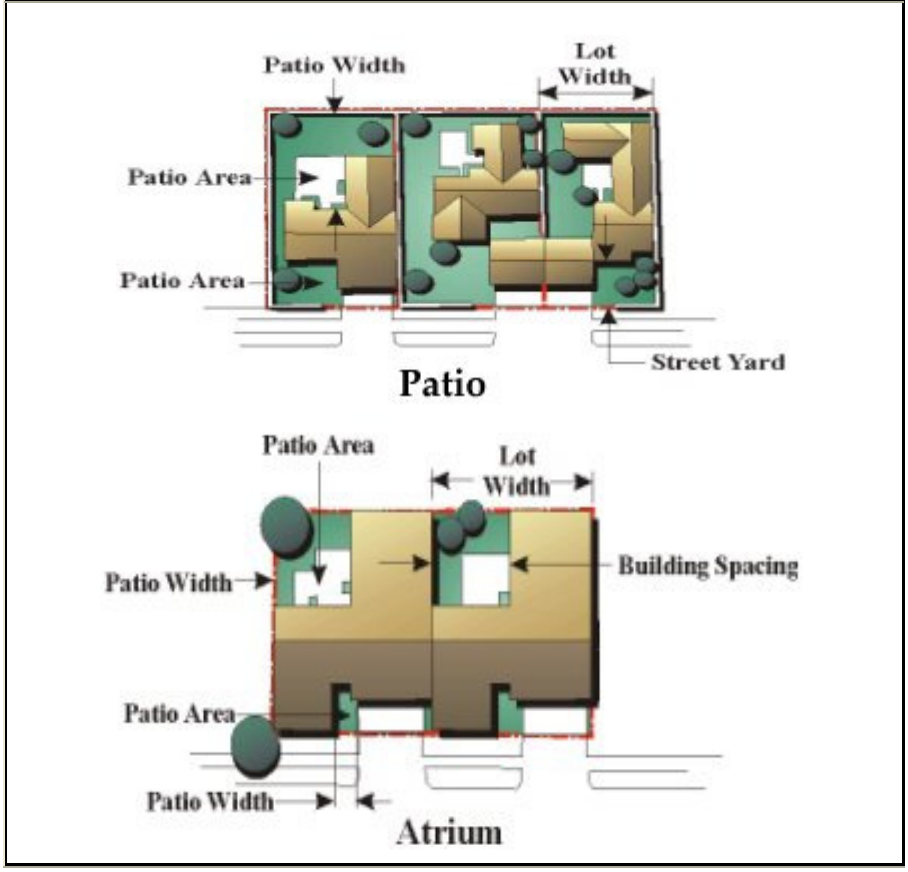


Table 3.303C
Patio and Atrium Lot and Building Standards

Standards	Patio House			Atrium House		
Minimum Site Area per Group (sf.)	25,000			16,500		
Minimum Lot Area per Dwelling Unit (sf.)	5,450	5,000	4,640	3,600	3,300	3,000
Minimum Frontage (ft.)	60	55	50	60	55	50
Minimum Lot Width Type	remainder	50	25	remainder	50	25
Minimum Street Yard dwelling/garage[1] (ft.)	12 / 20			5 / 20		
Minimum Building Separation (ft.)	8			0		
Minimum Patio/Atrium Area (sf.)	1,080[2] / 48	1,000[2] / 48	930[2] / 48	880 / 48	800 / 48	720 / 48
Minimum Patio/Atrium Width (ft.)	22 / 6	20 / 6	20 / 6	26 / 6	24 / 5	22 / 5
Maximum Floor Area Ratio	0.56	0.56	0.5	0.7	0.7	0.65
Maximum Building Coverage	0.48	0.48	0.5	0.7	0.7	0.65
Maximum Height (ft.)	28			18		

[1] Setback from right-of-way to garage front when facing street.

[2] The patio area is a rectangle having minimum area and width that is a basic yard, but does not count all the yard area. This ensures a useable main space.
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

D. **Townhouse and Weak-link Townhouse.** These are both attached units where the units are lined up in a row with units sharing side walls. The weak-link townhouse has both a one- and two-story portion of each unit and is, thus, wider than the traditional townhouse (*see* Figure 3.303D, *Weak-Link Townhouse and Townhouse Units*; and Table 3.303D, *Weak-Link Townhouse and Townhouse Lot and Buildings Standards*).

Figure 3.303D
Weak-Link Townhouse and Townhouse Units

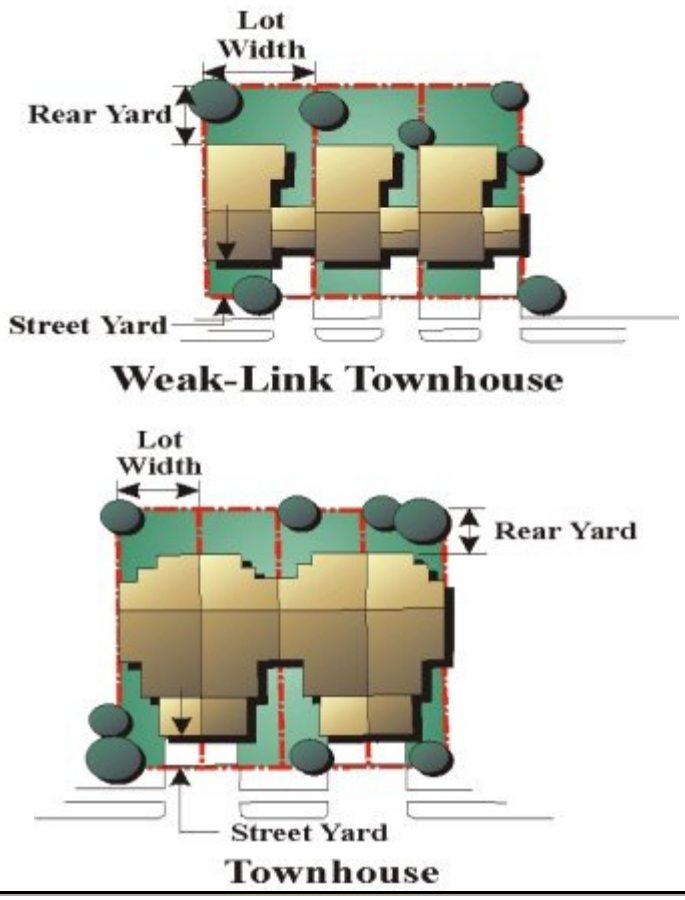


Table 3.303D
Weak-Link Townhouse and Townhouse Lot and Buildings Standards

Standard	Weak-link Townhouse			Townhouse		
Minimum Site Area per Building (sf.)	10,800			7,200		
Minimum Lot Area per Dwelling Unit[1] (sf.)	3,900	3,600	3,300	2,600	2,400	2,200
Minimum Frontage[1] (ft.)	39	36	33	26	24	20
Minimum Lot Width Type (pct.)	remainder	50	25	remainder	50	25
Minimum Street Yard (ft.)	15			12		
Minimum Building Separation[2] (ft.)	10			10		

Minimum Rear Yard[3] (ft.)	30			30		
Maximum Floor Area Ratio	0.77	0.88	0.72	1.2	1.2	1.1
Maximum Building Coverage	0.55			0.50		
Maximum Height (ft.)	35			35		

[1] These values assume that the garage access is from an alley to the rear. If the access is from the street, add 20 percent to lot area and width.
[2] The building separation may be common open space if linked to other common areas.
[3] A rear load garage may extend into the rear yard, provided the maximum building coverage is unchanged and the yard is half the width of the lot.
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

E. **Roof Deck and Duplex Townhouses.** The roof deck townhouse is a townhouse that has its yard on its roof. It is ideal for areas where a view is available from the roof. The unit is more compact than normal townhouses. The duplex townhouses contain two units on a single townhouse lot, one over the other (*see* Figure 3.303E, *Roof Deck and Duplex Townhouses*; and Table 3.303E, *Roof Deck and Duplex Townhouse Lot and Building Standards*).

Figure 3.303E
Roof Deck and Duplex Townhouses

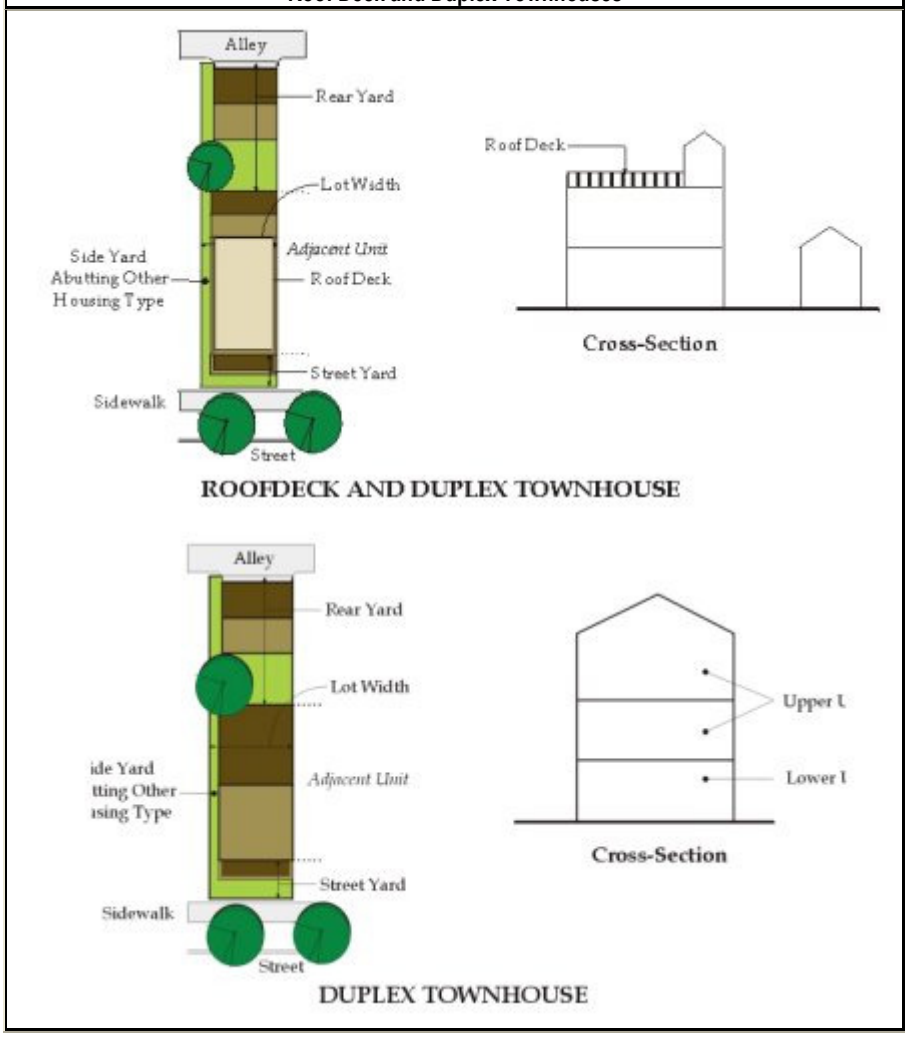


Table 3.303E Roof Deck and Duplex Townhouse Lot and Building Standards							
Standard		**Roof Deck Townhouse[1]**			**Duplex Townhouse[2]**		
Minimum Site Area per Building (sf.)		8,000			11,200		
Minimum Lot Area (sf.)	per Dwelling Unit	2,180	2,000	1,800	16,002	15,002	14,002
	per Lot	2,180	2,000	1,800	32,002	30,002	28,002
Minimum Frontage (ft.)		24	22	20	32	30	28
Minimum Lot Width Type (pct.)		remainder	50	25	remainder	50	25
Minimum Street Yard (ft.)		12			20		
Minimum Building Separation[3] (ft.)		15			18		
Minimum Rear Yard (ft.)		20			20		
Maximum Floor Area Ratio		1.5	1.5	1.25	1.8	1.8	1.5
Maximum Building Coverage		0.64			0.6		
Maximum Height (ft.)		40			45		

[1] These units shall have their garages taking alley access.
[2] The duplex townhouse has two units per townhouse lot; thus, the difference between per dwelling unit and per lot.
[3] The building separation may be common open space if linked to other common areas.
Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

F. **Multiplex and Apartments.** These are multi-family units. The multiplex has many attributes of a townhouse, except that units may be second floor or ground floor units. Multiplex also describes homes that have been reconfigured as apartments or small apartments designed to look like large, single-family units. The apartments are normally multi-family buildings that are two to six stories tall (*see* Figure 3.303F, *Multiplex and Apartment*; and Table 3.303F, *Multiplex and Apartment Lot and Building Standards*).

Figure 3.303F
Multiplex and Apartment

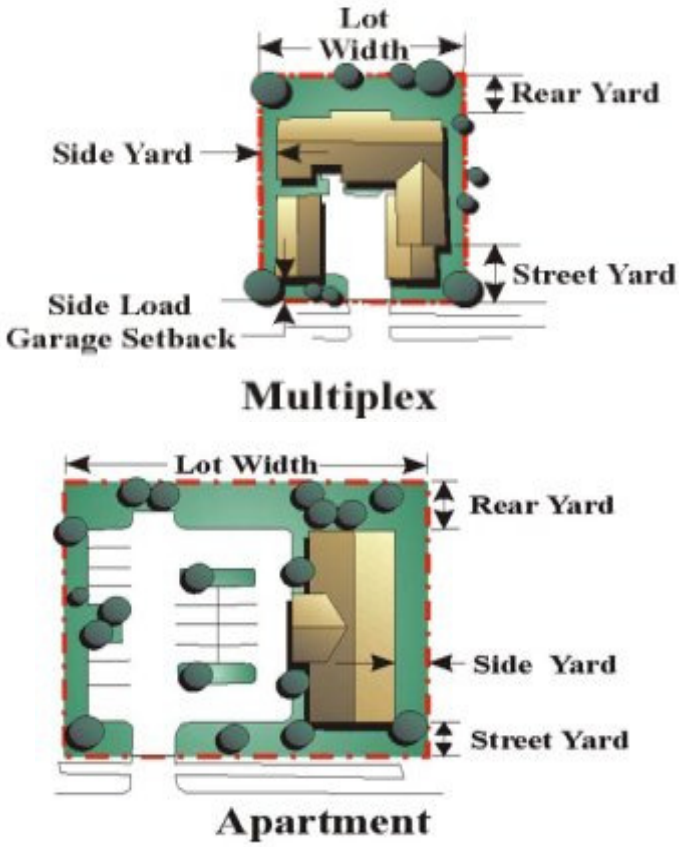


Table 3.303F
Multiplex and Apartment Lot and Building Standards

Standard	Multiplex	Apartment
Minimum Site Area per Building (sf.)	8,000	15,000
Minimum Lot Area per Dwelling Unit (sf.)	2,000	1,800
Minimum Frontage (ft.)	80	100
Minimum Street Yard (ft.)	20	20
Minimum Parking Setback from Curb (ft.)	Parking not permitted in Street Yard	12 / 15[1]
Minimum Building Separation (ft.)	16	30
Minimum Rear Yard (ft.)	15	20
Minimum Parking Setback (ft.)	12	12
Maximum Height (ft.)	35	72

[1] The 15 feet refers to setback from public street rights-of-way. Where private internal circulation is used, 12 feet is permissible.

Sec. 3.304 Manufactured Homes

Manufactured homes are placed on lots in manufactured home parks or manufactured home park subdivisions where the lots meet standards that depend on whether the unit is of single-wide or double-wide construction (*see* Figure 3.304, *Manufactured Homes*; and Table 3.304, *Manufactured Home Site Lot and Building Standards*).

Figure 3.304
Manufactured Homes

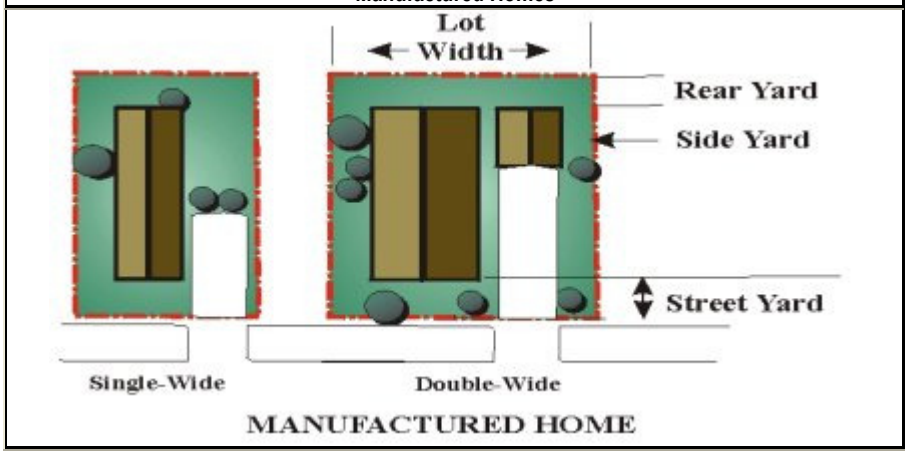


Table 3.304
Manufactured Home Site Lot and Building Standards

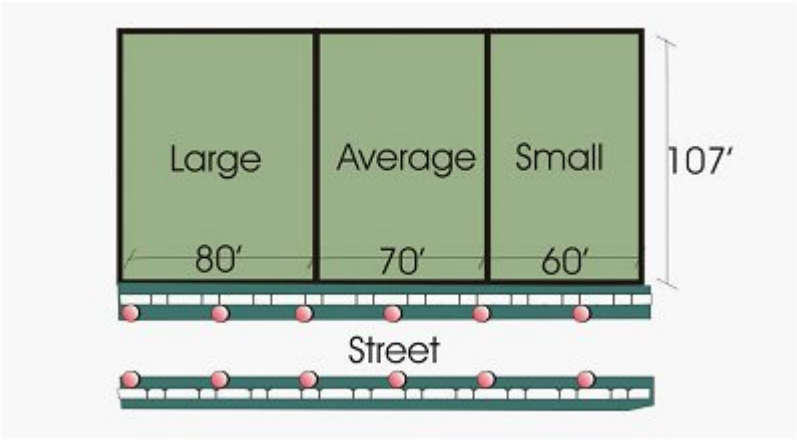
Zoning District	Minimum					Maximum
	Lot Area (sf.)	Lot Width (ft.)	Street Yard (ft.)	Side Yard / total (ft.)	Rear Yard (ft.)	Height (ft.)
Single-Wide Unit	4,300	45	15	8 / 20	10	20
Double-Wide Unit	5,700	60	15	8/20	10	20

[1] The first number is the minimum required side yard. The second number is the minimum required sum of the two side yards. For example, "8 / 20" means that if one side yard is 8 feet wide, then the other side yard must be 12 feet wide (8 ft. + 12 ft. = 20 ft.).

Sec. 3.305 Averaged Lots

Subsections A through E of Section 3.303, *Planned District Housing Types*, use what is called averaged lots; that is, there are three lot sizes listed for the lot area group or housing type (*see* Figure 3.305A, *Average Lot Sizes*). They are based on an average lot for the group or type on which the density is calculated. They are listed in order: large, average, and small lot area. The controlling element is not the lot area, but lot width. The average lot area and width result in a depth of the lot that achieves the lot area. In developing the large and small lot, width was varied and depth maintained. The following rules govern the use of averaged lots:

Figure 3.305A
Average Lot Sizes

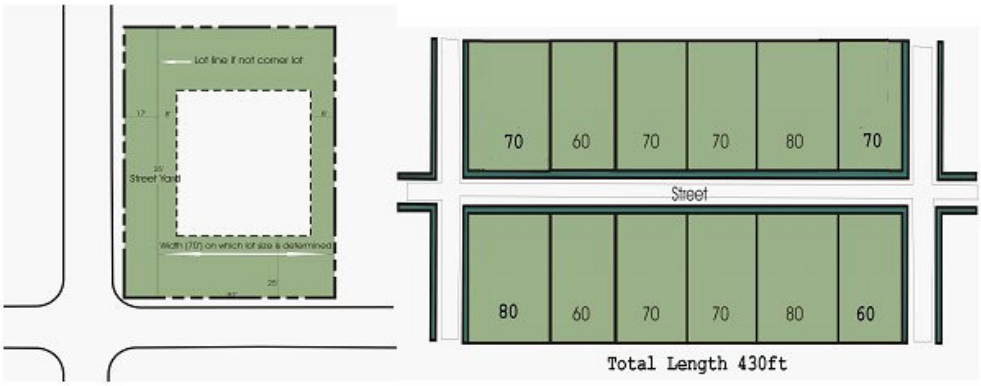


A. **Large lots.** In the row called "minimum lot width type" in Tables 3.303A through 3.303E, a percent of the units of each type is provided for the smallest and average widths. The large lot size is always listed as "remainder" because the percentages are minimums. The number of each size type must meet the minimum. Frequently, the calculation will require more than the minimum percentage. Thus, the largest will have to be the remaining percentage.

B. **Corner lots.** Lot width, rather than area, is controlling to determine the percentage of lots in each category. Lot width is measured at the setback line for the street yard on which the house fronts. In determining the width of the lot, the effect of corner lots with two street yards shall be taken into account. The increase in lot width due to the second street yard, the difference between the street yard, and the side yard shall be determined. This value shall be subtracted from the width of the corner lot to determine the size category in which the lot falls (*see* Figure 3.305B, *Lot Width in Corner Lots*).

C. **Calculations Example.** If the development is going to have 51 dwellings, a minimum of 50 percent (25.5) will have to be rounded up to 26 units. Similarly, the 25 percent smaller unit type will be 13 units. Thus, there will only be 12 of the larger units (51 -26 - 13 = 12).

Figure 3.305B
Lot Width in Corner Lots



Sec. 3.306 Residential Mix Standards

All planned developments shall provide a mix of dwelling unit types. Table 3.306, *Dwelling Unit Mix Requirements*, indicates the number of dwelling unit types required for developments of a given size. When a development is to be phased, the maximum residential development capacity of the site shall be used for calculating the required mix. When a parcel is divided and developed as planned developments in phases, the City may impose a mix based on the original property size to ensure an adequate mix of housing types.

Table 3.306
Dwelling Unit Mix Requirements

Project Size (dwelling units)	Minimum Number of Types	Maximum Percentage Any Type	Minimum Percentage Any Type*
Less than 40	1	100	25
40 to 99	2	70	20
100 to 179	3	50	15
180 to 359	4	40	10
360 or more	5	35	8

* The minimum percentage requirement applies even if more than the minimum number of types are provided.

Sec. 3.307 Nonresidential Bulk Requirements

Nonresidential bulk requirements include minimum lot area and yard requirements as set out in Table 3.307, *Nonresidential Bulk Requirements*. For some districts and uses, there is a build-to line to which the fronts of the buildings must be built.

Table 3.307
Nonresidential Bulk Requirements

District and Use	Minimum					
	Lot Area (ac. or sf.)	Lot Width (ft.)	Build-to Line (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Agriculture (AG)						
Agriculture	10 ac.	400	na.	50	50	50
All Other Uses	10 ac.	400	na.	150	100	300
Countryside (CS)						
Agriculture	10 ac.	400	na.	50	50	50
All Other Uses	10 ac.	400	na.	150	100	300
Suburban Residential (SR)						
All Uses	1 ac.	125	na.	50	20	50
Urban Residential (UR)						
All Uses	20,000 sf.	100	na.	25	10	30
Urban Center (UC)						
Mixed	20,000 sf.	100	0	na.	0	0
All Other Uses	10,000 sf.	50	0	na.	0	0
Suburban Commercial (SC)						
Commercial Retail	20,000 sf.	100	na.	15	8	20
Office / Service	20,000 sf.	100	na.	15	8	20
All Uses	5,000 sf.	40	10	na.	0 / 10*	25
Auto-Urban Commercial (AC)						
Commercial Retail	1 ac.	125	15	na.	8	10
Office / Lodging	1 ac.	125	20	na.	10	10
All Other Uses	20,000 sf.	100	15	na.	10	10
Business Park (BP)						
All Uses	1 ac.	125	na.	25	15	30

Industrial (I)						
Outer Ring	1 ac.	125	na.	25	15	30
Inner Ring	20,000 sf.	100	na.	25	10	30

Sec. 3.308 Exception Yard and Height Standards

The following exceptions are established to provide relief from the district regulations, where applicable:

A. **Height Exceptions.** The following structures, or parts thereof, are exempt from the height limitations set forth in the zoning district regulations. However, their height is limited by any height restriction imposed by the Federal Aviation Administration or the City for the safe operation of an airport. Where lower heights are required, they shall be met.

1. Public utility poles, towers, and wires.
2. Radio and television antennae and towers, which are subject to the requirements of Section 2.431, *Wireless Telecommunications Facilities*, instead of the regulations of the underlying zoning district.
3. Municipal water tanks and standpipes.

B. **Yard Exceptions.**

1. The structures and surfaces listed in Table 3.308, *Permitted Encroachments*, shall be allowed to project into or be constructed in any required yard or beyond the building setback line the distance specified in the column entitled "Permitted Encroachment," but shall not encroach such that they are closer to the lot line than the distance indicated in the column entitled "Reduced Setback."
2. On lots with a minimum lot area requirement of 15,000 square feet or less, no encroachments shall be permitted that are closer than three feet to any property line (unless a reduced setback of 0 ft. is indicated in Table 3.308, *Permitted Encroachments*); nor shall any intrusion be such that it forces trespass onto the adjoining property.
3. Some intrusions need maintenance or are part of an accessway. In no case should the result of a permitted intrusion be to require a person using the accessway or maintaining the building or structure to encroach upon the adjoining property.

Table 3.308
Permitted Encroachments

Type of Encroachment	**Permitted Encroachment** (Measured from Setback Line toward Lot Line)	**Reduced Setback** (Measured from Lot Line toward Setback Line)	**Additional Requirements**
Bay windows	**All yards:** 2 ft. (see additional requirements, right)	na.	This intrusion is permitted into front and rear yards, but into side yards only where the lots are greater than 10,000 square feet.
Chimneys	**All yards:** 2 ft.	na.	na.
Clothesline posts	*See* reduced setback, right	**Rear yard:** 8 ft.	na.
Driveways for side load or rear garages	**Side yards:**Lots greater than one acre: 12 ft.	**Front or rear yards:** 0 ft.	na.

	Lots 15,000 sf. to one acre: 5 ft.Lots less than 15,000 sf.: 2 ft.		
Fences, walls, and hedges	*See* Section *2.201*, *Permitted Uses*.		
Awnings and canopies	**All yards:** 3 ft.	na.	na.
Mailboxes	*See* reduced setback, right	1 ft. from the sidewalk; or as approved by the City in the right-of-way.	In no case shall the mailbox reduce the width of the sidewalk below that required by the City or the ADA.
Marquees, where permitted by *Article 12*, *Signs*.	**Front yards:** To the property line or 15 ft., whichever is less.**Side yards:** Intrusion into side yards shall be permitted only where the fire department indicates that it will not hinder fire access.**Rear yards:** No encroachment is permitted.	na.	na.
Signs	*See Article 12*, *Signs*.		
Overhanging roof, eave, gutter, cornice, or other similar architectural feature	2 ft.	na.	Where greater overhangs are desired architecturally, the building shall be moved back so as to intrude no further into the yard.
Planting boxes	1.5 ft.	na.	na.
Recreational equipment	*See* reduced setback, right	**Side or rear yards:** 5 ft.	For use by the residential unit only. Not allowed in front yards.
Sidewalks to entries	**Side yards:** 3 ft.	**Front, rear, and street side yards:** 0 ft.	na.
Steps or stairs to a dwelling, not enclosed	**All yards:** 4 ft.	na.	na.
Non-enclosed porches, decks, or terraces no more than two feet above grade at their highest point	**Front and side yards:** no encroachment is permitted.**Rear yard,** Lots 15,000 sf. or more: Lesser of 1/2 the depth of the rear yard, 50 ft., or the distance to the reduced setback.**Rear yard,** Lots less than 15,000 sf.: Lesser of 20 ft. or the distance to the reduced setback.	**Rear yard:** 5 ft.	na.
Non-enclosed porches, decks, and terraces more than two feet above grade at their highest point	**Front and side yards:** no encroachment is permitted.**Rear yard,** Lots 15,000 sf. or more: 1/3 of the depth of the rear yard.**Rear yard,** Lots less than 15,000 sf.: 5 ft., plus 2 ft. for every 1 ft. deck elevation above grade in excess of 2 ft.	**Rear yard:** 5 ft.	na.
Trees, shrubs, flowers, and other plants, or landscape features	*See* vision requirements of *Article 10*, *Landscaping and Tree Protection*.		
Sheds	*See* Section *2.201*, *Permitted Uses*.		
Side load front garages	**Front or street side yard:** 67% depth of street yard.	**Front or street side**	Where side load front garages are used, the developer shall be

		yard: 5 ft.	required to install one plant unit to screen two-car garages or two plant units for garages of three or more spaces, in addition to any other required landscaping. Encroaching side load front garages are permitted only on lots that are less than 15,000 sf. in area.
Alley access garages	na.	1 ft. from alley or easement.	na.
Garbage disposal equipment	*See* reduced setback, right	**Rear yard:** 12 ft.	na.
Recreational equipment for the common use of all development residents	In accordance with the approved final landscape plan. The Planning Commission may permit locations closer than the setback when the location is demonstrated to be safe as landscaped, and to not detract from the appearance of the development due to the reduced setback.		
Gate houses or security posts	Shall be permitted to the street property line, or within the street right-of-way (for center island locations), provided the Public Works Director, or designee, approves the location as suitable with regard to public safety and utilities in that location.		

C. **Easements.** Some lots will have utility, drainage, or other easements. No intrusion structures shall be permitted into such easements except where driveway access needs to cross the easement and lots are so narrow that the house size would have to be reduced if the easement were left unimproved.

D. **Utility Exceptions.** In accordance with the Statutes of the State of Oklahoma, nothing in this Code shall impose restrictions on the type or location of any poles, towers, wires, cables, conduits, vaults, laterals, or any other similar distributing equipment of a public utility.

Article 4 Environmental Standards

Division 4.100 Purpose

A. **General.** This Division establishes the basic performance standards to protect natural resources by preserving a portion of them in open space, as indicated in *Division 4.200, Resource Protection Standards*. The phrase "natural resources" refers to water bodies, riparian buffers, floodway, floodplain, wetlands, and shelter belts/windbreaks. *Division 4.300, Site Capacity Calculations*, requires that all developments conduct a site capacity analysis, which regulates the maximum development intensity based on district standards and unique site conditions. A site capacity analysis is conducted to ensure that public health, safety, and welfare are protected by preventing development from exceeding the site's capacity to sustain it. Additional standards to protect individual resources are provided in *Division 4.400, Open Space Regulations*. The open space may be used only in accordance with *Division 4.500, Additional Resource Standards*. *Division 4.700, General Environmental Standards*, addresses environmental emissions that individual uses may create. It sets standards to ensure that the community is protected from nuisances that could be created by a use.

B. **Resource protection policy.** Resource protection is important because the construction of buildings, parking, or other uses can be hazardous to life and property. The threat to public health and property may be on-site or off-site and may include impacts such as

air, groundwater, and/or surface water pollution. Resource protection also provides hazard avoidance, preservation of community character, property value enhancement, and general quality of life for residents and businesses. The clustering permitted in Tables 3.201A, *Residential Use District Standards*, and 3.201B, *Nonresidential Use District Standards*, helps to ensure that resource protection can more easily be accomplished by the developer without adverse impacts on the site's development potential. By using cluster or planned development options, the developer can create a site plan that protects resources, while permitting development on the unprotected areas and maintaining a reasonable gross density.

C. **Flood protection policy.** A particular focus of this Division is to minimize losses due to flooding and to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) by protecting land subject to flooding and seeking to reduce the level of flooding associated with new development. The open space requirement provides for wildlife habitat, reduces run-off, and increases groundwater recharge. The open space and natural vegetation requirements are the least expensive and most effective ways of enhancing the quality of water in streams. The protection of trees benefits the local microclimate in summer and winter. Open space along stream corridors provides for movement of many animal species and protection of stream water quality.

D. **No liability for flood damage.** The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur, and flood heights may be increased by man-made or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Code shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Code or any administrative decision lawfully made hereunder.

Division 4.200 Resource Protection Standards

The natural resources are to be protected by providing a minimum open space standard for each resource (see Table 4.200, *Resource Protection Standards*). By leaving all or a portion of a resource in open space, it can be protected. The uses permitted in the open space are contained in *Division 4.400, Open Space Regulations*. The natural resources are to be protected by leaving a portion of the resource undisturbed and designated as open space in residential developments or as undisturbed landscape surfaces for nonresidential developments. Table 4.200, *Resource Protection Standards*, identifies the resource protection standards. Note that the standards vary for the most intense districts.

Table 4.200Resource Protection Standards

Resource	Open Space Ratio (AG, CS, SE, SR, SC, AMH districts)	Open Space Ratio (NC, AR, AC, BP, I, UR, UC districts)
Water bodies	1.00	1.00
Riparian Buffers	0.50	0.30
Floodway	1.00	1.00
Floodplain greater than three foot depth	0.95[1]	0.85[1]
Floodplain one to three foot depth	0.70[1]	0.50[1]

Floodplain less than one foot depth	0.20[1]	0.00[1]
Wetlands	1.00	1.00
Swales	0.60	0.35
[1] Must have Corps of Engineers approval for modifications.		

Division 4.300 Site Capacity Calculations

Sec. 4.301 Site Capacity Requirement

A. **Required.** Each property proposed for development shall, at the time of preliminary and final site plan approval or subdivision, submit a site capacity analysis based on the site's physical conditions, hazards, and natural resources. A preliminary site capacity calculation shall be presented at the time of a proposed rezoning for both the present zoning and the proposed rezoning.

B. **Exceptions and Exemptions.** The site capacity analysis may be simplified or eliminated in the following circumstances:

1. No analysis is required for sites that do not contain natural resources listed within Table 4.200, *Resource Protection Standards*.
2. Farmsteads or agriculture in the AG District are exempt from the site capacity analysis requirement. However:
    a. These uses shall demonstrate that they protect floodways and wetlands; and
    b. No fill is permitted in the floodplain.
3. Any lot of record as of this Code's adoption date proposed for residential use shall conduct the site capacity calculation applying only the floodplain and wetland resources to determine the number of dwelling units that may be built if the lot:
    a. Cannot be further subdivided; or
    b. Is buildable after floodplains or wetlands are taken into account, but would not be buildable after other resource standards are applied.
4. Any lot of record as of this Code's adoption date proposed for a nonresidential use shall conduct the site capacity calculation applying only the floodplain and wetland resources if the lot:
    a. Is less than 20,000 square feet in area; and
    b. Is buildable after floodplains or wetlands are taken into account, but would not be buildable after other resource standards are applied.
5. Individual lots in subdivisions or land developments approved subject to this Code's provisions, since protection is achieved in the subdivision approval process.
6. Where a parcel is to be subdivided into a series of no more than six lots taking direct access to an existing street and where the depth of the parcel does not permit constructing streets to serve the development. All resources shall be

mapped and protected under conservation easements at the levels required by Table 4.200, *Resource Protection Standards*. All lots shall meet the minimum lot area requirements, excluding the area attributed to any protected resource.

Sec. 4.302 Residential Site Capacity Calculations

Table 4.302, *Illustrative Residential Site Capacity Calculation*, is an example of the residential site capacity calculation form. Complete the required data for all eight steps and do the mathematical calculations. This form shall be presented with preliminary and final plats of all residential developments and any zoning change requests.

Commentary: The form must be filled out with actual site data. Table 4.302, Residential Site Capacity Calculation, uses this font in italics to illustrate the calculation. These numbers represent data on a hypothetical 100-acre tract of land zoned for a cluster development in the Suburban Residential (SR) district, but not in a transition or involving affordable housing. The example is based on having:

Water body	1.20 acres
Water body buffer	5.65 acres
Floodplain, depth three feet or more	6.03 acres
Floodplain, depth less than one foot	5.60 acres
Wetlands	3.44 acres

Table 4.302
Illustrative Residential Site Capacity Calculation

Step 1	Enter gross site area as determined by actual survey.	*100.00 ac.*
	Subtract land within existing roads' ultimate rights-of-way or land within major utilities' rights-of-way (minimum 50-foot width for entire R.O.W.).	*-2.80 ac.*
	Subtract land cut off from use by railroad, highway, or water body.	- ac.
	Subtract all water bodies.	- ac.
	Subtract land previously dedicated as open space.	- ac.
	Equals Base Site Area.	*= 97.20 ac.*

Step 2

Measure all natural resources in the base site area and enter in the Acres Measured (Column 2). If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by Resource Protection Ratio for the district (Column 3 or 4 for the appropriate zoning) and insert result in Column 5.

Natural Resource	Acres Measured (Column 2)	Open Space Ratio (AG, CS, SE, SR, SC, AMH districts) (Column 3)	Open Space Ratio (NC, AR, AC, BP, I, UR, UC districts) (Column 4)	Protected Land (Column 5)
Water bodies	*1.2*	1	1	*1.20 ac.*
Water body buffers	*5.65*	0.5	0.3	*2.82 ac.*
Floodways	--	1	1	--
Floodplain, depth three feet or more	*6.03*	0.95	0.85	*5.73 ac.*
Floodplain, depth one to three feet	--	0.7	0.5	--
Floodplain, depth less than one foot	*5.6*	0.2	0	*1.12 ac.*
Wetlands	*3.44*	1	1	*3.44 ac.*

	Swale	--	0.6	0.35	--
Step 3	Sum of Column 2 equals Total Resource Land.	*21.95*	--	--	--
Step 4	Protected Resource Land equals sum of Protected Land (Column 5).				*14.31 ac.*
Step 5	Enter Base Site Area (Step 1).				*97.2*
	Multiply by Gross Density for use and district from Table 3.201A.				*2.07*
	Equals District Yield (round down to whole number).				*201*
Step 6	Enter Base Site Area (Step 1).				*97.2*
	Multiply by Open Space Ratio for use and district, Table 3.201A.				*0.25*
	Equals District Open Space.				*24.3*
Step 7	Enter Base Site Area (Step 1).				*97.2*
	Subtract District Open Space (Step 6) or Protected Resource Land (Step 4), whichever is greater.				24.3
	Equals Buildable Land.				*72.9*
	Times Net Density for use and district (Table 3.201A).				*3.5*
	Equals Site Specific Yield (round down to whole number).				*255*
Step 8	Select District Yield (Step 5) or Site Specific Yield (Step 7), whichever is less.				*201*

Sec. 4.303 Nonresidential Site Capacity Calculation

Table 4.303, *Illustrative Nonresidential Site Capacity Calculation*, is the nonresidential site capacity calculation form. Complete the required data for all steps and do the calculations. This form shall be presented with preliminary and final plats of all nonresidential developments and any zoning change requests.

Commentary: The form must be filled out with actual site data. Table 4.303, *Nonresidential Site Capacity Calculation*, uses this font in italics to illustrate the calculation. These numbers represent data on a hypothetical 20-acre tract of land zoned Auto-Urban Commercial (AC) and intended for commercial retail use. The example is based on having:

Floodway	1.54 acres
Floodplain, depth greater than three feet	3.03 acres

Table 4.303 Illustrative Nonresidential Site Capacity Calculation					
Step 1	Enter gross site area as determined by actual survey.				*20.00 ac.*
	Subtract land within existing roads' ultimate rights-of-way; or land within major utilities' rights-of-way (minimum 50-foot width for entire R.O.W.).				*- 0.50 ac.*
	Subtract land cut off from use by railroad, highway, or water body.				*- ac.*
	Subtract all water bodies.				*1 ac.*
	Subtract land previously dedicated as open space.				*- ac.*
	Equals Base Site Area.				*= 19.50 ac.*
Step 2	Measure all natural resources in the base site area and enter in the Acres Measured (Column 2). If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by Resource Protection Ratio for the district (Columns 3 or 4 for the appropriate zoning) and insert result in Column 5.				
	Natural Resource	**Acres Measured (Column 2)**	**Open Space Ratio (AG, CS, SE, SR, SC, AMH districts) (Column 3)**	**Open Space Ratio (NC, AR, AC, BP, I, UR, UC districts) (Column 4)**	**Protected Land (Column 5)**
	Water bodies		1	1	
	Water body buffers		0.5	0.3	

	Floodways	*0.54*	1	1	*0.54 ac.*
	Floodplain, depth greater than three feet	*3.03*	0.95	0.85	*2.57 ac.*
	Floodplain, depth one to three feet		0.7	0.5	
	Floodplain, depth less than one foot		0.2	0	
	Wetlands		1	1	
	Swale		0.6	0.35	
Step 3	Sum of Column 2 equals Total Resource Land.	*3.57*			
Step 4	Protected Resource Land equals sum of Protected Land (Column 5).				*3.11 ac.*
Step 5	Enter Base Site Area (Step 1).				*19.50 ac.*
	Multiply by Gross FAR for use and district from Table 3.201B.				0.335 ac.
	Equals District Yield (round down to whole number).				6.53 ac.
Step 6	Enter Base Site Area (Step 1).				*19.50 ac.*
	Multiply by Landscaped Surface Ratio for use and district, 3.201B				*0.15*
	Equals District Open Space.				2.93 ac.
Step 7	Enter Base Site Area (Step 1).				*19.50 ac.*
	Subtract District Open Space (Step 6) or Protected Resource Land (Step 4), whichever is greater.				*3.11 ac.*
	Equals Buildable Land.				*16.39 ac.*
	Times Net FAR for use and district (3.201B).				0.394
	Equals Site Specific Yield (round down to whole number).				*6.46 ac.*
Step 8	Select District Yield (Step 5) or Site Specific Yield (Step 7), whichever is less.				*6.46 ac.*
	Convert to square feet by multiplying by 43,560.				*281,398 sf.*
	Minimum Landscaped Surface (Step 4 or Step 6), whichever is greater.				*3.11 ac.*

Division 4.400 Open Space Regulations

Section *4.401, Uses in Open Space,* indicates the uses for which open space may be used. This Division also contains additional performance standards and mitigation requirements.

Sec. 4.401 Uses In Open Space

Table 4.401, *Uses in Open Space,* lists uses that may be permitted in open space when required elsewhere in this Code. The uses listed are narrower subsets of the use categories listed in Table *2.201, Permitted Uses*. In so doing, a closer match of the permitted uses to the resource's tolerance is provided. Any use not listed is prohibited in designated open space areas.

Table 4.401
Uses in Open Space

P = Permitted; N = Prohibited; L = Limited Use; C = Conditional Use

Use	General Open Space	Water bodies	Riparian Buffer	Floodway	Floodplain	Wetland	Swale
Agricultural Uses							
Apiaries	P	N	P	N	L	N	L
Field Crops	P	N	N	N	P	N	P
Orchards	P	N	L	N	P	N	P
Pasture	P	N	L	N	P	N	P

Kennels and Stables	P	N	N	N	N	N	N
Nursery	P	N	L	N	L	N	P
Recreational Uses							
Ball Fields	P	N	P	N	P	N	P
Golf Course	P	N	L	L	L	N	P
Nature Area	P	L	P	L	P	L	P
Nature Center	P	N	L	N	L	N	L
Picnic Area	P	N	P	N	P	N	P
Water Dependent Uses	P	C	P	N	P	N	P
Pools	P	N	N	N	N	N	N
Courts	P	N	N	N	L	N	L
Trails	P	N	P	L	P	L	P
Public Facilities							
Public/Private Roads Sewer/Water	P	C	L	C	C	C	C
Detention	P	L	P	N	L	L	P
Essential Access	P	C	L	C	C	C	C
Temporary Uses							
Public Interest Event and Special Events	P	N	L	N	L	N	L
For resource standards for limited and conditional uses, see this Division. For other resource standards, see *Division 4.500*, *Additional Resource Standards*.							

Sec. 4.402 Standards for Open Space Uses

As per Table *4.401*, *Uses in Open Space*, various open space uses are identified as limited or conditional uses. The rationale behind such designations is that some uses present potential threats to resources based on their tolerance or capacity limits. The following sections in this Division sets forth the standards required for approval of uses identified in Table *4.401*, *Uses in Open Space*, as limited or conditional uses. Such standards are in addition to the general standards for those uses in *Article 14*, *Procedures and Decision-Making*.

Sec. 4.403 Apiaries

Apiaries shall be located at least six inches above the 100-year flood elevation and anchored to resist movement.

Sec. 4.404Orchards

Orchards shall leave at least a 25-foot natural easement between the orchard's maintained area and any water body. Spraying shall be directed away from water bodies.

Sec. 4.405 Pasture

Pastures with less than one animal unit per acre shall be fenced at least 30 feet from any water body, and that area shall be maintained in a natural condition of prairie grass or woodland vegetation. If there is more than one animal unit per acre, fencing shall be located on the landward side of the required riparian buffer.

Sec. 4.406 Commercial Kennels and Stables

The only elements of commercial stables that are permitted within open space areas are outdoor pastures, riding trails, and kennel enclosures (but not buildings). Pastures and riding trails may be located within a floodplain, but only in areas where the base flood does not exceed six inches

above grade. All other permitted structures shall be located outside the floodplain. Paddocks, riding rings with exposed earth, and waste piles are prohibited in open space areas.

Sec. 4.407 Nurseries

Nurseries shall maintain a 40-foot natural buffer between tilled areas and any water body. In the floodplain, nurseries shall not bring in fill and shall be graded to provide additional storage capacity in the floodplain (*See* Sections *4.502*, *Filling the Floodplain* and *4.503*, *Detention in Floodplains*).

Sec. 4.408 Nature Centers

Nature centers in riparian buffers, floodplains, and swales shall be designed to avoid the cutting of any trees over six inches diameter at breast height. They shall intrude into these areas only when there is a reason for the center to have a close-up view of one of these features or a water body for educational purposes that cannot be served by trail access.

Sec. 4.409 Water Dependent Uses

Water-dependent uses are permitted, if it is demonstrated that the access has been chosen to minimize adverse impacts to the water body from erosion or pollutants. Such uses generally also impact riparian buffers and, most likely, floodplains. The plan for the water dependent use shall demonstrate that the damage to these resources is minimized through the design by locating facilities and structures away from the water or these resources.

Sec. 4.410 Playing Courts

Playing courts shall be permitted in the floodplain only where the base flood is less than six inches in depth. In designing the courts, additional stormwater storage shall be provided to lower the depth of water during the 100-year flood. The playing courts shall be designed and located so as not to trap debris resulting in floodwater backups. No fill shall be permitted. Parking areas shall be gravel or pervious paving blocks or grids. Paving shall not exceed five percent of the floodplain area. In swales, a clear flow channel shall be provided so the courts do not interfere with the storm flows.

Sec. 4.411 Trails

All trails in wetlands shall be elevated walkways. They are permitted only where the trail must cross the wetland for an educational purpose, or to connect a trail system that cannot otherwise be connected. There shall be a minimum of 18 inches of clearance of the structure above the ordinary mean high water elevation. The elevated walkways shall be installed using hand carried equipment to minimize damage to the wetland. Any trail crossing the floodway shall be on a bridge structure that is at least one foot above the ordinary mean high water elevation and designed to safely withstand flood events.

Sec. 4.412 Public/Private Roads and Sewer/Water

Protected resources shall not be disturbed with roadways or utility lines and easements, unless it is demonstrated that no feasible alternative to crossing the resource exists and the route selected is the least disruptive. This requires the applicant to submit a study showing the alternatives considered and the reasons for the selection of the proposed crossing.

Sec. 4.413 Essential Access

Essential access shall be permitted only upon finding that there is an area of buildable land on the property that must be accessed to avoid losing permitted density. If clustering can avoid the need for the access without a loss of density from that permitted by *Division 4.300*, *Site Capacity Calculations*, then the permit shall be denied. If several properties in the area suffer the same problem, then the essential access shall be designed to serve all properties, and access easements shall be provided. Staff shall make every effort to gain the cooperation of all property owners, including cost sharing arrangements. If adjoining property owners do not cooperate, the landowner making the improvements may submit a certified billing on the cost of the access. Subsequent essential access requests in the area shall be denied. The landowners shall be required to use the initial access and pay for their share of the documented expenses based on the number of dwellings or lots served. In the review of developments, the City shall seek to identify areas of adjoining properties that might qualify and provide stub streets so as to eliminate the need for this type of mitigation.

Sec. 4.414 Golf Courses

Golf courses shall be permitted on riparian buffers, floodways, floodplains, and wetlands provided that the following standards are met:

A. **Crossing riparian buffers, floodways, or floodplains.** Golf courses shall be permitted to cross riparian buffers, floodways, and floodplains provided that there is no change in the flood elevation due to the construction. Tees and greens shall be above flood elevation. No filling is permitted except in areas where the depth of the base flood is less than six inches. A pedestrian or golf cart trail and bridge are permitted.

B. **Parallel Course Construction.** Where the course will parallel the water body, no clearing of natural vegetation shall be permitted in the riparian buffer, except for floodwater access. The course shall be constructed to provide a 40 percent increase in stormwater storage during a 100-year storm event.

C. **Wetlands.** Wetlands shall be preserved. The course shall be designed so that wetlands are natural hazards. No filling will be permitted, and there shall be a wetland buffer of natural vegetation at least 15 feet around the border of the wetland that is part of the hazard design.

D. **Nutrient and pesticide management plan.** A nutrient management plan shall be developed for the fairways, tees, and greens to protect waters and wetlands from damage due to nutrients and pesticides.

Sec. 4.415 Public Interest or Special Event

Public interest events may involve significant numbers of people, equipment, and temporary structures. They may be permitted in these areas provided access to the riparian buffer or tree row is only by existing pedestrian trails. The City shall have the authority to cancel a permit if, in the opinion of the Police Chief, there is a flood event or eminent chance of flooding that they believe could endanger people or vehicles.

Sec. 4.416 Open Space Ownership and Maintenance

A. **Legal protection of open space.** Open space required by this Code shall be placed in a conservation easement. The following arrangements for the title and conservation easement are acceptable alternatives:

1. **Common interest association.** As common land by homeowners', condominium, or landowners' associations, with a conservation easement in favor of the City; or
2. **Private ownership.** By the landowner with a conservation easement in favor of the City; or
3. **Public dedication.** Dedicated to a public agency, provided the public agency shall have the final decision to accept and the right to refuse such offers; or
4. **Non-profit dedication.** By a City-approved, private, non-profit, open space organization capable of managing the open space with a conservation easement and who will not eliminate the conservation easement.

B. **Maintenance of open space.** Under any arrangement, the conservation easement shall require the maintenance of such areas as indicated on the approved plat or site plan. The City shall have the right under such conservation easements to maintain the area and place a lien on the property to recover its costs.

Sec. 4.417 Demarcation of Open Space

All boundaries of open space, whether for resource protection or other purposes, shall be identified with signs placed on each lot or every 100 feet, whichever provides for more signage. The signs shall be approved with the subdivision plat or land development plan and shall meet the specification of the City Planning & Development Department.

Division 4.500 Additional Resource Standards

The following Sections set forth additional standards that protect natural resources or permit mitigation.

Sec. 4.501 Floodways

In addition to the standards of *Division 4.600*, *Floodplain Protection and Flood Damage Prevention*, the following standards apply to structures which are proposed to be located or constructed in the floodway:

A. **Structures permitted.** Only the following shall be permitted in the floodway:

1. Piers needed to support bridges;
2. Erosion control structures;
3. Stormwater management facilities;
4. Detention or retention areas;
5. Environmental mitigation projects;
6. Dams for flood control or water supply; and
7. Utility crossings.

B. **Structures prohibited.** Structures designed for human habitation, other than water-dependent uses, are prohibited in the floodway.

C. **Standards.** In permitting the above structures, it shall be demonstrated that:

1. It is not practical to avoid the particular component being located in the floodway;
2. With regard to water-dependent uses and their essential structures:
    a. The location is the best available from an environmental standpoint; and
    b. Approval is obtained from all agencies having jurisdiction.
3. All structures and substantial improvements in the floodway shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
4. All horizontal structural members or anything hung or supported on a structure located in a floodway shall have a two-foot clearance above the base flood elevation or higher, as required by the City Public Works Director and/or the Floodplain Administrator or designee to prevent flow blockage by debris.

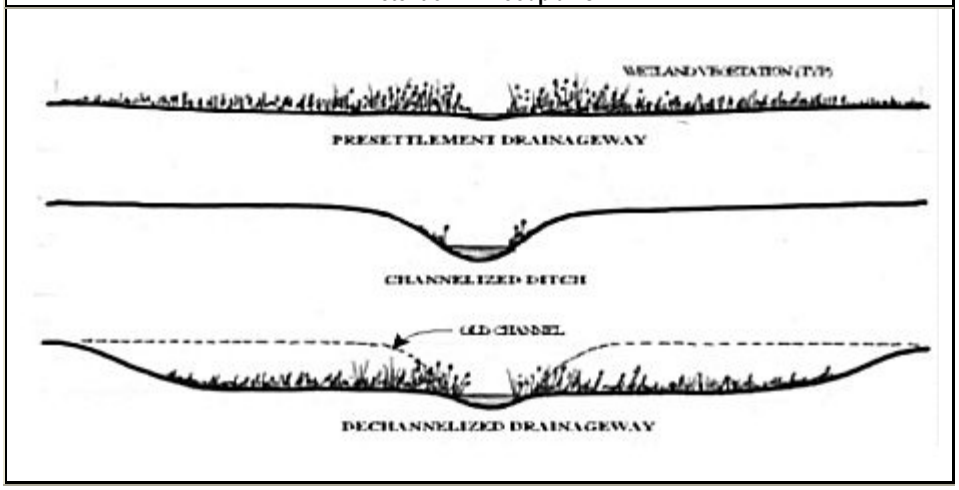
Sec. 4.502 Filling the Floodplain

The floodplains in Altus are, for the most part, wide and shallow. The regulations for disturbing the floodplain are related to the depth of water in a 100-year storm event. The priority is to fill in areas where the depth of water is less than six inches and to avoid development where the water depth is greater than 18 inches. Filling is to be offset by compensatory storage. If the compensatory storage is in the floodplain, the combination of filling, compensatory storage, and detention is intended to lower the flood elevation by increasing channel capacity (see Section *4.503*, Detention in Floodplains).

Sec. 4.503 Detention in Floodplains

There are numerous floodplains in the Altus planning area with very shallow, wide floodplains and/or artificial stream channels. The preferred method of stormwater management is to retain the area of floodplain as open space, but to dechannelize the stream so that the stream is given a more natural stream channel and floodplain. The net effect of this should be to greatly increase the storage capacity of the floodplain. This is the preferred method of stormwater detention wherever possible (*See Division 8.400*, *Drainage*). The net effect of this is intended to lower the flood elevation after accounting for all additional runoff as a result of the development (*See* Figure 4.503, *Detention in Floodplains*).

Figure 4.503
Detention in Floodplains



Sec. 4.504 Additional Approvals

Any approval for development within a floodplain or floodway shall be conditioned on receiving a permit from the Oklahoma Department of Natural Resources and the Corps of Engineers. Where watershed management plans exist, all approved development shall be consistent with such plans. Structures slated for acquisition under future flood hazard management projects shall not be repaired or replaced.

Sec. 4.505 Parking in Floodplains

Parking in the floodplain shall be permitted under the following conditions:

A. **Surface parking.** Parking may be located within the floodplain provided that the depth of water in a 100-year storm event does not exceed six inches, except as provided in subsection B, below.

B. **Recreational area surface parking.** Recreational areas that may be closed to access during flooding, and are closed to access on a nightly basis, may be approved, provided the depth of water in a 100-year storm event does not exceed three feet.

Sec. 4.506 Wetlands

Few uses are permitted in wetlands. In residential districts, clustering provisions provide the ability to work around wetlands through good site planning. It is recognized that there are some situations where it does not make sense to preserve isolated wetlands. Section *4.507*, *Wetland Mitigation*, addresses mitigation. Where permitted uses or structures are to be built in a wetland, the structures shall be located on piles. Where needed, access shall be provided on structures such as boardwalks, which have minimal impacts on the wetland.

Sec. 4.507 Wetland Mitigation

Cases may exist where protection is not a reasonable alternative and mitigation is an acceptable solution. The following are the situations where mitigation is permitted, and the standards that apply:

A. **Mitigation areas.** Areas where mitigation may be approved include the following:

1. Farm ponds of less than three acres.
2. Wetlands of less than one-half acre in residential areas, provided that they cannot be linked into the development's drainage pattern.
3. Isolated small wetlands in nonresidential zoning districts.
4. Any wetland in the Urban Residential (UR) district.
5. Where the wetland is a low-quality wetland that is to be modified to be part of the development's stormwater system.
6. Even if a wetland meets the criteria in subsections A.1 to A.5 above, mitigation of a high-quality wetland shall only be permitted if it is determined that the wetland cannot survive as a high-quality area with proper buffering and water augmentation.

B. **Corps of Engineers.** In all cases, mitigation shall require a Corps of Engineers permit. Obtaining a Corps of Engineers permit shall not override the standards of this Code if the Code does not permit mitigation.

C. **Integration to drainage systems.** The disturbance of a low-quality wetland for integration into the development's stormwater system comprised of wetlands and positive surface drainage is encouraged and has priority over mitigation at other locations on or off site.

D. **Mitigation standards.** In mitigation, any new constructed wetland or reconfiguration of an existing wetland shall require the wetland to be free of invasive wetland species and to have a mix of plant types that would qualify it as a high-quality wetland.

E. **On-site mitigation.** If mitigation can be done on-site, then it shall be done on-site, and the wetlands integrated into the development's stormwater system or used as buffers or open space.

F. **Off-site mitigation.** Off-site mitigation shall only be permitted where the on-site wetland would be too small to function as a viable wetland or where the site is so constrained that preserving the wetland is not desirable. A Corps of Engineers approved mitigation bank shall be used for all off-site mitigation.

Sec. 4.508 Riparian Buffers

Riparian buffers shall meet the following standards:

A. **Planting.** The buffer shall be planted in a mix of indigenous prairie plants and trees (five plant units per acre) to enhance the buffer's absorption and filtering potential. A list of acceptable species is available from the Department of Planning and Development.

B. **Septic Systems.** No septic systems are permitted within the buffer.

C. **Drainage.** Drainage shall not discharge directly to the water body through the buffer. All developments shall maximize the drainage amount conducted in natural swales by sheet flow. The water from multiple lots shall be taken to a wet or dry detention basin planted as a wetland before releasing water to the water body.

D. Buffer width.

1. **Lakes and Ponds - 50 feet.**

2. **Ephemeral Streams with stream channels less than 10 feet in width - 50 feet.**
3. **Ephemeral Streams with stream channels 10 feet or larger - 100 feet.**
4. **Perennial Streams - 150 feet.**

Sec. 4.509 Swales

A. **General.** Swales are the best way of moving water because the natural topography has created a flow pattern. This is an area that must be partially preserved in open space for the purpose of moving water in the most cost-effective manner possible. The open space ratio in Table 4.200, *Resource Protection Standards*, is intended to provide adequate space to retain the flow channels. The intent is to ensure that positive surface drainage is maintained across the site. The remainder of the open space area should be used for stormwater management.

B. **Regrading.** The regrading of the preserved portion of the swale is permitted and encouraged to maximize the amount of surface drainage and minimize the need for storm sewers. The developer shall retain 90 percent of the swale length for the movement of stormwater. It shall be retained or modified for surface water movement, and then the rest of the protected area used for detention or retention facilities. Another recommended approach is a broad swale with channel blocks that serve as both drainage and detention. In residential and office areas, consideration shall be given to pedestrian paths that parallel the swale. Retaining walls may be used to increase the capacity of the channels, but the channel itself shall be retained in pervious conditions. There shall be an easement of access to permit maintenance of the channel and stormwater facilities by the City or a designated manager.

C. **Reduction of swale area through use of green roof.** The amount of open space devoted to preserving swale as required in Table 4.200, *Resource Protection Standards*, may be reduced where the industrial or commercial development uses green roofs or rooftop storage to reduce stormwater runoff. The reduction shall not affect the length of the drainageway used for drainage purposes. However, the effect of the rooftop storage or green roofs on the total area needed for surface detention or retention shall allow the area in buildings to be increased at the expense of open space so long as the channel and a suitable maintenance area are retained. The Public Works Director shall certify that the reduction in the open space ratio is proportional to the percent that the area of surface storage is reduced by the green roofs.

Division 4.600 Floodplain Protection and Flood Damage Prevention

Sec. 4.601 Statutory Authorization, Findings of Fact, Purpose, and Methods

A. **Statutory authorization.** The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §1601 to 1618, as amended, Chapter 23, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

B. **Findings.**

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for

flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

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

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. **Compliance with this Division.** No structure or land shall be constructed, located, extended, converted or altered without full compliance with the terms of this Division, Section *4.501*, *Floodways*, and other applicable regulations.

Sec. 4.602. Interpretation

A. **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor or the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

B. **Definitions.** Definitions used in this Division are provided in Article 17, *Definitions*. Where more than one definition is provided, the one that indicates "for the purposes of floodplain management regulations" or the like shall be applied to the regulations within this Division.

Sec. 4.603 Lands to Which this Division Applies

This Division shall apply to all areas of special flood hazards within the jurisdiction of the City of Altus.

Sec. 4.604 Basis for Establishing Special Flood Hazard Areas

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Altus, Jackson County, dated July 19, 2005," with accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this Division.

Sec. 4.605 Penalties for Noncompliance

See Section *15.205*, *Penalties for Noncompliance with Floodplain Management Regulations*.

Sec. 4.606 Abrogation and Greater Restrictions

This Division is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Division and other ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 4.607 Warning and Disclaimer of Liability

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

Sec. 4.608 Floodplain Administrator

See Section *13.403*, *Floodplain Administrator.*

Sec. 4.609. Permit Procedures

See Section *14.402*, *Permit Procedures*.

Sec. 4.610. Variance Procedures

See Section *14.308*, *Procedures for Variance from Floodplain Management Regulations.*

Sec. 4.611 Methods of Reducing Flood Losses

A. **General.** In order to accomplish its purposes, this Division includes methods and provisions for:

   1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

   2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Sec. 4.612 Flood Hazard Reduction - General Standards

In all areas of Special Flood Hazards the following standards shall apply:

A. **Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
    a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
    b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
    c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
    d. Any additions to the manufactured home shall be similarly anchored.

B. **Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. Minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or device provided that they permit the automatic entry and exit of flood waters.

C. **Utilities.**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. **Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres, whichever is less.

Sec. 4.613 Flood Hazard Reduction - Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section *4.604*, *Basis for Establishing Special Flood Hazard Areas;* Section *4.608*B.8.; or Section *4.610*F., the following provisions are required:

A. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation.

B. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydro-dynamic load and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certifications shall be provided to the official as set forth in Section *4.608*, *Floodplain Administrator*.

C. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

D. **Manufactured Homes.**

1. Manufactured homes that are placed or substantially improved within Zone A, Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement if they are located on sites which are:

   a. Outside of a manufactured home park or subdivision;

   b. In a new manufactured home park or subdivision;

   c. In an expansion to an existing manufactured home park or subdivision; or

   d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

2. Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection D.1, above, shall be elevated so that the lowest floor of the manufactured home is elevated one foot above the base flood elevation.

E. **Recreational Vehicles. R**ecreational vehicles which are placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by

quick disconnect type utilities and security devices, and has no permanently attached additions); or

3. Meet the permit requirements and the elevation requirements for "Manufactured Homes" in subsection B, above.

F. **Accessory Structure.** Accessory structures may be located within areas of special flood hazards if all of the following are demonstrated:

1. The structure is of low value and represents a minimal investment.
2. The structure is small in that it does not exceed 600 square feet in floor area.
3. The structure is unfinished on the interior.
4. The structure is used only for parking and limited storage.
5. The structure is not used for human habitation (including work, sleeping, living, cooking, or restroom areas).
6. Service facilities such as electrical and heating equipment are elevated to or above the base flood elevation or flood-proofed.
7. The structure is constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
8. The structure is designed to have low flood damage potential, *i.e.*, it is constructed with flood-resistant materials.
9. The structure is firmly anchored to prevent flotation, collapse, and lateral movement.
10. Floodway requirements are met in the construction of the structure.
11. Openings to relieve hydrostatic pressure during a flood are provided below the base flood elevation.
12. The structure is located so as not to cause damage to adjacent and nearby structures in the event of a 100-year flood event.

Sec. 4.614 Standards for Subdivision Proposals

A. **Consistency with Floodplain Management Policies.** All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the policies expressed in Section *4.601*, *Statutory Authorization, Findings of Fact, Purpose, and Methods*.

B. **Compliance with Floodplain Management Regulations and Procedures.** All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet Development Permit requirements of Section *4.604*, *Basis for Establishing Special Flood Hazard Areas*; Section *4.609*, *Permit Procedures*, and the provisions of Sections *4.611*, *Methods of Reducing Flood Losses* through *4.615*, *Standards for Areas of Shallow Flooding (AO/AH Zones)*.

C. **Generation of Base Flood Elevation Data.** Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or five acres,

whichever is less, if such information is not otherwise provided pursuant to Section 4.604, *Basis for Establishing Special Flood Hazard Areas*, or Section 4.608, *Floodplain Administrator*.

D. **Adequate Drainage Required.** All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. **Protection of Utilities.** All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 4.615 Standards for Areas of Shallow Flooding (AO/AH Zones)

A. **General Standards.** Located within the areas of special flood hazard established in Section 4.604, *Basis for Establishing Special Flood Hazard Areas*, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures shall:

   a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified); or

   b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight, with walls that are substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. **Certification.** A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied. See Section 4.609, *Permit Procedures*.

C. **Drainage Paths in Flood Zones AH and AO.** Within flood zones AH or AO, adequate drainage paths around structures on slopes shall be provided to guide flood waters around and away from proposed structures.

Division 4.700 General Environmental Standards

This Division contains the standards for noise, smoke, odor, and vibration. It shall be applied only to land uses operating within the City. Railroad trains and aircraft are exempt from the

provisions of this Division. All uses shall comply with the following standards for maximum noise, vibration, odors, and other emissions, and shall be certified by a licensed engineer with expertise in the appropriate area.

Sec. 4.701 Noise

A. **Maximum Noise Level.** All uses shall maintain a maximum day-night noise level as indicated in Table 4.701, *Noise Levels*, at the interior of any bufferyard required by *Division 10.400*, *Bufferyard Requirements*, or at the property line if no bufferyard is required.

Table 4.701
Noise Levels

Adjoining Use or District	Maximum Noise Level
Residential Use or District permitting Residential (AG, CS, SE, SR, NC, AUMH, AR, UR)	55 DNL
Commercial (SC, AC, UC)	65 DNL
Industrial (BP, I)	75 DNL

B. **Different Adjoining Uses.** Where different uses adjoin the subject property, the most restrictive noise level standard shall apply. The standard must be met not only on abutting properties, but also where a district boundary is off site.

C. **Noise Barriers.** Where barriers or structures are used to meet noise reduction, they shall be certified by a registered acoustical engineer as meeting these standards pursuant to the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended). The actual elevation of noise sources on the property shall be used in the model.

Sec. 4.702 Vibration

The maximum vibration standard shall be maximum peak particle velocity. This standard is measured as the maximum displacement vector sums of three mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. Where these standards are not met five feet beyond the building walls or the generator, if it is located outside, then barriers, structures, or dampening measures shall be used to ensure that all uses meet these standards at the property line.

A. **Maximum Vibration.** The standards of Table 4.702, *Vibration Standards*, shall be met, except as provided in subsection B, below.

Table 4.702
Vibration Standards[1]

Frequency (Hz)	Adjoining Zoning			Impact vibration[2]
	AG, CS, S, U, SC	UC, AC, BP	I	
Less than 10	0.0004	0.0020	0.0039	0.0098
10-19	0.0002	0.0011	0.0022	0.0055
20-29	0.0001	0.0006	0.0011	0.0028
30-39	0.0001	0.0004	0.0007	0.0018
40-49	0.0001	0.0003	0.0005	0.0013

50 or more	0.0001	0.0002	0.0002	0.0010

Notes:
[1.] Measurements in inches per second; vibrations that do not exceed 60 cycles per minute may be twice the values in this table.
[2.] Vibrations occurring no more than eight times in a 24-hour period with a minimum separation of one minute.

B. **Exemptions.** The following are exempt from these standards:

1. Vibrations emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
2. Transient vibrations of moving vehicles, such as trucks and automobiles or trains.
3. Mining activities may be granted limited exceptions to impact vibration standards during the conditional use approval process, and those conditions shall be controlling.

C. **Measurement.** An operator trained to measure vibrations shall make all such measurements.

Sec. 4.703 Emissions

Sections *4.703*, *Emissions*, and *4.704*, *Odorous Materials*, address standards for emissions. All industrial uses shall submit verification that their proposed smoke and particulate matter emissions meet State and Federal Air Quality Standards set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40) and the State of Oklahoma (Oklahoma Administrative Code, 252:100). No regulated emission source shall be constructed or operate without a valid permit from the Oklahoma Department of Environmental Quality. Further, no transfer of pollution rights authorized by the state or federal governments shall be permitted that would increase emission levels within the City as a result of the transfer. Transfer of pollution rights out of the City are permitted and encouraged.

Sec. 4.704 Odorous Materials

No use shall store material or produce odors that exceed this Section's standards.

A. **Standard.** Emissions noticeable at any point beyond the property line shall be prohibited, except as provided in subsection D, below.

B. **Determination of "Noticeable."** The Zoning Administrator may use a panel (see E below) to determine if odors are objectionable. Neighbors may petition the Zoning Administrator for the panel. A petition signed by 20 percent of neighbors within 200 feet is needed unless the Zoning Administrator, on visiting the site, agrees that there is an odor that should be evaluated.

C. **Panel.** The panel shall consist of 10 members drawn from the Board of Adjustment, Planning Commission, and City staff persons. They shall visit the site with at least five members present, one of which should be a City staff person.

D. **Panel Findings.** If two of the members can detect the odor, it shall be considered to be detectable. If all members can detect the odor and two find it to be objectionable, or if more than one member suffers obvious eye or nasal irritation, then the odor shall be considered objectionable. Where one or none of the members of the panel can detect the odor, the City shall consider there to be no odor problem.

Sec. 4.705 Toxics

Manufacturing toxic matter, as listed in the U.S. EPA Title III, List of Lists, most current version, is prohibited. Such matter may be used in processing or be an emission by-product. The release of such material shall meet State and Federal standards. All uses utilizing such materials will be permitted or prohibited based on their performance level. All uses utilizing such materials or emitting carcinogenic toxics shall be treated as Conditional Uses. In approving the Conditional Use, the City shall evaluate the following studies, submitted and sealed by a licensed engineer specializing in toxic emissions:

A. **Threat Level.** How close the proposed emission is to the maximum permitted emission levels.

B. **Dispersion.** The level of dispersion and mixing that occurs prior to leaving the property and before it crosses into a residential district or a property used by the public such as schools, museums, or other places of public gathering. The likely dispersion patterns in normal and worst case weather conditions shall be part of this submission.

C. **Risk Management Plan.** In all cases of toxic emissions, a copy of any required Federal Risk Management Plan (RMP).

Sec. 4.706 Hazardous Materials

A. **General.** All uses shall comply with State and Federal Standards for hazardous materials. Any use that is required to submit a Federal Risk Management Plan (RMP) shall submit the same to the City at the time of site plan approval. The City shall review the site plan in light of minimizing risk to neighbors, the City, or the environment. The City may impose design conditions to maximize protection of public health and safety.

B. **Radiation Hazards.** No manufacture or processing of radioactive materials shall be permitted within the City. Where radioactive materials are to be used in the manufacture of other materials, the use shall be evaluated as a conditional use. All use and exposure standards shall meet the requirements of the Oklahoma Radiation Management Act (Oklahoma Administrative Code 252:410). Where radioactive materials are used in medical testing and imaging, industrial measurement, or quality control equipment, they may be permitted as a Limited Use. All Special or Limited uses shall be in compliance with the following standards:

    1. Radioactive materials shall be stored in sealed containers or rooms.
    2. All such areas where radioactive materials are used shall be clearly labeled.
    3. The fire department, emergency services, and police shall be given detailed plans of the areas involved in handling any radioactive materials.
    4. The use shall have proper permits for the use, storage, and disposal of radioactive materials.

Sec. 4.707 Dust and Debris

A. **General.** Dust and particulate matter shall be controlled to prevent significant off-site deposition on adjoining lots or roads. The City shall determine whether the pattern of deposition is a result of the regular operation of the industrial use or vehicular traffic on the site, not a short-term landscaping or construction activity that was impacted by

severe winds. Clean up of deposited material shall be the responsibility of the generator. If the City must do the clean up because of failure of the generator to take corrective action, the City may close the use until corrective action is taken and the City's documented clean up costs are repaid.

B. **Best Management Practices.** Long-term construction activities shall use Best Management Practices to reduce dust. Best Management Practices include, but are not limited to, covering stored materials, wetting or otherwise stabilizing the material, paving, sweeping or vacuuming the materials, wind breaks or fences, filters, or other trapping mechanisms.

Sec. 4.708 Lighting

Lighting shall be controlled to prevent glare and nuisance problems for adjoining uses. *See Division 9.400, Exterior Lighting Standards*.

Article 5 Housing Bonus

Division 5.100 Purpose

Altus is in competition for new jobs and businesses, and the housing market is strained to provide housing for many workers. There is a strong need to produce more affordable housing and this Article provides incentives for the production of affordable housing which takes several forms. The first incentive is the built-in bonuses for cluster or planned development in the residential districts, (*See* Table 3.201A, *Residential Use District Standards*). A density bonus is offered to make the production of market housing less expensive. A similar incentive is provided by the average lot size requirement, (*See* Section 3.305, *Averaged Lots*), which encourages smaller, more affordable units. Another incentive is the bonus provided for affordable units that are either publicly subsidized, or affordable market units (*See* Section 5.202, *Affordable Housing Eligibility*). The last set of incentives is the permissibility of affordable small housing units for elderly or young singles, or households with small families having no more than two members, so that only a single bedroom is required (*See Division 5.300, Affordable Units for Small Families*).

Division 5.200 Incentives

Sec. 5.201 District Incentives

The residential districts contain provisions that are designed to make housing more affordable. Density bonuses are provided for cluster or planned development where smaller lots lead to lower street and utility costs per lot. The variable lot size provisions are intended to provide a greater mix of housing costs in each development.

Sec. 5.202 Affordable Housing Eligibility

A. **General.** Affordable housing is subject to an automatic density bonus. There are two ways to be eligible for the bonus:

   1. The first is to provide housing under a state or federal assistance program.
   2. The second is to use the density bonus to help reduce the costs of market units.

B. **Criteria.** Following are the review criteria that shall be met to achieve the bonus:

1. **Subsidized Housing.** Where the housing is subsidized by a state or federal, affordable or low- and moderate-income housing program, the development shall be eligible if between 20 and 30 percent of the units are subsidized. If the project has less than 10 units, the number of subsidized units may be increased to 50 percent of the units.

2. **Market Housing.** The market housing shall be made more affordable by the developer. At least 10 percent of the units shall be reduced in price to make them more affordable than the average market units in the development. The developer shall submit a proforma to assist in the evaluation of how the units are made more affordable. The following criteria must be met:

    a. All units shall use the same general architectural materials, details, and finishes on the exterior so that affordable units are not distinguishable by materials and finishes. Less expensive interiors may be used to reduce per square foot costs.

    b. The developer shall demonstrate that the bonus density is used to bring down the cost of land and infrastructure by demonstrating that land cost was not increased in anticipation of the developer receiving the density bonus. It must be further demonstrated that the land costs associated with the affordable units are only those associated with the actual development of those lots, not costs that would be incurred even if fewer units were built. Instead of averaging the utility or street costs (bring the cost per unit down for all units), these costs should be zero for the affordable units. For example, the costs of streets and utilities would not be added to the cost of the affordable units; only the connection costs for utilities and curb cut costs would be chargeable.

    c. Affordable units shall have less floor area than other units. In part, this may be accomplished through using the smaller lot sizes or housing types or building on the smallest lots in the averaged lot regulations.

C. **Bonus.** The density incentive is 15 percent (this means that, with regard to subsection B2, the developer must use two-thirds of the bonus units to provide affordable housing and one-third as an incentive in the form of more market rate units).

Commentary: The total reduction in housing cost is expected to be 30 percent or more and documented by a proforma. Ordinarily, land and infrastructure costs are about 25 percent of the unit's cost. The smaller unit and lower interior costs are expected to contribute the rest of the savings; a seven to 10 percent cost reduction should be possible.

Division 5.300 Affordable Units for Small Families

Sec. 5.301 Purpose

This Division focuses on a small segment of the market, that is, families with one or two people who can live in a very reduced size unit having only one bedroom. Section 5.302, *Accessory Apartments*, provides for accessory apartments. Section 5.303, *Small Family Units*, provides a

special housing type intended for the elderly, young persons, or others with limited resources and small household sizes. This is a much smaller unit compared to most market housing and, thus, can have a small lot area and higher density. Siting and design standards ensure that the units fit into the community, despite the much higher density at which they are allowed. The densities exceed those of all but the maximums of the Urban Residential (UR) district.

Sec. 5.302 Accessory Apartments

Accessory apartments, along with their principal residential buildings, would generally be considered a type of two-family dwelling. However, where they are built in accordance with this Section, they may be built in a single-family subdivision or cluster single-family subdivision. The accessory apartment is exempted from the calculation as a dwelling unit when determining the maximum density in Table 3.201A, *Residential Use District Standards*.

A. **Identified at time of subdivision.** At the time of preliminary subdivision, the applicant shall identify the subdivision as being one that will use accessory units to provide affordable housing. This provides an opportunity to review the entire plan on the basis of having two units per lot. A note shall be on the plat and all lot plans indicating that the subdivision permits accessory apartments.

B. **Unit standards.**

   1. No accessory apartment shall have a floor area that is greater than 20 percent of the total residential floor area on the lot.

   2. No accessory apartment shall have more than one bedroom or bathroom.

C. **Unit design.** The developer shall submit plans showing how the homes will be designed to provide for accessory units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family or cluster lot smaller than 6,000 square feet contain an accessory apartment.

D. **Transition.** The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased bufferyard opacity (*See Division 10.400*, *Bufferyard Requirements*), landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary (where the boundary is not a street) from having the accessory apartments are techniques that may be required.

Sec. 5.303 Small Family Units

A portion of the market for affordable housing consists of seniors and new families (just starting out) who can live in a very small unit that has only a single bedroom. This is only a segment of the market, but one where the units need so little land that the density regulations would prohibit the building for this market segment except, perhaps, in the Urban Residential (UR) district. This Section provides standards for two types of single-family units and an attached single-family unit which are designed to meet the needs of one or two people. The standards of this Section provide a special density that is a bonus for the building of these units. As a result, these units are exempt from the district standards (Table *3.201*A, *Residential District Use Standards*) provided the units meet the provisions of this Section.

A. **Unit Design.** There are three unit designs: single-family detached units of both one and two stories and an attached atrium unit. Table 5.303, *Small Family Unit* and Figure 5.303, *Dimensional Standards for Small Family Units*, illustrate the units and provide the dimensional standards for each of these unit types. Three types of standards are provided: the standard for the lot containing a unit, parcel standards that address the perimeter of the parcel upon which the unit is based, and general bulk standards.

Table 5.303
Small Family Unit

	1-Story Detached	2-Story Detached	1-Story Attached
Individual Lot Standards			
Minimum Lot Area per Unit	2,000 sf.	2,000 sf.	800 sf.
Maximum Floor Area Ratio on Lot	0.37	0.4	0.8
Spacing (Minimum/Total) (ft.)	6/16	7/18	Attached
Maximum Height (ft.)	18	28	15
Parcel Standards			
Minimum Open Space Ratio	0.13	0.13	0.16
Maximum Gross Density	10.32	10.32	16.47
Street Setback (ft.)	15	15	15
Side or Rear Yard (ft.)	5	7	10
Parking Setback (ft.)	10	10	10

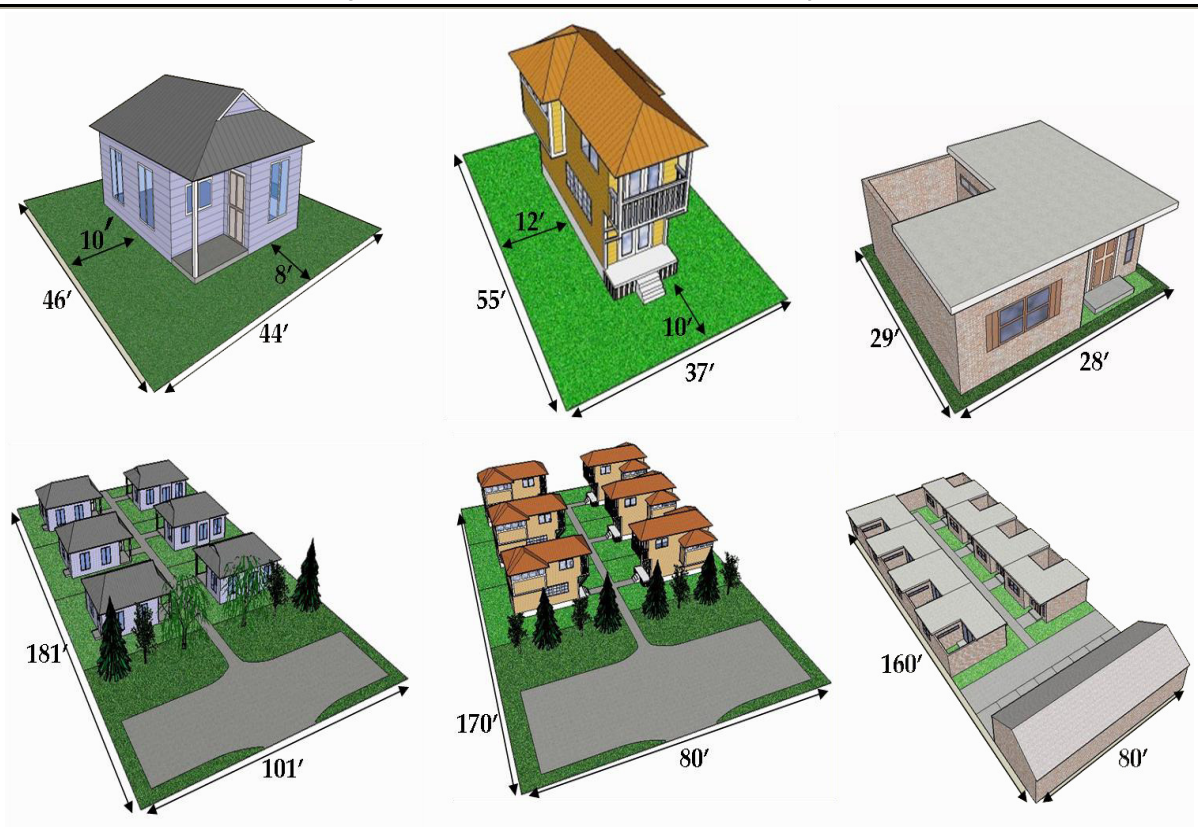
B. **Location.** The small family units may be located on a property if they meet one of following criteria:

1. Lots of less than 40,000 square feet in the Urban Residential (UR) or Auto-Urban Residential (AR) Districts where the lot adjoins an arterial road or commercial or business park zoning (SC, AC, UC, BP), but not industrial (I);
2. Lots of less than 25,000 square feet in the SR District;
3. In any of the above residential districts and in the NC District where the land adjoins and is owned by a place of worship, non-profit housing organization, or social service provider, where that institution is managing the property; or
4. In land zoned Auto-Urban Commercial (AC) or Suburban Commercial (SC), where the site borders on a collector or arterial road.

C. **Spacing.** To ensure that the character of a neighborhood is not changed by the increase in density, the following minimum spacing shall be required:

1. In the NC District, there shall be no more than 20 units within 1,320 feet of each other.
2. In the SR, AR, and UR Districts, there shall be no more than 40 units within 1,320 feet of each other.
3. In all other districts, there shall not be more than 60 units within 1,320 feet of each other.

Figure 5.303Dimensional Standards for Small Family Units



1-Story Detached	2-Story Detached	1-Story Attached

Article 6 Nonconformities

Division 6.100 Purpose

A. **General.** This Article regulates nonconforming uses, buildings or structures, and lots. The purpose of this Article is to ensure that nonconforming uses do not expand, while also protecting conforming uses from nuisances. The intent is to eliminate damaged or abandoned uses that do not conform to this Code. Through the use of the NC District, this Code minimizes the number of legal nonconformities so that variances are rarely requested.

B. **Classification of Nonconformities.** This Article provides standards that classify nonconformities by the degree of conflict, annoyance, incompatibility, or hazard to surrounding properties. The purpose is to eliminate nuisances and nonconformities whose degrees of incompatibility with adjacent land uses are high and curtail substantial investment in nonconformities contrary to the intent of this Code. Where the incompatibility is minor, the purpose is to mitigate and establish standards for the property's continued use. All non-conforming uses, buildings, structures, or lots shall be encouraged to conform to this Code. Rules and procedures are established to balance the

desire to eliminate the use against the degree of nonconformity and the landowner's rights.

C. **Registration.** All nonconforming uses, structures, buildings, and lots shall be registered as follows:

1. Within 12 months from the effective date of this Code, property owners shall register their property's nonconforming status with the Zoning Administrator, who shall maintain a list of all properties so registered. The register will identify the uses made nonconforming by the adoption of this Code, the Sections for which the use is nonconforming, or whether the use was nonconforming prior to the effective date of this Code.

2. The burden of establishing that any nonconforming use, building or structure, or lot is a legal nonconforming use as defined by this Article shall, in all cases, be upon the owner of the nonconforming use, building or structure, land, or lot and not be a burden upon the City.

Division 6.200 Nonconformities

Sec. 6.201 Nonconformities

A. **Types.** There are four types of nonconformities within this Code.

1. **Nonconforming Uses**. Uses that are not listed as permitted or limited in the district in Tables 2.201A, *Residential Use*, through 2.201D, *Nonresidential Use*. Uses listed as conditional uses in the district shall be nonconforming unless a conditional use has been granted (see Section *14.304*, *Conditional Use*).

2. **Nonconforming Buildings.** Buildings or structures are nonconforming if they fail to meet the floor area, density, setback, bufferyard, height, parking, or bulk requirements of this Code.

3. **Nonconforming Lots.** A lot, not held in common with any other lot that does not meet the area or other dimensional standards of this Code, is considered nonconforming. Lots held in common, but which do not meet lot area or dimensional standards, are curable nonconformities. Where a landowner owns several nonconforming lots that abut, they must be combined to create conforming lots or to increase the level of conformity of any nonconforming aspect of any of the commonly owned lots.

4. **Floodplains.** A building or use that is nonconforming due to its location or elevation within the floodplain or floodway.

B. **Legal Nonconformity.** A use, building or structure, or lot that, when built or established, was in conformance with all laws in place at that time. Any other use, building, or lot that does not conform to this Code is illegal and is hereby declared a nuisance.

Sec. 6.202 Major and Minor Nonconformities

Major nonconformities are those for which the nonconformity is a nuisance *per se* or represents such incompatibility for adjacent uses and/or the Comprehensive Plan that it should be eliminated.

A. **Major Nonconformities.** The following shall be considered major nonconformities.

1. Industrial uses in districts zoned Suburban Estate (SE), Suburban Residential (SR), Neighborhood Conservation (NC), Auto-Urban Residential (AR), and Urban Residential (UR) are major nonconformities.

2. Mobile homes or manufactured homes in districts zoned Suburban Estate (SE), Suburban Residential (SR), Neighborhood Conservation (NC), Auto-Urban Residential (AR), and Urban Residential (UR).

3. Residential uses in districts zoned Business Park (BP) and Industrial (I).

B. **Minor Nonconformities.** All nonconforming uses not classified as major nonconformities.

Sec. 6.203 Nonconforming Buildings or Uses in the Floodplain

Existing buildings or uses in the floodplain that do not conform to the standards of *Article 4* regarding floodplains and floodways are nonconforming. Such uses or structures can be damaged and the City may incur substantial costs should damage occur. Therefore, elimination of the nonconformity or correction of violations is a priority. The following standards apply:

A. **Damaged Buildings.** Where a building or use in the floodplain is damaged in an amount equal to or greater than 30 percent of its assessed value, the structure cannot be rebuilt and the use shall be discontinued. The City will work with Federal and other local agencies to assist in relocation.

B. **Building Permits.** When a building permit is requested, it shall be granted only if the work includes elevating or floodproofing the building as provided in *Division 4.600*, *Floodplain Protection and Flood Damage Prevention*.

Sec. 6.204 Nonconforming Telecommunications Towers

A. **General.** Nonconforming telecommunications towers may continue. Routine maintenance and replacement of antennas shall be permitted on such facilities. An existing nonconforming tower may be replaced, repaired, rebuilt, and/or expanded to accommodate co-located antennas or facilities or to upgrade the facilities to current engineering, technological, or communications standards (including increases in tower height) by obtaining a conditional use permit.

B. **Destruction by Act of God.** Nonconforming towers that are destroyed or damaged by an act of God in an amount equal to or greater than 30 percent of their assessed value, as determined by the City, must be brought into compliance with this Code or removed.

Division 6.300 General Regulations

Sec. 6.301 Change or Conversion of Land Use

A nonconforming use shall not be changed to any other nonconforming use unless mitigated in accordance with *Division 6.400*, *Mitigation of Nonconforming Uses*.

Sec. 6.302 Abandonment or Discontinuance

Whenever a nonconforming use is abandoned or discontinued for a period of 12 months, irrespective of the reasons and whether or not consecutive, such use shall not thereafter be re-established, and any future uses shall be in accordance with this Code.

Sec. 6.303 Alteration, Enlargement, or Extension

A. **Repairs and Alterations**

1. Normal maintenance of a nonconforming building or structure, or of a conforming building or structure containing a nonconforming use, is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use or the life of the nonconforming structure.
2. No structural alteration shall be made in any structure containing a nonconforming use, except in the following situations:
    a. When the alteration is required by law;
    b. When the alteration will result in eliminating the nonconforming use or structure; or
    c. When a building in a residential district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the volume of the building.

B. **Nonconforming Use**

1. No structure containing a major nonconforming use shall be enlarged.
2. No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, landscaped surface ratio, or any land beyond the boundaries of the property or lot as it existed on the effective date of this Code. Nor shall it be expanded to displace any conforming uses in the same building or on the same parcel.

C. **Nonconforming Lot.** A lot which is nonconforming with respect to area, lot width, or frontage may be built upon if:

1. The use is permitted in that district;
2. The lot has street frontage; and
3. All yards or height standards are complied with, except that the Zoning Administrator may authorize a reduction in yards of up to 10 percent of the minimum. Less than 10 percent may be ordered by the Zoning Administrator if he or she finds that the building would have a greater floor area or volume than one that could be built on a minimally conforming lot.

D. **Nonconforming Building or Structure.** Nonconforming buildings or structures shall not be altered or expanded in any manner unless building coverage and floor area remain within the limits permitted by this Code. Further, no expansion shall increase the degree of nonconformity. For example, if a building is set back five feet from a property line and

the Code requires eight feet, then no portion of an addition could come closer to the property line than the minimum required eight feet.

Division 6.400 Mitigation of Nonconforming Uses

Many nonconforming uses have existed for a period of time, and some may have only recently become nonconforming. In some instances, a nonconforming use is an integral part of the neighborhood's function. One of the purposes of zoning regulations is to protect neighborhoods. Therefore, if the community is comfortable with a particular use or structure, the classification "nonconformity" and restriction on investment may not be what the community desires. Under such conditions, the use may be mitigated and made conforming to remove the stigma associated with the designation as a nonconformity. The provisions of this Division establish procedures for bringing a nonconformity into conformance.

Sec. 6.401 Procedure

An owner of a major or minor nonconforming use, building or structure may apply to the Board of Adjustment for a conditional use permit for mitigation. This procedure does not apply to nonconforming lots other than those permitted under Section *6.402*, *Criteria for Approval*. The Neighborhood Conservation (NC) District is intended to eliminate nonconforming lots.

Sec. 6.402 Criteria for Approval

In addition to the criteria for approval of a conditional use permit set forth in Section *14.304*, *Conditional Use*, the applicant shall meet the following requirements:

A. **Integration into Neighborhood Function.** Demonstrate that the use, as conducted and managed, has minimal nonconformities that have been integrated into the neighborhood's function. Evaluation criteria include:

   1. The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses).
   2. Management practices eliminate nuisances such as noise, light, waste materials, congested on-street parking, or similar conflicts.
   3. The use has been maintained in good condition or its classification as a nonconformity represents a disincentive for such maintenance.
   4. A history of complaints is justification for denying the conditional use permit unless the conditions of such will eliminate the nuisances.

B. **Conditions of Approval.**

   1. The Board of Adjustment shall determine that the use is generally integrated into the neighborhood and has minimal adverse impacts. Upon that finding, the Board may attach conditions, as it deems necessary, to protect the health, safety, and general welfare of the public and surrounding property owners. Such conditions may relate to the lot, buildings, structures, or operation of the use.
   2. The Board of Adjustment shall review the conditional use permit application and recommend, in writing, any conditions relative to the expansion of bufferyards, landscaping, or other site design provisions. The review may also contain use

limitations necessary to address any concerns that, as a conforming use, it may become a nuisance.

3. The Board of Adjustment shall list all the property's nonconforming conditions and incorporate them into the conditional use permit as permitted conditions.

Sec. 6.403 Effect

Upon the granting of a conditional use permit and demonstrated compliance with any conditions placed upon it, the Zoning Administrator shall have a notation placed on the Official Zoning Map stating that the property has a conditional use permit and the application case number and date thereof. Granting a conditional use permit makes the use, building, or structure conform to the specifics of the conditional approval, thereby eliminating the identified nonconformities.

Article 7 Subdivision and Land Development Design Principles

Division 7.100 Purpose and Applicability

This Article sets forth regulations for the substantive review of subdivisions to be considered in addition to other land development regulations.

A. **Purpose.** Adherence to the provisions of this Article fulfills the following purposes:

1. Ensures new developments are consistent with the goals and intentions of the Comprehensive Plan and related design elements;
2. Provides for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets, or with other features of the comprehensive plan of the municipality;
3. Provides for adequate open space for recreation, public facilities, light, and air;
4. Provides for a distribution of population and traffic which create conditions favorable to health, safety, convenience, or prosperity;
5. Ensures conformance of development plans with the capital improvement program of the City and environs and secures equitable handling of all subdivision plats and improvements;
6. Ensures that development is compatible with and properly integrated into existing and future neighborhoods; and
7. Ensures that development is designed to lessen the congestion on streets; promote the orderly layout and use of land; secure safety from fire and other dangers; facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements; and protect neighborhood areas from the hazard of through traffic.

B. **Applicability.** This Article applies to the subdivision of land within the City and any subdivisions or land development outside the City limits which connect to municipal utilities.

Division 7.200 Private Restrictions

A. **Effect on Private Restrictions.** The provisions of this Article are not intended to replace any deed restriction, covenant, easement, or any other private agreement regarding a parcel of land. All such restrictions shall be enforced by the parties to the restriction.

B. **Enforcement of Private Restrictions.** The City shall not enforce or become involved in the enforcement of such private restrictions (unless a party thereto or a third party beneficiary thereof), and, in the review of development proposals, the City will apply only its regulations to evaluate the proposal (unless the City is a party to a deed restriction, covenant, easement, or any other private agreement, or a third party beneficiary thereof).

C. **Submittal of Proposed Private Restrictions.** All subdividers shall submit the proposed private restrictions to the City with or before submitting the final plat. If there are private restrictions that conflict with the goals of this Code or the Comprehensive Plan, the City shall require that they be modified prior to final plat approval. A signature box shall be provided so that the City's review comments are in the recorded draft.

Division 7.300 Subdivision and Development Design

Sec. 7.301 General Plan Review Standards

The Department shall review subdivision plans against the design standards for subdivisions included in this Section. The purpose is to evaluate the design and, more specifically, the manner in which uses, lots, drainage, and roads relate to the site and adjoining land or uses. Furthermore, the purpose is to review or modify the proposed subdivision plan to better use the property for the owners and protect the City and neighbors. The City may require that design modifications be made during the preliminary plat process to better meet the purposes stated above in *Division 7.100*, *Purpose and Applicability*. Plat review standards include the following elements:

A. **Natural Resources.** The subdivision plan shall protect the site's natural resources as provided by this Code, with highest quality resource areas having the highest preservation priority. In addition to meeting minimum Code requirements, plans shall reflect sensitivity to such ecological factors as: preservation of vegetation, including protecting existing trees from destruction, minimizing cut-and-fill operations, avoidance of erosion and consequent siltation of streams and drainageways, and other pertinent conservation measures.

B. **Streets.** All street and circulation patterns shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Vehicular travel lanes, sidewalks and trails, and parking should be separated. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, schools, and other areas. Road connections shall seek to avoid external automobile trips through the employment of superblocks, stub streets, connecting open space, bicycle-pedestrian ways, and other similar design techniques.

C. **Lots.** The subdivision plan shall provide for well-proportioned and oriented lots that relate properly to the roads and open space. An awkward and irrational pattern of lots

and individual lot shapes shall be avoided. No remnants or landlocked spaces without access to the vehicular/pedestrian circulation system shall be proposed.

D. **Drainage.** The drainage and utilities shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts.

E. **Public Improvement Plans.** Facilitate the conformance of subdivision plans with the public improvement plans of the City, such as the proper provision of open space for recreation and other public facilities and the convenient and proper location of sites for public and community facilities and various land uses.

F. **Adjoining Properties.** The plan shall promote the best design for the use of the property in relation to the development's function and nearby existing or anticipated developments.

G. **Landscaping.** The subdivision landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the standards therein. Bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

H. **Improvement Through Modulation.** The plan review shall seek to determine if modulations in zoning or infrastructure design would assist in improving the development's quality or preserve natural resources, while maintaining density.

I. **Eliminate Piecemeal Development.** Require overall site plans or mandate a street expansion plan to which subsequent development shall conform.

J. **Density.** The review is intended to permit plan modifications that improve design, but not to require site density reduction. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements, but not by altering development intensity unless it exceeds code standards.

Sec. 7.302 Subdivision Layout

Subdivisions shall be designed in accordance with the standards contained in this Code and all other applicable City ordinances.

Sec. 7.303 Streets

Streets shall be laid out to create blocks or, in limited conditions, cul-de-sacs. Within any superblock created by arterials or collectors, the objective is to provide an interconnected network of streets so that people may reach other locations within the superblock without having to access arterial or collector streets.

A. **Connections to Stub Streets.** Where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. The only exception to this shall be where commercial industrial or other nonresidential use would be give access through a residential subdivision or development to a local street.

B. **Access.** All subdivisions over 16 lots shall have a minimum of two entrances to existing roads. Where possible, all developments shall connect so that developments are not a cul-de-sac with only one access to an existing road. The use of cul-de-sacs should be limited to places where natural resources, such as streams, *steep slopes*, floodplains or open space, make normal blocks inefficient or prohibitively expensive.

1. Where the frontage on existing roads does not permit two entrances to be adequately spaced the development shall provide for connections to adjoining existing stub streets or to adjoining vacant parcels to all sides.
2. Where the connection is to an arterial or collector, where access controls are in place to increase spacing, the second access may be skipped where a stub street on an adjoining property provides the access; or,
3. Where the single access is no more than one lot long before splitting into a internal area of connected streets, a street with a parkway may be used.

C. **Future Connections.** Where the adjoining land is vacant the development shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger developments, not all streets need to be extended and some streets may not need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.

D. **Street Pattern.** The design of the street system near intersections of collectors or arterials should be designed so as to discourage or make difficult short-cutting through a residential area.

Sec. 7.304 Blocks

A. **Block Length.** The blocks should not, in most instances, exceed nine lots in length on one side of the street. For attached units that shall not exceed 18 lots. The lower end of block length range is the most desirable. The length, width, and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection.

B. **Block Width.** Blocks should be such width as will provide two tiers of lots, except where reverse frontage lots are located along an arterial or collector street or where such an arrangement is prevented by the size or other inherent site conditions of the property, as determined by the Department.

C. **Relations to Arterials and Collectors.** Where possible, blocks shall be laid out to have their short length abutting arterials, *collectors*, or the development's major road.

D. **Nonresidential Blocks.** Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, safe and convenient access to the street system shall be required. Space for off-street parking may also require similar access for employees and customers. Extension of streets and utilities should be provided, as necessary.

E. **Grid Layout.** A grid or other formal system is desirable, in which open spaces are integrated into the block design. Exceptions would be made for green spaces along drainage or stream channels or where other natural resources make a grid difficult or cost prohibitive. Alleys are considered desirable where lot sizes are less than 10,000 square feet in area.

Sec. 7.305 Lots

Design standards for lots in subdivisions shall be as follows:

A. **Required Frontage.** Every lot shall have frontage along the right-of-way lines of a street, except as expressly permitted by Sections *11.401*, *Street Access*, *11.501*, *Flag Lots*, and *11.502*, *Lot Shapes*.

B. **Side Lot Lines.** Sidelines of a lot should, generally, be set approximately at right angles or radial to street right-of-way lines; rear lines should, generally, be approximately parallel to street lines. Different lot shapes may be permitted, if necessary or desirable to relate building sites to the terrain or open space or if they provide better site utilization and building relationships.

C. **Minimum Lot Dimensions.** Refer to *Division 3.300*, *Bulk Regulations*, for all required minimum lot dimensions.

D. **Lot Arrangement.** The arrangement of lots shall preserve and be sensitive to the natural features of the property. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.

E. **Driveway Access for Corner Lots.** Corner lots located at the intersection of major and minor streets shall have driveway access from the minor street, if possible. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the sight distance triangle (*See* Section *8.215*, *Sight Distance Requirements*).

F. **Corner Lot Line Radius.** The corner of corner lots shall be designed and platted as a curve having a radius that is parallel to the radius of the adjacent street pavement and/or curb and gutter.

G. **Commercial and Industrial Lots.** Commercial and industrial lots should be designed to prevent any visually unattractive facility, such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas, from facing major streets or residential neighborhoods. Alley access or screening walls shall be utilized to shield visually unattractive facilities.

H. **Double Frontage Lots.** Double frontage residential lots should be avoided. It is preferable only along arterials or collectors where the short end of blocks cannot be used because of the proximity to two intersecting arterials or collectors. It is preferable to align blocks with perpendicular local streets so as to have side lot lines adjoining the main road. Only where all the preferred orientations are impractical or where large bufferyards set the lots an adequate distance from the road may double frontages be considered for approval. Lots with double frontages shall be required to have driveway access from the internal or minor subdivision street, and the plat shall bear a notation disallowing access onto major roadways. Residential lots fronting on arterials or collectors shall be prohibited unless served with alleys and off-street parking accessed from side streets.

I. **Rural Roads.** In the Agriculture (AG) and Countryside (CS) districts, lots taking access from existing roads shall be prohibited. Lots should take access to stub streets with side lot lines to the existing road, rather than stripping the frontage.

Sec. 7.306 Lot Width and Frontage

Lot width shall meet the required minimums (*See Division 3.300*, *Bulk Regulations*), measured at the setback lines. Frontage is measured along the street property line. The following guidelines govern lot configuration:

A. **Frontage.** Unless otherwise specified in Section *3.303*, *Planned District Housing Types*, the minimum frontage shall be lesser of:

   1. The minimum lot width; or
   2. 24 feet.

B. **Lot Shape.** In general lots should be roughly rectangular.

   1. Where a grid street system exists, the lots should be as close to rectangular as practicable, with the narrow side fronting the local street, as feasible.
   2. In curvilinear street patterns, irregular lot shapes will result. The minimum lot width must be maintained between the front and rear yard setback lines. Therefore, the lot width may not be narrower than the minimum at any point within the building envelope. The subdivider may define building envelopes more restrictively than minimum yard setbacks on the final plat.
   3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and provided the provisions of two above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.

C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, flag lots, or shared easements may be considered to provide access in those situatations. They shall not be used simply to avoid more streets.

Sec. 7.307 Easements

Where required, all lots shall provide easements for sewer, water, drainage, gas, telephone, cable, or other public utilities necessary to serve the subdivision. Such easements shall be located in street rights-of-way, alleys, side or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company. The following standards shall apply to easements:

A. **Planning.** During the planning of property, the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following purposes: access, drainage, utilities, and conservation easements. No permanent encroachment or structures shall be allowed to be located within any easement area. The City shall have the right to remove any encroachment, structures, landscaping, or any other improvements placed upon such public easements. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

B. **Access Easements.** These easements are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. They are not intended to be used as access to a lot or parcel. The exception to this would be to avoid land locking a parcel that has no other means of access.

C. **Drainage Easements.** Drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or surface drainage channels located in easements or open spaces, as topography and grading dictate. They shall be designed to ensure water does not drain into the adjoining lot.

D. **Utility Easements.** A utility easement shall be a minimum of 12 feet wide. Easements that fall on shared side or rear lot lines, unless specifically authorized by the City, shall be of equal dimensions on both lots involved.

E. **Conservation Easements.** The City shall require conservation easements to preserve open space, protect natural resources, and protect land held in common or used for recreation. The conservation easements shall be in a form approved by the City Attorney. All conservation easements shall run in favor of two parties -- all lots in the development and the City.

F. **Attached Housing.** Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.

Sec. 7.308 Open Spaces

This Section is designed to achieve the open space requirements of bufferyards, resource protection, recreation, stormwater management, and preservation of community character.

A. **Visual Access.** Visual access to open space shall be encouraged from both lots and streets.

B. **Drainage and Irrigation Corridors.** Open space shall be designed to provide greenways along drainage corridors and irrigation canals. The landscaping along corridors or canals shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.

C. **Integration.** Open spaces should be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

D. **Formality.** More formal open spaces shall be designed to provide areas of focus within the development. Landscaping and furniture for pedestrians should be installed to enhance this effect.

E. **Inconsistent Easements.** Easements over resource protected land (*See Article 4, Environmental Standards*) shall not have other easements over the land that would result in the disturbance of the land, provided, however, pedestrian access easements may be permitted.

Sec. 7.309 Floodplains

All subdivisions, land developments, or site plans not part of a previously approved plan shall show the boundary of the floodplain, floodway, or water buffer, if such exist on the site. Such delineation shall be by a registered professional land surveyor.

Sec. 7.310 Utilities

All developments shall make provision for water, sewer, stormwater, electric, telephone, and other private utilities generally available to City residents. Where on-site water and sewer are

indicated in Table 3.201A, *Residential Use District Standards*, on-site systems will satisfy this requirement.

A. **Capacity.** Where a development is part of a larger parcel of land, the City shall require the capacity of facilities to be adequate to serve the entire property, to the extent that the capacity is matched to that of the lines that it extends.

B. **Interceptors.** Where an interceptor is to be extended through the area being developed, the landowner shall provide the needed easements. The cost of the construction of the interceptor shall be apportioned so that the cost to the landowner/subdivider is not greatly out of proportion to the units in the development compared to the capacity of the line.

C. **Common Use Easements.** Wherever possible, the City shall require compatible utilities to share easements.

Sec. 7.311 Required Improvements

All improvements set forth within this Code and related City regulations shall be designed and installed in accordance with the Altus Comprehensive Plan and any amendments thereto. All improvements shall be furnished, installed, and constructed by the developer at no cost to the City.

A. **Construction of Improvements.** Building permits may be issued if all subdivision improvements are substantially complete and provided an irrevocable letter of credit and certificate of deposit have been filed as stated. For the purpose of this Section, substantially complete shall mean all improvements have been installed, inspected, and approved in writing by the appropriate City officials and formally accepted by the City Council, as provided in Section *14.503*, *Final Plat Approval*, with the exception of erosion control of drainage/detention facilities. Said exception shall apply only when seasonal factors prevent the completion of said facilities.

B. **Surety Bond Alternative.** In lieu of completion of improvements herein required, the City Council shall, at the time of approval of the final plat and prior to the issuance of the building permits, require the subdivider to file a surety bond with the City Clerk to ensure the actual construction of such improvements according to plans and specifications as approved by the City Council within a time period not to exceed two years from the date of approval of final plat. Such bond shall be in the amount of 100 percent of the estimated cost of the remaining incomplete subdivision improvements. At the time of providing the surety bond, an affidavit of estimated cost of improvements shall be provided to the City by a registered engineer. The surety bond shall be furnished by a corporate surety company authorized to do business in the State of Oklahoma with terms and conditions acceptable to the City Council.

C. **Utility Upgrades.** The City Council reserves the right to require that the developer upgrade municipal utilities capacity (water-sewer-electrical) in order to provide adequate facilities to future additional developments. The City Council may share in additional costs of standard line sizes. However, a formal written agreement shall be executed between the developer and the City prior to the final approval of plans and specifications.

D. **Engineering Certification.** One set of "as built" plans and specifications, certified, signed, and sealed by the project engineer (who shall be an engineer registered in the State of Oklahoma), shall be filed with the City Clerk prior to the acceptance by the City Council of any improvements installed by the subdivider.

Sec. 7.312 Preparation of Plans

Plans and specifications for the improvements required by this Code shall be prepared by a registered professional engineer according to the standards of the City and prevailing Best Management Practices. Preliminary plans shall be submitted for review by City staff on a preliminary plat. After approval of a preliminary plat and improvements, the subdivider may proceed with the final plans and specifications.

A. **Utility Plans.** Plans and specifications shall be included for the installation of water, sewer, electrical, and paving in a form and manner deemed appropriate by the City.

B. **Utility Sheets.** Within each set of plans, the engineer shall furnish a utility sheet, which shall include all public and private utilities. Private utilities shall be defined as natural gas, telephone, and cable television. The purpose of this utility plan is to give the exact locations for all utilities that are to be installed; the plan is to be maintained as a permanent record by the City for all utility systems.

C. **Preliminary Utilities, Drainage, and Paving Plans.** At the time of submission of a preliminary plat, a preliminary plan for municipal utilities, drainage, and paving shall be submitted. A preliminary utility plan shall be submitted for review to each private utility. Final utility plans shall be determined after agreements as to utility location have been reached between the City, engineer, and the private utilities. Determination of exact easements required for the final plat will be made from the utility plan. [Ordinance No. 2007-35, 10/16/2007]

D. **Final Utilities, Drainage, and Paving Plans.** Final utility plans shall be furnished to all private utilities for construction guidelines. Three (3) sets of complete final plans and specifications are required for use by the City. [Ordinance No. 2007-35, 10/16/2007]

E. **Approvals Required.** No construction may take place until plans and specifications for municipal utilities are approved by the City Council and until health permits for construction of water and sewer facilities have been received from the Oklahoma Department of Environmental Quality. The Applicant will handle all applications for such permits and will review plans and specifications for meeting Oklahoma Health Standards. The subdivider shall pay the Oklahoma Department of Environmental Quality permit application fee.

F. **Park and Open Space Fees Required.** The subdivider shall pay a Park and Open Space fee of three hundred fifty dollars ($350.00) per dwelling unit or per lot, whichever is greater, as submitted in the final plat. At the time of submission of a preliminary plat, the amount of Park and Open Space fees the subdivider shall be required to pay the City shall be provided by the Zoning Administrator. Prior to submission of the final plat to the City Council for approval, the subdivider shall pay for all Park and Open Space fees. The fees collected will be deposited by City into an escrow account dedicated for Park and Open Space development. The phrase "park and open space" shall be defined to include both the traditional park setting and the non-traditional use of sidewalks, walk ways and nature areas as described in the Altus Comprehensive Plan 2025 adopted by

the City in December 2005. Park and Open Space fees shall be monitored by a Parks Committee, composed of three (3) members of the City Council. The Parks Committee shall make recommendations to the City Council for the expenditure of these funds for the purchase of land for future parks and pedestrian easements, and to maintain and develop existing and future community and neighborhood parks by the purchase of equipment. [Ordinance No. 2007-35, 10/16/2007]

Division 7.400 Concept Plan

Sec. 7.401 Concept Plan for Planned and Phased Developments

A. **General.** Prior to filing a preliminary plat, a subdivider who intends to submit a sequence of preliminary plats of a proposed development, whether within a base zoning or special purpose district, shall submit a concept plan of the entire development for review and approval by the Planning Commission. The Administrator may also require a subdivider of a large tract development to submit a concept plan for review and approval by the Planning Commission. Notwithstanding anything in this subsection to the contrary, a subdivider may, at his own risk, submit a preliminary plat along with a concept plan of a proposed development. If a concept plan is required by this Section, such plan must be approved by the Planning Commission prior to the Planning Commission's consideration of a preliminary plat of such development. Each preliminary plat of such development must substantially comply with the concept plan.

B. **Form and Contents.** A concept plan submitted for review and comment by the Planning Commission shall be in the form and contain the information required in this subsection. An application shall be prepared and submitted on the form approved by the City and on file in the office of the Administrator. Multiple copies of the application and plan shall be provided in accordance with the schedule of required copies included with the application packet. The required contents of a concept plan include:

1. **General Information.** Proposed name of the subdivision or development; name(s) of the owner(s) and lienholder(s) of the property, the subdivider and other agents; name of the Licensed Professional Engineer and/or Registered Professional Surveyor responsible for the survey and the design; date on which the concept plan was drawn; legal description and total acreage of the property; and the current and proposed zoning.

2. **Format.** The plan shall be oriented with north at the top of the page, and a north point (true or magnetic) shall be provided in the upper right hand corner of the page. The plan must be on 24 inch by 36 inch paper, unless otherwise approved by the Administrator, which shall be folded to eight and one-half inches by 14 inches, with the title block visible.

3. **Scale.** The scale should be one inch equals 200 feet. A smaller scale may be approved by the Administrator.

4. **Location.** Vicinity map, oriented with north at the top of the page, indicating the general location of the subdivision and depicting major streets, subdivisions, watercourses and other significant physical features within 500 feet of the boundaries of the subdivision.

5. **Proximity.** Names of adjacent subdivisions and landowners of undivided tracts.
6. **Features.** General land features including significant trees or tree stands, major grade changes, floodplains, ridge lines, and drainage courses.
7. **Boundary.** Boundaries of the total acreage of the subdivision and of the proposed land uses of the subdivision.
8. **Use.** Proposed land uses and population densities, including street and lot layouts and typical lot sizes; location of buildings and other structures, parks and other public or private facilities, parking areas, public streets and drives; drainage patterns; and any existing easements.
9. **Dimensions.** Sufficient dimensions to indicate relationship between buildings, property lines and other elements of the plan.
10. **Streets.** Street and traffic patterns affecting the site including locations of existing drives and traffic control devices within 200 feet of the project boundaries.
11. **Utilities.** Existing and proposed utilities and drainage layout (on- and off-site drainage).
12. **Topography.** Topographic information with contours at two-foot intervals and indicating the directions of surface water flow.

Sec. 7.402 Changes to a Concept Plan

A. **General.** Once approval of a concept plan has been received, changes in the plan may be made only after approval of a revised concept plan. Changes in the concept plan that are not substantial or significant may be approved by the Commission, and disapproval of such changes by the Commission may be appealed to the City Council. Substantial or significant changes in the concept plan may only be approved after rehearing, which shall be subject to the provisions of Section *14.205*, *Notice of Public Hearings*. For the purposes of this Section, substantial or significant changes in a concept plan shall mean any of the following:

1. Increases in the density or intensity of residential uses of more than five percent.
2. Increases in the total floor area of all nonresidential buildings covered by the plan of more than five percent.
3. Increases of floor area for any one nonresidential building covered by the plan of more than five percent.
4. Increases of lot coverage of more than five percent.
5. Increases in the height of any building of more than 10 percent.
6. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
7. Decreases of any peripheral setback of more than five percent.
8. Decreases of areas devoted to open space of more than five percent or the substantial relocation of such areas.

9. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.

10. Modification or removal of conditions or stipulations to the concept plan approval.

B. **Determination of "Substantial or Significant Changes."** The determination of whether a proposed revised concept plan contains "substantial or significant changes" and that a public hearing is required shall be made by the Administrator within five business days following the filing of the application (*See* Section *14.306*, *Minor Deviations*). The determination of the Administrator may be appealed to the Commission, whose decision shall be final.

C. **Approval Standards.** In determining whether to approve an application for a revised concept plan, the Commission shall apply the criteria set forth in Section *14.304*, *Conditional Use*. In the event that the application for a revised concept plan is denied, the previously approved plan shall remain in effect.

Sec. 7.403 Development Phasing

The Planning Commission may permit a concept plan for a plat to be divided into two or more phases, as indicated on the concept plan, provided each phase meets or exceeds the requirements of this Code. In considering each subsequent phase of a concept plan, the Planning Commission may approve certain conditions as it deems necessary to assure the orderly development of the platted land. Such conditions may include, but are not limited to, temporary alley and street extensions, temporary cul-de-sacs, and off-site utility extensions.

Division 7.500 Mapping and Monuments

Sec. 7.501 Mapping Criteria

The following shall be used for mapping natural resources or other features of plans:

A. **Streams.** Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds, shall have their boundaries set at the top of the bank.

B. **Other Water Bodies.** Initial identification of the water courses/water bodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for preliminary plats and land development plans. Vegetation shall be measured by the canopy line for the determination of areas of woodlands or trees. Other vegetation types shall be measured from the middle of the vegetation transition. Wetlands shall be measured by the criteria of the U.S. Army Corps of Engineers.

C. **Other Requirements.**

1. Measurements for the boundary are to be made horizontally, perpendicular from, or radial from any feature or point.

2. Boundaries that are dependent on elevation shall be based upon on-site elevations and shall not be interpolated.

3. Topographic lines shall be at one-foot contour intervals.

4. The width of existing impervious area, such as roadways, parking lots, structures, sidewalks, etc., shall not count towards the area of any natural resource.
5. If septic tanks are to be used, soils shall be delineated by on-site testing of the soils to determine soil boundaries.

Sec. 7.502 Monuments

Permanent stone or concrete monuments shall be accurately placed in the boundary (perimeter) of the property. The following rules shall apply:

A. **General.** Monuments shall be placed on the intersection of all lines forming angles, at changes in directions of lines, and at exterior boundaries (including all lot and block corners). When streams or other watercourses are property boundaries, monuments shall be offset and shall be connected with fully described tie lines, and the stream boundary line shall include a plus or minus distance.

B. **Offsets and Tie Lines.** If an adjacent property owner refuses to permit a boundary (perimeter) monument to be placed or if a planting or structure obstructs the location where a boundary monument is to be placed, the monument may be offset and shall be connected with fully described tie lines.

C. **Rights-of-Way.** All streets shall be monumented along one right-of-way line at the following locations:

1. At least one monument at each street intersection or block corner, at angle points, and at points of tangency of curved lines.
2. An intermediate monument wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
3. At such other places or curves along the line of streets, as may be determined by the Public Works Director or a designee, to be necessary so that any street may be readily defined in the future.

D. **Supervision of Installation.** The placement of all monuments shall be supervised by a registered land surveyor. The scored point, marked by an indented cross in the top of the monument or a drill hole, not to exceed one-quarter inch in diameter, shall coincide exactly with the point of intersection of the lines being monumented.

E. **Type of Monument Required; Installation.**

1. Monuments shall be set with their top level at the finished grade of the surrounding ground except that the Public Works Director or a designee, shall determine the setting of monuments where roads or sidewalks are involved.
2. Iron pins three-fourths of an inch diameter and four feet long shall be used for street and development boundaries unless key monuments with a score point are required.
3. Each block corner shall be marked with iron pipes or pins not less than three-fourths inch in diameter and 24 inches long at least one inch below finished grade.

4. Lot monuments shall be iron pins five-eighths of an inch in diameter and three feet long.

F. **Removal of Monuments.** Any monuments that are removed must be replaced by a professional land surveyor at the expense of the party removing them.

Article 8 Streets, Utilities, and Drainage

Division 8.100 Purpose

This Article provides the standards for streets, driveway access, water and sewer utilities, grading, and drainage improvements, which are designed to ensure new development is consistent with the Comprehensive Plan. In addition, they are intended to ensure that:

A. Adequate municipal facilities are installed at the time of a project's development so that uses' occupants have adequate services to protect their health and safety;

B. The facilities will function efficiently and require minimum maintenance; and

C. Developments are functional and internally safe to the greatest degree possible without reducing the permitted density and increasing adverse impacts on the environment and adjoining properties.

Division 8.200 Streets

The standards of this Division apply to street and highway design and construction. The street classifications of the Comprehensive Plan are hereby adopted by these regulations.

Sec. 8.201 Street Design Objectives

Streets in a subdivision or land development shall be designed to achieve the following objectives:

A. **Integration.** Integrate into the existing street pattern so as to address the area's future circulation needs, as well as City-wide traffic;

B. **Safety and convenience.** Provide a safe and convenient layout and design;

C. **Character.** Match the community character of the respective district(s); and

D. **Resources.** Respect natural resources, topography, and drainage.

Sec. 8.202 Local Circulation Plans

To minimize vehicular access points on arterial and collector roads, the Planning Commission shall, when the first development occurs in an area, develop a Local Circulation Plan. The Local Circulation Plan shall identify desired collectors or streets within a superblock, areas for marginal access or reverse frontage roads, and preferred intersection locations. The Local Circulation Plan shall be based on the adopted thoroughfare plan and policies of the Comprehensive Plan, property maps, zoning, and topographic and alignment information. All landowners shall conform to this plan in order to obtain subdivision approval. The following criteria shall be used in developing the Local Circulation Plan:

A. **Function of Collector Streets.** Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or City-wide traffic. Where superblocks are too large, new collector alignments may be designated. Where new collectors are designated, they should be extensions of existing collectors or be designed to be extended through several superblocks.

B. **Location of Collector Streets.** Where possible, collectors shall be located on the superblock's largest parcels or along parcels where the cost can be distributed among several landowners.

C. **Parallel Access.** Parallel access shall be used where providing individual access to small parcels would create adverse safety conditions due to frequent access on arterial or collector roadways.

D. **Special Circumstances.** Half constructed streets and boundary streets shall be used sparingly and only where parcel size, shape, or configuration would result in inefficient development by requiring other types of street patterns.

E. **Resources.** The plan shall be sensitive to natural resources and topography.

Sec. 8.203 Classification

Streets and highways shall be classified according to their function, consistent with the adopted thoroughfare plan, as amended from time to time. Classifications for arterial roads are found on the Official Zoning Map. Other classifications shall be in accordance with the Local Circulation Plan, made by the Planning Commission at the time of development. Road classifications shall anticipate long-term growth prospects so their functional capacity is not undersized in the early development stages. These classification standards are shown in Table *8.204*, *Street Standards*.

Sec. 8.204 Street Standards

A. **Streets.** The standards in Table 8.204, *Street Standards*, shall govern all street construction except state highways, which shall meet Oklahoma Department of Transportation (ODOT) specifications, and residential streets, which shall meet the standards of Section *8.205*, *Performance Standards for Residential Streets*.

B. **Adjustments.** The City shall, where feasible, require the road's design to minimize the disturbance of natural resources protected by *Division 4.200*, *Resource Protection Standards*. Where additional right-of-way is needed to obtain vertical curve, grade, clear sight triangles, turn lanes, or medians, the required right-of-way shall be adjusted in accordance with local needs.

C. **Optional Parking.** Where optional parking is noted in Table 8.204, *Street Standards*, for collectors, there are no changes in right-of-way required. If the parking is not constructed, there will be more open land on either side of the road. On the major collector noted in Table 8.204, *Street Standards*, as having optional parking, the width of the open land would be reduced by the land consumed by the parking.

Table 8.204 Street Standards											
Road Type	Total ROW (ft.)	Travel		Parking		Curb Width (ft.)	Parkway Each Side (ft.)	Sidewalk		Median	
		No. Lanes	Lane Width (ft.)	Number	Width (ft.)			Number	Width (ft.)	Width (ft.)	Type
Arterial	110	4	12	0	7	2	16	2	5	16	grass
	104	4	12	0	7	2	16	2	5	10	paved
Collector	92	4	12	0	7	2	10	2	5	10	grass
	86	4	12	0	7	2	10	2	5	4	paved
Local	54	2	12	0	7	1.5	8.5	2	5	0	N/A
	68	2	12	2	7	1.5	8.5	2	5	0	N/A
Local (BP, I)	76	2	16	2	7	2.5	8.5	2	4	0	N/A
Local (SC, AC)	76	2	16	2	7	2.5	8.5	2	4	0	N/A
Local (UC)	80	2	16	2	9	2.5	8.5	2	4	0	N/A

Sec. 8.205 Performance Standards For Residential Streets

A. **General.** Table 8.205, *Performance Standards for Residential Streets*, lists general standards for residential streets. Type of access, number of dwelling units served, and the unit's average frontage can modify the requirements.

B. **Parkways.** The subdivider may choose to use parkways or other landscaped medians in residential streets, in which case the parkway standard shall apply.

C. **Natural Areas.** In areas where resource protection is necessary or desired, narrower rights-of-way may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The Public Works Director or a designee shall assist in developing a cross-section that minimizes environmental impact.

D. **Traffic Calming Standards.** Straight sections of residential streets for a length of more than 500 feet shall require the installation of traffic calming devices to slow traffic on residential streets (*See* Section *8.211*, *Traffic Calming*).

E. **Stormwater.** Where a curb is designated, an enclosed stormwater conveyance system shall be included. On roads without curbs, natural stream channels or ditch drainage shall be used, unless the topography or other feature makes ditches unacceptable.

F. **On-street Parking.** On-street parking requirements are outlined in *Article 9*, *Parking, Loading, Access, and Lighting*.

Table 8.205 Performance Standards For Residential Streets										
Lot Frontage (ft.) / Lot Area	Number of Dwelling Units Served	Total ROW (ft.)	Travel		Parking		Curb Width	Parkway Each Side	Sidewalk	
			No. Lanes	Lane Width (ft.)	Number	Width (ft.)			Sides	Width (ft.)
Greater than 130 / 1 acre or more	10 or less	40	1	12	0	7	0	14	0	5
	11 to 44	44	2	8	0	7	0	14	0	5
	45 to 159	52	2	11	0	7	0	10	2	5
	160 to 240	54	2	12	0	7	0	10	2	5
90-129 / 15,000 sf - 40,000	10 or less	39	1	14	0	7	0	10	1	5
	11 to 44	50	2	9	0	7	1	10	2	5

sf.	45 to 159	59	2	10	1	7	1	10	2	5
	160 to 240	64	2	12	1	7	1.5	10	2	5
50-89 / 5,000 sf. -14,999 sf.	10 or less	50	2	8	1	7	1	10	1	5
	11 to 44	67	2	10	2	7	1.5	10	2	5
	45 to 159	71	2	12	2	7	1.5	10	2	5
	160 to 240	71	2	12	2	7	1.5	10	2	5
Less than 50 / 4,999 sf. or less	10 or less	61	2	9	2	7	1.5	8	2	5
	11 to 44	65	2	11	2	7	1.5	8	2	5
	45 to 159	67	2	12	2	7	1.5	8	2	5
	160 to 240	67	2	12	2	7	1.5	8	2	5

Sec. 8.206 Private Roads

Private roads shall be permitted, provided the following are met:

A. **Standards.** Private roads may be constructed in accordance with the public street standards provided:

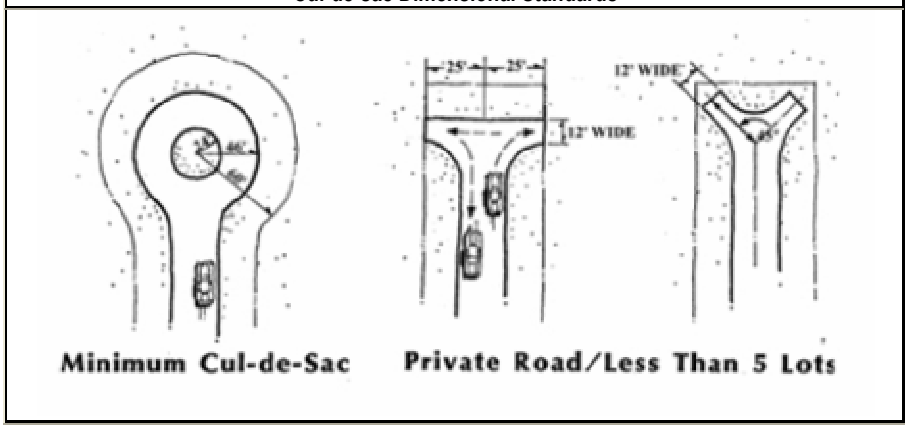
1. The community is gated with access restricted. Police, fire, sanitation, and other public vehicles shall be provided access.
2. All subdivision or land development plats, deeds, and covenants or restrictions shall indicate that the City will not accept a private road except upon a two-thirds vote of the development's landowners. Regardless of the vote, the City will not accept the road unless the road shall be brought up to public road standards or a one-time assessment or special taxing district shall be created to pay for the improvements.

B. **Rural and Staged Subdivisions.** Rural subdivisions and staged subdivisions shall provide access, but the street shall remain private until the residual development occurs and the road is improved in accordance with this Code.

Sec. 8.207 Cul-de-sacs

All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except on private roads serving less than five lots. Cul-de-sac standards are shown in Figure 8.207, *Cul-de-sac Dimensional Standards*.

Figure 8.207
Cul-de-sac Dimensional Standards



Sec. 8.208 Alleys

A. **General Arrangement and Layout.** Alleys may be provided within a subdivision plat to provide primary or secondary vehicular access to lots. Alleys may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.

B. **Right-of-Way Width, Intersections, and Curves.** Alleys should intersect streets at right angles. The intersection of a street and an alley should be constructed as a standard approach. In cases where two alleys intersect or turn at an acute angle, lot corners shall be platted so that a triangular area of 25 feet by 25 feet or greater is dedicated as part of the alley for the purpose of providing the minimum curb radius of 30 feet to the inside edge of the alley paving.

C. **Turnouts, Maximum Length.** Alley turnouts shall be paved to the property line with turnouts not less than 20 feet wide. At alley turnouts, the distance of the alley right-of-way to any gate, building, or garage opening shall be at least 20 feet. Alleys shall be no longer than 2,000 feet.

D. **Dead-end Alleys.** No dead-end alley or cul-de-sac alley shall be permitted.

Sec. 8.209 Intersections and Street Offsets

A. **General.** The intersection of more than two streets at one point is prohibited.

B. **Angle of Intersection.** Streets shall intersect one another at approximately a 90 degree angle and no intersection of streets at angles less than 75 degrees shall be approved. The angle of intersections may vary upon approval of the Planning Commission giving due regard to terrain, sight distances, and safety. Where acute angle intersections are approved, a radius of at least 25 feet at the acute corner must be provided.

C. **Offsets.** Off-center street intersections shall be separated by a minimum centerline to centerline offset dimension of 150 feet.

Sec. 8.210 Medians and Entrance Ways

A. **General.** Except as provided in subsection B, below, medians that are part of a dedicated public right-of-way may not be utilized for any purpose other than by the City or a public utility. However, a subdivider or property owner may beautify a median with landscaping with the approval of the Zoning Administrator and/or Planning Commission, provided it does not interfere with existing or proposed public utilities and provided it conforms to the sight distance requirements of Section *8.215*, *Sight Distance Requirements*, and has submitted documentation of the entity that will have permanent responsibility for maintenance and liability of such improvements.

B. **Subdivision Entranceways.** Subdivision entranceways that have a local or collector street intersecting with an arterial street, or a street of higher classification, shall be designed at a minimum of 80 feet in width by 140 feet in length. Such entranceway shall accommodate one entrance and two exit lanes. The subdivider may provide a gateway feature in the median, however, gatehouses are prohibited on publicly dedicated rights-of-way.

Sec. 8.211 Traffic Calming

A. **General.** Traffic calming measures are required where streets carry higher volumes of traffic in excess of 100 vehicles per hour during peak hours and where the street has a straight or relatively straight alignment for a distance of 500 feet or more. Traffic calming may also be required where the configuration or connection of streets is such that the road may be attractive as a short cut to avoid congested intersections or difficult turn movements. Traffic calming options that may be required by the City include:

1. Intersection throttling curbs.
2. Islands at intersections.
3. Pavement changes.
4. Elevated pedestrian crossings.
5. Islands in straight sections.
6. Interruptions in parking lanes.
7. Altering of the curve radii to preserve large trees.

B. **Illustration.** These techniques are illustrated in Figures 8.211A and B, *Traffic Calming Improvements*.

Figure 8.211A
Traffic Calming Improvements

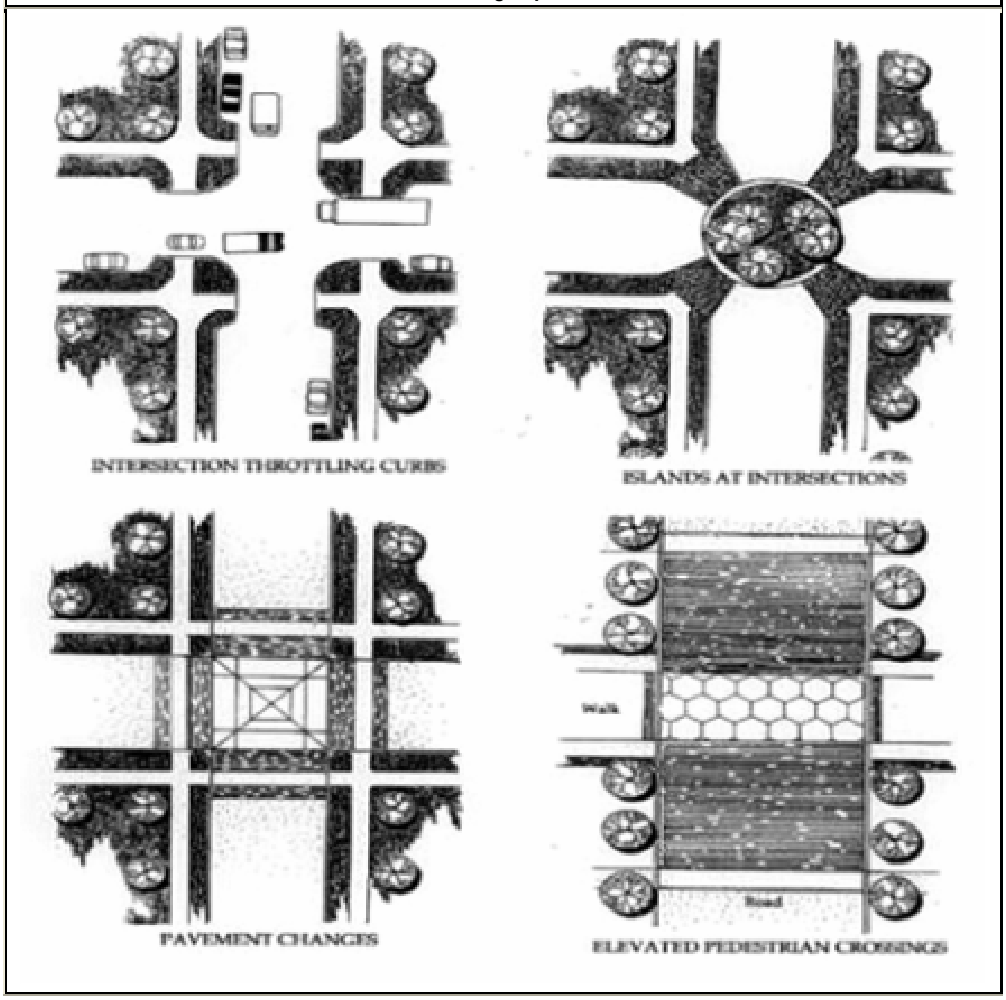
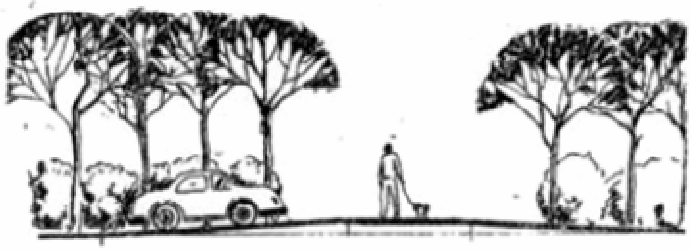
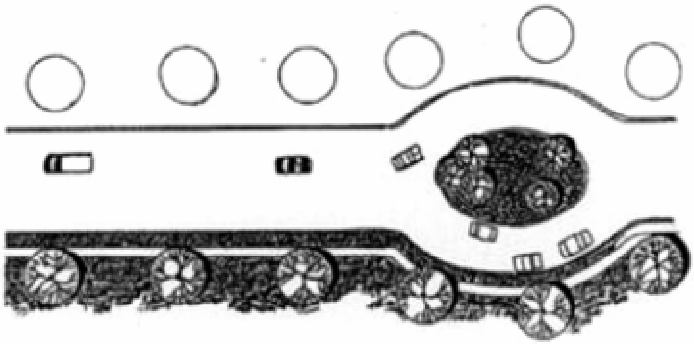


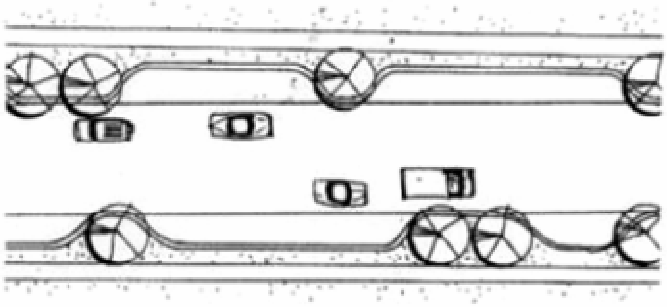
Figure 8.211B
Traffic Calming Improvements (continued)



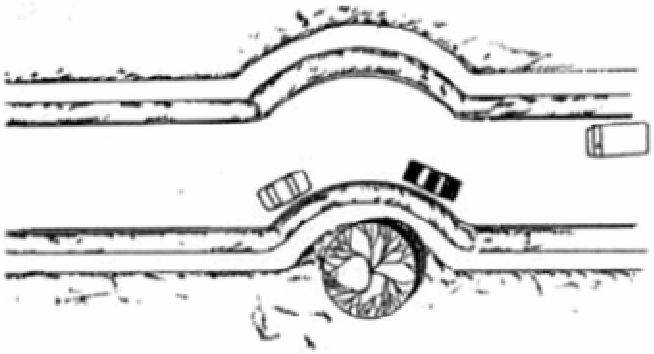
ELEVATED PEDESTRIAN CROSSINGS



ISLANDS IN STRAIGHT SECTIONS



INTERRUPTIONS IN PARKING LANES



ALTERING OF THE CURVE RADII
TO PRESERVE LARGE TREES

Sec. 8.212 Improvements

Arterial, collector, and local streets, as well as alleys, shall be improved as follows:

A. **Technical Design, Generally.** Arterials, collectors, local streets, and alleys shall be designed according to the Highway Pavement Structural Design method, as described in Part II, Chapter 3, of the AASHTO Guide for Design of Pavement Structures, except in rural subdivisions. County or State roads shall meet the standards of those agencies unless the standards of this Section are greater. Soil borings and tests from a geotechnical service shall be required for all road construction. All road construction shall be on 95 percent compacted subgrade.

B. **BP and I Districts.** Arterial, collector, and local streets in the Business Park (BP) and Industrial (I) Districts shall meet at least one of the following minimum standards:

   1. Six inches minimum crushed stone base course (TBR-2) with six inches of asphaltic concrete surface coat (BM-2); or

   2. Seven inches asphalt concrete base course (BM-2) with two inches asphaltic concrete surface course (BM-2); or

   3. Seven inches thick concrete reinforced with wire mesh.

   4. The Public Works Director or a designee may require a greater base where soils, anticipated truck traffic, or other conditions may affect the long-term maintenance costs of the road.

C. **Residential Streets, Nonresidential Alleys, Parking Lots.** Residential streets, nonresidential alleys, and parking lots with more than fifteen parking spaces shall have a six-inch rock subbase and a four-inch type "C" asphaltic concrete wearing surface except as follows:

   1. In the Suburban Estate (SE) District:

      a. Cul-de-sacs with less than 10 lots on a private road shall have a five-inch crushed stone base (TBR-2). All lots using this standard shall be covered by a conservation easement prohibiting further subdivision of this property into smaller lots.

      b. Other residential streets serving less than 40 lots shall have a six-inch crushed stone base (TBR-2) and a one and one-half inch surface of prime and double asphaltic seal with crushed rock cover.

   2. Rural subdivisions shall have a six-inch crushed stone base (TBR-2) to serve the initial four lots. When the residual parcel is developed, all streets shall be improved in accordance with the standard governing lots of that size. These roads shall remain private until improved to normal City standards.

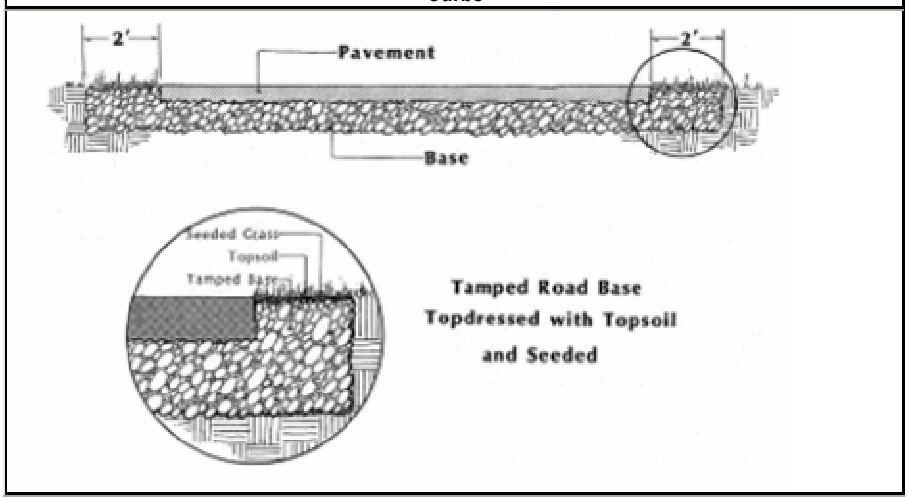
   3. Residential alleys shall have an aggregate base of six inches and a one and one-half inch surface of prime and double asphaltic seal with crushed rock cover.

D. **Additional Drainage.** In soils with limitations for roads due to soil strength, shrink-swell, or moisture, extra excavation and backfill and/or extra base and one-half inch of extra surface coat or additional drainage structures may be required by the Street Commissioner or a designee.

Sec. 8.213 Curbs

Curbs shall be installed where required by Tables *8.204*, *Street Standards*, and *8.205*, *Performance Standards for Residential Streets*, or where required to prevent erosion. The curbs shall be eliminated in areas where they will promote drainage over natural areas and removal will pose no risk to buildings or homes. Where no curbs are provided, the aggregate base shall be extended two feet beyond the edge of the pavement. The base shall be filled to the pavement level with aggregate, spread with topsoil, and seeded to provide a structure to support the pavement edge and eliminate damage from vehicles running off the pavement. *See* Figure 8.213, *Curbs*.

Figure 8.213
Curbs



Sec. 8.214 Sidewalks

A. **General.** Sidewalks shall be installed on both sides of all arterial, collector, residential collector, and commercial streets and shall be required on at least one side of all residential streets with more than eight homes. When there are more than forty-four homes, sidewalks shall be required on both sides of the street. All sidewalks shall not be less than five feet in width, constructed of Portland cement concrete, and shall comply with specifications of the Public Works Department. Sidewalks shall be located in the platted street right-of-way, one foot from the property line. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.

B. **Alteration of Requirements.** Sidewalk requirements may be altered or waived if a sidewalk plan is submitted to and approved by the Planning Commission at the time of platting.

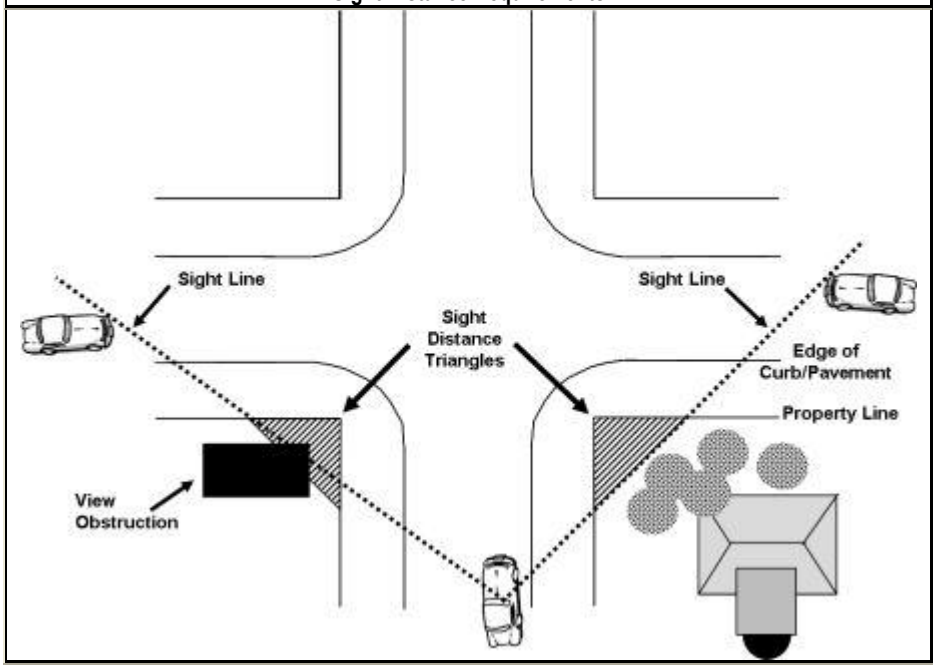
Sec. 8.215 Sight Distance Requirements

Within the triangular area formed by the right-of-way lines of intersecting streets and a line connecting points 25 feet on either side of such intersecting rights-of-way, including triangles formed from centerlines of driveways, there shall be clear space and no obstruction to vision. No person shall place or maintain any structures, fences, landscaping, or other objects within any sight distance triangle that obstructs or obscures site distance visibility by more than 25 percent of the area between the ground and eight feet, except for the following:

A. **Low Landscaping.** Landscaping, structures, or fences that protrude no more than 30 inches above the adjacent roadway surface may be permitted within the site distance triangle.

B. **High Trees.** Trees may be planted and maintained within the site distance triangle if all branches are trimmed to maintain a clear vision for a vertical height of 96 inches above the roadway surface and the location of the trees planted, based on the tree species' expected mature height and size, does not obstruct sight visibility by more than 25 percent of the site distance triangle area.

Figure 8.215
Sight Distance Requirements



Division 8.300 Utilities

Sec. 8.301 Sanitary Sewers

A. **Public Sanitary Systems.** All uses shall be required to be on public sanitary sewer systems, except those noted in Table 3.201A, *Residential Use District Standards*, in the Agriculture (AG) and Countryside (CS) Districts, which are permitted to use on-lot sanitary sewer systems. The presence of adequate public sanitary sewer capacity shall be certified by the Public Works Director or a designee. Construction shall be approved by the Public Works Director, or a designee, unless on-lot systems are permitted by this Division for specific conditions.

B. **On-Lot Systems.** On-lot systems shall be approved by the Jackson County Health Department. Lots of record on the effective date of this Code shall be allowed to use on-lot systems, provided the system is not within 400 feet of a reasonably accessible sewer system.

C. **On-Lot Standards.** A subdivider may install an individual sewage disposal system for each lot, if the following criteria are met:

1. Each lot must have the minimum lot and area requirements of Table 3.201A, *Residential Use District Standards*.

2. All septic tanks and lateral lines shall meet the following setbacks:

   a. Dwelling or property line: 10 feet.

   b. Water supply, including public water lines, wells, and cisterns: 100 feet.

   c. Watercourse: 50 feet. All such systems within the water supply watershed shall meet the standards of Section 4.508, *Riparian Buffers*.

3. All lateral fields shall meet the Jackson County Health Department standards. If variances are requested from the County standards, they must also be approved by the Public Works Director or a designee.

Sec. 8.302 Water Supply

All developments shall install public water, except those in the Agriculture (AG) and Countryside (CS) Districts where on-site service is approved or a rural water district provides service. For developments in all other Districts, plans shall be reviewed by the City. All public water supply shall meet the minimum specifications in Table 8.302, *Water Supply Standards*. The standards for these Districts may be increased to meet local area needs of the water system.

Table 8.302
Water Supply Standards

District	Quantity (gallons per minute)	Pressure (psi)	Minimum Residual Pressure (psi)	Hydrant Spacing (feet)	Minimum Line Size (inches)
All Districts (except AG, CS)	1,000 to 1,500	40	25	400	6

Division 8.400 Drainage

Sec. 8.401 Drainage Plan

A. **General.** All subdivision plans and land developments shall be required to have a drainage plan as part of the preliminary and final engineering. The drainage plan shall meet the requirements available from the Public Works Director or a designee. The plan shall be designed to provide for handling the 100-year storm events. In addition, the enclosed storm drainage system shall handle 20-year storm events without backup. Overflow provisions shall be made for events greater than the 100-year storm.

B. **Hierarchy of Stormwater Management Techniques.** The drainage plan for a development shall minimize the increase in runoff volumes and control rates from the site. The following hierarchy shall be applied to the design of the drainage plan:

1. Minimize impervious surfaces on the property, consistent with the needs of the project;

2. Attenuate flows by use of open, vegetated swales and natural depressions, and preserve existing natural stream channels;

3. Infiltrate runoff on site;

4. Provide stormwater retention structures;
5. Provide stormwater detention structures;
6. Provide velocity dissipation structures or channel design; and
7. Construct storm sewers.

Sec. 8.402 Water Quality

A. **General.** Stormwater system designs shall be in conformance with Oklahoma Department of Environmental Quality stormwater permitting requirements. A State National Pollutant Discharge Elimination System (NPDES) Permit for construction site activities is required for land disturbances of one or more acres. Permit requirements for a "stormwater pollution prevention plan" shall meet the requirements for design elements in Section *8.403*, *Drainage System Design*.

B. **Water Pollution Management.** The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. In particular, designers shall give preference to wet bottom and wetland designs, and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

C. **Surface Drainage.** The drainage system shall seek to incorporate surface drainage in the required open spaces. The design shall be sensitive to community aesthetics, aquatic habitat, recreation (trails, playing fields), wetlands, and water quality mitigation. The applicant should avoid using portions of the property exclusively for stormwater management.

Sec. 8.403 Drainage System Design

A. **Design Objective.** The underlying objective is to provide capacity to pass the 50-year peak flow in the minor drainage system and an overland flow path for flows in excess of the design capacity.

B. **Surface Drainage Priority.** Every effort shall be made to utilize existing surface drainage or construct positive surface drainage, rather than an underground stormwater system:

1. Drainageways, depression areas, wetlands, or areas of high water tables shall be used to the maximum extent.
2. Drainage easements are encouraged to move water from the house to the natural drainage areas.
3. Whenever practicable, all areas of the property must be provided with an overland flow path that will pass the 100-year flow at a stage at least one foot below the lowest foundation grade or exposed opening in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be subjected to drainage easements.

C. **Street Drainage Discouraged.** Streets should be a last resort for achieving positive surface drainage and only for very small areas. Street ponding and flow depths shall not exceed curb heights by more than one inch.

Sec. 8.404 Surface Drainage Configurations

A. **General.** The typical storm drainage channel is a V-shaped or trapezoidal shaped swale with grass sides. Such drainage ditches shall have no greater than a three to one (3:1) slope.

B. **Natural Drainage Configurations.** Wherever possible in water supply watersheds, the more natural drainage configurations that follow shall be used:

1. Natural swales shall be maintained wherever possible, even when the stream would be on an otherwise buildable portion of a lot.
2. On gentle upland slopes, wide, steep-sided, grassed ditches filter water before entering a water course. These ditches can be made into a landscape feature and also provide additional storm detention in relatively flat topography.
3. In areas having existing drainage ditches, the ditches should be reconfigured from the steep, deep ditch to a wider, more natural stream channel having far greater storage and flow capacity. The dechannelization should increase storage capacity and lower flood elevations. The earth removed should be placed outside the floodplain line that existed prior to the dechannelization.
4. The minimum grade of ditches shall be one foot of fall per 100 feet of run.
5. On gentle upland slopes, wide, steep-sided, grassed ditches filter water before entering a water course. These ditches can be made into a landscape feature and also provide additional storm detention in relatively flat topography.
6. In areas having existing drainage ditches, the ditches should be reconfigured from the steep, deep ditch to a wider, more natural stream channel having far greater storage and flow capacity. The dechannelization should increase storage capacity and lower flood elevations. The earth removed should be placed outside the floodplain line that existed prior to the dechannelization. *See* Section *4.503*, *Detention in Floodplains.*

Sec. 8.405 Design Standards for Drainage and Detention

A. **General.** All drainage system components and detention structures shall be based on the following design methodologies:

1. **System Size**. Major and minor conveyance systems for areas up to 10 acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods, as described in B below, must be used for major drainage system design for all systems with greater than 10 acres of drainage area and for the design of all detention basins for development equal to, or in excess of 5 acres.
2. **Runoff Hydrographs**. The following methods for generating runoff hydrographs shall be permitted: Corps of Engineers HEC-1 and Soil Conservation Services TR-20 and TR-55.

3. **Rainfall.** All swales, ditches, channels or storm sewers shall be designed for a 25 year 24 hour storm event.

4. **Antecedent Moisture.** Computations of runoff hydrographs, which do not rely on a continuous accounting of antecedent moisture conditions, shall assume a conservative wet antecedent moisture condition as a minimum (e.g., SCS TR-20 - antecedent moisture condition two).

5. **Approval.** The City or a designee shall approve the design of all drainage and detention systems and components. The approval shall verify that the design meets all City requirements. Final inspection and acceptance shall be based on the system being built to the approved plans and a determination that the facility is performing at the level required by the Code.

B. **Operation.** All drainage system components and detention structures shall be approved by the City if they meet the minimum City standards. The developer is responsible for providing a system that performs as designed.

Sec. 8.406 Detention

A. **General.** Each development shall provide for the on-site or off-site detention of excess stormwater runoff resulting from that development.

B. **Exemption from Requirement.** The Public Works Director, or a designee, must exempt the following:

1. Any development that is tributary to a City regional stormwater facility with capacity for the proposed development.

2. Nonresidential lots having less than 20,000 square feet of lot area, and residential subdivisions containing less than 10 lots and detention facilities are not deemed desirable given the site's drainage situation. *See* subsection C, below.

C. **Standards for Small-Scale Detention.** The desirability of a detention facility for a proposed development subject to subsection A2, above, shall be considered on an individual basis in light of the following factors:

1. The proliferation of small detention facilities is not desirable.

2. Restricted release pipes are a constant maintenance problem.

3. Certain detention facilities, depending upon location within the drainage basin, may cause an increase in the flood crest.

4. Any other factors deemed relevant by the Public Works Director, or a designee, based on sound stormwater engineering practices.

D. **Fee in Lieu.** Where the Public Works Director, or a designee, finds on-site detention to be undesirable, the subdivider shall then pay to the City an amount equal to either the prorated cost of a municipal detention facility serving the property or the cost of the land which would have been required for the detention facility. The value of the land shall be based upon the value assigned in the City regulations. All funds paid to and received by the City in lieu of providing a detention facility shall be used by the City for stormwater control purposes.

E. **Excess Stormwater Runoff.** For this Section's purposes, "excess stormwater runoff" shall include all increases in stormwater resulting from one of the following:

1. An increase in the site's impervious surface resulting from any new buildings, roads, and/or parking lots.
2. Changes in soil absorption caused by compaction during development.
3. Contour modifications, including filling or draining small depressional areas, altering drainageways, or installing collection systems to intercept street flows or replace swales or other drainageways.
4. Altering subsurface flows compared with the site in its natural state.

F. **Standards for Stormwater Discharge.** No development shall cause downstream property owners, watercourses, channels, or conduits to receive stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the proposed development site with the land in its natural, undeveloped condition. For this Section's purposes, "undeveloped condition" shall include all natural retention areas and drainageways, plus existing highway drainage structures, in the flow calculations.

G. **Capacity of Detention Facilities.** All stormwater storage facilities shall be designed with sufficient capacity to accommodate excess stormwater runoff caused by the development. The storage capacity shall provide an excess of storage to reduce the need to clean out accumulated sediments and other solids. All storage facilities shall be sufficient to store 115 percent of the required storage volume.

Division 8.500 Stormwater Management

A. **General.** In addition to the provision of drainage that is intended to move stormwater safely throughout the City and avoid flooding damage or safety risks, there is a need to clean stormwater to maintain the health of the streams in the community by reducing or eliminating pollutants before they reach the permanent streams. Three strategies -- avoidance, minimization, and mitigation -- can be applied as part of a stormwater treatment train. For the most part, avoidance strategies are built into the Code, as are a number of minimization strategies. The Code is based on making maximum use of avoidance and, then, minimization. Without proper stormwater management, all development will increase stormwater runoff volume and pollutant loading and reduce recharge; thus, all developments will have to provide some mitigation.

B. **Policy Preference for Cluster and Planned Residential Options.** The cluster and planned residential options, floodplain, drainageway, and wetland resource protection standards, and positive surface drainage in natural channels are all avoidance techniques. Residential developments that do not use clustering or planned options shall be required to make contributions to community stormwater facilities, in addition to meeting the requirements of this Article.

Sec. 8.501 Stormwater Standards

All developments shall meet the following standards for the discharge of water so that it meets the standards of pre-development conditions:

A. **Water Quantity.** All developments shall be designed so that the post-development discharge is equal to the pre-development discharge. Where the recharge structures are designed for a specific design storm volume, the facility will meet this standard.

Sec. 8.502 Avoidance

The use of cluster and planned options and meeting of resource protection standards of *Article 4*, *Environmental Standards*, shall constitute avoidance. In figuring stormwater loads and pollutant loads, the impact of these shall be taken into account in the sizing of any mitigation applications resulting in smaller stormwater treatment or detention facilities. In addition, the use of reduced street and alley pavement areas using narrower streets may be considered, where appropriate.

Sec. 8.503 Minimization

The following are techniques that can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques.

A. **Water Gardens.** Convey drainage from rooftops or drives to water gardens. The water garden shall be landscaped with natural vegetation that includes unmowed groundcovers and woody plants that can tolerate periodic inundation. When conveying the roof runoff to open spaces with natural vegetation, care must be taken to assure sheet flow, not channelized flow, to prevent erosion.

B. **Rain Barrels or Cisterns.** Rain barrels or cisterns can be designed into the buildings or yards so that roof runoff is directed to these storage facilities and used for beneficial purposes such as lawn watering, vehicle washing, or other nonpotable purposes. A variety of commercial products are available for this purpose. Their installation must be partly assured by the subdivider's surety.

C. **Pervious Pavements.** Driveway, parking areas, or sidewalks may be constructed from pervious concrete to provide infiltration of runoff. Pervious concrete or asphalt is recommended for minor roads or heavily used parking areas. Concrete or other containment structures that hold gravel or turf are recommended for driveways or low use parking areas.

D. **Vegetated Swales.** These shall be used unless the subdivider can show they are impractical or that the slopes would result in erosion.

E. **Swale Blocks.** The swale block is installed at intervals along a vegetated swale to allow the water to build up into a series of pools, slowing water flow and allowing the vegetation to assist in cleaning the water and settling out solids. The blocks shall be slotted to allow them to drain down and have a notch to permit maximum flows during the 50-year storm without overflowing the swale. Their use slows flows and decreases pollutant loading and the detention facilities shall be sized to account for the reduction in flows.

F. **Curb and Gutter.** Curb and gutter systems and their associated storm sewer system are undesirable because they greatly increase peak discharge rate and prevent infiltration or treatment of stormwater. Curb and gutter systems shall be used only where needed to contain parking, when swales cannot safely convey the volume and peak discharge rate of stormwater without erosion, or where curbs are needed to contain parking on streets. When roads transverse open space areas, curbs shall be removed. Streets can be

narrowed and parking provided in bays, allowing parking to be prohibited. This eliminates the need for curbs.

G. **Curbs without Storm Sewers.** Where curbs are required for parking containment, they should be designed with slots or discharge sections to convey the stormwater to swales.

H. **Green Roofs.** The use of green roofs, roofs that have been planted in vegetation, shall be strongly encouraged for buildings with roof areas in excess of 40,000 square feet. These provide both stormwater storage and cleaning of the water. *See also* Section *4.509*, *Swales.*

Sec. 8.504 Mitigation

Mitigation is required prior to discharging stormwater into perennial streams or streams with a defined water course or channel, except where community stormwater management facilities intended to serve the area of the development exist downstream. The extent to which the mitigation facilities are needed is dependent on the degree to which the avoidance and minimization techniques are used. In addition to calculating the reduced size of the detention facilities, the extent of the cleaning capacity shall be calculated. A 10 percent penalty in increased size shall be required when avoidance techniques are not used in residential development and a similar penalty for any development not using minimization techniques. The following are best management practices in descending priority order:

A. **Retention with Vegetative Uptake.** The preferred stormwater best management practice is initial retention and infiltration of runoff in depressed landscape or natural areas. This can also be accomplished within planted median areas of parking lots or roads or in specifically designed landscape areas. These areas should be shallow and vegetated with natural vegetation that can tolerate temporary ponding of water. All such facilities shall be designed to hold a three-inch storm. These, in conjunction with vegetative swales, if properly designed, may eliminate or sharply reduce the need for a settlement basin.

B. **Wet Basin.** Wet basins are most effective in cleaning stormwater. The basin shall be at least a two-part basin, with an initial pool for settlement of solids that has a cleanout access point. The second part is the detention basin where water is detained long enough for additional treatment. All wet basins shall be designed with wetland buffers on the safety ledges, at the area that separates the settlement pool from the main basin, outlet, and inlet. The water retained in the basin between flow events is actively cleaned so that when stormwater comes in, the cleaner water is pushed out. Where feasible, these basins shall be used.

C. **Wetland Basin.** These are similar to the wet basin in design, except that they are entirely planted in wetland vegetation that tolerates periods of dryness when the basin will be without water for an extended period of time. The design of the settlement basin needs to provide several compartments and a widening swale entrance that spreads the water out and prevents washing out solids with the inflow rates. The basin should be increased in size to provide for wetland treatment of the waters for the maximum period of time. Several treatment cells are recommended.

D. **Dry Basin.** These basins are designed to drain out within 24 hours, and water quality treatment is negligible. They may require use in conjunction with avoidance techniques that address the majority of the water quality treatment or a combination of minimization and mitigation techniques.

Article 9 Parking, Loading, Access, and Lighting

Division 9.100 Parking and Loading

Sec. 9.101 Off-Street Parking Requirements

All uses shall be required to meet the off-street parking standards set forth in Table *9.104*, *Parking and Loading Minimum Requirements*. The following general requirements shall govern off-street parking provisions and maintenance:

A. **Change of Use.** Should a lot or building owner or occupant change the use of said lot or building, the new use shall conform with this Code's off-street parking provisions. Centers with shared parking shall conform to the standards for centers, rather than the individual use.

B. **Storage Prohibited.** Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they are accessory. Storing materials or inoperable vehicles or parking trucks or trailers shall be prohibited in off-street parking areas, unless special areas are set aside for such parking.

C. **Vehicle Work Prohibited.** No major vehicle work of any kind or nature shall be permitted within off-street parking facilities.

D. **Sales.** The sale of goods in the parking lot is prohibited, except as provided in *Division 2.500*, *Temporary Uses*.

Sec. 9.102 Off-Street Parking Area Surfaces

A. **Lots Containing More than Three Spaces.** Off-street parking areas that are required to have more than three parking spaces shall be graded and surfaced with asphalt, concrete, bituminous surface treatment, or other material that will provide equivalent protection against potholes, erosion, and dust. Such parking surfaces shall not, however, be required for off-street parking facilities serving athletic fields or public or private parks.

B. **Lots Containing Three or Fewer Spaces.** Off-street parking areas that are not required to provide the type of surface specified in subsection A, above, shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway approach shall be paved with asphalt, concrete or bituminous surface treatment for a distance of 25 feet back from the edge of the paved street.

C. **Maintenance and Markings.** Off-street parking surfaces shall be kept in good condition and parking space lines or markings shall be kept clearly visible and distinct.

Sec. 9.103 Loading Requirements

All uses shall be required to meet the off-street loading standards in Table *9.104*A, *Parking and Loading Minimum Requirements*. Such loading spaces shall not be used for long-term storage of

trailers, but shall be available for normal servicing of the use by delivery vehicles. Off-street loading standards are specified in Section 9.204, *Off-Street Loading*.

Sec. 9.104 Parking and Loading Requirements Table

All uses shall be required to meet the off-street parking standards set forth in Table 9.104, *Parking and Loading Minimum Requirements*.

Table 9.104
Parking and Loading Minimum Requirements

Land Use	Parking	Loading
Agricultural Uses		
Agriculture	3 / du	none
Farmstead	3 / du	none
Intensive Agriculture	3 / du	3 / ag. unit
Clearing	none	none
Nursery	1 / 250 sf. (sales space only)	1 / 2 ac.
Commercial Stables	1 / 333 sf. + 1 per 3 stalls	1 / 40 stalls
Residential Uses		
Single-Family Detached	3 / du	none
Single-Family Cluster	3 / du	none
Single-Family Attached	2.25 / du	none
Planned	2.25 / du	none
Multi-Family	2.25 / du	none
Apartments with Commercial	1 / du	none
Manufactured Home Park	3 / du	none
Group Home	3 / du	none
Home Uses		
Home Business	See Residential	none
Family Child Care Home	4 / du	none
Institutional Uses		
Assembly & Worship	1 / 3 seats	1 / 40,000 sf.
Institutional Uses		
Library, Museum	3.5 / 1,000 sf. + bus spaces + auditorium: 0.75 / 1,000 sf.	1
Police Station	4.0 / 1,000 sf.	
Post Office	6 / 1,000 sf. + 1 postal vehicle	
Clubs & Associations (no food service)	8.0 / 1,000 sf.	
Fire Station	4 / vehicle bay	
Schools		
Colleges	0.5 / student	1 / 40,000 sf.
Trade School	1.1 / student	
High School	0.25 / person	
Elementary & Jr. High	2 / classroom	
Institutional Residential		
Nursing Homes	0.33 / room or 1 / bedroom	
Group Homes, Monasteries & Convents	0.5 / room	2 / 30,000 sf.
Public Service	1 / employee + 1 / stored vehicle	1 / loading bay
Utilities, Local	1 / 1,000 sf.	1 / 2,000 sf.
Commercial Uses		
Office		
General	4.0 / 1,000 sf.	1 / 33,000 sf.

Table 9.104 Parking and Loading Minimum Requirements		
Land Use	**Parking**	**Loading**
Bank/Finance, Telemarketing	4.5 / 1,000 sf.	
Shopping Center	4.5 / 1,000 sf.	1 / 25,000 sf.
Commercial Retail	4.0 / 1,000 sf.	General: 1 / 25,000 sf.
		Food, Consumer Elec: 1 / 15,000 sf.
		Liquor: 1 / 5,000 sf.
Hospitals	2 / bed	1 / 20,000 sf.
Restaurant	12 / 1,000 sf.	na.
Heavy Retail	1 / 400 sf.	1 / 10,000 sf.
Light Auto Services		
General	1.5 or 4 / bay, whichever is greater	1 / 20,000 sf.
Carwash, single car, auto bay	2.0 + 6 stacking spaces / bay + 1 drying	
Carwash, multiple car, auto bay	4.0 + 12 stacking spaces / bay + 2 drying	
Carwash, self wash bay	3 / bay	
Gas Station	1 / pump station	
Services		
Barber Shops	4.0 / 1,000 sf.	1 / 33,000 sf.
Beauty Shops	5.0 / 1,000 sf.	
Dry Cleaner	3.0 / 1,000 sf.	
Funeral Homes	6.0 / 1,000 sf.	
Laundry	0.8 / washer-dryer	
All Other Services	2.5 / 1,000 sf. + 1 / employee + 1 / company vehicle	
Drive-In Facility		
General	5.0 / 1,000 sf. + 3 stacking spaces / window	1 / 25,000 sf.
Restaurants	14.0 / 1,000 sf. + 5 stacking spaces/window	
Banking	4.5 / 1,000 sf. + 5 stacking spaces/window	
Hotels and Motels		
Convention Center	1.2 / guest room + 10 / 1,000 sf. meeting space	1 / 20,000 sf.
General	1 / guest room	
Boarding/Rooming Houses	1.5 / lodger	none
Bed & Breakfast	1 / room + 2	none
Heavy Retail & Service		
General	4.0 / 1,000 sf.	1.5/bay
Auto Sales	1 / 1,000 sf. + 1 / 15 lot spaces	
Building Materials	1 / 500 sf.	
Vehicle Sales & Service	1 / 15 cars on lot	1 / 15,000 sf.
Agricultural Support Services	1/250 sf.	1.5 / bay
Mixed Use	See Section *9.107*, Mixed Uses and Shared Parking	1 / 25,000 sf.
Recreation & Amusement		
Adult Uses	1 / 1.25 seats	1
Outdoor Recreation		
Camps, Day or Youth	1 / employee + bus	1
Golf Course	3 / hole	

Table 9.104 Parking and Loading Minimum Requirements		
Land Use	**Parking**	**Loading**
Golf Driving Range/Rifle Range	1.25 / station	
Parks, Playground	1 / 4,000 sf.	
Equestrian Facilities	1 / 4 stalls + 1 / 2,000 sf. riding area	
Swimming Pool	1/100 sf. pool	
Tennis Courts	3 / court	
Athletic Fields	1 /4 ft. bleacher area or 30 / field, whichever is greater	
All Other Active Recreation	1 / 10,000 sf.	
All Other Passive Recreation	1/acre + 1/three acres over 50	
Indoor Recreation		
Swimming Pool	1 / 100 sf. pool	
Tennis/Racquetball/Handball	1.0 / 1,000 sf.	1
Community Center	4.0 / 1,000 sf.	
All Others	4.5 / 1,000 sf.	
Commercial Amusement, Outdoor		
General	1 / 3 seats or 1.25 / playing station, whichever is greater	none
Outdoor Arenas	1 / 3 seats or 1 / 6' bench	
Commercial Amusement, Indoor		
General	6.0 / 1,000 sf.	
Amusement Parks	Special Study	
Bowling Alley / Pool Rooms	5 / lane; 2 / pool or billiard table	
Indoor Arenas	1 / 3 seats or 1 / 30 sf. floor area used for seating or 1 / 6 ft. bench	1
Skating Rinks	1 / 100 sf. rink surface	
Theaters / Assembly Rooms	1 / 3 seats	
Campgrounds	1 / space + 3 / 50 spaces at office	1
Industrial Uses		
Light Industry	1 / 500 sf. + 1 / vehicle	1 / 20,000 sf. or 1 / bay
Heavy Industry		
General	2.5 / 1,000 sf. + 1 / vehicle	
Trucking (no loading or warehousing)	3.0 / 1,000 sf. + vehicle operated from site	1 / 15,000 sf. or 1.25 / bay
Junkyard	1 / 2,000 sf. storage + 1 / vehicle	
Warehousing & Transportation Facilities	1 / 1,000 sf.	1.5 / bay
Utilities, Community/Region	1 / 1,000 sf.	Special Study
Extraction	1 / vehicle + accessory	1 / vehicle
Recycling and/or Storage	2 / 1,000 sf.	1.25 / bay
Disposal	1 / vehicle	1 / vehicle
Special Uses		
Airports	Special Study	Special Study
Commercial Communication Towers	2 / tower	1
Temporary Uses		
Commercial Temporary Outdoor Sales	none	none
Contractor's Office	1 / 200 sf.	none
Public Interest Events	1 / 3 attendees	1 / vehicle

Table 9.104 Parking and Loading Minimum Requirements		
Land Use	**Parking**	**Loading**
Special Events	1 / 3 attendees	1 / vehicle
Model Home/Sales Office	4 / model	none
Farm Stand	8 spaces	none
Concrete/Asphalt Batch Plant	Special Study	1 / vehicle
Truck Load Sales	Special Study	1 / truck
Garage Sales	na	na
Notes:		
du = dwelling unit na = not applicable sf. = square feet (gross)		

Sec. 9.105 Off-Street Parking Standards

A. **Setbacks.** Parking shall be set back behind any required bufferyard or as specified in *Division 10.400*, *Bufferyard Requirements*. All parking spaces, aisles, and turning areas shall be located entirely within the served property's lot lines and shall not encroach upon or overhang any road, driveway, or other public right-of-way.

B. **Fractional Spaces.** Table *9.104*, Parking and Loading Minimum Requirements, specifies the minimum number of parking spaces required for each use. When the number of required off-street parking spaces results in a fractional space, the fractional space shall be rounded up to the next highest whole number.

C. **Multiple Uses.** If several uses occupy a single parcel or building, the off-street parking and loading requirements shall be the additive total for all uses.

D. **Uses Not Listed.** Uses not listed shall have their parking requirements determined by the Zoning Administrator based on most similar use(s) or parking studies of similar uses.

E. **Location of Parking.** Parking or overflow parking may be located off-site or in common parking areas subject to the following rules:

   1. Single-family homes shall have all parking other than overflow parking on lot, except townhouses and atrium homes may opt to use off-site parking.

   2. Multi-family dwelling units shall have all off-street parking located within 180 feet of the building being served. This provision also applies to townhouses or atrium homes that choose to use off-site parking.

   3. Those uses that provide valet parking shall provide such parking within 600 feet of the use being served.

   4. For all other uses, all off-street parking shall be located within 600 feet of the building being served.

Sec. 9.106 Special Study

Where an applicant believes less parking is required, it may submit a special study. A special study shall be conducted by a transportation planner or engineer that provides a peak parking analysis of at least five similar uses. The similarity of the uses shall be documented in detail, including location of the uses, size, transportation, use restrictions, or other factors that could affect the parking demand. The study shall be submitted at the landowner's expense. The City may substitute or rely on the special study for that specific property. The Planning Commission

may require space be reserved or land banked for additional parking if it determines that there is a high probability the use could change, thus, requiring the Code-required number of parking spaces.

Sec. 9.107 Mixed Uses and Shared Parking

A. **General.** Where a building is a mixed use structure, such as a shopping center, or where a combination of uses is such that there are very different parking requirements in the same complex or are designed to share parking areas, the off-street parking requirements shall be calculated individually. However, it is understood that the uses may have very different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking and reduced impervious surfaces. Thus, where a reduced parking need exists, the City may reduce the number of spaces required.

B. **Special Study Required.** A special study shall document the parking required for mixed uses by looking at peak loading times for uses during a 24-hour day and designing for the peak hour demand. The Study shall provide data on the following:

   1. The recommended parking needs of the project.
   2. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
   3. Similar mixes of uses in other areas of the community.
   4. Degree of variability of parking for individual uses (average, range, and standard deviation).

C. **Reserve.** The Commission may require a reserved open area if it finds that the risk of parking needs changing over time warrants reserved parking. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

D. **Lots Under Separate Ownership.** When the reduction is to be applied to uses on several lots under different ownership, the following shall be met:

   1. A plan that provides for interconnected lots; and
   2. Places cross easements on the parking areas and connections that permit parking by the different uses anywhere in the connected properties.
   3. A pedestrian circulation system that connects uses and parking areas making it easy and convenient to move between uses.

Sec. 9.108 On-Street Parking

A. **General.** In the Urban Center (UC) District, or in a development that is approved as a traditional development to use on-street parking, the landowner may deduct from the required parking their share of on-street parking spaces and any public lot parking in accordance with the following formula:

Figure 9.108 Parking Credit
Parking Credit = Sa x P
where:

Sa = Share of the area in the UC District; and
P = Total parking spaces on streets and in public lots.

B. **Survey Required.** The landowner shall provide a district total by survey.

Division 9.200 Parking and Loading Design

Sec. 9.201 Parking Space Standards

A. **General.** Table 9.201, *Minimum Horizontal Parking Widths for Standard Automobiles*, specifies the minimum horizontal widths for standard parking rows, aisles, and modules. *See also* Figure 9.201, *Parking Stall Dimensions*.

Table 9.201
Minimum Horizontal Parking Widths for Standard Automobiles

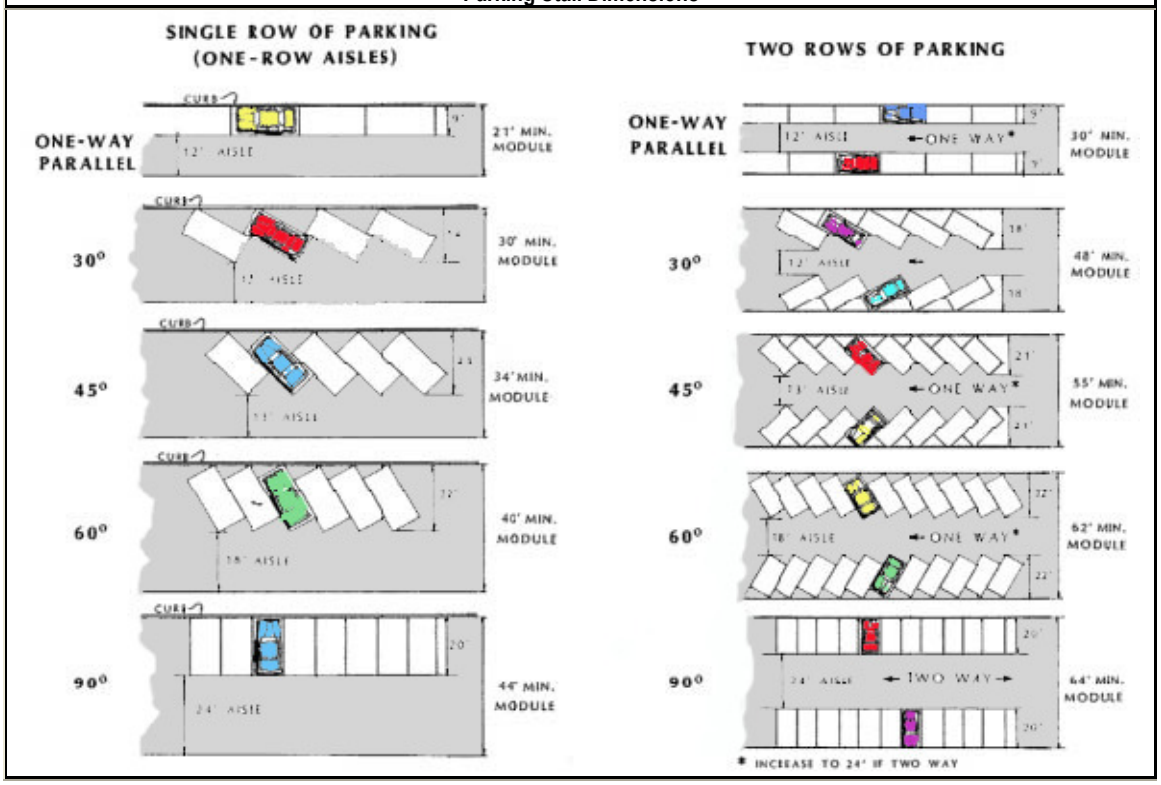
Dimension	One-Way	Space Angle (degrees)			
	Parallel	30	45	60	90
Single Row of Parking					
Parking aisle (ft.)	9	18	21	22	20
Driving aisle (ft.)	12	12	13	18	24
Minimum width of module (row & aisle) (ft.)	21	30	34	40	44
Two Rows of Parking					
Parking aisle (ft.)	18	36	42	44	40
Driving aisle (ft.)	12	12	13	18	24
Minimum width of module (row & aisle) (ft.)	30	48	55	62	64

B. **Minimum Area.** The standard parking space is nine feet by 20 feet. *See also* Section *9.202*, *Accessible Parking*.

C. **Area Reduction.** Parking space length can be reduced to 18 feet, including wheel stop, if additional space of two feet in length is provided for the car's front overhang. The unpaved area shall be planted in groundcover, but shall not count towards the required parking lot landscaping.

D. **Vertical Clearance.** All parking spaces shall have a vertical clearance of at least eight feet. Some larger vans, sports utility vehicles, and light trucks may need more clearance. The applicants shall note the maximum vehicle size to be provided. Any parking garage entrance shall have a bar to alert oversized vehicles before they enter the structure.

Figure 9.201
Parking Stall Dimensions



Sec. 9.202 Accessible Parking

All uses, other than residential served by on-lot parking, shall provide parking spaces for motor vehicles that transport disabled persons in accordance with the standards of this Section.

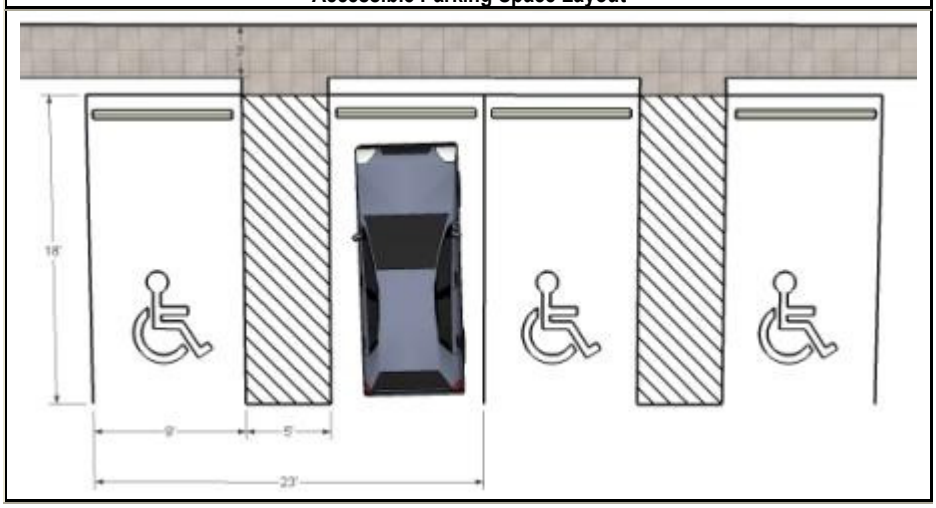
A. **Number of Spaces Required.** The number of accessible spaces shall be in accordance with Table 9.202, *Required Number of Off-Street Accessible Parking Spaces*. In addition, multifamily residential units designed for occupancy by disabled persons shall provide one accessible parking space for each dwelling unit designed for such occupancy.

Table 9.202
Required Number of Off-Street Accessible Parking Spaces

Number of Parking Spaces Provided	Number of Accessible Spaces Required
Up to 25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total number
Over 1,000	20 plus 1 for each 100 additional spaces over 1,000

B. **Dimensions.** Accessible parking spaces shall be a minimum of 14 feet wide by 18 feet long, including an five-foot wide striped area. *See* Figure 9.202, *Accessible Parking Space Layout*.

Figure 9.202
Accessible Parking Space Layout



C. **Location.** Accessible parking spaces shall be located as close as possible to an entrance, which allows such persons to enter and leave the parking area and building without assistance. If possible, the spaces shall be located so that the accessible route from the accessible spaces to the accessible entrance should not cross a driving aisle or road.

D. **Signage.** Accessible parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking that includes the international accessibility symbol, the text "Reserved Parking" and the text "$___ Fine," indicating the maximum fine allowed by law.

E. **Relation to Other Required Parking.** Off-street parking spaces required for the disabled by this Section shall count toward fulfilling the total off-street parking requirements.

F. **Federal Regulations.** Compliance for accessibility to public facilities shall be in accordance with regulations issued by Federal agencies, including the United States Department of Justice, under the Americans with Disabilities Act of 1990. More specifically, these regulations include 28 CFR Part 36 "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Final Rule," as amended.

G. **Exemption for Valet Parking.** No accessible spaces are required for valet parking lots.

Sec. 9.203 Driveway Parking for Single- and Two-Family Dwellings

A. Location and Setbacks. No driveway, including curb cuts or curb returns, shall be located within two feet of an adjoining property line. However, more restrictive standards may apply. *See* Table 3.308, *Permitted Encroachments*.

B. Design Vehicle. Parking shall be restricted to small motor vehicles and motor vehicles less than 22 feet in length.

C. Configuration. All small motor vehicles shall be parked on paved driveways or parking areas relating to a garage or carport. In areas where there are no garages or carports, small motor vehicles may be parked on paved driveways constructed perpendicular to the street. No parking shall be allowed within the driveway approach, across public sidewalks, or outside of paved surfaces or designated driveways.

D. Guest Parking Islands. In the Urban Residential District, guest parking in excess of the minimum parking requirements may be permitted in platted guest parking islands within enlarged cul-de-sacs. In no case shall the required parking be located within the guest parking islands. Guest parking islands shall be maintained in the same manner as other public streets. In no case shall boats, campers, recreational vehicles, trucks or inoperable vehicles be parked or stored in any guest parking island.

Sec. 9.204 Off-Street Loading

All uses shall provide off-street loading as required by Table *9.104*, *Parking and Loading Minimum Requirements*. Loading spaces shall be designed in accordance with the following:

A. **Dimensions.**

1. Each outdoor loading bay area's minimum dimension shall be 12 feet wide. For semi-trailers, the space shall be 40 feet long; all other spaces, 25 feet long, exclusive of maneuvering space (see subsection B, below). At no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading bay area shall be 14 feet.

2. A use that seeks to have no spaces suitable for semi-trailers shall provide evidence that the use does not require access by such vehicles. Where the Zoning Administrator believes the use could change, space may be required to be land-banked for loading for semi-trailers.

B. **Maneuvering Space.** Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands so that trucks can maneuver to the docking area.

C. **Location.** All loading areas are required to be located on the same lot as the building or lot served by the loading area.

D. **Blocking Access.** Blocking loading spaces or parking spaces is prohibited. Loading spaces or parking spaces shall not be designed or located to block access. Permanent or moveable structures of any type, including trash receptacles or compactors, shall be not be located such that they interfere with parking, loading, or access areas.

E. **Fire Exit or Emergency Access.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

Sec. 9.205 Vehicle Stacking Requirements

A. **General.** Uses that have drive-through window services, unless otherwise provided below, shall provide a minimum distance for a stacking lane of 160 feet, exclusive of any parking aisle or parking space. All drive-in and drive-through facilities shall provide vehicle stacking in accordance with the Table 9.205, *Vehicle Stacking Requirements*.

Table 9.205
Vehicle Stacking Requirements

Type of Operation	Minimum Number of Vehicles
Financial Institution, with drive-up tellers	4 vehicles per window/kiosk
Financial Institution, with drive-up ATM	2 vehicles per window/kiosk
Car Wash, Self-Service	4 vehicles per bay at entrance 1 vehicle per bay at exit
Car Wash, Automatic	100 feet per bay at entrance 2 vehicles per bay at exit
Restaurant, Fast Food	4 vehicles behind menu board 4 vehicles behind first window
Photo Processing	2 vehicles per window
Dry Cleaning	2 vehicles per window
Gasoline Stations	2 vehicles per pump
Gated Parking Lot Entrance	2 vehicles per gate
Public Uses	2 vehicles per window/kiosk

B. **Optional Traffic Study.** These minimum vehicle storage requirements shall remain in force unless an applicant presents a traffic study from a licensed engineer that provides verifiable evidence to allow the reduction of these minimum stacking lengths. Minor deviations from these requirements may be approved by the Planning Commission.

C. **Standards.** Stacking for all uses shall conform to the following standards:

1. No stacking space may occupy any portion of a public right-of-way.
2. The minimum stacking lane width shall be 12 feet.
3. Stacking spaces shall not be used to satisfy any of the off-street parking or loading space requirements.
4. Stacking lanes shall not interfere with parking spaces, parking aisles, loading spaces, internal site circulation, or points of ingress and egress.
5. A 12-foot wide bypass lane is required adjacent to the stacking lane to allow vehicles to circumvent the drive-through lane.

Division 9.300 Access and Circulation

The purpose of access management is to ensure that site development will be consistent with acceptable engineering standards and design criteria to promote and maintain traffic safety and efficient traffic flow. In order to minimize accidents, mitigate congestion, improve mobility, and maximize use of the roadway network, it is necessary to regulate access for vehicles entering and exiting property abutting public street rights-of-way and private street easements or access easements.

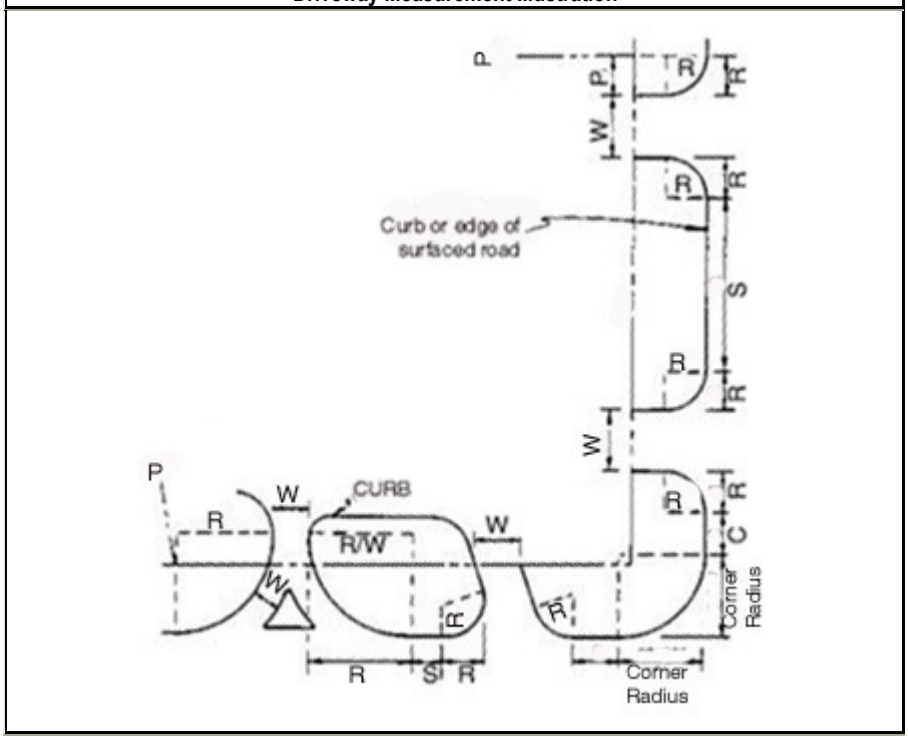
Sec. 9.301 Number of Access Points Allowed

With the exception of single- and two-family development, all manufactured home communities, multiple-family residential development, and commercial and industrial development shall be allowed at least one access point equal to the minimum widths prescribed in this Division, but may have more than one access point as long as the total maximum summation of the widths of all access points upon the property does not exceed 20 percent of the length of the property line that fronts the abutting public street. The Planning Commission may require a Traffic Impact Analysis (TIA) to assess the efficiency and warrant for additional access points.

Sec. 9.302 Dimensional Standards of Access Points

A. **General.** The driveway measurement illustration in Figure 9.302A, *Driveway Measurement Illustration*, identifies the required widths, radii, property line clearance, corner clearance, and spacing of access points by general land use type.

Figure 9.302A
Driveway Measurement Illustration



B. **Dimensions.** The following dimensions shall govern construction of access points. The dimension references are shown in parentheses behind the applicable design parameters.

1. **Width of Access (W).** The width of access shall be measured parallel to the center line of the street at the property line and shall not exceed the widths displayed in Table 9.302B1, *Width of Access (W)*.

Table 9.302B1 Width of Access (W)		
Use Classification	**Standard**	**Access Width**
Single-Family Residential	One-car garage	12 feet
	Two-car garage	22 feet
	Three-car garage	25 feet
Two-Family Residential	Two, one-car garages	24 feet
	Two, two-car garages	40 feet
Commercial (two-way drive)	Recommended	30 feet
	Minimum	25 feet
	Maximum (up to 175 ft. frontage)	35 feet
	Maximum (greater than 175 ft. frontage)[1]	52 feet
Commercial (one-way drive)	Recommended (Ingress)	18 feet
	Recommended (Egress)	16 feet
	Minimum	15 feet
	Maximum	20 feet
Industrial (two-way drive)	Minimum	30 feet
	Maximum (≤175 ft. frontage)	35 feet
	Maximum (> 175 ft. frontage)	40 feet
Industrial (one-way drive)	Minimum	20 feet
	Maximum	25 feet
[1] Requires a raised median with a minimum width of four feet between ingress/egress lanes.		

2. **Property Line Clearance (P).** There shall be a minimum clearance between the near edge of the nearest access point and the property line. A minimum tangent length of five feet shall be required between the curb return and the property line extended and shall not interfere with fire hydrants, storm inlets, or other curb frontage improvements. The minimum clearances are displayed in Table 9.302B2, *Property Line Clearance (P)*.

Table 9.302B2 Property Line Clearance (P)			
Use Classification	**Local Street**	**Collector Street**	**Arterial Street**
Residential	10 ft.	15 ft.	Access Restricted
Commercial	15 ft.	15 ft.	37.5 ft.
Industrial	20 ft.	20 ft.	37.5 ft.

3. **Curb Return Radii (R).** The width of the street right-of-way shall not be a determining factor in selecting the appropriate curb return radii. Curb returns shall extend onto private property, if necessary. Curb return radii shall not exceed the requirements displayed in Table 9.302B3, *Curb Return Radii (R)*.

Table 9.302B3 Curb Return Radii (R)		
Use Classification	**Standard**	**Curb Radii**
Residential	Required	15 ft.
Commercial (one- and two-way drives)	Recommended	20 ft.
	Minimum	15 ft.
	Maximum	30 ft.
Industrial (one- and two-way drives)	Recommended	30 ft.
	Minimum	15 ft.
	Maximum	35 ft.
Note: When a driveway is constructed to serve trucks with longer wheel bases, the City Engineer or a designee may require greater minimum curb return radii.		

4. **Corner Clearance (C).** For corner lots, there shall be a minimum clearance between the near edge of the nearest access point and the property corner at street intersections. A minimum tangent length of five feet shall be required between the curb return and the property line extended and shall not interfere with fire hydrants, storm inlets, or other curb frontage improvements. The minimum clearances are displayed in Table 9.302B4, *Corner Clearance (C).*

Table 9.302B4 Corner Clearance (C)			
Street Classification	**Intersecting Street Classification**	**Minimum Corner Clearance**	
		Street	Intersecting Street
Residential Driveways			
Local	Local	20 ft.	20 ft.
Local	Collector	30 ft.	30 ft.
Collector	Collector	30 ft.	30 ft.
Arterial	Local	Restricted	75 ft.
Arterial	Collector	Restricted	75 ft.
Arterial	Arterial	Restricted	Restricted
Commercial and Industrial Driveways			
Local	Local	30 ft.	30 ft.
Local	Collector	30 ft.	30 ft.
Collector	Collector	75 ft.	75 ft.
Arterial	Local	125 ft.[1]	75 ft.
Arterial	Collector	125 ft.[1]	75 ft.
Arterial	Arterial	125 ft.[1]	125 ft.[1]
[1] A variance is required for corner lots with arterial street frontage where the required corner clearance cannot be met as a result of its lot width.			

5. **Access Spacing (S).** There shall be a minimum spacing between the near edges of adjacent access points as displayed in Table 9.302B5, *Access Spacing (S).*

Table 9.302B5 Access Spacing (S)	
Street Classification of Abutting Lot Frontage	**Minimum Spacing**
Residential Driveways	
Local Street	30 ft.
Collector Street	30 ft.
Arterial Street	Restricted
Commercial Driveways	
Local Street	30 ft.
Collector Street	75 ft.
Arterial Street	75 ft.
Industrial Driveways	
Local Street	40 ft.
Collector Street	75 ft.
Arterial Street	75 ft.

Sec. 9.303 Offset of Access Points

Either the center line of opposing commercial and industrial access points shall be directly aligned or they shall be offset no less than 55 feet for commercial uses and 70 feet for industrial uses. This condition shall not apply where a permanent raised median exists in the street without a break for these access points.

Sec. 9.304 Common Access and Internal Cross Access

A. **General.** The use of common access and cross access between properties with compatible land uses is highly encouraged to minimize direct access from public streets, resulting in improved street capacity and reduced traffic conflicts. In cases where access control is especially critical to the safe and efficient flow of traffic, such as mixed-use developments, the Planning Commission may require common or cross access as a contingency of site plan approval. A cross access requirement may include one or more of the following:

   1. A continuous drive extending the entire length of each block it serves or at least 1,000 feet of linear frontage along a thoroughfare, whichever is less.
   2. Sufficient width to accommodate a two-way access between properties, designed to accommodate automobiles and service and loading vehicles.
   3. Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access.
   4. Linkage to other cross access drives in the area.

B. **Easement.** Access that is shared by adjacent properties, whether under single or separate ownership, requires that an access easement and agreement between property owners be approved by the City Attorney and recorded. The recorded book and page number shall be denoted on any subsequent subdivision plats of the property.

Division 9.400 Exterior Lighting Standards

Exterior lighting is regulated to eliminate light spillover and glare on motor vehicle operators, pedestrians, and land uses within the light source's proximity. Safety considerations are the basis

of the regulations, especially with respect to motor vehicles. In other cases, the regulations protect against both nuisance and hazard aspects of glare or excess light.

Sec. 9.401 Applicability

A. **General.** This Division shall apply to all uses.

B. **Exceptions.** The following are not subject to this Division::

1. Public street lighting, which shall conform to standards set by the City or the Oklahoma Department of Transportation, if along a State or Federal roadway, or to City specifications for City streets.
2. Exterior lighting on residential uses or farmsteads, except that no spotlights or floodlights shall be permitted that create a glare condition for neighboring property owners.
3. Holiday lighting is not regulated unless it is so distracting or glaring as to interfere with traffic on adjoining roads or create a safety hazard.

Sec. 9.402 Exterior Lighting Plan

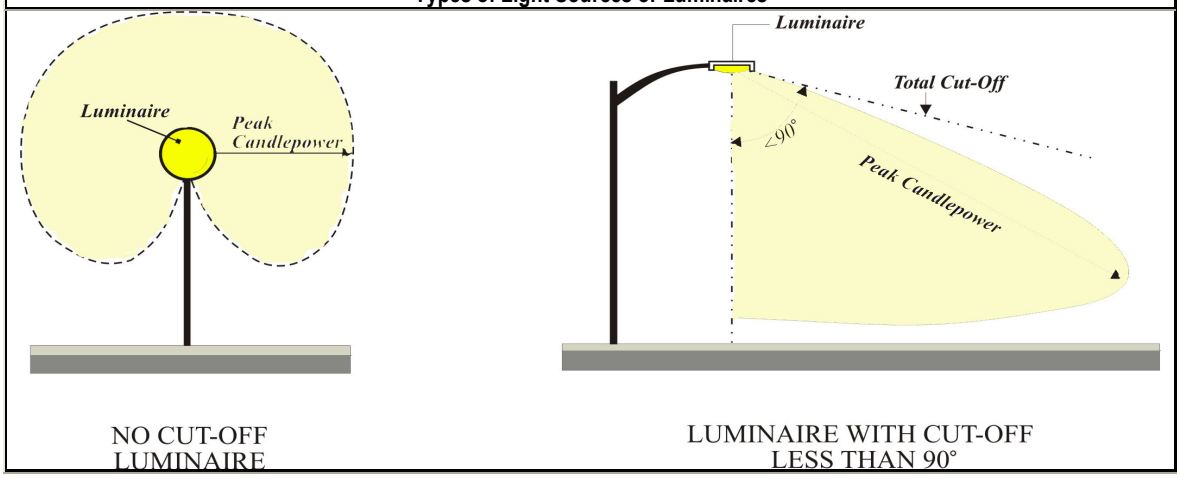
Any time exterior lighting is installed or substantially modified and whenever a Zoning Permit is sought, an exterior lighting plan shall be submitted to the Zoning Administrator to determine whether this Article's requirements have been met and that adjoining property will not be adversely impacted by the proposed lighting. The lighting plan shall indicate the types and heights of luminaires to be used and submit an illumination level plan showing the illumination at 10-foot intervals.

Sec. 9.403 Nonresidential Lighting Standards

A. **General.** Two types of light sources or luminaires are available (Figure 9.403, *Types of Light Sources or Luminaires*). One is a fixture having no cut-off, directing the light to limit view of the light source or luminaire. The second is a cut-off fixture, which directs the light and shields the light source from view from certain angles. The maximum permitted illumination and the maximum permitted luminaire height shall conform with this Section.

B. **Applicability of this Section.** All nonresidential property shall meet the lighting standards of this Section.

Figure 9.403
Types of Light Sources or Luminaires



C. **Standards.**

1. All fixtures shall be cut-off fixtures that limit lighting that is visible or measurable at the property line. No cut-off fixtures may only be used for decorative purposes and shall have luminaires that have light sources of 100 Watts (incandescent equivalent) or less, with a maximum height of 8 feet.
2. For abutting or nearby residential zoned properties, cut-off fixtures shall be used so one cannot see the actual light source, except as provided in A above.
3. The maximum illumination at a property line abutting or across the street from residential zoning shall not exceed two-tenths footcandles. On abutting nonresidential properties or public streets, the maximum illumination at the property line shall not exceed five footcandles.
4. Maximum illumination at any point on the property shall not exceed 60 footcandles. For automobile dealers or others who believe they need more illumination, they shall provide structures for night-time examination of cars.
5. Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the maximum intensity of paragraph 4, above. The luminaires shall be recessed into the canopy so they cannot be viewed from off site from an eye height of four feet to protect automobile drivers from glare.
6. Any lighting fixture or luminaire that exceeds 25 feet in height, or proposes more than 400 Watts (incandescent equivalent) or more than three luminares per pole, shall be approved as a Conditional Use and reviewed for impact on all surrounding uses.

Sec. 9.404 Exterior Lighting for Outdoor Amusement and Recreational Use

Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for night-time visibility and generally have limited hours of operation. These uses may meet the following Limited Use standards for approval of lighting in excess of the exterior lighting standards (*see* Section 9.403, *Nonresidential Lighting Standards):*

A. **Impact on Residential Uses.** The site plan meets all other Code requirements and, to the maximum extent possible, lighting is located to avoid shining at residential uses.

B. **Luminaire Height.** Exterior light sources do not exceed the maximum permitted post height of 80 feet.

C. **Cut-off Angle.** The light source or luminaire shall be cut-off fixtures that have cut-off angles that do not extend beyond the property boundaries. However, the luminaire may have a cut-off angle that extends beyond the property boundaries if:

   1. A landscaped bufferyard is provided to prevent light and glare spill-over to adjacent residential property. The Zoning Administrator may require denser bufferyards than those in *Division 10.400*, *Bufferyard Requirements*, to achieve this objective.

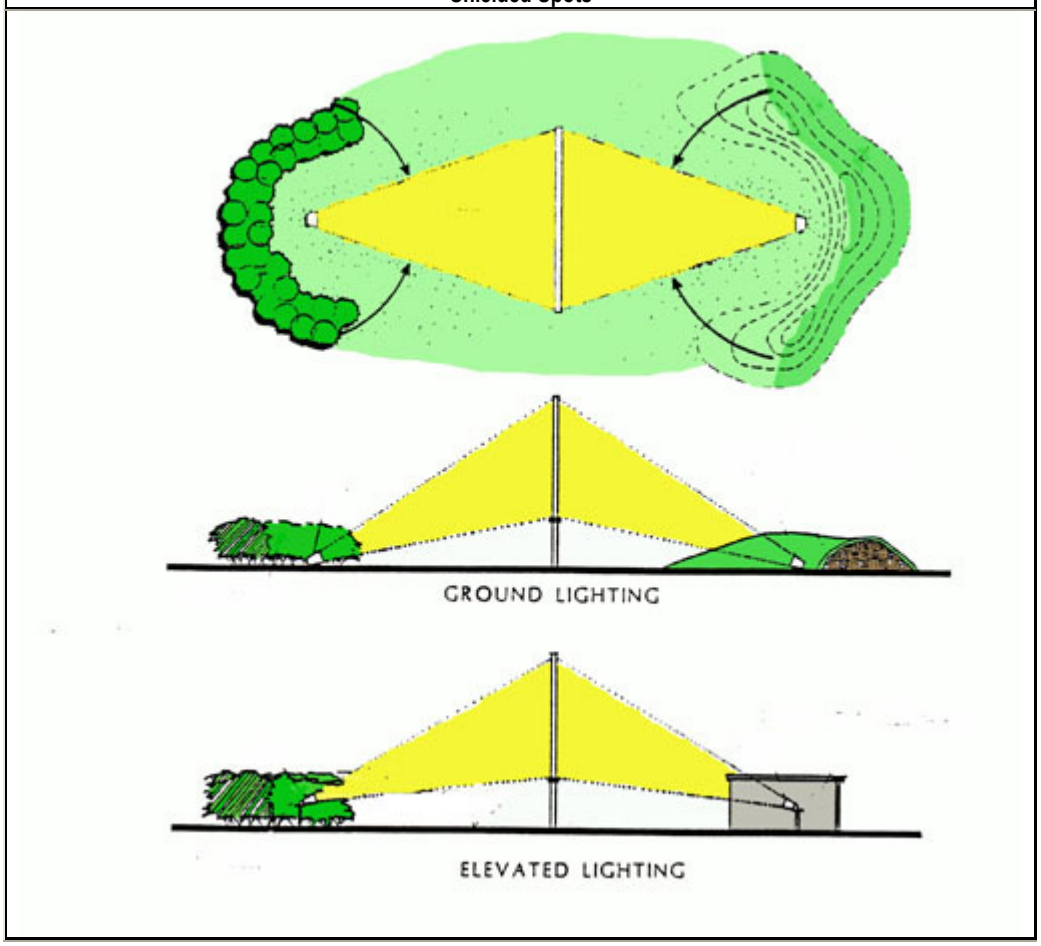
   2. The maximum permitted illumination shall not exceed one footcandle at the residential property line or the street curb, whichever is less.

D. **Hours of Operation.** If the development is within 300 feet of a residential district, the lights shall be turned off by 10:00 p.m.

Sec. 9.405 Sign Lighting, Shielded Spotlights

Shielded spots shall be screened by evergreen landscaping, walls, berms, or cut-off shielding so the light source is not visible off site. In most cases, a combination of cut-off shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 9.405, *Shielded Spots*, provides an example of how this objective is to be accomplished.

Figure 9.405
Shielded Spots



Sec. 9.406 Public Safety and Public Nuisance

The City may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria:

A. **Public Hazard.** Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

B. **Public Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property.
2. A high frequency and/or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.

3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

Article 10 Landscaping and Tree Protection

Division 10.100. Purpose

A. **General.** These standards are intended to protect and preserve the appearance and character of the community, to increase the compatibility of adjacent uses, and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

B. **Plant Units.** This Article provides the detailed landscaping standards for all development including landscaping for street trees, yards, open space, parking lots, and bufferyards. It also contains standards for installing and maintaining landscaping materials. It is based on a system of landscaping that provides many planting options using a "plant unit" that provides a full range of plant material. *See* Section *10.202*, *Plant Units*.

Sec. 10.101 Applicability

A. **General.** This Article applies to:

1. Major subdivisions and land developments, minor nonresidential subdivisions, and minor land developments, except as provided in subsection B, below.
2. Development that requires the issuance of a building permit for a building addition amounting to more than 50 percent of the existing street facade.
3. Issuance of a Certificate of Occupancy for buildings that change from residential to commercial.
4. Development or redevelopment of parking lots with additions of five parking spaces or more.

B. **Limited Exception Within NC District.** Minor residential subdivisions located within a Neighborhood Conservation (NC) District are exempt from the on-lot, open space, and parking landscaping requirements of this Article, but are not exempt from the street tree requirements. However, even though there is no minimum quantity and type of on-lot, open space, and parking landscaping, the requirements of this Article with regard to the location, spacing, maintenance, and replacement of landscaping apply to all landscaping that is installed in the Neighborhood Conservation (NC) District.

Division 10.200 General Requirement

Sec. 10.201 General Landscape Requirements

Landscaping is required in all development, as indicated in Table 10.201, *Landscaping Standards*, Additionally, bufferyards are required as per *Division 10.400*, *Bufferyard Requirements*, along zoning district lines and streets.

A. **District and Use.** The first column indicates the zoning districts and specific uses in those districts.

B. **Lots, Open Spaces, and Parking Lots.** Columns 2, 3, and 4 indicate the standard for that portion of a lot not covered by buildings or parking, open space areas, and parking lots. These standards are specified in plant units (*Division 10.300*, Development Landscaping).

C. **Street Trees.** Column 5 specifies the spacing for canopy trees to be planted in the public right-of-way.

Table 10.201
Landscaping Standards

Zoning District & Development Type	Landscaping Plant Units per (*See* Section *10.202*)			Street Tree Spacing
	Lot (acre or unit)	Acre of Open Space	Parking Spaces	Feet
Agriculture (AG)				
Farmstead	na.	na.	na.	na.
Residential Single-Family	2/ac.	na.	1/12 spaces	50
Single-Family Cluster, Planned	3/du	1	None	50
Countryside (CS)				
Single-Family Detached	4/du	na.	None	50
Single-Family Cluster, Planned	2/du	1	None	50
Suburban Residential (SR)				
Single Family Detached	2/du	2	None	50
Single-Family Cluster, Planned	1/du	2	None	50
Institutional Residential	8/ac.	3	1/16 spaces	50
All Other Uses	12/ac.	1	1/16 spaces	50
Suburban Commercial (SC)				
Retail, Shopping Center, Office and Institutional	8/ac.	4	1/12 spaces	50
All Other Uses	6/ac.	4	1/16 spaces	50
Suburban Estate (SE)				
Single-Family Detached	3/du	1	None	50
Cluster	1/du	1	1/8 spaces	50
All Other Uses	5/ac.	1	1/8 spaces	50
Neighborhood Conservation (NC)				
All residential	0.5/du	4	1/16 spaces	40
Institutional	8/ac.	4	1/12 spaces	50
All Other Uses	8/ac.	6	1/12 spaces	50
Auto-Urban Manufactured Homes (AMH)				
Manufactured Homes	1/du or site	6	1/12 spaces	40
All Other Uses	5 ac.	5	1/12 spaces	40
Auto-Urban Residential (AR)				
All residential	12/ac.	5	1/16 spaces	40
All Other Uses	8/ac.	5	1/16 spaces	40
Auto-Urban Commercial (AC)				
All Uses	9/ac.	3	1/12 spaces	50
Business Park (BP)				
All Uses	5/ac.	3	1/12 spaces	50
Industrial (I)				
All Uses	2/ac	1	1/20 spaces	60
Urban Residential (UR)				
All residential	12/ac.	5	1/12 spaces	50

Institutional	4/ac.	2	1/12 spaces	50
All other uses	4/ac.	3	1/12 spaces	50
Urban Commercial (UC)				
Retail, Shopping Center, Office and Institutional	na.	1	1/16 spaces	50
All other uses	na.	1	1/16 spaces	50

Sec. 10.202 Plant Units

Landscaping for yards, open space, parking, and bufferyards is specified in plant units. The plant unit is designed to provide three layers of plant material: canopy trees at the upper layer, understory or ornamental trees at the intermediate level, and shrubs at the ground level. Both evergreen and deciduous trees are specified in the plant unit options. The plant units are specified in Table 10.202, *Plant Unit Options*.

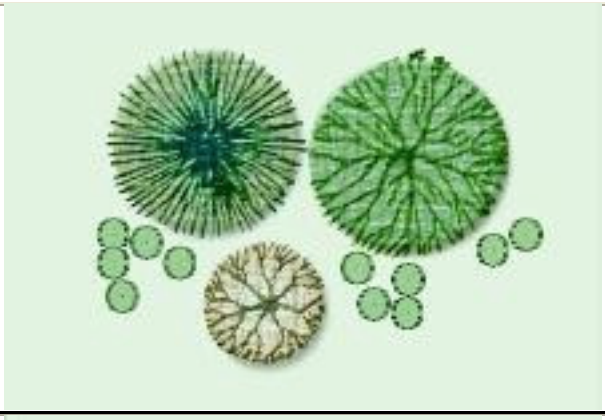
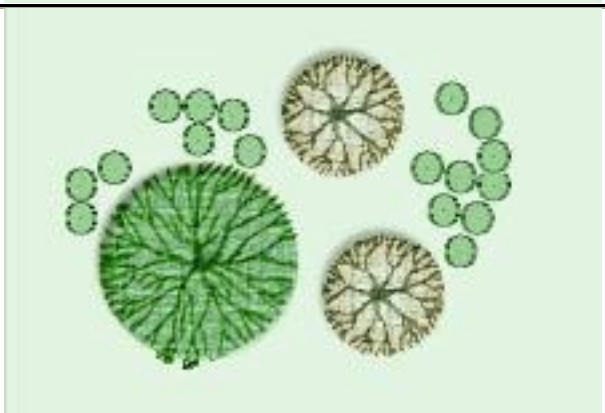
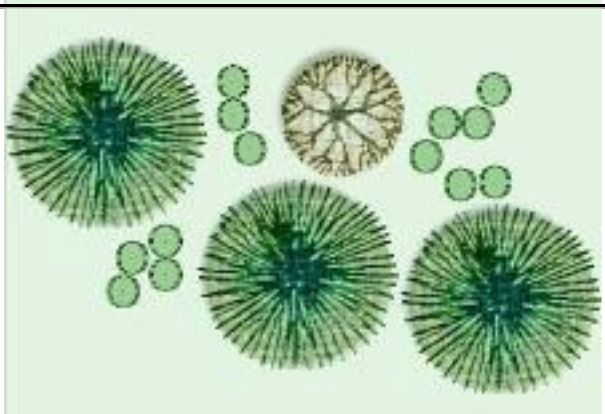
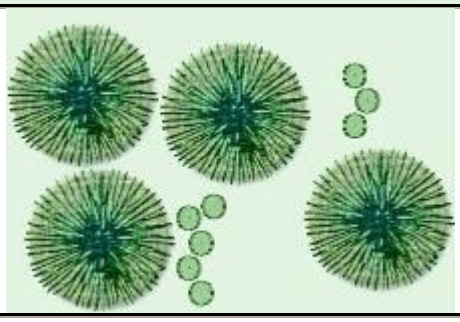
A. **Plant Units.**

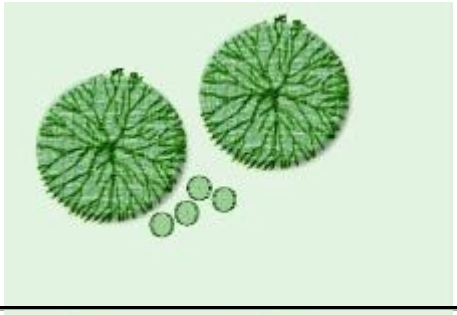
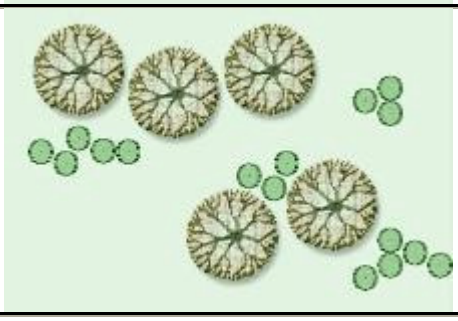
1. **Standard Plant Unit A.** Plant Unit A is the standard plant unit recommended for any condition.
2. **Alternate Plant Unit B.** Plant Unit B may be used to buffer the street frontages of lots containing commercial uses in instances where, due to site constraints, the use of other plant units would severely impact the visibility of approved on-site signage.
3. **Alternate Plant Units C and D.** Plant Units C and D are recommended where year-round protection is essential and canopy trees are not required. Upon site plan review, the Planning Commission may require use of either, in whole or in part, to provide greater year-round screening.
4. **Alternate Plant Unit E.** Plant Unit E may be required in parking lots to provide visibility and may also be used where a wall or fence is used. It may serve the same function as shrubs or understory.
5. **Alternate Plant Unit F.** Plant Unit F shall be used only with permission of the Planning Commission where they find an overhead power line right-of-way is to be used as landscaped area or bufferyard or where introduced in a portion of the bufferyard to provide more flowering trees, provided the portion is limited and not intended solely to make a building more visible.

B. **Planting Requirements.** The standards in Table *10.201*, *Landscaping Standards*, are used to determine the number of plant units required per acre, dwelling unit, or group of parking spaces. The plant units shall be calculated to two decimal places. For example, if there are 3.25 acres of land with three plant units, the number of required plant units shall be calculated to two decimal places -- 9.75. In that case, 9.75 is the multiplier for each tree type (canopy, evergreen, etc.) that determines the number of trees required.

C. **Rounding.** When calculating the quantity of plant units and plant material required, the resulting number shall be rounded up to the next whole number. For example, 3.12 canopy trees is rounded up to four canopy trees.

Table 10.202 Plant Unit Options		
Plant Unit Options	**Quantity, Size & Type of Plants**	**Illustration**

Alternative Unit A	1 - 3 in. caliper Canopy Tree 1 - 1-1/2 in. cal./6 ft. high Understory 1 - 8 ft. high Evergreen 11 - 3 ft. high Shrubs	
Alternative Unit B	1 - 3 in. caliper Canopy Tree 2 - 1-1/2 in. cal./6 ft. high Understory 17 - 3 ft. high Shrubs	
Alternative Unit C	1 - 1-1/2 in. cal./6 ft. high Understory 3 - 8 ft. high Evergreens 13 - 3 ft. high Shrubs	
Alternative Unit D	4 - 8 ft. high Evergreens 8 - 3 ft. high Shrubs	
Alternative Unit E	2 - 3 in. caliper Canopy Trees	

	4 - 3 ft. high Shrubs	
Alternative Unit F	5 -- 1-1/2 in. caliper/6 ft. high Understory 16 -- 3 ft. high Shrubs	

Division 10.300 Development Landscaping

This Division establishes the landscape standards for developments including the landscaping of the lot, common open space, parking lots, and street trees.

Sec. 10.301 On-Lot Landscaping

In general, on-lot landscaping shall be distributed around the lot as described in Table *10.201*, *Landscaping Standards*, column 2. Shrubs may be used as foundation plantings, as hedges, or planted in groups. However, front yards are particularly important for preserving community character. The City may require that required trees be planted to break up the building mass as perceived from the street.

Sec. 10.302 Special Residential Landscaping

Additional landscaping shall be required where there is not alley access to garages. The following additional landscaping over that required by Section *10.201*, *Landscaping Standards*, shall be required:

A. **Front-Load Garages.** Where more than 20 percent of the units in a development have garages facing and taking access to the street, the driveway shall be narrowed to no more than 12 feet near the front property line. For each lot, an additional five-tenths plant unit of alternatives C or D shall be required on either side of the drive nearest the street.

B. **Side-Load Front Garages.** Where a side-load front garage is closer than 10 feet to the front property line, then an additional five-tenths plant unit shall be planted between the street and the garage.

C. **Side-Load Garages.** Where more than two garage spaces are used in a side-load configuration, one plant unit shall be planted to screen the garage from the neighboring property and the doors from the street. Either plant units C or D shall be used.

Sec. 10.303 Open Space Landscaping

All open spaces shall be landscaped in accordance with the plant units per acre indicated in Table *10.201*, *Landscaping Standards*, column 3, in terms of total landscape material. The use or function of the open space as indicated in *Division 10.500*, *Landscaping Installation Requirements*, must be considered in the design, including:

A. **Active Recreation.** The perimeter of active recreation areas adjoining residential uses shall be planted to provide a screen or bufferyard. Play fields and ball fields shall be left free of trees, except where they provide shade for stands, refreshment, or restroom facilities.

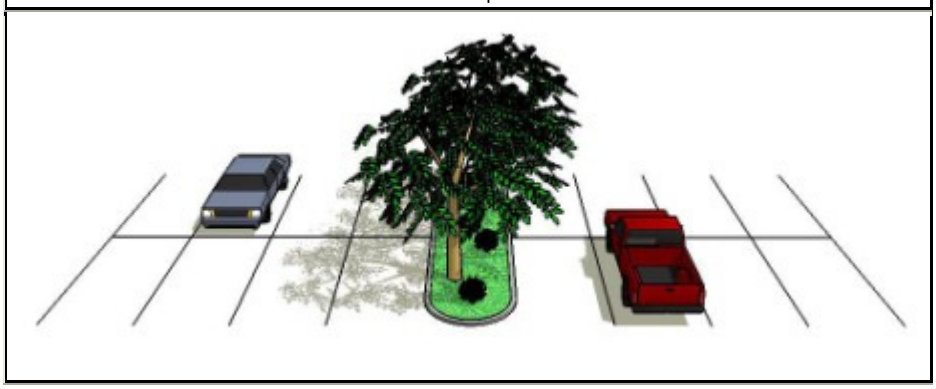
B. **Wetlands.** Generally, wetlands shall be maintained as wetland environments. Where the quality of the wetland is low, enhancement may be required. Trees planted in the area adjoining the wetland shall be those species adapted to high water table conditions. *See Article 4*, *Environmental Standards*.

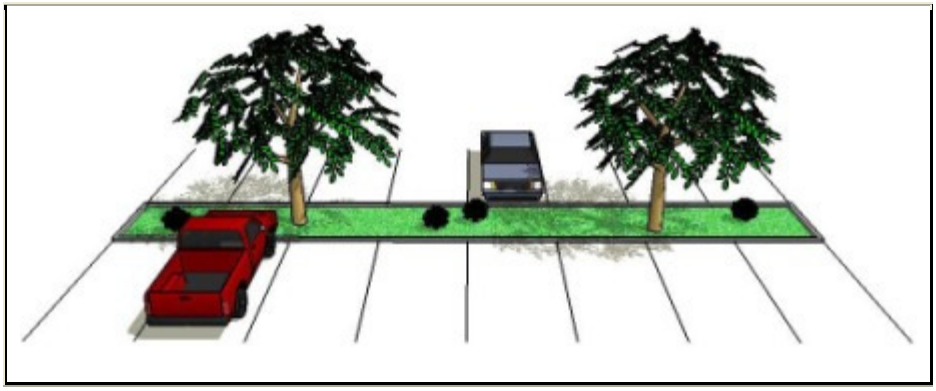
Sec. 10.304 Parking Lot Landscaping

Parking lot landscaping shall be one plant unit per number of parking spaces specified in Table *10.201*, *Landscaping Standards*, column 4. Each plant unit shall be planted in a planting island or space with a minimum total area of 306 square feet. The plant unit may be distributed between two landscaping islands or in larger continuous islands. If two smaller islands are selected, each shall contain a minimum of 153 square feet in area. In interior parking lots with fewer than 15 spaces, the island(s) may be the lot's corners. The parking lot landscaping shall be located within interior parking lot islands or within islands in entrance and circulation drives. In parking lots requiring less than three plant units, the landscaping may be on the perimeter of the parking lot. Figure 10.304, *Parking Lot Landscaping*, illustrates one plant unit per 16 parking spaces.

Figure 10.304
Parking Lot Landscaping

16 Spaces
1 Plant Unit
306 SF Landscaped Surface





Sec. 10.305 Street Trees

A. **General.** Except for subsections B and E, below, trees shall be planted in the public right-of-way or private road easement, spaced according to Table *10.201*, *Landscaping Standards*, column 5

B. **Boulevards.** Center boulevards shall have a minimum width of 16 feet and shall have one tree planted per 40 feet within the parkway. Parkways having a width greater than 20 feet shall be planted with three trees per 80 feet in length or portion thereof.

C. **Tree Quality and Size.** All trees planted within parkways shall have single-stemmed trunks and be branched no lower than six feet above the ground for visibility purposes. No tree selected for planting shall be less than three inches in diameter, as measured six inches above the established ground level.

D. **Minimum Spacing.** No street trees may be planted closer than 25 feet to each other, except that special plantings may be clustered as approved in the landscape plan of the plat or land development.

E. **Roads of Other Jurisdictions.** When determined by the Zoning Administrator, street trees may be located on lots that front on streets that are owned by the County or State in locations where those entities require the trees to be located outside the right-of-way.

Division 10.400 Bufferyard Requirements

Bufferyards are required between districts, along major roads or railroads, and, in some cases, between individual developments. All bufferyard requirements are specified in terms of opacity -- the degree to which one can see an adjoining use. An opacity of one-tenth screens 10 percent of an object; an opacity of one fully screens the object during summer months. Bufferyards are required for district boundaries (*see* Section *10.401*, *District Bufferyard Standards*) and along streets (*See* Section *10.402*, *Street Bufferyard Standards*), for parking lots (*see* Section *10.403*, *Parking Lot Bufferyards*), and for storage or loading areas (*see Division 9.200*, *Parking and Loading Design*).

Sec. 10.401 District Bufferyard Standards

The bufferyard standards in Table 10.401, *Bufferyard Opacity Standards*, address the opacity of the bufferyard that is required between zoning districts and, in some instances, within a zoning district. The table is a matrix in which all districts are shown -- the rows represent the zoning of the proposed use, and the columns represent the zoning of the adjoining land. The grey cells represent situations in which both properties are in the same district. Two numbers are shown for

each condition (for example, 0.3 / 0.6). The bufferyard required for the use is listed first. The number listed second is the second use's buffer. The total required bufferyard is the sum of the two numbers; thus, 0.1 / 0.3 means a total opacity of 0.4. Some Limited or Conditional Uses may have more stringent required bufferyards, as specified by *Division 2.400*, *Limited and Conditional Uses*.

Table 10.401
Bufferyard Opacity Standards

Zoning of Proposed Development	Adjoining District												
	AG	CS	SE	SR	SC	NC	AMH	AR	AC	BP	I	UR	UC
AG	0 / 0	0 / 0.2	0 / 0.2	0 / 0.2	0 / 0	0 / 0	0 / 0.3	0 / 0.3	0 / 0	0 / 0	0 / 0.2	0 / 0	0 / 0
CS	0.2 / 0	0 / 0	0 / 0.2	0 / 0.2	0 / 0.3	0 / 0.2	0 / 0.3	0 / 0.3	0 / 0.5	0 / 0.4	0 / 0.6	0 / 0.4	0 / 0.4
SE	0.2 / 0	0.2 / 0	0 / 0	0.1 / 0.2	0.1 / 0.3	0.2 / 0	0.1 / 0.3	0.1 / 0.3	0.1 / 0.5	0.1 / 0.5	0.2 / 0.6	0.1 / 0.3	0.1 / 0.5
SR	0.2 / 0	0.2 / 0	0.2 / 0.1	0 / 0	0.1 / 0.3	0.2 / 0	0.1 / 0.3	0.1 / 0.3	0.1 / 0.5	0.1 / 0.5	0.2 / 0.6	0.1 / 0.3	0.1 / 0.5
SC	0 / 0	0.3 / 0.1	0.3 / 0.1	0.3 / 0.1	0 / 0	0.3 / 0	0.1 / 0.1	0.1 / 0.3	0.1 / 0.2	0.1 / 0.2	0 / 0.3	0.1 / 0.1	0.1 / 0.1
NC	0 / 0	0.2 / 0	0 / 0.3	0.4 / 0	0 / 0.3	0 / 0	0 / 0.2	0.1 / 0.1	0 / 0.5	0 / 0.5	0.1 / 0.7	0 / 0.3	0.1 / 0.5
AMH	0.3 / 0	0.3 / 0	0.3 / 0.1	0.3 / 0.1	0.1 / 0.1	0.2 / 0	0 / 0	0.2 / 0.1	0.1 / 0.4	0.1 / 0.4	0.1 / 0.6	0.2 / 0.1	0.1 / 0.4
AR	0.3 / 0	0.3 / 0	0.3 / 0.1	0.3 / 0.1	0.3 / 0.1	0.2 / 0.1	0.1 / 0.2	0 / 0	0.1 / 0.5	0.1 / 0.5	0.2 / 0.6	0.1 / 0.3	0.1 / 0.5
AC	0 / 0	0.4 / 0	0.5 / 0.1	0.5 / 0.1	0.1 / 0.1	0.5 / 0.1	0.4 / 0.1	0.5 / 0.1	0 / 0	0.1 / 0.1	0 / 0.3	0.4 / 0.1	0 / 0.3
BP	0 / 0	0.4 / 0	0.5 / 0.1	0.5 / 0.1	0.2 / 0.1	0.5 / 0	0.4 / 0.1	0.5 / 0.1	0.1 / 0.1	0 / 0	0.1 / 0.2	0.5 / 0.1	0.2 / 0.1
I	0.2 / 0	0.6 / 0	0.6 / 0.2	0.3 / 0.1	0.3 / 0	0.7 / 0.1	0.6 / 0.1	0.6 / 0.2	0.3 / 0	0.2 / 0.1	0 / 0	0.6 / 0.2	0.3 / 0
UR	0 / 0	0.4 / 0	0.3 / 0.1	0.3 / 0.1	0.1 / 0.1	0.3 / 0	0.1 / 0.2	0.3 / 0.1	0.1 / 0.4	0.1 / 0.4	0.2 / 0.6	0 / 0	0.1 / 0.3
UC	0 / 0	0.4 / 0	0.5 / 0.1	0.5 / 0.1	0.1 / 0.1	0.5 / 0.1	0.4 / 0.1	0.5 / 0.1	0.5 / 0.1	0.3 / 0	0 / 0.3	0.3 / 0.1	0 / 0

Sec. 10.402 Street Bufferyard Standards

The bufferyard standards in Table 10.402, *Bufferyard Opacity Roads and Railroads*, address the opacity of the bufferyard that is required along arterial, collector, and local streets or railroads. The standards are in addition to the street tree requirements in Section *10.305*, *Street Trees*. Some Limited or Conditional Uses may have more stringent required bufferyards, as specified by *Division 2.400*, *Limited and Conditional Uses*.

Table 10.402
Bufferyard Opacity Roads and Railroads

Zoning of Proposed Development	Adjoining Road or Railroad			
	Arterial	Collector	Perimeter Local	Railroad
Agriculture (AG)	0.4	0.4	0	0.6
Countryside (CS)	0.4	0.4	0	0.6
Suburban Residentiall (SR)	0.4	0.2	0.1	0.6
Suburban Commercial (SC)	0.1	0.1	0.1	0.3

Suburban Estate (SE)	0.4	0.2	0.1	0.6
Neighborhood Conservation (NC)	0.4	0.2	0.1	0.6
Auto-Urban Manufacture Homes (AMH)	0.5	0.3	0.3	0.6
Auto-Urban Residential (AR)	0.2	0.2	0.1	0.6
Auto-Urban Commercial (AC)	0.2	0.2	0.4	0.0
Business Park (BP)	0.2	0.2	0.4	0.0[1]
Industrial (I)	0.5	0.5	0.5	0.0[1]
Urban Residential (UR)	0.2	0.2	0.1	0.6
Urban Commercial (UC)	0.0	0.0	0.0	0.0
[1] Where there is unbuffered residential on the other side of the railroad, use a 0.2 buffer.				

Sec. 10.403 Parking Lot Bufferyards

Where a parking lot within a residential district abuts a property line that is not a zoning district boundary, a parking bufferyard shall be required having an opacity of three-tenths, which includes any of the following:

A. Three-foot high berm;

B. Three-foot high fence or wall; or

C. A hedge that is maintained at three feet high. *See* Table *10.404*A, *Standard Bufferyards*.

Sec. 10.404 Bufferyards Landscaping

Flexibility in bufferyard landscaping is encouraged. By using the dynamic bufferyard model in Section *10.405*, *Buffer Model*, a bufferyard may be designed to meet the opacity standards using a variety of widths, plant materials, berms, or walls, provided they meet the standards in subsections A and B, below, or exceed the minimum bufferyard width in Table 10.404A, *Standard Bufferyards*. Using the model, designers may create and test a bufferyard to ensure it meets the standards of the Code. The standards are for each 100 linear feet of bufferyard, measured at the bufferyard's centerline.

A. **Standard Minimum Buffer.** The first part of Table 10.404A, *Standard Bufferyards*, shows the minimum width, planting, and structure types of a bufferyard meeting the minimum opacity. The standard buffer of any bufferyard with equal opacity may be used so long as its width is no less than 90 percent of that shown for standard bufferyards. The Zoning Administrator may prohibit the use of fences in standard bufferyard.

B. **Constrained Sites.** There will be small sites where there is limited area for bufferyards. Where there are constraints for a standard width bufferyard in subsection A, above, a petition may be made to the Department for a narrower bufferyard. The Department may permit a bufferyard as narrow as those shown in the "Constrained Sites Bufferyard" portion of Table 10.404A, *Standard Bufferyards*, provided:

   1. It can be shown a bufferyard of the standard width would occupy more than 10 percent of the base site area of the site; or

   2. There are physical constraints that force a site plan that requires a narrower bufferyard.

C. **Interpolation and Further Reduction of Bufferyard Width.** The Department shall approve the largest possible bufferyard, but in no instance one narrower than that shown in Table 10.404A, *Standard Bufferyards*, for a constrained site bufferyard. Where even the constrained site bufferyard would meet the criteria of subsections B.1 or B.2, above, the

Department may approve narrower bufferyards with walls up to 10 feet in height, provided that the opacity standard is met.

Table 10.404A Standard Bufferyards			
Opacity	**Bufferyard Width (ft.)**	**Number of Plant Units**	**Type of Structure Required**
Standard Bufferyard			
Parking Buffer (0.2 opacity)	10	1.05	3 ft. masonry wall
0.1	10	0.95	none
0.2	10	1.85	none
0.3	16	2.60	none
0.4	20	2.40	3 ft. berm
0.5	25	3.00	3 ft. berm
0.6	25	3.50	4 ft. berm
0.7	30	3.65	5 ft. berm
0.8	40	3.85	5 ft. berm
Constrained Site Bufferyard			
Parking Buffer (0.2 opacity)	5	1.15	3 ft. masonry wall
0.1	5	1.00	none
0.2	5	1.55	4 ft. fence - 40% opaque
0.3	5	1.40	5 ft. fence - 100% opaque
0.4	5	1.40	8 ft. fence - 100% opaque
0.5	10	1.95	6 ft. fence - 100% opaque
0.6	15	2.35	8 ft. fence - 100% opaque
0.7	20	2.65	3 ft. berm with 3 ft. deciduous hedge on top
0.8	25	3.20	4 ft. berm with 8 ft. evergreen hedge on top

D. **Calculating the Bufferyard.** Table 10.404B, *Bufferyard Sample Calculation*, provides the plant material for 100 feet of bufferyard. To calculate a site bufferyard, take the actual length of the bufferyard and divide by 100. Then multiply the result by the number of plant units required by the table. A sample calculation is shown below.

Table 10.404B Bufferyard Sample Calculation												
Total Linear Feet			**Hundreds of Linear Feet**		**Plant Units Per 100 ft.**		**Total Plant Units**		**Standard Plant Unit**	**Plant Type**		**Total Plants Required**
315	Divide by 100	=	3.15	**x**	1.85	**=**	5.83	**x**	1	Canopy Tree	**=**	(5.83) **6**
									1	Understory	**=**	(5.83) **6**
									1	Evergreen	**=**	(5.83) **6**
									11	Shrub	**=**	(64.13) **64**

BUFFERYARD SAMPLE CALCULATION: The sample above illustrates the calculation for a 315-foot long bufferyard between a Suburban Estate (SE) zoned property and a vacant Industrial (I) zoned property. The Suburban property is required to provide 0.2 of the 0.8 total required opacity (Table *10.401*, *Bufferyard Opacity Standards*). The standard buffer for a 0.2 opacity has a width of 10 feet and requires 1.85

plant units per 100 feet (Table 10.404A, *Standard Bufferyards*), The Alternative Plant Unit A has been used for this calculation (Table *10.202*, *Plant Unit Options*). The length of the buffer is measured along the centerline of the bufferyard to ensure no overlap is created. The length is divided by 100 to convert to hundreds of feet. The hundreds of feet are multiplied by the plant units per hundred feet to determine plant units.

Sec. 10.405 Buffer Model

The standards in Section *10.404*, *Bufferyards Landscaping*, are acceptable, but variety and creativity are desired by the City. The Altus BufferBuilder model is available for use by all landowners or subdividers, but alternative methods of computing opacity may be used, though evaluation of plans may take longer. The model permits different choices in plant units, bufferyard width, number of plant units, or the introduction of berms, fences, or walls. Bufferyards that meet the desired opacity and minimum widths shall be approved.

Division 10.500 Landscaping Installation Requirements

Sec. 10.501 Landscape Plan Approval

To ensure plant materials are installed and property maintained, a landscape will be required of all developments. Landscape plans shall show all plant material and provide tables indicating the planting of each type required by this Article. Plans meeting minimum standards shall be approved. However, in reviewing the plans, adjustments in the location of plants or the plant unit types may be required where the City finds alteration would better serve the purpose for which they are intended. Appendix 1, *Design and Landscaping Specifications*, provides a list of unacceptable and suggested plant species.

Sec. 10.502 Performance Bond

The developer shall submit the bid for the landscape plan for review by the Department. A bond, landscape contractor guarantee, or other acceptable surety equal to 120 percent of the cost shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.

Sec. 10.503 Replacement

All plant materials that die within two years from the date of installation shall be replaced by the developer. If the developer fails to replace the plant materials, the City may use the developer's performance bond to replace dead planting materials. For all required residential landscaping, the developer shall convey a two-year warranty to the purchaser at the time of closing for each lot/unit.

Sec. 10.504 Planting Locations

The exact placement of required plants and structures shall be the decision of each user, except for the following requirements that shall be met:

A. **Distance from utilities.**

1. No street or canopy trees shall be planted under or within 10 lateral feet of any overhead utility wire.

2. No trees shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

B. **Distance from curb and sidewalk.** The distance from the curb and sidewalk to tree plantings shall be determined by the Department based upon specific planting conditions and species of trees.

C. **Tree spacing.**

1. Street trees shall be spaced from each other as provided in Section 10.305, *Street Trees*.

2. Evergreens and evergreen shrubs shall be planted with a 15 foot spacing to maximize their chance for survival.

Sec. 10.505 Landscape Maintenance

A final landscape plan shall be approved prior to approval of a final plat or site plan. This shall identify all open space areas and all other landscaped areas on the site plan. A specific maintenance plan shall be submitted that identifies the short-term maintenance after planting and long-term maintenance for all open space areas and all landscaped areas such as parkways. There is no need for maintenance standards for on-lot landscaping unless the development's homeowners' or condominium association is to maintain the landscaping on individual lots.

A. **Short-term Maintenance**. This is maintenance that is needed for the first two years after planting to ensure trees get sufficient water and other care and that areas of groundcover are kept free of weeds or other material that prevent it from stabilizing. In natural areas, this may require intensive initial care to keep out invasives.

B. **Long-term Maintenance**. Long-term care should indicate the type and frequency of care, such as mowing, watering, applying fertilizer, and periodic work in natural areas.

C. **Maintenance Plan**. The maintenance plan shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated cost of the work in a given year. This is intended to be a guide to the homeowners or property owners' association on the needed maintenance.

Article 11 Design and Modulation

Division 11.100 Purpose

A. **Community Character.** This Article focuses on design, with specific standards for residential and nonresidential design to ensure that the character of Altus is preserved and enhanced. There are specific design regulations for various types of residential development and for different nonresidential districts. The residential design sections are intended to promote quality residential neighborhoods and a more environmentally sensitive design approach. For nonresidential areas, the intent is to upgrade the character of these areas to reflect the character of the residential community or to provide sufficient and attractive landscaping.

B. **Flexibility.** A second purpose of this Article is to ensure that zoning and land development standards do not create design problems in specific conditions due to their rigidity. Many regulations are designed to prevent poor planning practices by

prohibiting a specific approach or applying what may appear to be a strict standard. Long-term adherence to the provisions in this Code will result in better, more sustainable development. However, under specific conditions, the prohibited or regulated approach may actually prove to be appropriate in a particular circumstance, while remaining generally undesirable. Therefore, modulation provisions are included to provide flexibility. Specific situations are identified where modulation is appropriate so that relief can be granted administratively.

Division 11.200 Residential Design

Sec. 11.201 Single-Family Detached

All single-family detached residential developments shall meet the following design criteria:

A. **Natural Resources.** The development must preserve and protect existing natural resources, including wetlands, streams, floodplains, and tree stands as required by *Article 4*, *Environmental Standards*. The open spaces should be located so as to maximize protection of the best resources in any category and to provide continuous open space corridors.

B. **Connectivity.** Streets should continue to neighboring properties so as to provide a continuous street network so that traffic does not have to return to collector or arterial roads to move between residential areas. Cul-de-sacs should not be used to reduce access to adjoining properties unless there are physical barriers like floodplains or railroad tracks.

C. **Access to Arterials or Collectors.** Streets should be laid out so that side lot lines abut arterial or collector streets to minimize access points to these streets. Where that is not feasible, the City may require marginal access or reverse frontage streets.

Sec. 11.202 Residential Cluster and Planned Development

All cluster and planned developments shall be reviewed in accordance with the following criteria:

A. **Natural Resources.** The development must protect and preserve existing natural resources including wetlands, streams, floodplains, and tree stands as required by *Article 4*, *Environmental Standards*. The open spaces should be located so as to maximize protection of the best resources in any category and to provide continuous open space corridors.

B. **Connectivity.** Streets should continue to neighboring properties so as to provide a continuous street network so that traffic does not have to return to collector or arterial roads to move between residential areas. Cul-de-sacs should not be used to reduce access to adjoining properties unless there are physical barriers like floodplains or railroad tracks.

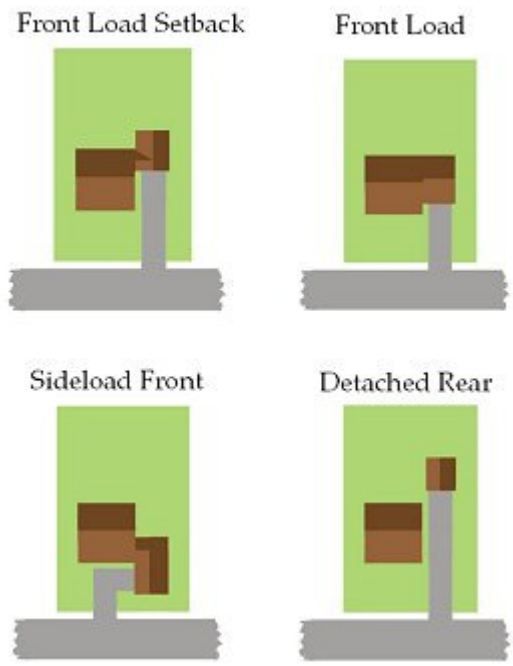
C. **Land Plan.** In addition to natural resources, the plan should be sensitive to adjoining land uses or the zoning of vacant land. Bufferyards are required at district boundaries, but not between similarly zoned land. The open space in these types of developments shall be provided to ensure compatibility and avoid crowding a more dense use on a neighboring property.

Sec. 11.203 Small Lot Access

On smaller lots (less than 10,000 square feet) and all two-family and attached single-family lots, access may be from an alley.

A. **Single-Family.** On lots backing to open space or in areas where an alley is not feasible, the following options are acceptable alternatives: side yard alleys, side-load front garages, detached rear garages, and front load setback garages. See Figure 11.203, *Access to Lots*, for respective illustrations. The side-load front garage requires lots with a minimum of 60 feet of frontage. The detached rear garage requires that the garage be recessed a minimum of 20 feet behind the front of the house. Where a porch runs for 50 percent or more of the house front, the porch shall be considered the house front; otherwise, it shall be the actual exterior wall of the front of the house.

Figure 11.203
Access to Lots



B. **Attached Units.** Attached, single-family units shall not use front-load access unless the garage takes up less than 50 percent of the lot width see Figure 11.203, *Access to Lots*. Open space should be in parks, greens, or the mews, if utilized.

Sec. 11.204 Patio and Atrium Units

Patio and atrium units are designed to have a wall enclosing the entire unit at the lot line. This can result in a block face that is very monotonous. The wall provides privacy to the side and rear of the atrium unit, however, this will not be as critical when the atrium faces open space. The requirement for a wall shall be relaxed and a more varied street front required based on the following:

A. **Front Walls.** The front wall shall be treated in the following manners to provide variety:

1. An evergreen hedge or deciduous hedge with a mature height of six feet.
2. A landscaped berm or berm wall at least five feet in height.
3. A decorative metal fence with an opacity of 35 percent and additional landscaping.
4. The wall is staggered with trees planted in front of portions of the wall to provide three-dimensional relief to a straight wall.

B. **Side or Rear Walls.** Where the side or rear wall of an atrium or patio unit abuts common open space, walls may be reduced so windows may be used to provide views into the open space. This requires that the open space is intensively landscaped so as to provide a heavily screened view of neighboring units. The wall may be opened up by lowering its height, using a decorative metal fence, or walling only a portion of the atrium or patio unit. Where the house properly abuts open space, Table 11.204, *Walls Reductions Abutting Open Space*, provides the standards.

Table 11.204
Wall Reductions Abutting Open Space

Width of Open Space	Plant Units per Acre	Plant Unit Type	Degree of reduction
20 to 30 feet	15	Deciduous	40%
	15	Evergreen	50%
31 to 50 feet	12	Deciduous	40%
	15	Deciduous	60%
	15	Evergreen	70%
Greater than 50 feet	8	Any	60%
	12	Any	75%
	16	Any	80%

Division 11.300 Nonresidential Design

The landscaping and sign standards of this Code address some design issues, but not those of the buildings themselves. Nonresidential design is highly correlated to the scale of the building, both in total floor area and height. Larger buildings tend to be built as rectangles with uniform height and flat, blank walls. The design regulations become more pronounced as the volume or size of buildings increases. Standards used in this Division include height variations, roof design, blank walls, exterior materials, parking and loading areas, lighting, and signage.

Sec. 11.301 All Districts

The following standards shall apply to all nonresidential development within the City:

A. **Use of Metal.**

1. Buildings utilizing a metal exterior surface on any wall having street frontages shall be constructed so that:

   a. Not less than 50 percent of any such wall having street frontage is constructed of materials dissimilar to the metal exterior surface used on the balance of the building;

b. No contiguous surface area that is greater than 20 percent of the surface area of any such wall having street frontage is constructed of metal, and such contiguous areas shall be separated by significant interruptions of dissimilar materials;

c. The building has an integrated architectural style that is enhanced by the use of metal.

2. If the building is located on a corner lot, then this requirement applies to wall of both street frontages.

3. Acceptable dissimilar materials shall include stone, brick, glass, aggregate or other decorative exterior materials appropriate for commercial or industrial applications.

4. No building permit for any building utilizing a metal exterior surface shall be issued until the exterior design of the building has been approved by the zoning administrator. Once the exterior design has been so approved, the building shall be constructed in accordance with the approved design.

B. **Blank Walls.** If the use requires large blank walls, it may be permitted if the architectural design and techniques in Appendix 1, *Design and Landscaping Specifications*, shall be used to reduce the impact of the large wall.

Sec. 11.302 Suburban Commercial (SC) District Standards

The design objective of this district is to have buildings with a scale and appearance that is compatible with the adjoining residential areas. Building scale and roof lines are essential design standards for this district.

A. **General Size and Design.** The commercial neighborhood area provides general services to the neighborhood, not to highway travelers or to meet the general commercial needs of the City. This zoning district shall be located at least one mile from another SC District, except that it may be closer if separated by the City center. No individual, contiguous SC District shall permit more than 45,000 square feet of floor area. If the amount of land in the SC District would allow more than 45,000 square feet of floor area based on permitted floor area ratios, then individual parcels may be limited to a lower FAR than set out in Table 3.201B, Nonresidential Use District Standards. An SC District may span a street right-of-way and still be considered "contiguous" for the purposes of this Section.

B. **Scale.** Scale of buildings and uses shall be limited as set out in Section 3.203.A., Nonresidential Scale Regulations.

C. **Heights and Roofs.** All roofs shall be pitched roofs covering the entire building. The maximum height shall not exceed 32 feet to the peak of the roof.

D. **Shape.** Multi-tenant buildings shall be compound-shaped buildings. See Figure 11.303, Building Shapes.

E. **Street Yard.** The street yard shall be landscaped in a fashion similar to residential buildings, with trees and foundation planting.

F. **Parking.** Parking shall be to the side or rear of the building, not between the building and the street. Where a building is located on the corner, parking should be located on the street side of lesser dimension.

Sec. 11.303 Auto-Urban Commercial (AC) District Standards

A. **General.** This district includes a full range of buildings, most of which are one-story, although offices and service businesses maybe multi-story structures. The impact of buildings on the community's character is largely related to scale, massing, truck loadings, and large blank walls. The larger the commercial building, the greater the negative potential. Table 11.303, *General Design Requirements*, relates building scale to design standards that use building shape, varied rooflines, and wall treatments to mitigate the scale. The terms and phrases used in the table are defined in 1 through 5, below. Detailed requirements that shall be met in order for a Conditional Use to be approved are found in Section *14.304*, *Conditional Use*. Graphics are found in Appendix 1, *Design and Landscaping Specifications*.

1. **Optional.** Where a group of several options are listed as optional in Table 11.303, *General Design Requirements*, the applicant is free to choose among them.

2. **Required.** This means any single option must be used; however, the applicant may choose the option if there are several listed.

3. **Requires Special Permission.** The building shape option is generally undesirable, and may only be approved by Design Review, used upon showing that:

    a. The activity within the building requires that the requested shape; and

    b. The applicant must also demonstrate that a combination of supplemental techniques is used that provides a design that matches or improves upon that which would be achieved using the required option.

4. **Supplemental.** These may be required to enhance the performance of the building in meeting the objectives of the Planning Commission on any of the larger-scale buildings. This also indicates the options that need to be used to meet the supplemental requirements of subsection C, above.

5. **Limited Requirement.** Limited to uses with high semi-truck deliveries or loading areas near a residentially zoned district.

TABLE 11.303
General Design Requirements

Design Category	Technique	Building Scale				
		Less than 16,000 sf.	16,000 - 29,999 sf	30,000 - 59,999 sf	60-000 -100,000 sf.	More than 100,000 sf.
Building Shape	Simple Rectangle	Optional	Optional	Requires Special Permission	Requires Special Permission	Requires Special Permission
	Compound	Optional	Optional	Optional	Requires Special Permission	Requires Special Permission
	Multi-Faceted	Optional	Optional	Optional	Optional	Requires Special Permission
	Wrapped	Not Available	Not Available	Not Available	Optional	Required
	Screened	Not Available	Not Available	Not Available	Optional	Required
Roof and Skyline	Roof Shape	Optional	Requires Special Permission	Requires Special Permission	Requires Special Permission	Not Available
	Moderate Variation	Optional	Optional	Required	Requires Special Permission	

	Major Variation	Not Available	Optional	Required	Required	Required
	Towers	Not Available	Supplemental	Supplemental	Supplemental	Supplemental
	Covered Entrances	Not Available	Supplemental	Supplemental	Supplemental	Supplemental
Loading	Covered Loading Areas	Limited Requirement	Limited Requirement	Limited Requirement	Required	Required

B. **Requirements by Building Floor Area.**

1. **Buildings (less than 16,000 sf.)** Shapes are optional, and roofs must be shaped or have moderate variations of their skyline. The entrance facade shall have windows or colonnades with windows. Truck loading bays or vehicle bays shall be under a roof or fully screened if they abut residential uses or zoning. *See* Figure 11.303, *Building Shapes*.

2. **Buildings (16,000-29,999 sf.)** Shapes are optional and roofs must be shaped or have moderate variations of their skyline. The entrance facade shall have windows or colonnades with windows. Truck loading bays or vehicle bays shall be under a roof or fully screened if they abut residential uses or zoning. *See* Figure 11.303, *Building Shapes*. Blank walls shall be patterned or shaped; other options in Appendix 1, Design and Landscaping Specifications.

3. **Compound or Multi-Faceted Shapes (30,000-59,999 sf.)** Moderate or major variations in roof height are required. Windows and/or colonnades with shop windows shall be required on the entrance facade(s). A covered loading area is required only where semi-truck deliveries occur on a daily basis and the loading areas are visible from abutting residential uses or zoning. *See* Figure 11.303, *Building Shapes*. Blank walls may be treated with any of the available methods in Appendix 1, *Design and Landscaping Specifications*.

4. **Rectangular Shape (30,000-59,999 sf.)** The building shall have major variations in height or have moderate variation and use towers or covered entrances on the pedestrian entrance side(s). Windows and/or windows and colonnades with shop windows are required on the entrance facade(s). Covered loading is required where it is visible from abutting residential uses or zoning and semi-trucks deliver several times daily. *See* Figure 11.303, *Building Shapes*. Blank walls may be treated with any of the available methods in Appendix 1, *Design and Landscaping Specifications*.

5. **Compound or Multi-Faceted Shapes (60,000-100,000 sf.)** Major variation in roof height shall be coordinated with height and either towers or covered entrances used. Windows and/or windows and colonnades with shop windows shall be required on the entrance facade(s). *See* Figure 11.303, *Building Shapes*. Combinations of screened landscape or screened berms with patterned walls or shaped walls shall be required on blank walls. If the loading area is covered, this shall be given credit in the level of effort used to reduce the impact of blank walls. *See* Appendix 1, *Design and Landscaping Specifications*.

6. **Rectangular Shape (60,000-100,000 sf.)** The building must have major variations in height and use towers or covered entrances on the pedestrian entrance side(s). Windows and/or windows and colonnades with shop windows shall be required on the entrance facades. *See* Figure 11.303, *Building Shapes*. Combinations of

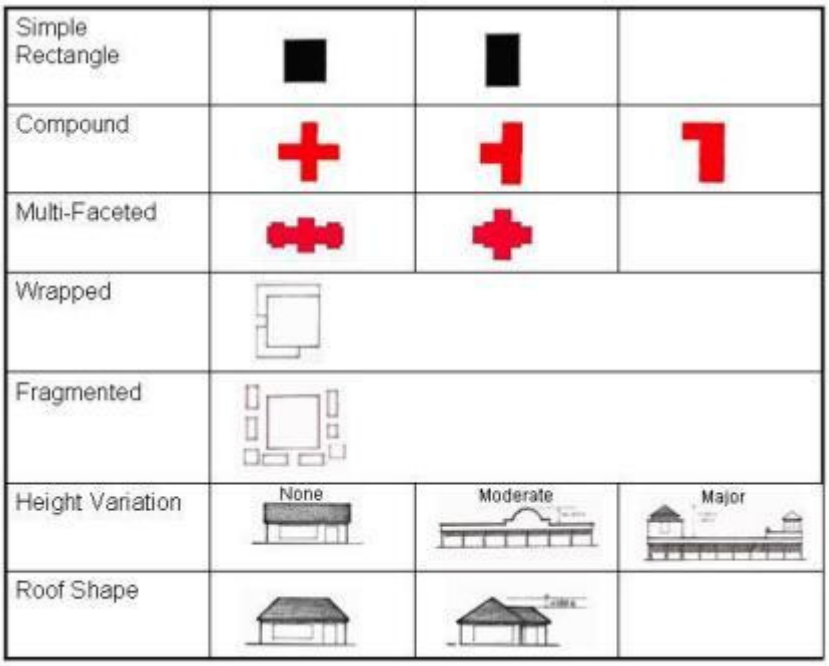
screened landscape or screened berms with patterned walls or shaped walls shall be required on blank walls. *See* Appendix 1, *Design and Landscaping Specifications*. The loading area shall be covered.

7. **Buildings (100,000+ sf.)** The required options are screened or wrapped forms with pedestrian facades using windows or colonnades with shop windows. Enclosed loading areas shall be required unless access is to an alley with nonresidential uses on both sides. *See* Figure 11.303, *Building Shapes*.

8. **Compound or Multi-Faceted Shapes (100,000+ sf.)** Major variation in roof height shall be coordinated with height and either towers or covered entrances used. Enclosed loading areas shall be required unless access is to an alley with nonresidential uses on both sides. Windows and/or windows and an arcade with shop windows shall be required on the entrance facade(s). *See* Figure 11.303, *Building Shapes*. Combinations of screened landscape or screened berms shall be required on blank walls. *See* Appendix 1, *Design and Landscaping Specifications*.

9. **Rectangular Shape 100,000+ sf.** The building must have major variations in height and use towers or covered entrances on the pedestrian entrance side(s). Windows and/or windows and an arcade with shop windows shall be required on the entrance facade(s). Enclosed loading areas shall be required unless access is to an alley with nonresidential uses on both sides. *See* Figure 11.303, *Building Shapes*. Screened berms shall be used on blank walls. See Appendix 1, *Design and Landscaping Specifications*. Screening landscape may be substituted where shaped or patterned walls are also used.

Figure 11.303
Building Shapes



Sec. 11.304 Urban Center (UC) District Standards

In the Urban Center (UC) district, the intent is to create an urban district with strong architecturally enclosed spaces and streets. The following shall be used in the review of plans:

A. **Build-to Line.** All buildings shall be built to the street lot lines, except where the City approves a pedestrian space for eating, sitting, or other activities associated with the building or as public space which extends in from the sidewalk, requiring a portion of the building to be set back from the property line. Street furniture or other devices shall be used to maintain the street front line.

B. **Parking.** Parking shall be fully screened by buildings, landscaping, walls, and/or fences.

C. **Minimum Height.** Minimum heights shall be two stories. Lower, one-story buildings shall only be permitted where they serve to screen parking, where the use is accessory to the parking. Where the building is used for activities, where clear spans associated with these uses and the building height is that of a multi-story building (in excess of 30 feet), one-story buildings may also be permitted. This shall not apply to retail space.

Sec. 11.305 Business Park (BP) District Standards

The Business Park (BP) district is intended to provide an attractive setting for office, industrial, or other business activities. The building architectural elevations, materials, and plans shall be reviewed to ensure that they meet the following:

A. **Street Elevations.** Where the building contains office space as part of the use, such spaces shall be oriented to the street. If the lot has frontage on two streets, one being an arterial street, the offices shall be oriented to the arterial street.

B. **Transparency.** Windows shall be a predominant feature of the street yards, occupying 50 percent of the street facades.

C. **Trucks.** Loading bays and truck access shall be from alleys to the rear for interior blocks. Where alleys are provided, the buildings may be placed closer to the street, and streets parallel to the alleys may be of a reduced width because no truck traffic will be needed. Where a truck loading area must face an internal street, it shall be set back and the curb cut limited in width to 30 feet. A buffer of three-tenths opacity shall be used to screen the loading area from streets.

Sec. 11.306 Industrial (I) District Standards

The portion of industrial developments or industrial lots that front on existing major roads or abut residential uses or zoning shall be considered the exterior of the development. The remainder of the development shall be the interior and meet the standards of Table 3.201B, Nonresidential Use District Standards. The following shall be the review standards:

A. **Outer Street Elevations.** Where the building contains office space as part of the use, such spaces shall be oriented to the street. If the lot has frontage on two streets, one being an arterial street, the offices shall be oriented to the arterial street.

B. **Interior Street Elevations.** The design standards in Section *11.305*, *Business Park (BP) District Standards*, shall be applied to the buildings on the exterior of industrially zoned land.

C. **Loading.** If loading cannot be accessed from alley locations where vehicles and activities are fully screened from views from public rights-of-way by the building, the City may require additional landscaping for screening purposes. The buffers may be required to have more landscape materials, walls, or berms to screen such areas.

Division 11.400 Zoning Modulation

This Division covers modulations of certain zoning requirements that are permitted following administrative review by Staff. Modulations shall not be permitted unless all other requirements of this Division and applicable City Codes are met.

Sec. 11.401 Street Access for Small Lots

Lots that are less than 60 feet in width, or two-family, or attached single-family lots, may take rear access to an alley and not have frontage on a street. Dwelling units in such configurations shall front on open space (mews), which are located where a street would ordinarily be found. The length of a mews from street to street shall not exceed 300 feet or 10 dwelling units, whichever is less. *See* Figure 11.401, *Mews Arrangement*, for an illustration of a mews arrangement.

Figure 11.401Mews Arrangement

Sec. 11.402 Alley Lots

Where an alley is used for primary or sole vehicular access, yard adjustments may be allowed to achieve a more urban streetscape and provide larger rear yards. The front yards of single-family or two-family houses may be reduced to a minimum of 12 feet, with the rear yard being increased an amount corresponding to the decrease in the front yard. For attached single-family houses, the setback may be a minimum of 8 feet, with the rear yard increased correspondingly. The City shall review conditions on property across the street from the proposed development, and may require a larger than minimum setback or additional landscaping to make a better transition between units with the reduced yards and existing dwellings with standard, conforming yards.

Sec. 11.403 Windowless Walls

A. **General.** In lot-line, atrium, and patio units, windows shall not be located such that they overlook neighboring side and rear yards.

B. **Exceptions.** Windows shall be permitted in walls designated as windowless, provided the following conditions are met:

   1. The adjoining land is public right-of-way.
   2. The adjoining land is open space having a minimum width of 15 feet where the unit on the opposite side of the open space is walled.
   3. The adjoining land is open space having a minimum width of 30 feet.
   4. The windows face a closed courtyard or the windows are located at a height that prevents a view into the adjoining property.

Sec. 11.404 Building Separation for Attached Units

This Section sets forth the residential building spacing regulations and standards. Various attached dwelling unit types have no side yard lines, since the individual dwelling units are attached. However, blocks of attached units are regulated by building spacing. A variety of situations can modify the basic standards. The normal separation assumes the building walls are generally parallel, but that need not be the case. This circumstance also changes the separation requirements needed to provide light, air, and fire access. The following standards permit modification of building spacing under the specified conditions:

A. **Irregular Facing Walls.** Where facing building planes are not a straight line, the average distance between the adjoining walls shall be used, provided no portion of the building is closer than 80 percent of the minimum building spacing.

B. **Non-Parallel Building Alignment.** Where building walls are not parallel, the minimum building separation may be reduced. The average separation must be equal to the requirement of Section 3.201B, *Nonresidential Use District Standards*, and the minimum shall be no less than 80 percent of that requirement.

C. **Building Code.** The building code may establish increased requirements for fire-rated construction where building setbacks are reduced, thus increasing costs or requiring stricter standards.

Sec. 11.405 Additional Dwelling Unit Types

While every effort has been made to provide a wide range of housing types, it is possible that there are different housing types available. Staff shall require the applicant for a new housing type to submit relevant information, including, but not limited to, drawings and elevations of their proposal along with at least the two closest housing types. More information may be required by Staff if they believe the additional unit is a legitimate comparison. In approving a new type, staff shall find all the following conditions have been met:

A. **New Type.** The applicant demonstrates a new type of housing, having different community character and living arrangements from other types that require different dimensional standards;

B. **Not Just Smaller.** Staff must determine that the new type of housing is not just a smaller version of one of the currently available housing types. For example, a unit that is basically a single-family detached unit, but is smaller than or equivalent to the lot-line, village, or patio house in size would be a smaller version of existing units, not a new type, and would be denied;

C. **Adequate Space.** The housing type addresses issue of privacy, usable yard space, and adequate light and air;

D. **Garage Exposure.** The parking is such that the unit does not create a situation where garages and drives dominate the front facades; and

E. **Appropriateness of Unit.** There is a valid reason for the unit type such as, but not limited to, the following:

1. The unit is particularly suited to the provision of affordable or workforce housing.
2. The design caters to a specific market segment, such as the elderly, who may have difficulty with one of the normal housing types.
3. The housing type fulfills a specific design function that enhances the design of the community and creates a greater sense of place in the development.

Division 11.500 Modulation of Subdivision Standards

Sec. 11.501 Flag Lots

A. **General.** Flag lots are generally prohibited because they increase the number of curb cuts on arterial or collector streets.

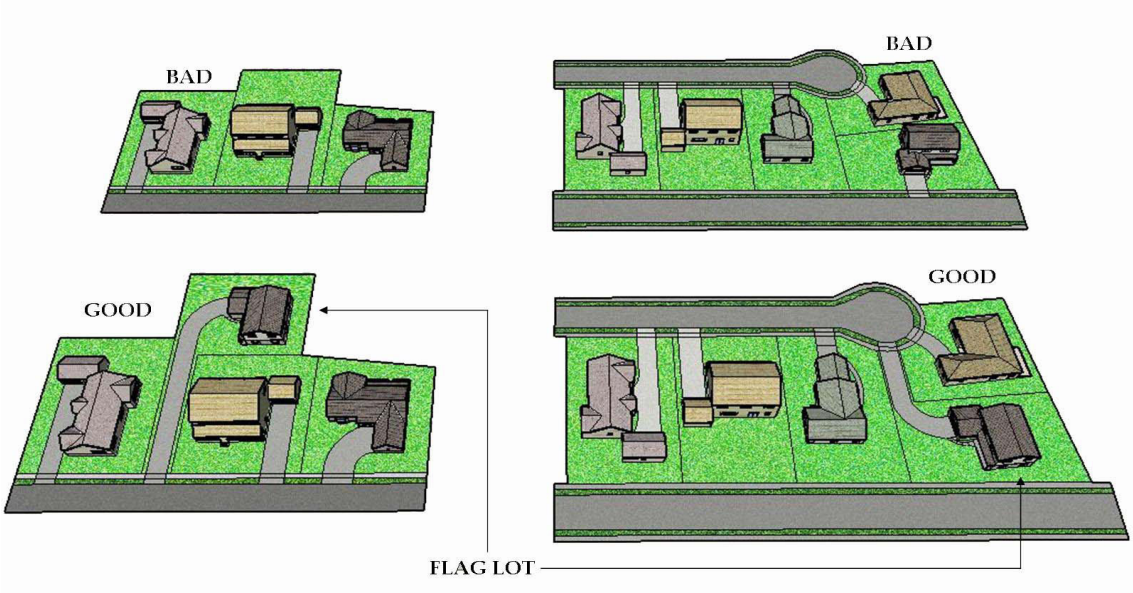
B. **Exceptions.** Conditions may exist where flag lots are reasonable and acceptable. These conditions are set forth below and illustrated in Figure 11.501, *Flag Lot Conditions*.

1. If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to create access for a single lot where lots are one acre or larger.
2. In a resource protection area, where lots are one acre or larger, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area.
3. A flag lot shall be used to avoid lots taking access to arterial or collector streets, as long as the flag lot does not take access from the arterial or collector streets.

C. **Standards for Flag Lots when Permitted.**

1. All permitted flag lots shall allow access for public safety vehicles and providers of public utilities or related public services.
2. The "flagpole" or panhandle portion of the lot shall be a minimum of 24 feet in width.
3. A combined curb cut for the flag lot and one or more lots may be required where the City believes such design will improve traffic safety.

Figure 11.501
Flag Lot Conditions



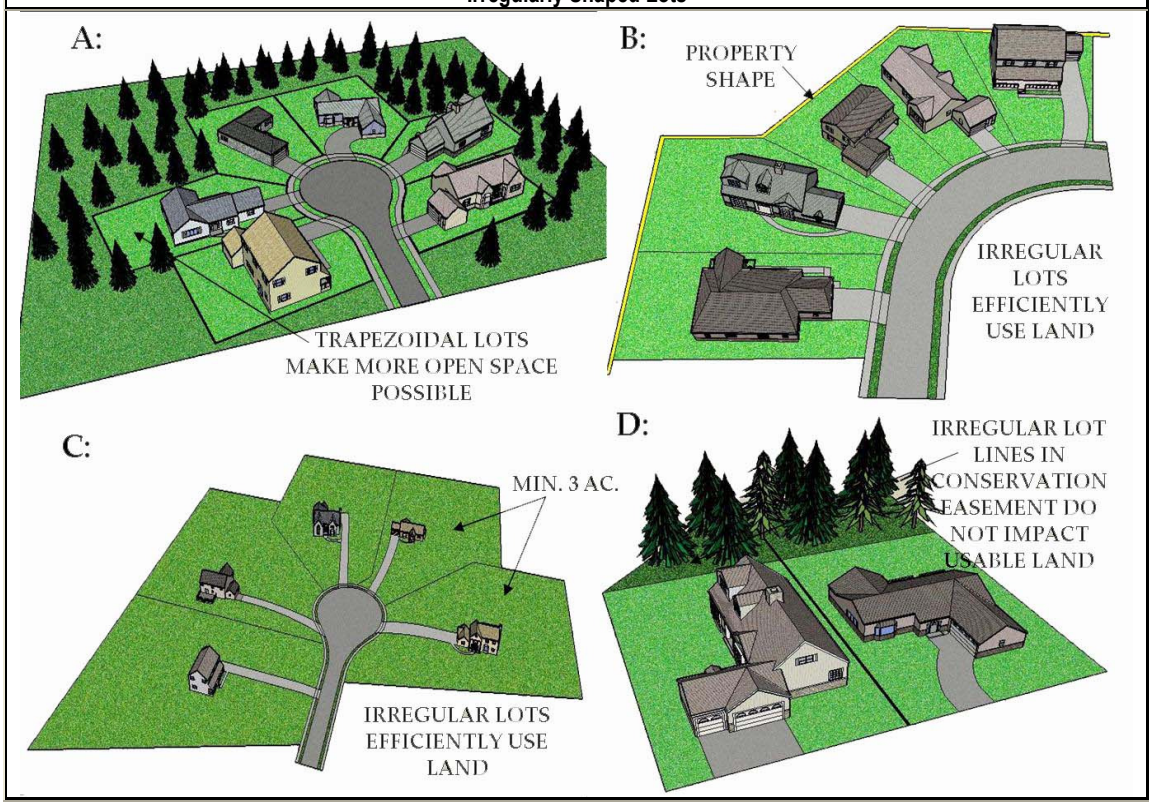
Sec. 11.502 Lot Shapes

A. **General.** Generally, lot shape shall be rectangular or, when fronting on cul-de-sacs or curves, trapezoidal.

B. **Exceptions.** Irregularly shaped lots can be inefficient. However, the most important element of lot geometry is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (*see* Figure 11.502, *Irregularly Shaped Lots*):

1. Where lots are surrounded by open space, those of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length (Fig. 11.502A).
2. Where the property has a shape that makes it difficult to locate lots efficiently, the applicant should be able to use irregular lot shapes, rather than waste land (Fig. 11.502B).
3. Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used (Fig. 11.502C).
4. Portions of lots in a conservation easement may have irregular shapes since they cannot be used for construction (Fig. 11.502D).
5. All lot sizes and shapes shall provide a building envelope sufficient to accommodate houses that are similar in character, geometry (including patios or decks, if typical for the District), and volume to those which are customarily built in the district.

Figure 11.502
Irregularly Shaped Lots



Sec. 11.503 Building Pads

Where lots are greater than one acre in size and an applicant wants to locate buildings to create a more casual layout and eliminate buildings lining up along a street on the setback line, the preliminary plat shall propose building pads for each lot that are varied as to setbacks. The plan shall be approved if the following are demonstrated:

A. **No Loss of Privacy.** There is no loss of privacy with homes being located closer to each other than would be the case if the setbacks were followed. This can be accomplished by a landscaped buffer between facing windows of double the opacity that would be provided by adherence to the minimum standards.

B. **Environmentally Sensitive.** Pads are located to avoid impacts on resources or to provide a better view of protected resources or open space.

C. **Landscaping.** Landscaping is increased to enhance the character over that provided by the minimum standards.

D. **Neighboring Property.** Where side lot lines or rear lot lines abut an adjacent property of the same or similar zoning, the minimum setbacks shall be maintained. Where the property line is an existing residential street, the building pads may be used provided the reduction in front yards is not greater than 10 percent and additional street trees or front yard landscaping are installed. The Planning Commission may require building pads to be altered if they are found to be so extreme as to alter the character of the street.

Sec. 11.504 Block or Cul-De-Sac Length

The maximum length of blocks or cul-de-sacs is set to provide connectivity between adjoining parcels as they develop separately over time. There are conditions that can exist that warrant longer lengths. Any modulation of the lengths shall meet the criteria below. Maximums shall not exceed those in subsections B and C, below, as measured on both sides of the street.

A. **Criteria.** The following criteria shall be met in granting a modulation:

   1. **Existing Stubs.** If the neighboring property has provided a stub street adjacent to the subject property, the connection shall be made unless there is a high quality wetland that would have to be destroyed to make the connection.

   2. **Natural Resources.** If a connection would result in protected resources being destroyed to a greater extent than provided by Section *4.301*, *Site Capacity Requirement*, then the connection shall not be made.

   3. **Major Cost.** If there would be a major cost involved, such as a bridge over an irrigation canal, and the Planning and Development Department finds that a connection is not needed at this location to provide good connectivity, then the modulation shall be permitted. If there is a stub on the other side, the City may require a pedestrian bridge to improve access.

B. **Blocks.** The blocks should not, in most instances, exceed nine lots in length on one side of the street, except for attached units that shall not exceed 18 lots as specified in Section *7.304*, *Blocks*.

C. **Cul-de-Sacs.** Cul-de-sac length shall not exceed 24 lots per cul-de-sac.

Sec. 11.505 Intersections

Intersections may be permitted at intervals that are shorter than the 300 foot centerline distance in the following circumstances:

A. **Short Block Depth.** The depth of a block is less than these distances. Modulation shall be granted unless a reasonable alternative street configuration is feasible which will provide the needed separation.

B. **Physical Impediments.** Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or

C. **Enhanced Public Safety.** A shorter intersection separation distance may be permitted where the City determines the shorter distance results in safer conditions based on sight distances.

Article 12 Signs

Division 12.100 Sign Regulations by District

Sec. 12.101 AG and CS Districts

No signs, posters, bulletin boards, or other similar displays shall be permitted in the Agriculture (AG) or Countryside (CS) Districts except as follows:

A. **Bulletin Board.** One bulletin board may be erected on each street frontage of an educational, religious, institutional, child care, or similar use requiring an announcement of its activities. The bulletin board shall not exceed 12 square feet in surface area and 15 feet in height, and illumination, if any, shall be by constant light.

B. **Identification Sign.** One identification sign may be erected on each street frontage of a single-family subdivision or permitted nonresidential use. The sign shall not exceed 12 square feet in surface area and 15 feet in height, and illumination, if any, shall be by constant light.

C. **Real Estate Sign.** A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the parcel. The sign shall not exceed 40 square feet in surface area and 15 feet in height, and illumination, if any, shall be by constant light. The sign shall be removed as soon as the premises are sold, rented, or leased.

Sec. 12.102 SR, SE, and NC Districts.

No signs, billboards, posters, bulletin boards, or other similar displays shall be permitted in the Suburban Residential (SR), Suburban Estate (SE), or Neighborhood Conservation (NC) Districts, except as follows:

A. **Temporary Bulletin Board.** A temporary bulletin board or sign not exceeding 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.

B. **Bulletin Board.** One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin boards shall not exceed 12 square feet in surface area nor 15 feet in height, and illumination, if any, shall be by constant light.

C. **Official Notice.** Official public notices may be erected on affected property.

D. **Name Plate.** One non-illuminated name plate not exceeding two square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premise.

Sec. 12.103 AR and UR Districts

No signs, billboards, posters, bulletin boards, or other similar displays shall be permitted in the Auto-Urban Residential (AR) or Urban Residential (UR) Districts, except as follows:

A. **Temporary Bulletin Board.** A temporary bulletin board or sign not exceeding 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.

B. **Bulletin Board.** One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin boards shall not exceed 12 square feet in surface area nor 15 feet in height, and illumination, if any, shall be by constant light.

C. **Official Notice.** Official public notices may be erected on affected property.

D. **Name Plate.** One non-illuminated name plate not exceeding 12 square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premise.

E. **Large Name Plate**. The following uses, if formerly located in an R-2 or R-3 district and currently located in the AR district, may erect one non-illuminated name plate not exceeding 24 square feet in area, identifying the name of the use of the premises:

1. Home occupation
2. Outdoor recreation
3. Parking lots
4. Family child care home

Sec. 12.104 SC District

Business signs, poster boards, bulletin boards, or other similar display in the Suburban Commercial (SC) District shall conform to the following requirements.

A. **General.** One business sign not exceeding 32 square feet in surface area and identifying the business or activity conducted on the premises may be erected on each street frontage of the parcel. In the case of a shopping center containing a group of businesses and/or activities on one lot, one accessory building sign may be erected on the lot identifying the shopping center. Such accessory sign shall not exceed 50 square feet in the area. Ground signs shall not exceed the height of the building in which the principal use is located or 20 feet, whichever is lower. No business sign shall be located within 50 feet of a residential district if visible from such district. Illumination, if any, shall be by constant light and not be visible from any residential property or public roadway.

B. **Real Estate Sign.** A real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed 16 feet in surface area and 15 feet in height, and illumination, if any, shall be by constant light.

C. **Location.** All signs in the SC District shall be erected upon private property and shall not encroach upon any public street, alley or walk except as provided by the applicable codes of the City. Signs may overhang the street and alley property lines a maximum of 72 inches provided they are a minimum of 9 feet above grade.

D. **Integration with Building.** All advertising signs relating to any office or other use shall be designed as an integral part of the structure and shall be harmonious with the other design features of the improvement.

Sec. 12.105 AC, UC, BP, and I Districts

Business signs, poster boards, bulletin boards, or other similar display in the AC, UC, BP and I Districts shall conform to the following requirements:

A. **General.** Business signs not exceeding in the aggregate one square foot of display surface area per one lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs and billboards shall not exceed 30 feet in height. No sign or billboard shall be located within 50 feet of a residential district if visible from such district. Illumination, if any, shall be by constant light and not be directly visible from any residential property or public roadway.

B. **Real Estate Sign.** A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed 50

square feet in surface area nor 15 feet in height, and illumination, if any, shall be by constant light.

C. **Location.** All signs shall be erected upon private property and shall not encroach upon any public street, alley or walk except as provided by the applicable codes of the city. Signs may overhang the street and alley property lines a maximum of 72 inches provided they are a minimum of 9 feet above grade.

Article 13 Administrative Bodies

Division 13.100 Purpose

This Article establishes the responsibilities of decision-making and administrative bodies identified by this Code. This Article does not attempt to recite all responsibilities granted under the State enabling act, only those required by this Code.

Division 13.200 Administration

Sec. 13.201 Responsibility

The responsibility for major actions required by this Code is set forth in this Article. The following codes are used in Table 13.201, *Procedural Responsibilities*, to indicate responsibility. A group may have more than one responsibility, such as holding a public hearing in addition to taking action. Further, regardless of the appeal notation, all decisions may be appealed to the courts in accordance with State and Federal law.

Table 13.201
Procedural Responsibilities

Type of Action	City Council	Altus City Planning Commission (within City Limits) or Altus Metropolitan Area Planning Commission (within 3 miles of City Limits)	Board of Adjustment	Staff
Discretionary				
Zoning Text Amendment	H, D	H, R	-	R
Zoning Map Amendment	H, D	H, R	-	R
Special Exception	-	-	H, D	R
Conditional Uses	D	HR	-	R
Design Review (RESERVED)	-	-	-	-
Variance	-	-	H, D	R
Street Vacation	D	H, R	-	R
Ministerial				
Plat Review	D	H, R	-	R
Land Development Review	D	H, R	-	R
Variation - Plat/Land Development	D	H, R	-	R
Administrative				
Limited Use	-	-	A	D
Zoning Certificate	-	-	A	D

Certificate of Occupancy	-	-	A	D
Sign Permit	-	-	A	D
Flood Plain Development Permit	-	-	A	**D**
Appeals				
Interpretation	-	-	**A**	-
Appeal	-	-	**H, D**	**R**
R = The body makes recommendations to the decision-makers. H = The body must hold a public hearing. D = The body makes the final decision. A = The body hears an appeal to the decision.				

Division 13.300 Administrative Bodies

Sec. 13.301 Altus City Planning Commission

A. **Authority and Jurisdiction.**

1. The Altus City Planning Commission shall have the powers and duties defined by Title 11, Oklahoma Statutes, Sections 43-101 to 43-109, and the Altus City code, Chapter 2, Article 14.

2. The Altus City Planning Commission shall have the following additional powers and duties within the limits of the City of Altus:

   a. Review, hear, consider, and make recommendations to approve or disapprove applications for zoning map and zoning text amendments and conditional use permits, as indicated in Table *13.201*, *Procedural Responsibilities*.

   b. Hear, review, consider, and recommend preliminary and final plats for subdivisions, preliminary or final site plans, and concept plans.

   c. Initiate, prepare, or cause to be prepared ordinances relating to land development or amendments thereto or to this Code.

   d. Prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof, and recommend its adoption.

   e. Initiate, review, hear, consider, and make recommendations to approve or disapprove amendments to the Comprehensive Plan.

   f. Adopt additional or amended rules of procedure consistent with this Section to govern the Planning Commission's proceedings.

   g. Make studies of the City's resources, possibilities, and needs and report its findings and recommendations, with reference thereto, from time to time, to the City Council.

B. **Membership.** The Altus City Planning Commission (ACPC) shall consist of 7 members appointed by the Mayor subject to the approval of the City Council. All members shall be residents of the City of Altus with one member appointed from each ward and three members appointed at large. The members shall be residents of the City, be qualified by knowledge or experience to act in matters pertaining to the development and

administration of a City plan, and shall not hold any elective office in the municipal or county government. All members shall serve without compensation.

C. **Terms.** Planning Commissioners shall serve for terms of three years or until their successors have been appointed. Members may serve an indefinite number of terms, subject to reappointment by the Mayor. The term of a member shall expire immediately prior to the beginning of the regular meeting at which meeting his successor's term of office shall begin.

D. **Quorum and Voting.** Four Planning Commission members shall constitute a quorum of the Planning Commission necessary to take action and transact business. All actions shall require a simple majority of the quorum present.

E. **Removal from Office.** In the event that any member is no longer a resident, or is convicted of a felony or an offense involving moral turpitude while in office, or has three unexcused absences in one year, the City Council shall terminate the appointment of such person as a member of the Planning Commission and appoint a new member after a public hearing. A member of the Planning Commission may also be recommended for removal if, because of personal, business, or professional ties, the member has been rendered ineffective as a member because the member is unable to participate in the decisions on a substantial share of the matters before the Commission. For other reasons, the City Council may remove any member for cause stated in writing and after public meeting.

F. **Vacancy.** Whenever a vacancy occurs on the Planning Commission, the City Council shall appoint a new member for the unexpired term in the same manner as for appointment.

G. **Meetings Open to Public.** All meetings and public hearings of the Planning Commission shall be open to the public. Meetings are held on the 2nd Monday of each month at 4:00 p.m. in the City Hall Council Chambers. Special Meetings of the ACPC shall be held at the call of the chairperson and at other times determined by the Board.

H. **Organization, Rules, Staff.** The Planning Commission shall hold an annual business meeting and shall elect a chairperson and vice chairperson from among its members for a term of one year, with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Planning Commission. The Zoning Administrator shall act as secretary of the Planning Commission, but shall not be a member of such Commission. Subject to the approval of the City Council, it shall adopt such rules for transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be public record.

I. **Recommendations or Decisions.** All recommendations or decisions shall be by roll-call votes of all members present. A tie vote or failure to take action shall constitute a denial of decision or adverse recommendation. All recommendations and decisions shall be accompanied by a written summary of the decision and recommendations.

Sec. 13.302 Altus Metropolitan Area Planning Commission

A. **Authority and Jurisdiction.**

1. The Altus Metropolitan Area Planning Commission (AMAPC) shall have the powers and duties defined by Title 19, Oklahoma Statutes, Sections 866-1 to 866-35.

2. AMAPC shall have the following additional powers and duties within three miles of the limits of the City of Altus:

   a. Review, hear, consider, and make recommendations to approve or disapprove applications for zoning map and zoning text amendments and conditional use permits, as indicated in Table *13.201*, *Procedural Responsibilities*.

   b. Hear, review, consider, and recommend preliminary and final plats for subdivisions, preliminary or final site plans, and concept plans.

   c. Initiate, prepare, or cause to be prepared ordinances relating to land development or amendments thereto or to this Code.

   d. Prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof, and recommend its adoption. Initiate, review, hear, consider, and make recommendations to approve or disapprove amendments to the Comprehensive Plan.

   e. Adopt additional or amended rules of procedure consistent with this Section to govern the Altus Metropolitan Area Planning Commission's proceedings.

   f. Make studies of the County and City's resources, possibilities, and needs and report its findings and recommendations, with reference thereto, from time to time, to the City Council and the County Board of County Commissioners.

B. **Membership.** AMAPC shall consist of 12 members. Seven members shall be residents of Jackson County and five members appointed from the City of Altus. The City members shall be residents of the City and the County members shall live in an unincorporated area within three miles of the City limits. All members shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of City and/or County plans, and shall not hold any elective office in the municipal or county government. All members shall serve without compensation.

C. **Terms.** Planning Commissioners shall serve for terms of four years or until their successors have been appointed. Members may serve an indefinite number of terms, subject to reappointment by the Mayor or the County Board of County Commissioners. The term of a member shall expire immediately prior to the beginning of the regular meeting at which meeting his successor's term of office shall begin.

D. **Quorum and Voting.** Seven Altus Metropolitan Area Planning Commission members shall constitute a quorum of the AMAPC necessary to take action and transact business. All actions shall require a simple majority of the quorum present.

E. **Removal from Office.** In the event that any member is no longer a resident, or is convicted of a felony or an offense involving moral turpitude while in office, or has three unexcused absences in one year, the City Council or County Board of County Commissioners shall terminate the appointment of such person as a member of the Altus Metropolitan Area Planning Commission and appoint a new member after a public hearing. A member of the AMAPC may also be recommended for removal if, because of personal, business, or professional ties, the member has been rendered ineffective as a member because the member is unable to ti participate in the decisions on a substantial share of the matters before the Commission. For other reasons, the City Council or County Board of County Commissioners may remove any member for cause stated in writing and after public meeting.

F. **Vacancy.** Whenever a vacancy occurs on the AMAPC, the City Council or County Board of Commissioners shall appoint a new member for the unexpired term in the same manner as for appointment.

G. **Meetings Open to Public.** All meetings and public hearings of the AMAPC shall be open to the public. Meetings are held on the 2nd Monday of each month at 7:00 p.m. in the City Hall Council Chambers.

H. **Organization, Rules, Staff.** The Altus Metropolitan Area Planning Commission shall hold an annual business meeting and shall elect a chairperson and vice chairperson from among its members for a term of one year, with eligibility for re-election, and may fill such other of its offices as it may create in a manner prescribed by the rules of Title 19, Oklahoma Statutes, Sections 866-1 to 866-35.

I. **Recommendations or Decisions.** All recommendations or decisions shall be by roll-call votes of all members present. A tie vote or failure to take action shall constitute a denial of decision or adverse recommendation. All recommendations and decisions shall be accompanied by a written summary of the decision and recommendations.

Sec. 13.303 Board of Adjustment

A. **Jurisdiction and Authority.**

1. The Board of Adjustment shall have the powers and duties defined by Title 11, Oklahoma Statutes, Sections 44-101 to 43-110.

2. The Board of Adjustment shall have the following additional powers and duties within the limits of the City of Altus:

   a. *Administrative Relief.* Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Code or any Code adopted thereto.

   b. *Special Exceptions.* Hear and decide special exceptions to the terms of this Code on which the Board is required to pass under the Code.

   c. *Variance Requests.* Authorize upon appeal, in specific cases, a variance from the terms of this Code.

   d. *Classifications.* Classify commercial and industrial uses not specifically listed in this Code, subject to the approval of the Commission.

B. **Composition; Appointment, Terms, Compensation and Removal of Members; Vacancies**

1. The Mayor shall recommend members for the Board of Adjustment and City Council shall approve their appointment.
2. The Board of Adjustment shall consist of five members and up to two alternates.
3. The terms of office of the members of the Board of Adjustment are three years.
4. Members of the Board of Adjustment shall not receive compensation for their services.
5. A member of the Board of Adjustment may be removed:
    a. For cause;
    b. On written charges; or
    c. After a public hearing.
6. A new member to fill the unexpired term of any member who leaves the Board of Adjustment shall be approved as in subsection B.1, above.
7. A member of the Board of Adjustment shall recuse himself or herself from participating in a matter in which the member may have a conflict of interest or an appearance of a conflict of interest.
8. If a member shall be absent, as determined by the City Council, for either three consecutive meetings of the Board, regular or special, or for more than one-half of all meetings of the Board, regular or special, held within any period of four consecutive months, he shall thereupon cease to be a Board member.

C. **Alternate Members**

1. When any regular members of the Board are absent or recusing themselves, an alternate shall take their place for the hearing and decision.
2. When five members or alternates cannot be available, the applicant may choose to wait until a full Board can be assembled or go ahead with a reduced Board.

D. **Rules; Meetings; Administering Oaths; Summoning Witnesses; Records**

1. The Board of Adjustment shall adopt rules in accordance with the provisions of this Code and State law.
2. The meetings of the Board of Adjustment shall be held at the call of the chairperson and at other times determined by the Board.
3. The chairperson of the Board of Adjustment or the acting chairperson may administer oaths and compel the attendance of witnesses.
4. All meetings of the Board of Adjustment shall be open to the public.
    a. The Board of Adjustment shall make a transcript of all proceedings, showing the vote of each member on each question or the member's absence or failure to vote.

b. The Board of Adjustment shall immediately file the transcript of its proceedings in the office of the Department. The transcript shall be public record.

5. If a recording or a transcript of a recording is not prepared in a normal course of the Board's proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of preparing the recording or transcript.

E. **Approvals.** Approval of any application requires three members voting for approval.

F. **Appeals.**

1. Any appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer, or any officer, department, board or bureau of the City of Altus to the District Court by filing a notice of appeal with the City Clerk and with the Board of Adjustment within fifteen (15) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said board shall transmit forthwith to the court clerk of the County of Jackson the original or certified copy of all papers constituting the record in the case, together with the order, decision or fueling of the board.

2. Appeal stays proceedings. An appeal to the district court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the Board of Adjustment or the administrative office 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 than by a restraining order which may be granted by the district court upon application or notice to the Zoning Administrator and upon notice to the chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being show, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

Division 13.400 Administrative Agents

Sec. 13.401 Staff

A. **General.** For the purposes of this Division, the directors or their designees of the Planning and Development Department, Public Works Department, and such other employees or consultants as the City Administrator designates shall constitute Staff.

B. **Authority and Jurisdiction.** The Staff shall make recommendations to the City Council, the Altus City Planning Commission, Altus Metropolitan Area Planning Commission, and/or Board of Adjustment. Staff shall have the following jurisdiction, authority, and duties under this Code:

1. Review and make recommendations for the disposition of applications for various permits or approvals as indicated in Table *13.201*, *Procedural Responsibilities*.

2. Review and make recommendations on applications for subdivision plat approval.
3. Maintain and update application forms and related materials for the implementation of this Code.

Sec. 13.402 Zoning Administrator

A. **Authority and Jurisdiction.** It is the duty of the Zoning Administrator to administer and enforce the provisions of this Code in accordance with its administrative provisions.

1. Issue Zoning Occupancy and Certificates of Occupancy.
2. Issue permits for fences, signs and buildings.
3. Review and approve limited uses.
4. Interpret the zoning regulations.

B. **Authorization to Enter and Inspect.** The Zoning Administrator or duly authorized agent(s) may enter and inspect any structure or land in order to verify that the structure or land complies with the provisions of this Code. The Zoning Administrator or an official agent has the power to take any lawful action to prevent or abate a violation as specifically prescribed in *Article 15*, *Enforcement and Legal Status*.

Sec. 13.403 Floodplain Administrator

A. **Designation.** The Engineer Technician is hereby appointed to administer and implement the City's floodplain management regulations by granting or denying development permit applications in accordance with their provisions.

B. **Duties and Responsibilities.** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of floodplain management regulations.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of the City's floodplain management regulations.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval are required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, the Oklahoma Water Resources Board, prior to any alteration or

relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Sections *4.603*, *Lands to Which this Division Applies* and *4.604*, *Basis for Establishing Special Flood Hazard Areas*, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Sections *4.611*, *Methods of Reducing Flood Losses*, to *4.615*, *Standards for Areas of Shallow Flooding (AO/AH Zones)*.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. When required, coordinate applications for Conditional Letters of Map Revision (under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision)).

11. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601-1618, as amended.

12. After a disaster or other type of damage occurrence to structures in the City of Altus, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged and enforce the substantial improvement requirement.

13. Maintain a record of all information received in accordance with Section *4.609*.A.

Division 13.500 Fees

A. **General.** The City shall, from time to time, establish fees for the processing and review of the various applications and reviews contemplated by this Code. The fees shall be reasonable, but shall not exceed the actual costs of staff and consultant time in reviewing the applications. In certain cases, City Council may provide for a flat fee, plus require the reimbursement of extraordinary fees that are necessitated by an application.

B. **Effect on Application Processing.** No application shall move forward until all up-front fees for review are paid. The time for processing an application beyond the completeness review does not start until the fees are paid.

C. **Exception.** No fees shall be charged to any government agency.

D. **Non-refundable.** Once an application has been accepted by the Zoning Administrator, the filing fee is non-refundable.

Article 14 Procedures and Decision-Making

Division 14.100 Purpose

This Article establishes the standards and criteria for all approvals, administrative reviews, and administrative relief required by this Code. It also provides a guide to the steps of application review and development requests.

Division 14.200 Procedures and Administration

Table 14.200A, *Zoning Procedures and Administration*, identifies the procedures and administration of various zoning actions. The table is divided into groups of reviews that follow a common format. The first column displays the procedures. Then, each type of decision has a column, which contains two sub-columns. The first sub-column (labeled "Days") is the time limit for the agency to conduct the proceedings. All times are in working days, except for the notice requirement, which is in elapsed time. That column indicates the publication requirement for advertising (*see* Section *14.205*, *Notice of Public Hearings*, for a complete summary of the public notice requirements). The second sub-column, labeled "Agency/Board," indicates the responsible agency or board. If there is no text in a cell, the procedure is not applicable.

Table 14.200A
Zoning Procedures and Administration

Types	Zoning Changes, Text and Maps		Conditional Use		Variances and Appeals		Beneficial Use		Interpretation	
	Days	Agency / Board	Days	Agency / Board	Days	Agency / Board	Days	Agency / Board	Days	Agency / Board
Pre-application Conference	10	ZA	7	ZA	7	ZA	10	ZA	--	--
Application Submitted										
Application Completeness Review	4	ZA	4	ZA	4	ZA	4	CA	2	ZA
Fee										
Application Review	60	ZA	60	ZA	60	ZA	25	ZA	5	ZA
Notice	15-30[1]	ZA			10-30[1]	ZA	15-30[1]			
Public Hearing	62	PC		PC	62	BoA		BoA		
Recommendation	30	PC	30	PC	30	BoA	30	BoA		
Notice	15-30[1]	ZA			15-30[1]	ZA	15-30[1]	ZA		
Public Hearing	62[2] 45[3]	CC						CC		
Site Inspection	15-30	ZA								
Decision	60	CC	60	CC	60	BoA	60	CC	5	ZA
Appeals	District Court		District Court		District Court		District Court		District Court	
Notes:										

A cell with a hyphen (--) indicates inapplicable provisions.
[1] Elapsed Time. All other times in working days.
[2] 62 days after the acceptance of the application by the Zoning Administrator for a map amendment; 32 days for a text amendment.
[3] Within 62 days of Planning Commission's last hearing for zoning map amendment; within 45 days of last meeting for zoning text amendment.
ZA=Zoning Administrator; CA=City Attorney; PC=Planning Commission; BoA=Board of Adjustment; CC=City Council

Table14.200B
Development/Subdivision Procedures and Administration

Types	Permits, Development Plans, and Subdivision		Design Review		Subdivision/Plat Approval	
	Days	Agency / Board	Days	Agency / Board	Days	Agency / Board
Pre-application Conference	10	ZA	10	ZA	10	ZA
Application Submitted						
Application Completeness Review	4	ZA	4	ZA	4	ZA
Fee						
Application Review	15	ZA	30	ZA	5	Staff
Notice					20[1]	ZA
Public Hearing					30	PC
Recommendation					30	PC
Notice						
Public Hearing					30[1]	CC
Site Inspection			30	ZA		
Decision	15 / 30	ZA	30	PC		
Appeals	30	BoA	BoA		10	District Court

Notes:
A cell with a hyphen (--) indicates inapplicable provisions.
[1] Elapsed Time. All other times in working days.
ZA=Zoning Administrator; CA=City Attorney; PC=Planning Commission; BoA=Board of Adjustment; CC=City Council

A discussion of each of the steps follows in Sections *14.201*, *Pre-Application Conference*, to *14.209*, *Effect of Approval*. The discussion of each step deals only with technical requirements of each set, not the agency responsible, order, or whether the step is mandatory, optional, or inapplicable. Table *14.209*, *Time Limitations and Extensions*, indicates the time limit and extension requirements, in months, for approvals.

Sec. 14.201 Pre-application Conference

A. **General.** A pre-application conference is mandatory prior to submitting certain applications. The purpose of the pre-application conference is to familiarize the applicant with any City concerns and with the Code's applicable provisions. Also, this conference permits Staff to assess the proposal and identify any service problems or concerns.

B. **Initiation.** An applicant shall request a date for the pre-application conference with Staff. The request shall be accompanied by a description of the character, location, and magnitude of the proposed development and the type of approval sought. If a concept plan is required, then it should be brought to the pre-application conference.

C. **Scheduling.** Upon receipt of the request for a pre-application conference, the Zoning Administrator shall schedule and hold the pre-application conference. The Zoning Administrator shall notify the applicant of the time, date, and place of the pre-application conference.

D. **Conference Determinations.** At the pre-application conference, Staff shall review the material, make recommendations, and indicate concerns, problems, or other factors the applicant should consider in pursuing the proposal.

E. **Written Summary.** Staff shall mail to the applicant a written summary of the pre-application conference within the time indicated in Tables 14.200A, *Zoning Procedures and Administration*, and 14.200B, *Development/Subdivision Procedures and Administration*.

Sec. 14.202 Applications

A. **Form of Application.** Applications shall be submitted to the Zoning Administrator, along with the corresponding application fee (See Appendix 2, *Fee Schedule*), on a form approved by the Zoning Administrator.

B. **Initiation.** Unless otherwise indicated in this Article, applications shall be submitted by the owner, an authorized agent, or any other person having a contractual interest in the land for which the use is proposed.

C. **Consent to Inspection.** Accompanying any application that would directly authorize land disturbance or construction shall be a signed statement of the Owner's consent to inspection of the premises by Staff, in order to ensure compliance with this Code and conditions of approval. The Owner shall give a right of reasonable access to view, enter, and inspect the property, or onÐ²Ð,'site uses or buildings, at reasonable times until a certificate of occupancy (or its equivalent) is issued.

D. **Intake Days.** The Administrator is authorized to publish a schedule of intake days for the various applications that are provided in this Unified Development Code.

Sec. 14.203 Application Completeness Review

A. **General.** The Zoning Administrator shall determine, within the time specified in Table 14.200A, *Zoning Procedures and Administration*, or Table 14.200B, *Development/Subdivision Procedures and Administration*, if the application is sufficient and includes all data required or necessary to evaluate the application.

B. **Notice to Applicant.**

1. If the Zoning Administrator determines the application is not sufficient, a written notice shall be mailed to the applicant specifying deficiencies.

2. When the application is determined sufficient, the Zoning Administrator shall notify the applicant and begin the requisite reviews by forwarding the material to the Planning Commission or other staff, as appropriate. If a public hearing is required, the date shall be set to hear the application and the applicant notified in writing.

C. **Additional Information.** Nothing herein shall limit the Zoning Administrator's authority to require additional information deemed reasonably necessary following the determination that the application is sufficient. At any time during the review process, the Zoning Administrator may require the applicant to provide additional information reasonably necessary to thoroughly evaluate the application.

D. **Rejection of Successive Application.** An application involving any land for which a map amendment was denied within the prior 12 months shall not be accepted by staff. An

applicant who feels the project has merit may ask that the City Council authorize the acceptance, but City Council shall authorize it only if it finds there are changed circumstances or if it finds that the new application addresses the concerns that led to the denial.

Sec. 14.204 Application Review

A. **Acceptance of Complete Application.** Upon receiving a complete application, it shall be forwarded to the applicable agency, individual, or department staff, as specified in Table 14.200A, *Zoning Procedures and Administration*, and Table 14.200B, *Development/Subdivision Procedures and Administration*, and appropriate City, County, school, utility, and State agencies for review and comment. Staff shall meet to evaluate the comments of different City departments and all outside comments regarding the application.

B. **Notice to Applicant.** The applicant shall be given notice as to when the Staff will review the plan. All agency or department comments shall accompany the notification.

C. **Staff and Agency Comments.** A meeting shall be held for the review of the plan, and City or agency comments shall be presented. The applicant shall be given an opportunity to respond to the comments on the plan.

D. **Recommendations.** Upon completion of the application review by the applicable agency or Staff, the Zoning Administrator or Staff shall prepare a written recommendation regarding the application. Such recommendation shall be sent to the Planning Commission or Board of Adjustment and the City Council. A copy shall also be provided to the applicant.

Sec. 14.205 Notice of Public Hearings

When a public hearing is required pursuant to State law or this Code, the Zoning Administrator shall be responsible for ensuring notice is properly provided in the appropriate manner.

A. **Notice in Newspaper.** Applications shall be advertised in the legal notice section of a newspaper of general circulation in the City. Notice shall appear once at least 15 days prior to the public hearing date, and shall contain the following information:

1. The type of application sought, i.e. conditional use, variance, amendment to the Zoning Map, or amendment to the Zoning Ordinance.
2. A short description of the proposed action requested.
3. A legal description of the parcel, the approximate street location or address, where possible, a map of the area, and the name of the person seeking the application.
4. The location, address, date, and time of the public hearing.
5. Information on where full details of the application may be obtained, including the location, hours, and phone number. Notice of any hearing by the City Council shall include a summary of the recommendations of the Planning Commission.
6. The applicant shall be responsible for providing the Zoning Administrator with the notice.

B. **Posted Notice.** The Zoning Administrator shall post a public hearing notice (sign) on all subject properties (individual map amendment, but not comprehensive map amendment) at least 20 calendar days in advance of the public hearing.

1. One sign shall be placed on the parcel for which the particular application was filed. The Zoning Administrator shall determine the number of additional signs to be placed on the parcel necessary to carry out the intent of this Section.
2. Signs shall be no less than 20 inches by 26 inches and shall include wording that clearly describes the type of action or permit requested and the date, time, and location of the public hearing. The Zoning Administrator may require additional information to be placed on any sign serving to fully inform the public as to the nature of the permit.
3. To the extent practicable, all signs shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land does not have frontage on a public street, an additional sign shall be erected on the nearest street right-of-way with an attached notation indicating, generally, the direction and distance to the land subject to the application.
4. The sign shall be removed after the close of the hearing on the application.
5. The failure of any posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with the standards or be grounds to challenge the validity of any decision made on the application. However, any person(s), firm, association, or corporation who shall remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with such signs shall be subject to the provisions and penalties provided by City and State law.
6. Comprehensive amendments to maps shall be exempt from this requirement.

C. **Written Notice.** The Zoning Administrator shall provide written notice to all owners of real property within a three hundred foot radius of the exterior boundary of the property at least twenty calendar days prior to the public hearing. The notice shall contain:

1. The type of application sought, i.e. conditional use, variance, amendment to the Zoning Map, or amendment to the UDC.
2. Short description of the proposed action requested.
3. A legal description of the parcel, the approximate street location or address, where possible, a map of the area, and the name of the person seeking the application.
4. The location, address, date, and time of the public hearing.
5. Information on where full details of the application may be obtained, including the location, hours, and phone number. Notice of any hearing by the City Council shall include a summary of the recommendations of the Planning Commission.
6. The applicant shall be responsible for providing the Zoning Administrator with the notice.

D. **Continuances, Withdrawal, and Denial of Application**

1. Any application may be withdrawn, either in writing or on the record during the proceeding.
2. If a zoning map amendment or text amendment is withdrawn, it may be re-filed at the next applicable application cycle, in accordance with this Code.
3. Requests for continuance of any administrative, legislative, or quasi-judicial proceeding called for herein may be granted at the discretion of the agency, board, or commission holding the public proceeding. If granted, the applicant shall pay all additional costs associated with the re-scheduling of the proceeding.

Sec. 14.206 Public Hearings

Where a public hearing is required, as defined in Tables 14.200A, *Zoning Procedures and Administration*, and 14.200B, *Development/Subdivision Procedures and Administration*, the following rules apply to the conduct of hearings. Any person may appear at a public hearing, submit evidence, and be heard.

A. **Organizations.** If the person represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the current matter.

B. **Identification.** Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.

C. **Expert Witnesses.** Citizens and applicants have the right to employ expert witnesses to represent them.

Sec. 14.207 Actions by Decision-Making Bodies

A. **General.** After the close of a public hearing, the administrative body conducting the hearing shall consider the application, relevant support materials, Staff report, and public testimony given at the public hearing. The administrative body shall render a decision or recommendations, as appropriate, either to approve, approve with conditions, or to disapprove the application based on this Code and the factual evidence presented. Administrative decisions shall follow the same rules once a complete application is received.

B. **Time Limits.** All decision-making bodies and persons shall act within the time limits established in this Code, as specified in Tables 14.200A, *Zoning Procedures and Administration*, and 14.200B, *Development/Subdivision Procedures and Administration*. Action shall be taken as promptly as possible in consideration of the interests of the applicant and citizens.

C. **Written Orders and Recommendations.** All decisions or recommendations shall be in writing and include the following:

1. A clear statement of specific findings of fact and the basis upon which such facts were determined, with specific reference to this Code's relevant standards.
2. A clear statement of approval, approval with conditions, or disapproval. Conditions may only be required by the City on limited or conditional uses, variances, beneficial uses, or site plan approvals.
3. Any other information deemed necessary by the decision-making body.

Sec. 14.208 Application Process for Towers

A. **Pre-Application Conference.**

1. All persons seeking approval under this Code shall meet with the Zoning Administrator no less than 30 days before filing a Wireless Telecommunications Facilities Permit application. At this meeting, the Zoning Administrator shall explain to the applicant the Code provisions, as well as application forms and submissions that will be required under this Code.
2. Each applicant for a tower and/or antenna shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within three miles of the border thereof, including specific information about the location, height, and design of each tower or antenna.
3. The Zoning Administrator will develop, update, and maintain an inventory of wireless telecommunications towers and antennas for potential co-location and to ensure abandoned antennas and towers are removed. The inventory may be shared with other applicants applying for permits under this Code or other organizations seeking to locate towers or antennas within the jurisdiction of the City, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

B. **Application Requirements.**

1. The Zoning Administrator will administer the process with the Wireless Telecommunications Facilities Permit application submitted to the Planning and Development Department offices.
2. The Zoning Administrator and Chief Building Inspector or a Professional Engineer contracted by the City must review and approve the application for conformance to City ordinances and engineering standards. If the application is approved by the Zoning Administrator, it will be referred to the Wireless Telecommunications Facilities Committee for permit approval.
3. Application shall be made on a form approved by the Zoning Administrator and shall include the following information:
    a. The name, address, and telephone number of the applicant and the applicant's agent, if any. Identification of the entities providing the back-haul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;
    b. A deed and legal description of the property;
    c. Verification of compliance with FCC and FAA regulations and, if applicable, any other federal or state agencies;
    d. A notarized statement by the applicant and a sealed set of plans by a professional engineer confirming the construction of the tower will accommodate co-location of the additional antennas for future users;

e. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements;

f. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;

g. A description of the feasible location(s) of future towers or antennas within the City based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected; and

h. A notarized statement by the applicant as to whether construction of a tower will accommodate co-location of additional antennas for future users.

C. **Site Plan Requirements.**

1. The site plan shall include the following information:

a. A scaled site plan clearly indicating the location, type, and height of the proposed tower;

b. On-site land uses and zoning, adjacent land uses and zoning, and Master Plan classification of the site;

c. The separation distance from other towers;

d. Adjacent roadways, proposed means of access, and parking;

e. Setbacks from property lines;

f. Elevation drawings of the proposed tower and any other structures;

g. Topography;

h. Parking requirements;

i. The setback distance between the proposed tower and any other structures;

j. A landscape plan showing specific landscape materials proposed;

k. Method of fencing and finished color and, if applicable, the method of camouflage and illumination; and

l. A description of compliance with the requirements of the general requirements of this Code, as well as with the requirements of this Section and with all applicable federal, state, county or City laws, rules, regulations, and ordinances.

2. Any additional information deemed by the Zoning Administrator to be necessary to assess compliance with this Code.

D. **Fees.** The Wireless Telecommunications Facilities Permit application shall include payment of a fee of $100, or as approved by City Council action, to cover the cost of the application and review process.

E. **Approval Authority.** The Wireless Telecommunications Facilities Committee may, by majority vote, approve Wireless Telecommunications Facilities Permit applications and make written findings on whether the proposed wireless telecommunications facility complies with this Code. Functioning in this capacity, the City of Altus City Administrator, Public Works Director, Planning Director and Altus City Planning Chairman shall be known as the Wireless Telecommunications Facilities Committee.

F. **Application Review.**

1. Upon receipt of a Wireless Telecommunications Facilities Permit application, the Zoning Administrator shall provide the applicant with a dated receipt. Within five working days of receipt of an application, the Zoning Administrator shall review the application and determine if the application meets the submission requirements. If the application is complete, the Zoning Administrator shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the Wireless Telecommunications Facilities Committee for permit approval. If the application is incomplete, the Zoning Administrator shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

2. The Zoning Administrator shall notify all property owners within 500 feet of the outer boundary of the proposed Wireless Telecommunications Facility site as shown on the county tax assessor records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Wireless Telecommunications Facilities Committee meeting at which the application will be considered. Failure on the part of any property owner within the 500-foot boundary to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

3. The Wireless Telecommunications Facilities Committee shall respond to each Wireless Telecommunication Facilities Permit application within 60 days after receiving it by either approving or denying the application. If the Commission fails to respond to the applicant within 60 days, then the application shall be deemed to be approved.

4. If any Wireless Telecommunication Facilities Permit is denied approval, the applicant may file an appeal with the Board of Adjustment. Such appeal shall be filed within 10 days from the date of the decision by filing with the Administrator a notice of appeal stating the grounds thereof and paying $100 at the office of the City Clerk at the time the notice is filed.

Sec. 14.209 Effect of Approval

Approving any application shall be deemed to authorize only the particular use, plan, or other specific activity for which the application was issued. Approvals shall run with the particular

land for which approval is given. Exceptions are zoning text changes and use interpretations, which will generally apply to more than one parcel of land.

A. **Time Limitations.** Permitted time frames for an approval do not change with changes in ownership and shall expire as indicated in Table 14.209, *Time Limitations and Extensions*, if any of the following occur:

   1. A building permit has not been issued to establish the use authorized in the approval.

   2. The use does not require a building permit and is not established, ongoing, and in operation

B. **Approvals Not Subject to Time Limitations.** Any approval not listed in Table 14.209, *Time Limitations and Extensions*, shall not expire upon a specified time limit. Such approvals shall continue in force until superseded by a Code change or specific action that alters them.

C. **Extensions.** Upon written request, one time extension may be granted by the decision-making body for a period not to exceed the original approval period for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Zoning Administrator no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this Section shall result in the approval's expiration as provided above.

D. **Appeals.** If there is an appeal or litigation during the time period that limits the ability to proceed, the appeal or litigation shall freeze the time limit and the time should not again continue until the appeal or litigation is complete. This Section does not apply if the litigation is for violation of this Code.

Table 14.209
Time Limitations and Extensions

Application Type	Time Limitation (months)
Conditional Use	24[1]
Variance	24[1]
Site Plan Review	24
Preliminary Subdivision Plat	12
Final Subdivision Plat	12

[1] Unless specified otherwise in the Conditional Use Approval. The Conditional Use approval may also specify periodic review, at which time the approval could be terminated.

Division 14.300 Zoning Discretionary Reviews

Discretionary reviews are those in which the applicant must meet all applicable standards, but those for which the decision-making body retains some degree of discretion. As part of that discretion, the City must determine whether the development is suitable in the location proposed. If the evidence or technical requirements are debatable, the decision-makers have discretion to select the one they find most compelling.

Sec. 14.301 Amendments to the Zoning Map

A. **General.** This Section provides a means for changing the Zoning Map. There are two types of map amendments permitted. The first is through a series of comprehensive amendments instituted by the City to update maps in accordance with amendments to the Comprehensive Plan or area plans. The second type is through individual property amendments.

B. **Initiation.** Map amendments may be initiated by a:

1. Motion of the City Council;
2. Motion of the Planning Commission; or
3. Petition of a subject property owner filed with the City Council.

C. **Standards.** Except in connection with any comprehensive rezoning (*See* Section *14.302*, *Comprehensive Map Amendment*), the City Council may not approve any map amendment unless it is determined, on the basis of specified facts contained in the record before the City Council, that:

1. **Findings.** The following findings are made:
   a. Since the adoption of a comprehensive map amendment, a substantial change has occurred in the character of the neighborhood where the property is located; or
   b. A mistake was made in the existing zoning classification; or
   c. The amount of land in a particular zoning classification sought is in short supply and, thus, warrants additional land being zoned to this classification.
2. **Considerations.** In addition to or supplementing the above, specific findings shall be made with respect to:
   a. Population changes;
   b. Availability or unavailability of public facilities;
   c. Vacant acres in the proposed zoning category and rate of conversion of such lands;
   d. Compatibility or incompatibility with existing and proposed development in the area;
   e. The suitability of the property for the uses permitted in the proposed zoning district;
   f. The recommendation of the Planning Commission; and
   g. The relationship of the proposed amendment to the Comprehensive Plan.

Sec. 14.302 Comprehensive Map Amendment

A. **General.** The City expressly recognizes that sections of the City are changing from a rural to a residential, commercial, industrial, or other character. One of the paramount

purposes of the Comprehensive Plan is to anticipate and manage future growth. However, it is acknowledged that the plan must be revised from time to time. When changes to the plan require a substantial rezoning of a number of properties in various parts of the City to bring the zoning map into conformance, such multiple changes are considered a comprehensive amendment.

B. **Initiation.** Comprehensive map amendments shall be initiated by either the City Council or the Planning Commission.

C. **Decision Criteria.** The City Council shall not adopt a comprehensive map amendment unless it finds the amendment is consistent with:

1. The adopted Comprehensive Plan and/or area plans.
2. A showing of significant changed conditions that require such comprehensive amendment to the Code.

Sec. 14.303 Zoning Text Amendments

A. **General.** Zoning text amendments are amendments to any section of this Code.

B. **Findings.** Amendments to the text of the zoning ordinance shall be made based on the following findings:

1. The purposes contained in the State code are met.
2. The amendment is consistent with the Comprehensive Plan and/or adopted area plans.
3. The amendment will not permit uses that are incompatible with any affected district, or the character of any affected area of the City.

Sec. 14.304 Conditional Use

A. An application for a conditional use may be made only by persons with a financial, contractual, or proprietary interest in the property for which a conditional use is requested.

B. A hearing on a conditional use is intended to determine whether a use's proposed location and design are such that it meets the needs of the community for such use without creating a nuisance in the neighborhood. A conditional use shall be granted when the Planning Commission finds that:

1. All the standards of Article 2, *Land Uses*, and *Article 3*, *District and Bulk Standards*, as applied to the proposed use are met; and
2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
3. Operations in connection with any conditional use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring conditional approval; and

4. Parking areas will comply with the off-street parking regulations of this Code and will be adequately and appropriately screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety; and
5. The road system providing access to the proposed use is adequate to serve the site for the intended use; and
6. There are not sites zoned for this by right that could serve the same purpose. The Planning Commission may require evidence that there are not more appropriate sites for the proposed use.

C. In addition to the general requirements listed above, uses requiring a special exception shall be subject to the imposition of conditions for each use outlined below:

1. Assurance that the conditional use is developed exactly as presented in drawings, exhibits, and assertions made at the hearings.
2. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure it is consistent with the area's character or the protection of neighboring property.
3. Limit the length of time a use may exist, or provide for periodic review of the appropriateness of the use, or provide for elimination of the use.
4. Impose conditions on hours of operation and use of outdoor lighting.
5. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met.
6. Prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the public health, safety, and welfare.

D. All conditions and restrictions shall be written and given to the developer within two days of approval by the Council. The developer shall submit a written statement agreeing to the approval and all conditions within 10 days. If the conditions are accepted, the project is deemed approved. If no agreement is offered or if the conditions are rejected, the applications shall be considered denied.

E. A conditional use approval may be granted in accordance with the general and specific requirements enumerated in this Section. The Planning Commission shall make all standards in *Article 2*, *Land Uses*, conditions of approval. In addition, they may recommend any additional conditions deemed necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the conditional use permit is granted, is a violation of this Article and may be grounds for termination of the conditional use permit.

F. The Council shall not grant a conditional use until:

1. A written application is submitted indicating the section of this Article under which conditional use is sought and stating the grounds on which it is requested, and

2. How the application meets all requirements of this Code; and
3. A public hearing has been held by the Planning Commission, and the City Council has made a finding of fact that the conditional use requested meets the general and specific requirements outlined in this Section.

G. Upon granting approval of a conditional use, the Zoning Administrator shall indicate the same in the proper place on the zoning map by use of an appropriate code number or symbol.

H. No use or activity permitted as a conditional use shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require a new application for a conditional use permit to reflect the change(s).

I. If a grant of conditional use is denied, no new petition for the denied use on the same property shall be accepted for one year after the date of denial of the petition.

Sec. 14.305 Temporary Use

The Planning Director shall make a determination whether to approve, approve with conditions, or deny the permit within five working days after the date of application. Any applicant denied a permit by the Planning Director shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Board of Adjustment.

Sec. 14.306 Minor Deviations

The Zoning Administrator may authorize minor deviations from conditional use and special exception use approvals that appear necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process, as long as they comply with this Code.

Sec. 14.307 Variances

A. **Bulk Variances Authorized.** The Board of Adjustment may authorize a variance in height, lot area, and/or yard regulations only in cases where strict compliance with the terms of this Article would result in unreasonable hardship and practical difficulty and only in a manner so as to grant relief without substantial injury to the public health, safety, and general welfare.

B. **Use Variances, Platting Variances, and Design Standards Variances Prohibited.** Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Article in the zone involved (except as provided in subsection F, below), a variance to subdivision platting requirements or design standards, or any use expressly or by implication prohibited by the terms of this Code in said zone.

C. **Standards for the Granting of Variances.** The Board of Adjustment shall not grant a variance unless and until the following conditions are satisfied:

1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district; and

2. The literal interpretation of the provisions of the zoning standards of this Code would result in unjust financial hardship to a previously established business or industry; and
3. The need for a variance or the extraordinary and exceptional conditions do not result from the actions of the applicant; and
4. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district; and
5. A literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and
6. Granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
7. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
8. The variance is not a request to permit a use of land, building, or structure or intensity of use that is not permitted in the district involved.

D. **Timing of Application.** An application for a variance shall be filed with the Board of Adjustment only after refusal of a zoning certificate by the Zoning Administrator, unless the Board of Adjustment finds that it would be futile to apply for a zoning certificate because there is no obvious practicable permitted, limited, or conditional use that can be made of the property in conformance with this Code.

E. **Conditions of Approval.** In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Article. All conditions imposed upon any variance shall be expressly set forth in writing with the order granting of such variance. These conditions may include:

1. Limits on the use of the property,
2. Standards for locating the use,
3. Standards for mitigating the impact on adjoining property owners who would lose protection as a result of permitting the variance, or
4. Other standards that are necessary to protect the general health, safety, and welfare from the impact of the proposed use, which shall be imposed only to remediate unusual and material negative impacts on the general health, safety, and welfare.

F. **Nonconforming Uses.** The Board of Adjustment may hear variances to permit the expansion of an existing nonconforming use or replacement of a nonconforming use, which must meet the standards of subsection B.

G. **Relationship to Other Development Approvals.** Development approved by a variance shall not be carried out until the applicant has secured all other development approvals required by this Code. Approval of a variance shall apply only to that section of the regulations for which it is approved and does not ensure the development shall receive

subsequent approval unless the relevant and applicable portions of this or other codes are met.

H. **Amendment of Variance Orders.** A variance may be amended, extended, varied, or altered only pursuant to the standards and procedures for the original approval of a variance. Applicant for amendment of variance orders must demonstrate why the original variance is no longer suitable to provide the relief that the variance was intended to provide.

I. **Violations of Conditions of Approval.** Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, is a violation of this Code.

Sec. 14.308 Procedures for Variance from Floodplain Management Regulations

Few uses are permitted in floodplains. For example, in residential districts, clustering provisions provide the ability to work around floodplains through good site planning.

A. **Jurisdiction and Appeals.** The Board of Adjustment, as established by the City of Altus, shall hear and decide appeals and request for variances from the requirements of the City's floodplain management regulations.

1. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of the City's floodplain management regulations.
2. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the District Court of Jackson County, as provided in The Oklahoma Municipal Code, 110.S.A. 1978 Supp., Section 44-110.

B. **Standards for Variances.** In ruling upon floodplain variance applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in the City's floodplain management regulations, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and Floodplain Management program of that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

C. **Conditions of Approval.** Upon consideration of the factors of this Section and the purposes of the City's floodplain management regulations, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of the floodplain management regulations. The following criteria shall control the decisions of the Board of Adjustment:

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the grating of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection B, above, or conflict with existing local laws or ordinances.

4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. **Records.** The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. **Historic Structures.** Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. **Small Lots.** Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsections B and C of this Section have been fully considered. As the lot size

increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. **New Construction and Substantial Improvements.** Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in this Section are met;
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and
3. The permitted structures are in accordance with Section *4.501*, *Floodways*.

H. **Application Fee.** Any person seeking a variance shall file an application with the Board of Adjustment, accompanied by a filing fee of $100.

I. **Transmittal to Oklahoma Water Resources Board.** A copy of any variance issued shall be sent to the OWRB within in 15 days of issuance.

Sec. 14.309 Beneficial Use Appeal

A. **General.** A beneficial use appeal is a process by which the City evaluates an allegation that no beneficial use remains in a property and determines that some level of relief from this Code is warranted. A landowner who has been denied all or substantially all economically viable use of property through the application of this Code may apply for relief after exhausting all other available avenues of appeal to a City body, including application for a variance.

B. **Application Data.** The following data shall accompany all applications for a beneficial use appeal:

1. Documentation of the purchase date and price of the property.
2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of this Code, and any known prior uses.
3. A description of the specific portions of this Code which allegedly eliminate all or substantially all economically viable use of the property, together with all appraisals, studies, and other supporting evidence, and any actions taken by the City related to the property.
4. A description of the use which the landowner believes represents the minimum beneficial use of the property and all documentation, studies, and other evidence supporting that position.
5. If the property has been listed for sale since the adoption of this Code, originals or copies of all bids, offers to purchase, and other correspondence regarding the sale of such property.

C. **Decision Criteria.** In determining if a landowner has been deprived of the beneficial use of property, the Board of Adjustment shall take into account the following factors:

1. **Diminution in Value.** The property value, prior to the adoption of this Code, shall be compared to the property value with the regulations as applied. A mere decrease in value does not deprive the landowner of all or substantially all beneficial use of property. The diminution in value must be such that it effectively deprives the landowner of all or substantially all viable use or enjoyment of the property.
2. **Common Land Uses**. A use common to the City and/or the area of the subject site, although it may not involve further development of the land, may be considered a beneficial use. Attention shall also be given to land uses considered to be the lowest intensity in the City or adjoining areas, but which uses still provide for occupation and living by the landowner.
3. **Subsidy**. A minimum beneficial use of the land may be a use where a governmental subsidy is provided. If such a subsidy exists, its value should be reflected in the considered minimum beneficial use on a valuation basis. The cumulative public costs of a subsidy should be considered payment to the landowner for the restriction on the property if the annual subsidy enhances the economic return of the existing use to the landowner. The value of the proposed use shall be adjusted to reflect the degree to which a subsidy enhances the property value by determining the value of the use without the subsidy.
4. **Adverse Impacts**. The extent to which this Code protects users, future users, or neighbors from threats to health, safety, or general welfare shall be considered. A use that seriously threatens the health, safety, or general welfare of current or future residents or neighbors shall not be considered a use the property owner is entitled to enjoy and shall not, when restricted by the City, constitute a denial of all or substantially all economically viable use of the property.
5. **Expectations**. Expectations shall, in general, not be considered. Only expectations backed by reasonable investments made prior to the adoption date of the regulations in question may be considered.
6. **Nuisances**. In no case shall a use that is a nuisance *per se*, or a use that in that particular location constitutes a nuisance, constitute grounds for relief.
7. **Judicial decisions.** The Board of Adjustment may also take into account any factors that have been considered by a Federal court or an Oklahoma court in determining whether all, or substantially all, economic use of a property has been denied a landowner who has made a takings claim pursuant to the Federal or State Constitution.
8. **Governmental interest.** If requested by the landowner, the Board of Adjustment shall make a determination as to whether the Code provision at issue substantially advances a legitimate governmental interest. In making this determination, the Board of Adjustment may rely upon any relevant Federal or State case law.

D. **Recommendation by Board of Adjustment.** The Board of Adjustment shall determine whether the applicant has been denied all or substantially all economically viable use of the property, or in the alternative, that some beneficial use of the property remains. The Board of Adjustment's determination and supporting findings of fact shall be forwarded

in writing to the City Council. The Board of Adjustment shall also forward a written recommendation as to the appropriate relief for the applicant.

E. **Relief; Development Order Ordinance.** If the Board of Adjustment determines that an applicant has been denied all or substantially all economically viable use of the property, the Board of Adjustment shall recommend that the City Council grant relief. The City Council shall grant only that level of relief necessary to provide for a beneficial use of the property.

1. **Minimum Necessary Relief**. In granting relief, the applicant shall be given the minimum increase in use intensity or other possible concessions from this Code to permit a beneficial use of the property.

    a. The standards set forth in subsection C, above, shall be used to help determine the need for additional density or uses.

    b. The reality of limited development potential, given the natural condition of the property, shall not be attributed to the regulations applied to the property.

    c. The potential for damages to either future residents or property shall be assessed in determining a beneficial use.

    d. Conditions shall be placed on sites where damage from hazardous conditions is likely. The conditions may include location restrictions, size limitations, and increased building standards.

2. **Grant of Relief.** If the Board of Adjustment determines that no beneficial use exists, the City Council may grant the recommended relief by adopting a Development Order Ordinance. The City Council may also consider granting relief where the Zoning Administrator reports "borderline" conditions. Under no condition shall relief be granted unless a finding of no beneficial use or of borderline beneficial use exists. The action shall be by ordinance and identifying information placed on the Zoning Map in the form of a cross-reference to the ordinance. Based on the findings of these hearings, the City Council may also direct hearings be held to amend this Code.

Division 14.400 Floodplain Management Procedures

Sec. 14.401 Floodplain Development Permit

A. **Permit Required.** A floodplain development permit shall be required for all proposed construction or other development in all flood hazard areas. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

B. **Procedure and Standards.** No permit shall be issued except as in accordance with Section *14.402*, *Permit Procedures*.

C. **Required Notice to Applicant.** The Floodplain Administrator shall notify in writing any person receiving a floodplain development permit, a beneficial use approval, or variance in the floodplain that:

1. The approval will result in an increase in the flood insurance on the property; and
2. Construction below the 100-year flood elevation may result in an increased risk to life and property.

Sec. 14.402 Permit Procedures

A. **Form and Contents of Application.** Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the floodproofing criteria of Section *4.615*B.1. or 2.
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. **Standards for Approval.** Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of the City's floodplain management regulations and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area.

Division 14.500 Subdivision Procedures

Sec. 14.501 Pre-application

Prior to the subdivision of any land, the subdivider or his/her agent shall discuss informally with the Zoning Administrator the property proposed for subdivision with reference to subdivider regulations and procedures, zoning regulations and controls, and the Comprehensive Plan and Thoroughfare Plan.

Sec. 14.502 Preliminary Plat Approval

If the pre-application discussion of a subdivision is favorable, the subdivider shall cause to be prepared a preliminary plat of said subdivision and shall submit four copies of a preliminary plat to the Commission for its study and approval. The preliminary plat shall contain such information and data as is outlined in Appendix 5, *Development Review Applications*.

A. **Staff Report.** The Zoning Administrator and Public Works Director, or a designee, shall examine the plat as to its compliance with the laws and regulations of the City, the existing street system, and sound engineering practices and shall, within 15 days, submit their findings to the Commission.

B. **Commission Review.** The Commission, upon receiving the report of City Staff, shall study the preliminary plat and shall approve or disapprove the preliminary plat within a reasonable time after its submission. Approval of the preliminary plat by the Commission expires at the end of 12 months, unless a final plat has been submitted. The preliminary plat shall be declared void 12 months after the date of original approval.

C. **Effect of Preliminary Plat Approval.**

1. Upon approval of a preliminary plat by the Commission, the subdivider may proceed with the preparation of a final plat and detailed construction drawings and specifications for the improvements required by this Code.

2. The approval of a preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Council or authorization to proceed on construction of improvements within the subdivision, but shall constitute approval of the layout and general engineering proposals and plans.

Sec. 14.503 Final Plat Approval

Before submitting a final plat to the Planning Commission for approval, the subdivider shall furnish all data and information as listed in Section *7.301*, *General Plan Review Standards*, which are necessary for the detailed engineering consideration of the improvements required.

A. **Final Plat Application.** For final plat approval, the subdivider shall submit to the Planning Commission:

1. Ten copies of the final plat.

2. A performance guarantee as required and approval by the City. One copy of the certified approved plans, profiles, cross-sections, and specifications.

3. A certificate from the Zoning Administrator or a designee that the final plat is substantially in accord with the preliminary plat as approved by the Planning Commission.

B. **Decision on Final Plat.** The Planning Commission shall approve or disapprove the final plat within 60 days after the date of its submission to the Planning Commission, unless the applicant consents to an extension not to exceed 60 days. Approval of the Planning Commission shall be endorsed in writing on the final plat.

C. **Effect of Decision on Final Plat.** The approval of the final plat by the Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision by the City Council.

Sec. 14.504 Final Plat Acceptance

A. **Required Documentation.**

1. When the final plat has been passed upon by the Planning Commission, nine copies of the final plat and performance guarantee shall be transmitted to the City Council, together with a report showing the action of the Planning Commission.

2. The applicant shall submit and certify to the City Council the names and addresses of persons who are entitled to notice of hearing on final plat acceptance, and no plat shall be acted upon by the City Council without affording a hearing, notice of the time and place of which shall be sent by mail to said addresses not less than five days before the date of the hearing.

3. The applicant shall submit and certify to the City Council at the time of submission of the final plat for Council approval, sufficient proof that the subdivider/applicant shall have paid the Park and Open Space fees of three hundred fifty dollars ($350.00) per dwelling unit or per lot, whichever is greater, to the City. Failure of the applicant to provide proof shall be grounds for Council disapproval of a final plat. [Ordinance No. 2007-35, 10/16/2007]

4. The applicant shall submit and certify to the City Council at the time of submission of the final plat for Council approval, sufficient proof that all stormwater/ drainage plans have been approved by the City and that any required stormwater/ drainage fees shall have been paid to City. Failure of the applicant to provide proof shall be grounds for Council disapproval of a final plat. [Ordinance No. 2007-35, 10/16/2007]

B. **Timing of Approval.** The final plat submitted to the City Council shall be accepted or rejected within 60 days after submission thereof; otherwise, such plat shall be deemed to have been accepted, and a certificate to that effect shall be issued by the City Council on demand, provided, however, that the applicant for the approval may waive this requirement and consent to an extension of the appropriate period. The grounds of disapproval of a final plat shall be stated upon the records of the City Council.

C. **Filing.** When the final plat has been approved by the City Council, the performance guarantee accepted, and all 10 copies duly certified, 8 copies shall be delivered to the Zoning Administrator, and one copy to the City Attorney for their respective files, and one to the subdivider for filing with the County Clerk.

D. **Evidence of Recording Required.** The passage of a resolution accepting the final plat shall constitute final approval for the platting of the area in question, but the owner shall cause such plat to be recorded in the office of the County Clerk of Jackson County, Oklahoma, and shall file satisfactory evidence of such recording in the office of the City Attorney before the City shall recognize the plat as being in full force and effect.

E. **Conditional Expiration of Approval.** If the final plat is not duly recorded within one year after endorsement by the Commission and approval by the City Council, said plat shall be considered null and void.

F. **Plat Acceptance Does Not Constitute Acceptance of Infrastructure.** Approval of the final plat by the City Council shall not be deemed to constitute or affect an acceptance by the City of Altus, County of Jackson, or the public of the dedication of any street or other public ground shown on the final plat.

G. **Effect of Final Plat Acceptance.**

1. Upon receipt of the duly certified copies of the final plat, the Zoning Administrator shall transmit copies of the plat, upon which have been placed the official lot and block numbers, to the subdivider and to all applicable public utility companies.

2. Receipt of the duly certified final plat by the subdivider is authorization to proceed with the installation and construction of the required improvements. No work shall be done on the subdivision and no lots shall be sold prior to the subdivider's receipt of said duly certified final plat, unless with the written approval of the Planning Commission, Zoning Administrator, and City Council.

H. **Performance Guarantees.** The City Council will return the performance guarantee to the subdivider upon certification by the City of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the City Council. Prior to certification by the City, the subdivider shall file with the Zoning Administrator or a designee the plans, profiles, and cross-sections of the required improvements as they have been built.

Division 14.600 Interpretations and Appeals

This Division contains rules and standards for appeal to this Code or a decision made by various bodies. It contains the route of appeal to the courts and procedures and standards for interpretations.

Sec. 14.601 Interpretations

A. **General.** All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and then such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator. Recourse from the decision(s) of the Board of Adjustment shall be to the courts, as provided by law.

B. **Decision Criteria.** When evaluating a provision of this Code as to its meaning or application, the provisions of *Division 15.400*, *Interpretation*, shall be applied. Interpretations of the meaning or application shall not lessen protection, but may provide

greater flexibility in meeting this Code's objectives. Determining the provision's public health, safety, and welfare purposes should guide the decision.

Sec. 14.602 Unlisted Uses

Uses not listed in *Article 2*, *Land Uses*, or defined in *Article 17*, *Definitions*, shall be placed into the most similar category, as determined by the Zoning Administrator, according to the following guidelines:

A. **NAICS Code.** For a nonresidential use, the North American Industrial Classification System (NAICS) code for the proposed use shall be the first guide.

B. **Character of Use.** Where an appropriate NAICS code is found in several categories, the interpretation shall seek similar characteristics, including the use's intensity and its likely adverse impacts.

C. **Adverse Impacts.** Where a choice remains after reviewing for adverse impacts, the use should be classified with the similar use that has the most adverse impacts.

Sec. 14.603 Official Record

The Zoning Administrator shall maintain a record of all interpretations rendered. This record shall be available for public inspection through the Zoning Administrator, upon reasonable request, during normal business hours.

Sec. 14.604 Annual Review

By January 25th of each year, the Zoning Administrator shall report to the Planning Commission, Board of Adjustment, and City Council on interpretations made.

Sec. 14.605 Appeals

A. **Appeals.** Any person aggrieved by the decision of any officer, department, or board or affected by any of their decisions may appeal. Such appeal shall be taken within 30 days of the decision, as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator a notice of appeal specifying the grounds for appeal. The Zoning Administrator shall promptly transmit all the papers constituting the record of the appealed action to the Board of Adjustment.

B. **Effect of Appeal.** An appeal stays all proceedings in furtherance of the action. However, the officer from whom the appeal is taken may certify to the Board of Adjustment or court of record, as appropriate, that a stay would, in his/her opinion, cause imminent peril to life or property. In such case, the Board of Adjustment or a court of record may refuse the stay.

C. **Decision.** The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination involved in the appeal.

Division 14.700 Administrative Procedures

The standards for granting or denying administrative approvals shall be based on the standards of this Code. No other discretion is permitted. The following sections also guide the approval of such permits or approvals.

Sec. 14.701 Limited Use Review

The Zoning Administrator shall make limited use reviews, solely to determine whether the conditions in Table *2.201*A, *Residential Use Table*, to 2.201D, *Nonresidential Use Table, Division 2.300*, *General Use Standards*, and any other applicable section of this Code that specifically provides for limited use review have been met. If the conditions have been satisfied, the criteria for approval shall be deemed met. A report noting all conditions have been met shall be attached to the file on the use's approval.

Sec. 14.702 Zoning Certificate and Building Permit

A. **Approval of Zoning Administrator Required.** It is unlawful to change the use, locate or to begin a new use, erect, construct, remodel, extend, convert or structurally alter, or develop any lot or structure without first obtaining a zoning certificate and building permit. No zoning certificate or building permit shall be issued unless it is approved by the Zoning Administrator. This provision does not apply to essential services or accessory structures of 120 square feet or less in floor area.

B. **Submission and Approval of Site Development Plans Prior to Issuance.** Every subdivision, attached single-family or multi-family, institutional, commercial, or industrial development will submit and have approved site plans or plats in accordance with Section *14.703*, *Site Plan Review*, prior to the issuance of a zoning certificate and building permit.

C. **Compliance with Approved Plans.** Zoning certificates and building permits issued on the basis of approved site plans and applications authorize only the use, arrangement, and construction set forth in such applications and plans. Use, arrangement, or construction differing from that authorized is a violation of this Article.

D. **Application to Certificates/Permits Approved Prior to the Effective Date of this Code.** This Article does not require a change in the plans, construction, or designated use of any structure or lot for which a zoning certificate and building permit have been approved prior to the effective date, provided such approved activity continues in compliance with all terms of the previously approved permits.

E. **Terms of Certificates/Permits.** A zoning certificate and building permit approval is void one year from the date of issuance unless the use is established under the terms of the zoning certificate and building permit.

F. **Revocation for Noncompliance.** A zoning certificate and building permit is revocable upon noncompliance with any conditions or requirements imposed by this Code.

G. **Filing Fees.** A filing fee shall be charged in accordance with the fee schedule provided in Appendix 2, Fee Schedule.

Sec. 14.703 Site Plan Review

A. **General.**

1. Sound future development of the City requires that development receives site plan review and approval by the Planning Commission. Site plan review enables the Planning Commission and other local agencies to evaluate the merits of each proposal.

2. No zoning certificate and building permit will be issued and no structure or use will be established except in conformity with a site plan approved by the Planning Commission or their authorized representatives.

3. After a site plan has been approved and construction of the development has been completed in accordance with the plan, a change in use which does not affect the design of the development and which requires no new construction other than minor remodeling or changing of permitted signs will not require an additional site plan review by the Planning Commission. The Zoning Administrator may process minor changes; however, major proposed changes will be referred to the Planning Commission for approval.

B. **Procedure.**

1. The procedures for a site plan review are specified in Table 14.200B, *Development/Subdivision Procedures and Administration*. These include a mandatory pre-application conference, as specified in Section *14.201*, *Pre-application Conference*, and application completeness review, as specified in Section *14.203*, *Application Completeness Review*.

2. Each application involving site plan approval, together with the required fee and information described below, shall be submitted to the Zoning Administrator. The application will appear on the next regularly scheduled meeting after the recommendations have been prepared in accordance with the time schedule in Table 14.200B, *Development/Subdivision Procedures and Administration*.

3. The applicant shall place a sign within 10 feet of each property line in accordance with the requirements of Section *14.205*, *Notice of Public Hearings*.

4. Approval of a site plan submitted under the provisions of this Division shall expire one year after the date of such approval unless construction has begun.

5. The required information is contained on the application form available from the Department and provided in Appendix 5, *Development Review Applications*.

6. Site plans may be prepared and submitted by an applicant. It may be required that such information, if found deficient or in error, be resubmitted by the certification of an engineer, architect, landscape architect, land surveyor, or other certified professional.

Article 15 Enforcement and Legal Status

Division 15.100 Purpose

The purpose of this Article is to delineate the responsibility for the enforcement of this Code and to identify the procedures for noticing a landowner of a violation and collecting fines and discontinuing or correcting the violation. It also provides the legal status of the code including date of adoption, repealers, and interpretation.

Division 15.200 Enforcement

Sec. 15.201 Enforcement and Right of Entry

The Zoning Administrator is charged with the enforcement of this Code.

A. **Delegation.** Staff members designated by the Zoning Administrator are authorized to act on the Administrator's behalf to enforce this Code.

B. **Authorization for Entry.** The Zoning Administrator and any employees of the Department designated by the Zoning Administrator are authorized to enter upon open land for the purposes of enforcement.

Sec. 15.202 Complaints

A. **Filing a Complaint.** Any person may file a written and signed complaint with the Zoning Administrator, alleging a violation of this Code. Such complaint will state the factual basis for the alleged violation along with the complainant's name, address, and telephone number.

B. **Investigation.** The Zoning Administrator will investigate and find as a matter of fact whether a violation of this Code has occurred.

C. **Record of Complaints.** The Zoning Administrator shall keep a permanent public record of all complaints and findings of fact disposing of alleged zoning violations.

D. **Floodplain Violations.** Violations of the Federal Emergency Management Agency (FEMA) floodplain regulations set forth in *Division 4.600*, *Floodplain Protection and Flood Damage Prevention*, shall also be subject to the following:

1. The Federal Emergency Management Agency (FEMA) and the Oklahoma Water Resources Board shall be notified immediately in writing of any property or structure in violation of the floodplain section of this Code.

2. New or renewal National Flood Insurance shall be denied for any structure remaining in violation or situated on property in violation of this Code.

Sec. 15.203 Notice and Warning

A. **General.** If the Zoning Administrator or designee discovers a violation of this Code, he or she shall promptly issue a notice and warning to the owner of record of the property at the most current address recorded on the tax rolls.

B. **Contents of Notice.** The notice shall state:

1. The date of the notice;

2. The nature of the violation alleged;

3. The specific Code section that is the basis for the charge;

4. A demand for correction of the alleged violation;

5. The period of time permitted for correction of the violation, not to exceed 15 days;

6. The potential penalties for an adjudication in municipal court that the violation did in fact occur; and

7. That failure to correct within the permitted time for correction will result in a notice to appear in municipal court.

Sec. 15.204 Failure to Correct

A. **Failure to Act Upon Warning Notice.** Upon neglect or failure to act upon a warning notice, the City shall issue a notice to appear in the Altus Municipal Court.

B. **Service of Notice to Appear.** If after the proper time for removal or abatement has lapsed or, if the activity is continued, the Zoning Administrator finds and determines the violation has not been removed or abated, the Zoning Administrator shall sign a complaint and information form or a notice to appear, which shall include:

1. Name of the owner.
2. The address or legal description of the property on which the violation is occurring.
3. The Code section or other reference the action or condition violates.
4. The date on which the case will be on the Altus Municipal Court docket for initial appearance hearing.
5. Any other information deemed pertinent by the Zoning Administrator.

C. **Copy of Notice to Appear.** The original copy of the notice to appear shall be forwarded to the Clerk of the Altus Municipal Court for inclusion on the court's docket for the date indicated on the notice to appear.

D. **Notice to Appear, Delivery by Mail.** If no one is found at the property to accept a notice to appear for failure to remove or abate a violation, the Zoning Administrator shall fill out and sign the notice to appear as the complainant and deliver the original plus one copy to the Clerk of the Altus Municipal Court. The Clerk shall verify or insert the date the case has been set for initial appearance or arraignment before the Altus Municipal Court. The Clerk shall mail the copy by certified mail to the person named in the notice to appear at that person's last known address.

E. **Abatement by City; Costs Assessed to Person Responsible.** If the owner of the property fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the City may remove or otherwise abate the violation. If necessary, the City may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person(s) responsible for creating or maintaining the violation.

F. **Payment of Costs.** All costs and expenses incurred by the City in removing or abating any violation on any private property shall be reimbursed to the City by the person responsible for the violation.

G. **Warning Notice, First Offense.** In all cases where the violation is the first offense of the specified ordinance violation, the warning notice provisions of Section 15.202, *Notice and Warning*, above shall be observed. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall neither be less than three days nor more than 15 days, except in emergency cases.

H. **Warning Notice, Subsequent Offenses.** In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in subsection G, above, this Section's warning notice provisions need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

Sec. 15.205 Penalties for Noncompliance with Floodplain Management Regulations

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of *Division 4.600*, *Floodplain Protection and Flood Damage Prevention*, Section *4.501*, *Floodways*, and other applicable regulations. Violation of the provisions of *Division 4.600* by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), and other applicable floodplain regulations, shall constitute a misdemeanor. Any person who violates *Division 4.600* or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100 or imprisoned for not more than 30 days, or both, for each violation, and in addition, shall pay all cost and expenses involved in the case plus any applicable court costs. Nothing herein contained shall prevent the City of Altus from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 15.206 Revocation of Conditional Use Permit

The City may revoke a conditional use permit for violation of the conditions of approval or because the permit has expired. The City shall provide notice to the landowner and public in the same manner as was provided for the establishment of the conditional use. Revocation shall be recommended for violations of the conditional use permit or other regulations of the City.

Sec. 15.207 Declaratory Judgments and Injunctive Relief

Certain violations of this Code cannot be remedied by individual fines and criminal punishments. Accordingly, in addition to other available remedies, the City may seek declaratory judgment and/or injunctive relief from a court of competent jurisdiction as provided in this Section.

A. **Violation Types.** The following types of violations will commonly be the subject of actions for declaratory judgment or injunctive relief:

   1. A building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Code; or

   2. A building, structure, or land is used in violation of this Code.

B. **Remedies.** Upon the occurrence of an event referred to in subsection A, above, the Zoning Administrator or City Attorney may, in addition to other remedies, institute any appropriate action or proceeding for declaratory judgment and/or injunctive relief, in order to:

   1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of a building, structure, or land;

   2. Restrain, correct, or abate a violation;

   3. Prevent the unlawful occupancy of a building, structure, or land; or

4. Prevent any illegal act, conduct, business, or use in or about a building, structure, or land.

Sec. 15.208 Violations and Penalties

A. **General.** Violations of this Code are criminal offenses. Such offenses are subject to the penalties of this Section. They may also be subject to appropriate civil actions for damages, as well as actions for declaratory or injunctive relief as provided in Section *15.207*, *Declaratory Judgments and Injunctive Relief*.

B. **Criminal Penalties.** A person who commits or assists in the commission of any act enumerated in this Section is guilty of a criminal violation and subject to an original preset fine, not to exceed $500, as set forth in Table 15.208, *Criminal Fines*.

Table 15.208
Criminal Fines

Violation	Fine
An act for which a building permit is required that is done without having made application for and received such permit	$500
An act for which a building permit is required that is done after such permit has been issued, but has expired	$500
An act that violates or exceeds the authority conferred by the issued building permit	$500
The use or occupation of any property for which a building permit has been issued, prior to the time when it has been finally inspected and approved by the Zoning Administrator or Building Inspector as required by this Code	$500
An act that violates any express covenant or condition of any approval given by the City under this Code or any prior ordinance, code, permit, conditional use approval, site plan and subdivision approval, and all applicable performance standards required in this Code	$500
The continuance of a nonconforming use or structure after the time when this Code requires that such use be terminated or discontinued	$250
The changing, moving, enlarging, expanding, extending, or modifying of any nonconforming use or structure in a manner not authorized by this Code	$250
For Limited Use or Conditional Use, any act that is done without having made application for or obtaining such permit as required by this Code	$500
An act for which a zoning certificate is required that is done without having made application for and received such permit or that violates or exceeds the authority conferred by that permit	$250
Any act not referred to in this Table that involves the use of property in any manner that is prohibited by this Code	$100

C. **Continuing Violations.** Each day on which the violation continues constitutes a separate violation.

D. **Additional Penalties.** A person who does not pay the original preset fine within the time specified in the original citation issued in accordance with Section *15.204*, *Failure to Correct*, or fails to file a timely notice of intention to stand trial and does not pay the original preset fine within 15 days from the date of formal notice of the violation, shall pay an additional fine equal to twice the amount of the original preset fine.

Sec. 15.209 Collection of Penalties

A. **Manner of Collection.** The procedure for the issuance of citations, collection of fines, and trial with respect to disputed or unsatisfied citations shall be that prescribed in State law and the Altus Code.

B. **Duty of Local Officials.**

1. The Zoning Administrator or an employee of the Department designated by the Zoning Administrator has the authority to issue an original citation and deliver it to a person believed to be committing a criminal violation and are hereby declared to be the zoning officials with the duty of enforcing this Code for that purpose.
2. The Zoning Administrator or a designee is hereby declared to be the zoning official with the duty of enforcing this Code with respect to:
    a. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial;
    b. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
    c. Notifying the Municipal Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after the Zoning Administrator has given formal notice thereof.

C. **Court Appearance.** The person who issued the initial citation and any other members of the Department so directed by the Zoning Administrator shall appear and testify in any trial held with respect to the citation in the Municipal Court.

D. **City Attorney.** The City Attorney or City Prosecutor is authorized to prosecute any violation of the Unified Development Code.

Division 15.300 Adoption

This Code was adopted on March 20, 2007.

Division 15.400 Interpretation

The following sections govern the interpretation of this Code.

Sec. 15.401 Intent of Interpretation

A. **General.** In making interpretations, the decision-maker or reviewing court should be guided by the statements of legislative intent set out in this Division. It is desired that the purposes of this Code in this or other Articles be kept in mind. The primary intent of this Unified Development Code is to ensure performance, not to make good design difficult. Thus, when interpreting this Unified Development Code, the person doing the interpretation should seek to determine whether the proposed action makes for better design or worse design.

B. **Decision Criteria.** The following issues should be reviewed:

1. Determine the public purpose(s) of the standard(s) of the section being interpreted. This provides the framework for the interpretation because understanding the purpose that the regulation is intended to, is important evaluating its performance.

2. Identify the intent of the request for an interpretation. There are two possible intents. The first is to provide greater design flexibility in achieving the purpose of specific provision. The second intent is to avoid the provision thus failing to perform the desired purpose. Performance ordinances such as this are intended to promote flexibility; if the goal can be achieved in a slightly different fashion, the purpose the interpretation should permit this. If the result of the interpretations is failure to achieve the purpose or reduce performance, the request shall be denied.

3. Consequences of the interpretation must be determined. If there are adverse consequences to the neighbors, the environment, infrastructure, quality of life, or an unintended consequence the interpretation should be denied. If there are no consequences or the consequences are positive, then the interpretation should be approved.

C. **Examples.** The following examples are provided only for the purposes of illustrating the interpretive process and are not intended to be regulatory in nature or binding upon the City of Altus.

1. **Example 1**:

a. *Hypothetical.* An air conditioning cooling unit is to be located in a penthouse. The mechanical unit provided by the manufacturer is 9 feet 4 inches high. The applicant wants an interpretation that the penthouse will not be counted as floor area, even though the floor to ceiling height is greater than 7 feet.

b. *Interpretation.* The purpose of floor area is to control the floor area of the building which generates activity and impacts water, sewer, parking, and other service demands. The code excludes certain areas that are not generally inhabited, but often are needed for the building to work (e.g., crawl spaces and mechanical spaces are included). A height limit is contained in the language to ensure that spaces designated for exempt purposes cannot later be converted to leasable or usable space. In this case, it is determined that the mechanical equipment occupies all but ten percent of the penthouse, with the remaining space providing for maintenance of the equipment. The variation should be granted because, unlike an attic or cellar (with 9 plus feet of height), the mechanical space simply houses the air conditioner unit and meets the purpose of excluding such spaces even though it does not meet the strict definition. Simply put, the interpretation does not make the building's functional floor area increase.

2. **Example 2**:

a. *Hypothetical.* The building inspector is suspicious of a garage on a single family house plan that has normal height garage doors, but a pitched roof providing as much as 26 feet floor to ceiling. The building inspector calls for the upper area above the garage to be called floor area, asking for the plan to be reduced because the additional floor area would put it over the maximum. The landowner challenges the interpretation

because garages are excluded. The building inspector indicates that the structure of the garage will support a floor above the garage and that a floor above would have more than 7 feet of head room and there are dormers with windows. A floor could be installed after occupancy without any outward sign. The landowner argues that there is no floor and the windows and roof height are for aesthetics only.

b. *Interpretation.* In this case, the design appears to be clearly intended to permit more floor area than the ordinance would allow. Therefore, the application should be denied. If the roof design were such that a floor could not be added without extensive structural modification this would be a much more difficult decision.

3. **Example 3:**

a. *Hypothetical.* An interpretation is requested that a single-family home and lot configuration is not a single-family home, but a patio house without walls.

b. *Interpretation.* The first step would be to determine the purpose of the definition of patio house, which requires a wall around the property. The patio house has the smallest lot area of all single-family housing types. The wall is there to provide greater privacy on a very small lot. If the small yard has no wall, privacy must be assured in another manner. To be successful in the interpretation, the applicant must demonstrate that the level of privacy is achieved some other way than with walls, such as evergreen hedges or specifically designed units where lot lines and building design create private spaces on the lot that cannot be viewed from the adjoining lot (similar to what some people call a Z-lot). These would be possible alternative ways to provide privacy. If it was a conventionally designed single-family house with smaller lot area, the homeowners' privacy would not be protected and the application should be denied. If privacy is protected, density does not exceed that allowed by the District, required open spaces are not reduced, and bufferyards are not eliminated, then there is no adverse impact and the interpretation should be approved.

Sec. 15.402 Telecommunications

A. **Federal Law.** This Code shall be interpreted consistent with the provisions of the Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996.

B. **Applicability.** This Code shall apply to all persons, partnerships, limited liability companies, limited liability partnerships, corporations, and other entities seeking to locate, site, place, modify, or construct wireless telecommunication facilities within the corporate boundaries of the City.

C. **Reservation of Authority Not Preempted.** This Code reserves to the City all authority contained in State law and existing City ordinances regarding land use and regulation which has not been preempted by the Federal government pursuant to Section 704 of the Telecommunications Act of 1996 as to the placement, construction, and modification of personal wireless service facilities.

Sec. 15.403 Conflicting Provisions

The provisions of this Code are minimum standards. Whenever the standards and specifications in this Code conflict with those contained in another section of this Code, the more stringent or restrictive provisions shall govern. Whenever the standards and specifications in this Code conflict with those contained in any other City ordinances or codes, the more stringent or restrictive provisions shall govern. Nothing in this Code shall be taken as repealing or limiting powers granted under State statues. Further, where State or Federal agencies have jurisdiction, the most stringent provisions shall apply.

Sec. 15.404 Severability

A. **General.** If any division, section, paragraph, clause, provision, or portion of this Code is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

B. **Severability in As-applied Context.** If any application of this Code to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

C. **Invalidity of Zoning District Regulations.** The intent of the City Council is that all property within the City be zoned at all times. As such, if any zoning district or the mapping of any zoning district is adjudged unconstitutional or invalid by a court of competent jurisdiction, the property subject to the judgment shall be subject to the standards of the Agriculture (AG) District until such time as the City Council determines an appropriate zoning district for the property and adopts an ordinance applying it.

D. **Invalidity of Limited or Conditional Use Standards.** If any limited or conditional use standard is adjudged unconstitutional or invalid, it is the intent of the City Council that the use that was subject to the invalid standard become instead a prohibited use, as the various limited and conditional use standards operate in conjunction with each other to protect the character and function of the City.

Sec. 15.405 Repealer

All prior ordinances that are in express conflict with this Unified Development Code are repealed, except as provided in Section *1.103*, *Exemptions and Exceptions*.

Article 16 Purposes

Division 16.100 Purpose and Intent

This Code is intended to protect the interests of both present and future neighborhoods and the general public from adverse impacts of land uses. Each standard is developed as a regulatory response to an identifiable negative impact or potential nuisance. At the same time, this Code is intended to respect landowners' rights to the beneficial use of their property. These regulations were designed to use greater flexibility and allow more development options, while minimizing impacts on property owners to the greatest extent practicable and consistent with good planning principles. A sound interpretation of any standard cannot be ensured without a careful analysis of the end to which the regulation is directed. Administrators and other persons shall interpret

this Code based on an understanding of the purposes intended, as specified below. The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts, which might otherwise be the result of a proposed land use.

Sec. 16.101 Land Use Patterns and Community Character

A. **General.** Sections *16.101*, *Land Use Patterns and Community Character* through *16.105*, *Balanced Expectations*, outline the measures this Code adopts to preserve and develop the goals for community character as described and outlined in the Comprehensive Plan. Each purpose listed in this Division strives to balance the interests of the general public with those of individual property owners.

B. **Purposes.** This Code is adopted for such purposes including, but not limited to:

1. Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land in accordance with the Comprehensive Plan;
2. Dividing the City into districts of distinct community character according to the use of land and buildings, the intensity of such uses (including bulk and height), and the surrounding open space to promote health, safety, and welfare;
3. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses;
4. Providing protection from noise, glare, odor, or vibration through buffers and other regulations;
5. Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment;
6. Limiting the bulk, scale, and density of new structures to preserve the desired character of Altus and promote and encourage the City's growth and economic health; and
7. Encouraging high-quality, attractive, and marketable development for the present and future population and businesses.

Sec. 16.102 Natural and Cultural Resources

This Code provides for the protection of natural and cultural resources by:

1. Controlling the density, open space, land use, and vegetative cover to prevent surface water contamination;
2. Protecting life and property by avoiding or lessening the hazards of flooding, stormwater accumulation, runoff, or destabilization of soils by district or performance standards;
3. Avoiding or lessening soil erosion hazards;
4. Preserving and protecting areas with limited development potential due to hydrology, soils, or other natural conditions as habitats for wildlife;
5. Respecting the area's history by preserving archaeological, historical, and/or architectural resources;
6. Minimizing expenditure of public money for costly flood control projects;

7. Minimizing the need for relief efforts associated with flooding and generally undertaken at the expense of the general public;
8. Minimizing prolonged business interruptions;
9. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
10. Ensuring that potential buyers are notified that property is in an area of special flood hazard; and
11. Ensuring that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 16.103 Public Infrastructure

Adequate public infrastructure shall be required for:

1. Creating an environment safe from fire, flood, and other dangers;
2. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities and controlling access;
3. Protecting and enhancing a pattern of local, collector, and arterial streets and highways that produces a unified, safe, and efficient system for movement;
4. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other hazards;
5. Protecting residential streets from degradation by nonresidential traffic;
6. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities to ensure adequate and safe facilities;
7. Promoting economy in governmental expenditures; and
8. Promoting and encouraging basic public services that meet the needs of citizens and providing for public safety and services that ensure the health of residents and businesses.

Sec. 16.104 Growth Management

The management of growth is accomplished by the mapping of districts and coordination with capital programming to achieve the following:

1. Providing for the zoning of the long-term, 20-year growth and economic prospects;
2. Encouraging cost effective provision of utilities by regulating or phasing growth to prevent premature development that creates land use, health, or economic problems; and
3. Encouraging development patterns that permit interim land uses that do not preclude the desirable ultimate development in the period when utilities are not available.

Sec. 16.105 Balanced Expectations

The purposes in Sections *16.101*, *Land Use Patterns and Community Character*, to *16.104*, *Growth Management*, are based on protecting the community, its citizens, and its natural resources. This

Code also recognizes that different landowners may have different expectations and, as such, the following are also stated policies of this Code:

1. Protecting and enhancing the value of land and buildings;
2. Seeking to balance the regulation's impact by permitting clustering and a greater variety of uses to offset restrictions;
3. Protecting landowners from adverse impacts of adjoining developments;
4. Protecting and respecting the justifiable reliance of existing residents and businesses on the continuation of existing, established, and planned land use patterns; and
5. Abating nuisances by regulating proximate uses' compatibility using quantifiable performance standards.

Article 17 Definitions

This Article defines words, terms, and phrases found in this Code.

Division 17.100 Word Usage

A. **General.** This Division's provisions and rules shall be observed and applied when interpreting this Code, except when the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses or forms.

1. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
2. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
3. The words "shall" and "must" are mandatory.
4. The words "should" and "may" are permissive.
5. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.
6. The word "Attorney" shall mean the Altus City Attorney.
7. The words "Board of Adjustment" shall mean the Board of Adjustment of Altus.
8. The words "Building Ordinance" shall mean the current Altus Building Ordinance.
9. The words "Comprehensive Plan" shall mean the Comprehensive Plan of Altus. It includes all adopted maps, charts, and explanatory materials and subsequent amendments.
10. The word "Council" shall mean the Altus City Council.
11. The word "County" shall mean Jackson County, Oklahoma.
12. The word "Department" shall mean the Altus Planning and Development Department.

13. The words "Owner" shall mean or include the person holding title to the property, lessees, occupant, or person in charge of the property for management or construction.
14. The words "Planning Commission" shall mean the Altus City Planning Commission.
15. The words "Recorder of Deeds" shall mean the Jackson County Clerk.
16. The words "Registered Engineer" shall mean an engineer registered in the State of Oklahoma.
17. The word "Staff" shall mean the City Administrator and such other employees or consultants designated by the City Administrator.
18. The word "State" shall mean the State of Oklahoma.

B. **Abbreviations.** The following abbreviations are used in this Code:

Table Division 17.100 Abbreviations	
AASHTO	American Association of State Highway and Transportation Officials
ac.	acre
ANSI	American National Standards Institute
BOCA	Buildings Officials and Code Administrators
DBH	diameter at breast height (a way to measure trees)
du or du's	dwelling unit(s)
EIA	Electronics Industry Association
FAA	Federal Aviation Administration
FAR	floor area ratio
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
ft.	feet
GD	gross density
GFAR	gross floor area ratio
LSR	landscape surface ratio
max.	maximum
min.	minimum
na.	not applicable
ND	net density
NFAR	net floor area ratio
OSR	open space ratio
RF	radio frequency
sf.	square feet
SF	Single Family
TIA	Telecommunications Industry Association

Division 17.200 Use Definitions

The uses found in tables in Section 2.201, *Permitted Uses* are defined in this Division. The 1997 North American Industrial Classification System (NAICS) is used to define many uses as indicated by NAICS, and two to six numbers, which are the NAICS code numbers, are generally provided with the definition of the use. Some specific uses may be further defined in this Code. If a use is not enumerated in this Division, see *Article 14*, *Procedures and Decision-Making*, for interpretations. Any use not specifically listed in the tables in Section 2.201, *Permitted Uses*, and

defined in this Article is expressly prohibited unless the Zoning Administrator makes an interpretation determining the use it most closely resembles.

Sec. 17.201 Residential Uses

A. **Single-family Detached.** These are all detached dwelling units constructed on lots and intended for only one family.

B. **Single-family Cluster.** These are single-family residential uses that include, as part of the subdivision design, common open space that meets the standards in *Division 3.200*, *District Standards*.

C. **Single-family Attached.** These are all attached dwelling units including twin, duplex, atrium, weak-link, and all other townhouse types. This use may also be subject to minimum open space standards.

D. **Two-family.** These are all attached two-dwelling units, including duplex and twin-home. The units are attached by a common sidewall or common floor. This use may also be subject to minimum open space standards.

E. **Planned.** This describes a development that consists of one or more of the following housing types: single-family, single-family lot-line, village houses, duplex, twin, patio houses, atrium houses, z-lots, townhouses of several types, multiplexes, and apartments. Such developments shall be planned as a unit and shall meet all the open space standards in *Division 3.200*, *District Standards*.

F. **Manufactured Home Park.** This is a parcel of land divided into two or more manufactured home lots for rent, lease, or sale. This use also includes a parcel of land divided into two or more manufactured home lots for sale. All single-wide manufactured homes shall be in manufactured home parks.

G. **Group Home.** A group home is a building that would otherwise be categorized as a single-family home, except for the fact that the number of unrelated individuals living in the unit does not qualify under the definition of family. The operation of a group home shall be a family living environment, not an institutional environment where staff manages the living and controls activities. If the unit would otherwise qualify as other types of dwelling units defined in this Code, such as apartment or attached housing, then the use shall be treated as such. Co-ops, nursing homes, other institutional residential, and boarding house type of operations are expressly excluded since these are institutional or commercial lodging uses.

H. **Single Small Family.** A type of affordable dwelling having only one bedroom that is controlled by *Article 5*, *Housing Bonus*.

Sec. 17.202 Home Uses

A. **Home Occupations.** This refers to any service, professional, or art occupation, which is conducted in a residence, which does not change the essential character of the residential use. Sales, wholesale or retail, shall be prohibited except for sales distributors who fill orders for catalog type products and make deliveries to the customer's house, as opposed to customers coming to the place of business. All commercial deliveries shall be from parcel services, not trucks. No employees other than family members living in the unit are permitted. No commercially licensed vehicles are permitted.

B. **Home Business.** This is a business operated out of homes that permits the employment of up to two unrelated individuals in the home. Uses shall be limited to office or service businesses. Sales, wholesale or retail, are prohibited.

C. **Cottage Industry.** This is a business that involves the manufacture of products, the use of commercially licensed vehicles, and permits the employment of up to four unrelated employees.

D. **Day Care, Family.** Family homes that receive more than three up to a maximum of eight children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This definition may need to be tailored to State regulations.

Sec. 17.203 Institutional Uses

A. **Places of Assembly.** This use includes museums, aquariums, cultural or arts centers, conference centers, libraries, schools serving grades K-12, day care centers, places of worship, and cemeteries. (NAICS 6111, 6244, 8131, 81222, 8134). The use is further defined by scale.

B. **College.** Colleges, universities, and professional schools (NAICS 6113); other advanced education (NAICS 6112).

C. **Institutional, Residential.** These uses include:

1. Convents or monasteries and nursing homes.
2. Sheltered care facilities or group living facilities where the residents live in an institutional environment and are, generally, under the care or control of staff. All sheltered care, group care, group homes, and residential substance abuse facilities where total occupancy is more than eight shall be considered institutional residential use. The residents would be members of an institution, or would have institutional care, or would be treated by staff in an institutional setting, rather than living independently. Includes drug and alcoholism hospitals and rehabilitation centers (NAICS 623, 62422, 62423).
3. Institutional housing where there is commercial rental or condominium ownership combined with any of the following: common food service, nursing, or health care (NAICS 623311, 6239, 624229).
4. Dormitories, fraternities, sororities, or co-ops.
5. Schools with live-in facilities on site, other than universities, colleges, or preparatory schools (NAICS 61111).

D. **Protective Care.** This is housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government (NAICS 92214). This use includes jails, prisons, work release, other similar facilities, and psychiatric hospitals (NAICS 6222).

E. **Public Service.** These uses include emergency service, buildings, or garages (e.g. ambulance, fire, police, rescue), conservation agencies, and postal service buildings except major distribution centers (NAICS 62191, 92212, 92216) where vehicles are stored and dispatched. (Office uses are under Section 17.205.)

F. **Utilities, Neighborhood.** Utilities serving the local area (NAICS 221122, 22121). Utility substations or transmission and local distribution facilities, including electric, gas, telephone, sewer, water, and stormwater. Whether a substation or transmission facility, the transmission lines shall either be in road rights-of-way, adjacent to the rights-of-way, or in easements or separate rights-of-way 20 feet or less in width. Generation or storage of combustibles is not permitted (see Section 17.207D).

G. **Hospitals.** Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals and specialty hospitals, except alcoholism and drug rehabilitation facilities.

Sec. 17.204 Agricultural Uses

A. **Agriculture.** (NAICS 111, 112, part and 11142) These uses include:

1. **Farms**. Land (with and without farm residences) used for field crops, orchards, viniculture, aquaculture, and truck farming. It also includes the raising or breeding of livestock, cattle, horses, poultry, and bees where there is no more than one animal unit per acre.

2. **Nurseries**. Nurseries and ornamental floriculture (part NAICS 11142) that sell only plants. Nurseries or garden centers selling gardening or other supplies in addition to plants are not considered agricultural uses under this paragraph.

B. **Farmstead.** This is a residential-agricultural unit in which the land is used for agriculture by the owner/operator of the agricultural operation who lives on the land as owner or by lease.

C. **Intensive Agriculture.** (NAICS 112 and part 11142) These uses include:

1. Any agricultural uses such as feed lots, hog farms, and poultry operations where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal unit per acre.

2. Any agricultural use that is required to obtain a Discharge Permit because of animal or poultry wastes.

D. **Commercial Stables.** The stabling, training, feeding of horses, or the provision of riding facilities for other than the use of the resident of the property.

E. **Kennel.** The boarding, breeding, training, or selling of domestic dogs or cats. This shall include the keeping of more than nine dogs or cats over the age of four months or the keeping of a total of more than nine dogs and cats. This use permits outdoor dog runs. (NAICS 11521)

Sec. 17.205 Commercial Uses

A. **Office.** Office uses include:

1. Finance, banks, trusts, lending (NAICS 521, 522, 525, 533).

2. Security, commodity brokers, and services (NAICS 523).

3. Insurance carriers, agents, brokers, and service (NAICS 524).

4. Real estate (NAICS 531).

5. Professional and Technical Services (NAICS 5411-5419).
6. Business services (NAICS 55, 5611-5616, 5619, 8139).
7. Health services (NAICS 621).
8. Social services (NAICS 624) (except care facilities).
9. Educational services, such as business schools (NAICS 6114), technological, and trade schools excluding public and private schools serving grades K-12 (see Institutional).
10. Civic and social organizations (NAICS 8132 -34).
11. Miscellaneous services.
12. Agricultural support and services (offices only, no equipment or warehousing) (NAICS 115). Governmental offices (NAICS 92 excluding public service).

B. **Shopping Center.** A group of commercial retail, service, and other commercial uses located in a single planned unit.

C. **Commercial Retail.** Commercial and retail uses include the following, provided no general storage or sales occur on the exterior on a regular basis. Furthermore, no regular sales can exceed five percent of the interior floor area.

1. Paint, glass, wallpaper, hardware (NAICS 44412, 44413).
2. General merchandise stores (NAICS 452).
3. Food and beverage stores (NAICS 445).
4. Clothing and accessory stores (NAICS 448).
5. Furniture stores (NAICS 442).
6. Electronics and appliances (NAICS 443).
7. Miscellaneous retail, including: art, gifts, sporting goods, drug stores, liquor, books, toys, camera stores (NAICS 451, 452 except 453).
8. Garden centers (NAICS 44422).
9. Consumer rental (NAICS 5322, 5323).

D. **Light Automobile Service.** This includes:

1. Gasoline service stations, gas convenience marts, and quick service oil, tune-up, brake, and muffler shops where repairs are made in fully enclosed bays, the repairs are completed in less than two hours, and no vehicles are stored overnight (NAICS 811191, 811192). A single-bay car wash associated with a gas convenience mart is permitted provided they constitute less than 20 percent of total floor area and are not in a separate building.
2. Auto malls with a number of the uses, as listed in D.1 above, contained in a single building. When the total floor area is greater than 30,000 square feet, car washes shall be permitted as part of the mall (NAICS 4411, 4413, and 811191, 81119).

E. **Services.** These uses include a wide variety of personal and commercial services. This category does not include those services for customers in vehicles, such as a drive-in banking facility.

1. Educational services (NAICS 611 except 611512, 61162).
2. Social assistance (NAICS 624).
3. Hospitals and medical laboratories (NAICS 339116, 62151, 62211, 62221, 62231), including general medical and surgical hospitals and specialty hospitals, except alcoholism and drug rehabilitation facilities.
4. Postal service buildings, except regional distribution centers, couriers, and messengers (NAICS 491, 492).
5. Miscellaneous repair services and shops (NAICS 44311, 8112, 8113, 8114).
6. Health and exercise; dance studios (NAICS 71394, 71399).
7. Funeral homes (NAICS 81221).
8. Laundry services (NAICS 8123).
9. Personal services (NAICS 8121, 8129).
10. Veterinary uses (NAICS 54194).

F. **Drive-in Facility.** These uses include all uses providing service to customers in vehicles who either drive up to a window or station or drive through the building for purchases. This is often the second use of the property, and the primary use must also be permitted in the district.

G. **Commercial Lodging.** (NAICS 72111) These uses include hotels, motels, including those with convention facilities, and facilities that cater to members of the organization owning them.

H. **Bed and Breakfast.** (NAICS 721191) This is any place of lodging that provides five or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

I. **Heavy Retail and Service.** These are retail and/or service activities that have regular exterior service or storage areas or partially enclosed structures as listed below:

1. Exterior commercial retail sales.
2. Home centers (NAICS 44411).
3. Lumber and other building materials (NAICS 4213, 4413, 44419, 44911).
4. Vehicle repair services, towing, and parking (NAICS 8111 except light auto services, Section 17.205 D.).
5. Fuel dealers (NAICS 45431, 454312, 454319).
6. Greenhouses (retail) and greenhouses with garden supplies (NAICS 11142 and 44421).
7. Mini warehouses, not with outside storage (NAICS 53113).

8. Recreational equipment rental where equipment is stored outside (NAICS 532292).

9. Repair shops and related services (NAICS 811).

J. **Vehicular Sales, Rental, and Service.** Automobile, boat, motorcycle, recreational vehicle dealers, auto repair (NAICS 4411, 441221, 441222, 53211, also see Section 17.205 I 4.).

K. **Adult Uses.** This includes:

1. Adult bookstore means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section (see below), or an establishment with a segment or section devoted to the sale or display of such material.

2. Adult entertainment establishment means an enclosed building used for presenting material and/or conduct distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section, for observation by patrons therein. This includes bars, restaurants, movie theaters, theaters, peep shows, strip halls, special cabarets (NAICS 71399, 72241), physical culture establishments, photographic studios, role playing or bondage establishments, or any other normally permitted use where "specified sexual activities" are displayed, or where "specified anatomical areas" are exposed to customers.

3. For the purpose of this definition, the term "specified sexual activities" is defined as:

    a. Human genitals in a state of sexual stimulation or arousal;

    b. Acts of human masturbation, sexual intercourse, or sodomy;

    c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

4. For purposes of this definition, the term "specified anatomical areas" is defined as:

    a. Less than completely and opaquely covered: (1) human genitals, pubic region; (2) buttocks; and (3) female breast below a point immediately above the top of the areola; and

    b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

5. Massage parlors means establishments offering massage, manipulation, rubbing, vibration, stroking, or tapping of the human body with the hand or an instrument, staffed by one or more persons who do not belong to any nationally recognized massage therapy association or by persons who are not graduates of any recognized training school in massage therapy.

L. **Agricultural Support and Other Rural Services.** This use includes farm supply services, equipment dealers, grain storage (NAICS 1151, 1152, 49313, 4225, 54194).

M. **Mixed Use.** This is a use that contains two or more use categories, one of which shall be residential. Two configurations are permitted:

1. A multi-story structure; or
2. A building or group of buildings arranged around a pedestrian precinct containing three or more uses.

N. **Restaurants.** A use that serves food for consumption within or to take out (NAICS 722).

Sec. 17.206 Recreation and Amusement Uses

A. **Outdoor Recreation.** This use includes the following: Public areas (open to community residents) for active recreational activities including, but not limited to: jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts (NAICS 7113); golf courses, (full-sized nine holes, regulation length) regardless of ownership and membership, golf and country clubs, par 3 golf courses, and golf driving ranges (NAICS 71391, 71393, 71394). Passive recreational uses including, but not limited to: arboretums, wildlife sanctuaries, forests, areas for hiking, nature areas, and other passive recreation-oriented parks. Picnic areas, garden plots, and beaches.

B. **Indoor Recreation.** This use includes the following: Recreational uses that are public (open to community or development residents) including community recreation centers, gymnasiums, indoor swimming pools, or tennis, racquetball, or handball courts (NAICS 71394). Specifically excluded are health and exercise clubs (SIC 7991) and uses listed as commercial amusement uses.

C. **Commercial Amusement, Outdoor.** (NAICS 512132, 71311, 71212, 71213, 71219) This use includes, but is not limited to: fairgrounds, outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, miniature golf establishments, water slides, batting cages, and shooting ranges.

D. **Commercial Amusement, Indoor.** (NAICS 512131, 7111, 7112 part, 7113, 712 part, 713 part) This use includes, but is not limited to, all indoor commercial amusement facilities: bowling alleys, indoor sports arenas, movie theaters, indoor skating rinks (ice or roller), video arcades, pool halls, and shooting arcades.

E. **Campgrounds and RV Parks.** This is a form of commercial lodging where guests bring tents, travel trailers, recreational vehicles (RVs), campers, or other similar forms of shelter. The campground or RV Park rents pads to the guests.

Sec. 17.207 Industrial Uses

A. **Light Industry.** This use includes: manufacturing, transportation, and wholesale use in buildings of less than 80,000 square feet of ground cover or having exterior storage occupying less than 15,000 square feet, or having a height of less than 45 feet. This, generally, includes the following uses:

1. Building, development, and general contracting (NAICS 233). Special trade contractors (NAICS 235) (except storage of any equipment that is more than 12 feet in height).
2. Food products (NAICS 311, 312) (except NAICS 3112, 3116, 3117, 31212, 31213, 31214, 3122) other than micro-breweries.

3. Textiles and apparel (NAICS 313, 314 & 315).
4. Furniture and fixtures (NAICS 337).
5. High tech heavy industry (NAICS 327, 335, 8112, 443) where the business is less than 20,000 square feet and receives and ships all its packages via courier service.
6. Printing and publishing (NAICS 511, 512, 323).
7. Office and computing machines (NAICS 334).
8. Electric and electronic equipment (NAICS 335), except electronic distribution and electrical industrial (NAICS 3353, 3359).
9. Instruments and related products (NAICS 334, 339).
10. Miscellaneous manufacturing industries (NAICS 45, 52, 44).
11. Transportation services (NAICS 488).
12. Communications (NAICS 513).
13. Wholesale trade, durable and non-durable (NAICS 421, 422), except farm products (NAICS 4225).
14. Mini-warehouses (NAICS 53113).
15. Regional utility substation or distribution station (NAICS 221, 486) on at least two acres.
16. Truck, recreational vehicle, and mobile home sales (NAICS 441222, 441229, 44121, 45393).
17. Truck rental (NAICS 53212).
18. Other rental (NAICS 531199).
19. Any heavy industrial use (B below) occupying a masonry building less than 20,000 square feet in floor area, having no outside storage or processing and which is serviced with delivery of raw or partially assembled materials and shipping of the final product by parcel delivery vans, not semi-trailers.

B. **Heavy Industry.** This category includes: construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. The following uses are permitted:

1. Heavy construction contractors (NAICS 234).
2. Meat products manufacturing (NAICS 3116).
3. Seafood product reparation and packaging (NAICS 3117).
4. Alcoholic beverages (NAICS 31212, 31213, 31214).
5. Industrial equipment leasing (NAICS 5324).
6. Stone, clay, and glass products (NAICS 327);
7. Trucking and warehousing (NAICS 484).

8. Transportation equipment manufacturing (NAICS 336).
9. Utility production or processing facilities, but not office or transmission or distribution (NAICS 22). This includes all utilities not included in Sections 17.207 D or E.
10. Welding, sheet metal, blacksmith (NAICS 3323).
11. Any light industry in a building or buildings in excess of 80,000 square feet of groundcover, or having exterior storage occupying 15,000 square feet or more, or having a height in excess of 45 feet.

C. **Warehousing.** This category includes all warehousing (SIC 42), except mini- or self-storage warehouses or that is not incidental to a manufacturing facility and occupying less than 25 percent of the total floor area (NAICS 4921).

D. **Utilities, Region.** This use includes generation, storage of combustibles, and regional facilities, such as regional switching stations, pump storage, and other facilities not housed inside normal buildings (NAICS 22).

E. **Utilities, Community.** (NAICS 221122, 22121). A utility described above that is served by or involves rights-of-way or easements greater than 20 feet. Generation or storage of combustibles is not permitted (see Section 17.207 D).

F. **Extraction.** This category includes extraction uses, such as mining and quarrying and any other extraction use (NAICS 21).

G. **Waste Facilities.** This use includes waste facilities where wastes are handled for trans-shipment to a disposal facility. It includes trash compaction and transfer stations.

H. **Recycling or Storage.** This use includes any land or structure used for salvaging, recycling, junkyards, or storing of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and salvage of two or more inoperative vehicles, automobiles, boats, trucks or farm vehicles or equipment, or other types of machinery. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used materials having a total cubic volume of 700 cubic feet. Where there is no exterior storage and all the material is stored inside buildings with impervious floors, the use shall be considered light industry.

Sec. 17.208 Special Uses

A. **Airports.** This use includes all airports (NAICS 481) and flight training schools (NAICS 611512), excluding those for the private use of an individual as indicated in C below.

B. **Commercial Communication Towers.** This category includes radio or television broadcasting towers, telecommunications towers, and antenna arrays (except residential satellite dishes) (NAICS 513).

Sec. 17.209 Temporary Uses

A. **Contractor's Office.** This includes watchman's trailers, construction equipment sheds, contractors' trailers, and similar uses incidental to a construction project. Sleeping and/or cooking facilities may also be permitted.

B. **Commercial Temporary Outdoor Sales.** Outdoor sales for seasonal goods in an area designated on the plan for exterior sale, which may be permanently or temporarily delimitated by a fence of some sort.

C. **Public Interest Event and Special Events.** Outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community, or community service or non-profit organizations. These events may also include, but are not limited to outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses often travel to various communities or involve noisy events regardless of purpose.

D. **Model Homes/Sales Office.** A dwelling unit in a subdivision used as a sales office or a modular unit used as a sales office for a subdivision.

E. **Farm Stand.** This is a temporary or permanent structure or vehicle used in the sale of agricultural produce in season, at least 50 percent of which is grown by the seller. More than one farm may sell at a single stand.

F. **Sidewalk Sale and Farmer's Market.** Sales conducted by either the store owner/occupant outside the store in question or by a commercial farm on either the public sidewalk, a private sidewalk, or pedestrian area adjacent to the sidewalk.

G. **Concrete/Asphalt Batch Plant.** A concrete or asphalt batch plant assembled on a site for the construction of a particular road improvement, located no more than one mile from the site. This facility shall be removed within one year.

H. **Garage Sales.** This is a sale of various used goods that are owned by the occupants of the residential unit holding the sale. No retail sales or commission sales shall be permitted, nor shall new items be offered for sale.

I. **Temporary Miscellaneous Sales.** This is the sale of various goods by persons who are not employed by the owners or managers of the parcel on which the sale occurs. This is not an accessory use to the principal use.

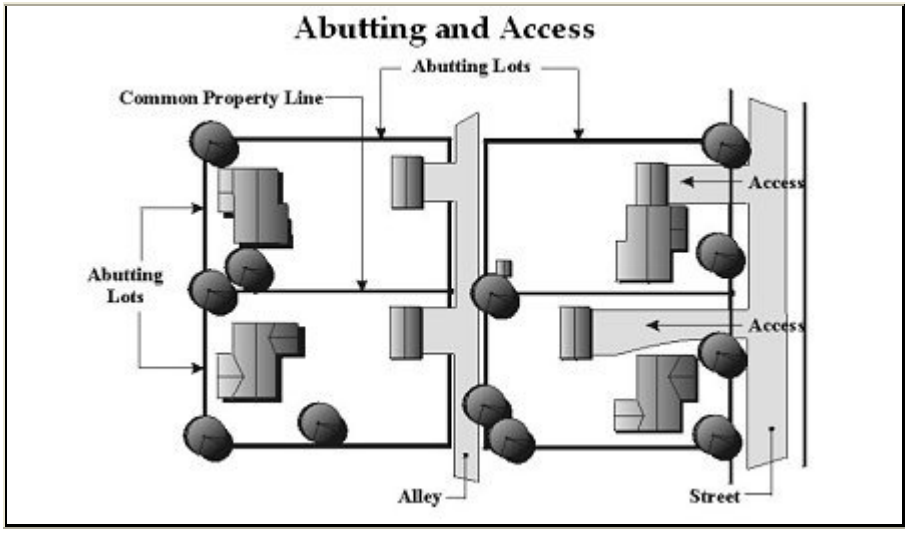
Division 17.300 General Definitions

This Division contains the definition of words used in this Code. Each letter of the alphabet is a separate Section.

A

Abutting. Two lots sharing the same or common property lines, including lots separated by an alley.

Figure 17.301A
Abutting and Access



Abandonment. That the use, structure, or sign is not used, occupied, or otherwise operated for the intended nonconforming activity for the period specified in Section *6.302*, *Abandonment or Discontinuance*. Periods of active remodeling during which the use is closed for repairs should not be considered in determining abandonment, provided the remodeling is completed within a reasonable time period as indicated on the zoning permit issued for remodeling a nonconforming use. Abandonment of signs shall mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

Access. An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or alley. Access is intended to permit residents to bring their vehicles onto the property, to allow customers or tenants to park, and to provide for public access in emergencies. *See* Figure 17.301A, *Abutting and Access*.

Access Easement. That portion of a lot used for ingress/egress to an abutting lot and shown on a final plat by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Accessory Building. A building detached from a principal building located on the same lot and which is incidental and subordinate to the principal use or building.

Accessory Support Facilities. Support buildings, tower base, anchor, guy wire attachment, structures and equipment cabinets for wireless telecommunications facilities containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

Accessory Structure. Structures which are on the same parcel of property as the principal structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

Accessory Use. A use of land or a building, or portion thereof, incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Active Recreation. Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, and golf courses are examples of active recreation uses. *See also* Passive Recreation.

Addition. Any construction that adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area or height of a building or structure. Examples of an addition are a porch, carport, new room, roof configuration, etc. *See also* Conversion, Building or Use and Structural Alterations.

Adequate Infrastructure. This includes water, sewer, roads, and stormwater facilities. To be adequate, the infrastructure shall meet all construction requirements of this Code and the City. In addition, the City requires that adequate capacity be available where the connection is made to the system and in mains, interceptors, or other off-site facilities, including treatment facilities and storage facilities.

Administrator. Refers to the City Planner, designated by the City Administrator, whom shall enforce and interpret the provisions of this UDC. Also known as "Zoning Administrator."

Adult Use. *See* Section *17.205*K, *Adult Uses*.

Adult Use License. A license issued by the City authorizing the operation of an adult use. *See* Section *17.205*K, *Adult Uses*.

Alley. See Street, Service.

Alter or Alteration. A change in the appearance of a building, structure, site, or object, which is not otherwise covered by the definition of demolition, or any other change for which a permit is required pursuant to this Code.

Alternative Tower Structure. Clock towers, bell steeples, building structures or building equipment normally maintained above the roof line of a structure, light poles, flag poles and similar alternative design mounting structures for the purpose of supporting one or more antennas. This term also includes any antenna or antenna array attached to the alternative tower structure.

Altus Comprehensive Plan. Comprehensive Plan refers to the City's comprehensive, long-range plan intended to guide the growth and development of the City and its extraterritorial jurisdiction, which includes goals, objectives, policies, and actions for land use, transportation, utilities, communications technology, parks and recreation, corridor design, economic development, and public facilities, as amended from time to time.

Antenna. This refers to any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

Apartment. A multi-family dwelling unit contained in a building comprised of three or more dwelling units, each having an entrance to a hallway, stairway, or balcony in common with at least one other dwelling unit. *See* Figure 3.303F, *Multiplex and Apartment*.

Appeal.

1. A way to obtain review of a decision, determination, order, or act of an administrator or administrative agency pursuant to the terms of this Code.
2. With respect to floodplain management regulations, appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter, or a request for a variance.

Applicant. A person, firm, or governmental agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, land development, building, land disturbance, or other activity regulated by this Code.

Approval. Approval shall mean final action granting an application given by the appropriate administrative body specified in *Article 13*, *Administrative Bodies*, as having final approval responsibility.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial Street. See Street, Arterial.

Atrium House. An attached, one-story dwelling unit with private individual access for a single family. Each unit shall have a private yard called an atrium. The entire lot area of atrium and house shall be enclosed by a wall. All living spaces (that is, living rooms, dens, or bedrooms) shall face an atrium. An atrium house is permitted only in planned developments as provided in Articles 2, *Land Uses*, and 3, *District and Bulk Standards*. *See* Figure 3.303C, *Patio and Atrium Houses*.

Attic. The area between roof framing and the ceiling of the rooms below and that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Awning or Canopy. A structure partially attached or entirely supported by a wall and which is covered by canvas, cloth, plastic, or other similar material used as a protective cover for a door, entrance, window, walkway, or service area.

B

Base Flood. The flood having a one percent chance of being equal to or exceeded in any given year.

Base Flood Elevation. The elevation in Mean Sea Level of the Base Flood.

Basement.

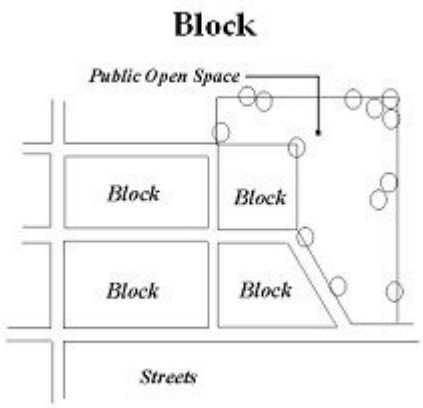
1. That part of a building that is below the first story, with a floor that is more than 4 feet below grade. *See also* Story, First.
2. With respect to floodplain regulations only, basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Base Site Area. A calculated area obtained by subtracting various land areas from the gross site area. *See Division 4.300*, *Site Capacity Calculations*.

Best Management Practices. That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

Block. A piece of land surrounded on all sides by streets or other transportation rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots.

Figure 17.302A
Block



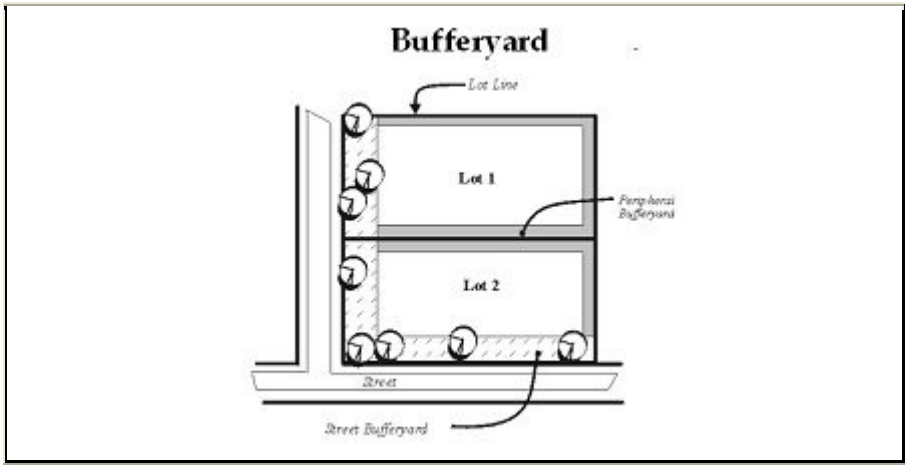
Board, when used in the context of floodplain management regulations, means the Oklahoma Water Resources Board (OWRB).

Board of Adjustment. *See* Sections *13.303*, *Board of Adjustment*, and *Division 17.100*, *Word Usage*.

Buffer. A designated area between two uses deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise preclude such incompatibility by some combination of construction design, vegetative plantings, fences, and/or maintenance practices which shall be permanently maintained.

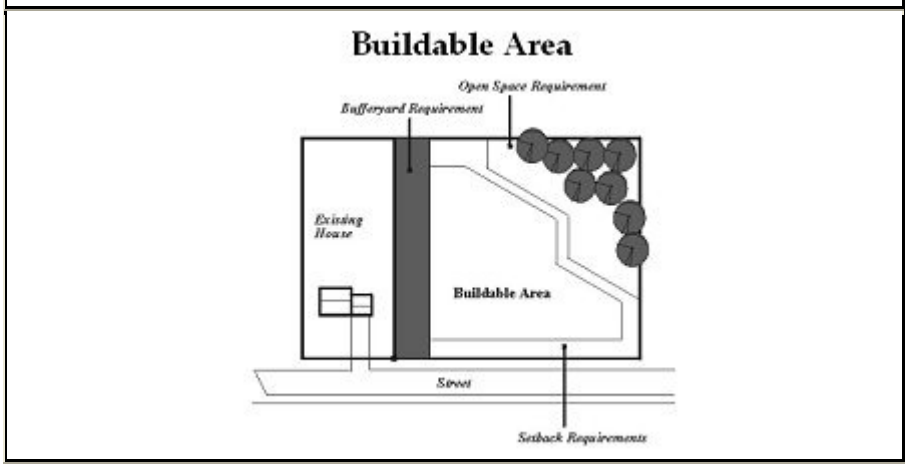
Bufferyard. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or that screen undesirable uses.

Figure 17.302B
Bufferyard



Buildable Area. The space remaining on a lot after the minimum open space or landscape surface requirements, bufferyards, and setbacks have been met. See Net Buildable Site Area.

Figure 17.302C
Buildable Area



Building. A structure built on a lot, having a roof, and intended to shelter people, animals, property, or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Building Front. That exterior wall of a building which faces the front lot line.

Building Height. See Height, Building.

Building Line. That line formed by the rear, side, and street setbacks. *See also*, Buildable Area.

Building Official. Building and Zoning Administrator or his/her designee.

Bulk Regulations. Controls that establish the maximum size, height, and setback of a building on its lot. *See Division 3.300, Bulk Regulations*.

Bulletin Board. Any sign located on site announcing the activities of an educational, religious, institutional or similar use.

Business Park. A development that contains a number of separate businesses, supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

C

Calendar Day. Consecutive days including Saturday, Sunday, or holidays. See Days.

Caliper. The diameter of new landscape plantings measured six inches above ground.

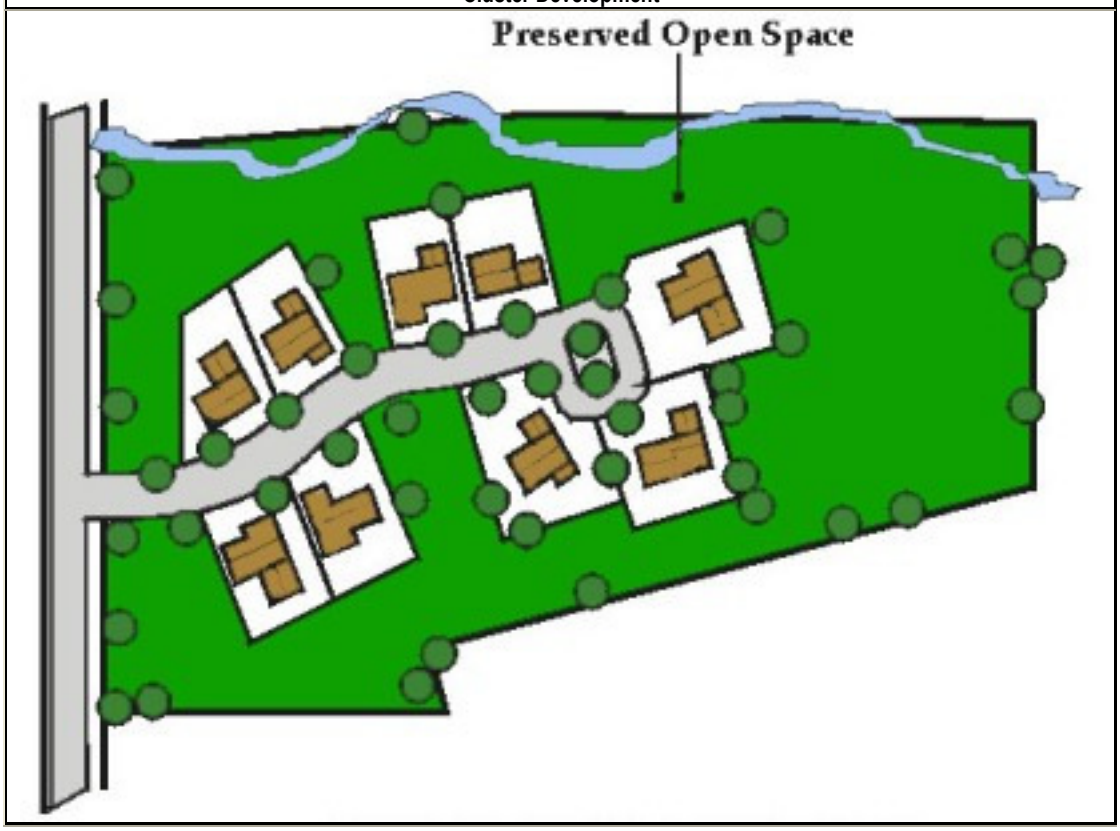
Canopy Tree. See Tree, Canopy.

Certificate of Occupancy. A statement signed by the Building and Zoning Administrator setting forth that a building, structure, or use legally complies with this Code and the Building Ordinance and that the building, structure, or use may be used for the purposes stated therein.

Clean Fill. A non-decomposable, environmentally inert solid such as rock, soil, or gravel.

Cluster. A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources. *See also* Section 17.201B, *Single-family Cluster*.

Figure 17.303A
Cluster Development



Co-location. The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for

communications purposes. The term includes excavation and the placement of equipment necessarily or reasonably associated with the mounting or installation of an antenna.

Collector Street. See Street, Collector.

Collector, Residential. See Street, Residential Collector.

Commencement of Construction. Commencement of construction means that a building permit or other written permit required to be issued by the Building and Zoning Administrator has been issued and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of rights-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Commercial Vehicle. A commercial vehicle shall be considered to be any truck, van, or automobile with lettering or other painting that advertises the company or business. Police and emergency service vehicles taken home by employees on call for service shall be excluded.

Communications Antenna. Any structure or device used to collect or radiate electromagnetic waves, including directional antennae, microwave and satellite dishes, and omni-directional antennae.

Communications Tower. A structure erected to support communications antenna.

Communications Tower Height. A communications tower shall be measured from the base on which the tower is mounted to the top of the tower or the antenna, whichever is greater.

Comprehensive Amendment. Any map amendment affecting all land in a district or any change in a map affecting more than 100 lots or parcels of land.

Comprehensive Rezoning. A City initiated rezoning intended to guide and control future growth consistent with the spirit and intent of the Comprehensive Plan.

Conditional Use. A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to stated conditions required to make the use compatible with other uses permitted in the same zone or vicinity. A conditional use does not require a zoning map amendment.

Conservation. The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation Area. An area designated on the site plan intended to preserve and protect natural resources; or, a public or private land use that preserves an area in a natural condition.

Conservation Easement. A portion of a lot that is covered by an easement, running in favor of the City, or a non-profit agency, providing that such land shall be left in a natural state or open space, such other restrictions as to use or development that are set forth in the easement. The area of the lot, exclusive of the easement, shall meet the minimum lot area requirements of *Division 3.300, Bulk Regulations*.

Constructed Wetland. A low-lying area, artificially created by dredging, damming, or berming of earth for the retention of water and the establishment of a hydrophytic vegetative community.

Construct or Construction. The erection of a new building, structure, or object upon a site.

Contiguous. Land that abuts other land or lands that are separated only by streets, alleys, pipelines, electric power lines, conduits or rights-of-way, owned in fee or less than fee by third parties.

Conversion, Building or Use. The process by which the original use of a building or land is changed to a different use. See also Addition and Structural Alterations.

Copy, Changeable. A sign message where the copy may be changed, manually or electrically.

Copy Area. Includes the entire sign area, excluding trim, moldings, battens, cappings, and nailing strips.

Cottage Industry. *See* Section 17.202C, *Cottage Industry*.

Critical Feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Cut-off. The point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield preventing their continuation. For signs, the term "cut-off" simply refers to the use of shields to direct the light so light rays shine exclusively on the sign.

Cut-off Angle. The angle, formed by a line drawn from the light source to the ground and a line perpendicular to the ground from the light source, above which no light is emitted.

Cut-off-type Luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90 degrees. *See* Section *9.403*, *Nonresidential Lighting Standards*.

Cutout. An appendage to a sign extending outside of the regular square or rectangular sign area that does not exceed 10 percent of the sign area. Cutouts are included in sign area calculations for the purposes of this Code.

D

Day-Night Level (DNL). A measure of noise that is an outdoor, day-night average, A-weighted sound level. For the purposes of calculating the average, 10 dBA is added to the actual measurement of noise that occurs during the period from 9:30 p.m. to 6:30 a.m.

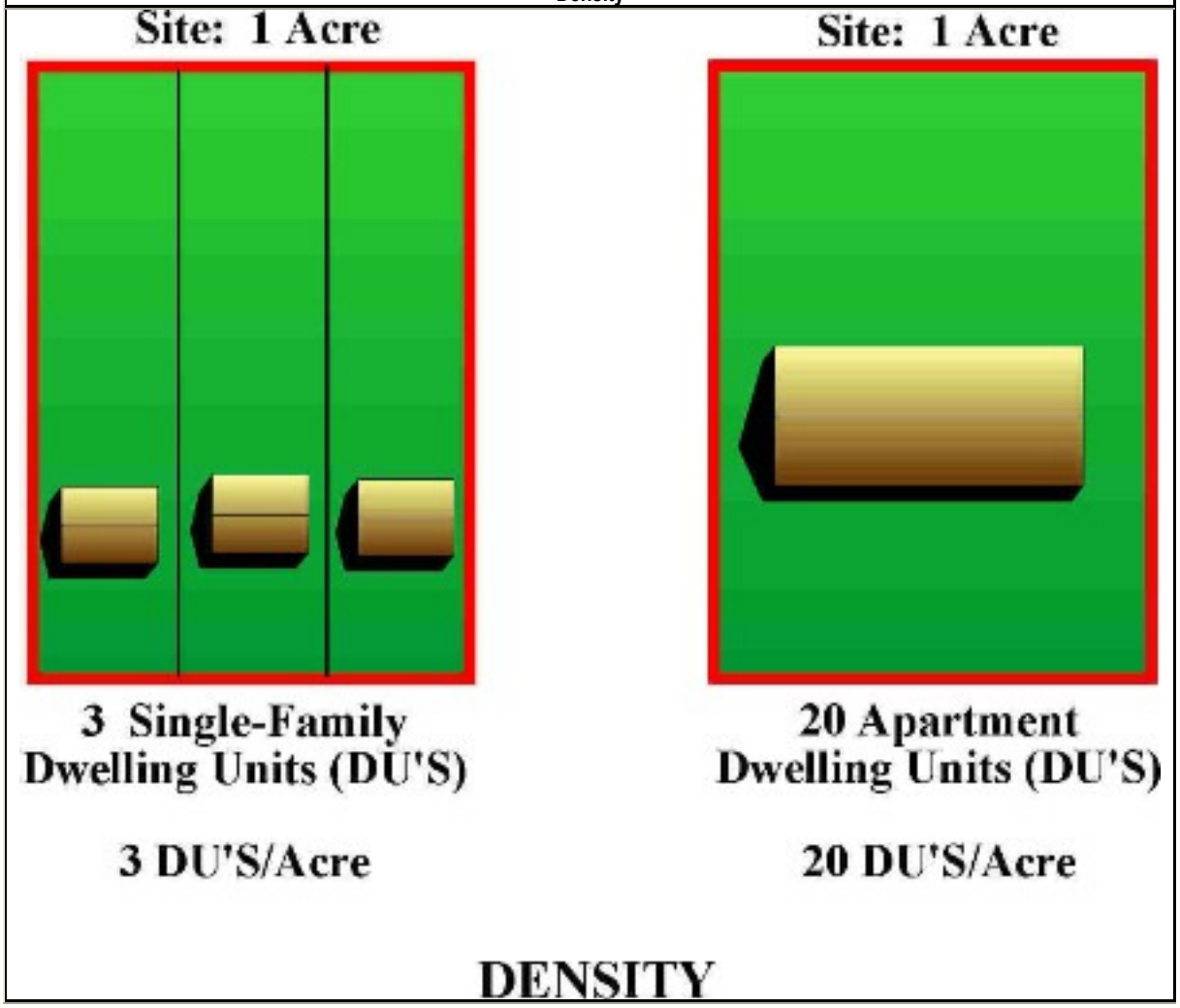
Days. Working days meaning a day of the week, excluding Saturday, Sunday, and designated holiday observances, on which the office of the City Clerk is open during its customary hours of 8:00 a.m. through 4:30 p.m.

Dedication. The transfer of private property to public or common ownership for a public purpose. The transfer may be in fee simple interest or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Demolish. Demolition or demolish means the razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition shall also include demolition by neglect.

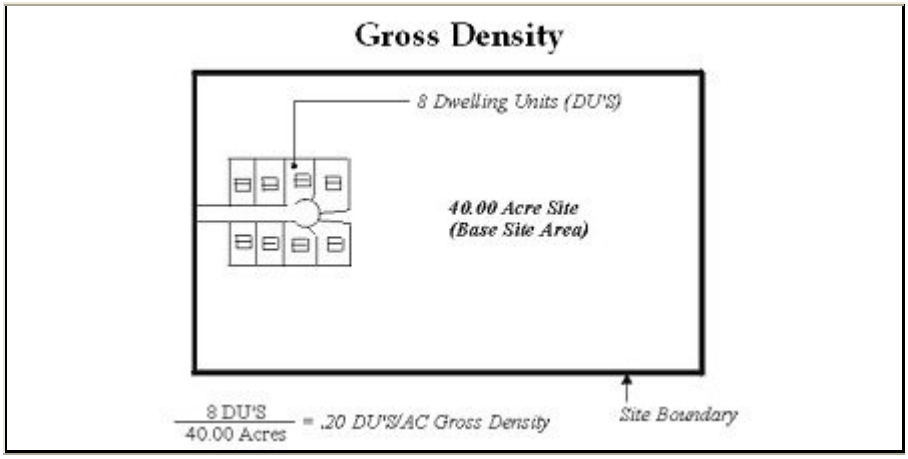
Density. The average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, rental rooms, or persons. For example, the figure below shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of 20 apartment units per acre.

Figure 17.304A
Density



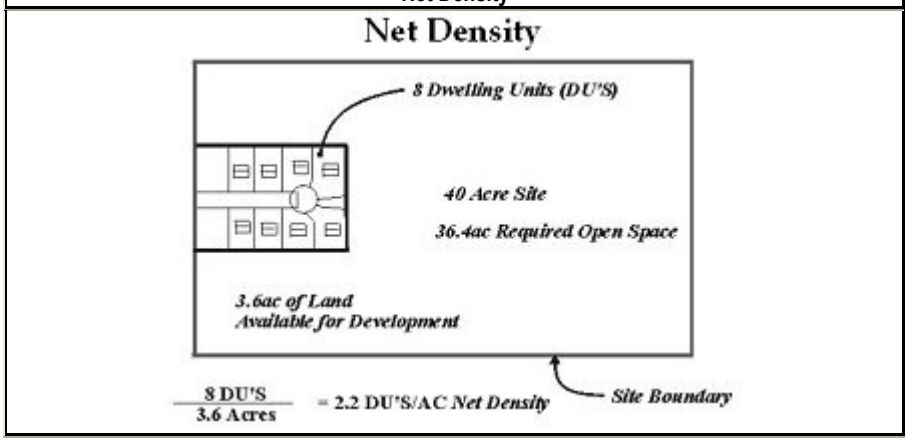
Density, Gross (GD). The total number of dwelling units on a site divided by the base site area.

Figure 17.304B
Gross Density



Density, Net (ND). The number of units per net buildable area of the site.

Figure 17.304C
Net Density



Department. *See Division 17.100, Word Usage.*

Design Storm Frequencies. Time interval in years at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detention/Retention Basin. A natural or man-made structure designed as a temporary holding basin for water. Water may be detained to minimize flooding downstream or retained to increase aquifer recharge.

Developer. A person seeking to build or develop as defined in this Code.

Development.

1. Construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. In addition, it also means any man-made change to improved or unimproved real estate, including, but not limited to, parking, fences, pools, signs, temporary uses, clearing of land, dredging, filling, grading, paving, or excavation. *See* Section *1.102*, *Types of Development*.

2. For the purposes of floodplain management regulations, development means any man-made change in improved and unimproved real estate, including but

not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter at Breast Height (DBH). A measurement of the size of tree equal to the diameter of its trunk measured four and one-half feet above the adjacent natural grade. *See also* Caliper.

Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Domestic Animals. The normal farm animals and house pets. Wild animals, birds, reptiles, or other species are expressly excluded.

Dormitory. A building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution. *See* Section *2.406*, *Colleges and Secondary Educational Institutions*.

Drainage. The process by which surface water (usually from rainfall) moves across the land surface. *See Division 8.500*, Stormwater Management.

Drainage Areas. The delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage Facility. Any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural water courses.

Drip-line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway. A private accessway, primarily for vehicles, leading from a street to a parking or loading area.

Dry waste. Includes clean fill, plastics, lumber, trees, stumps, vegetative matter, asphalt pavement, asphaltic products incidental to construction/demolition debris, or other materials which have reduced potential for environmental degradation and leachate production.

Duplex. A form of multi-family dwelling with no more than two units per structure, located one over the other. *See* Section 3.303B, *Twin Houses and Duplexes*.

Duplex Townhouse. A townhouse where there are units on separate floors. *See* Duplex.

Dwelling. A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, Attached. Two or more dwelling units in a single structure or attached structures, each of which could have a single lot, which are separated from each other by a dividing wall. Such units may be side-by-side, back-to-back, or both. This includes two-family dwellings.

Dwelling, Multiple-Family. A structure containing more than one dwelling unit with either direct access to the outside or through a common hallway, with a separate kitchen facility and living quarters in each unit.

Dwelling, Single-Family Detached. A dwelling unit, designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

Dwelling Unit. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate facilities for all of the following: sanitation, living, sleeping, cooking, and eating.

E

Earthen Berm. A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water flow.

Easements. Any portion of a parcel subject to an agreement between the property owner and another party which grants the other party the right to make limited use of that portion of the property for a specified purpose. See Conservation Easement.

Elderly. A person who meets the criteria set forth in the *Older Americans Act of 1965*, as amended.

Elevated Building. means a non-basement building;

1. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and;
2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
    a. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
    b. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Elevation Certificate. A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

Endorsement. The signature of the Zoning Administrator and, where applicable, that of the chairman of the City Council, appended to the final plat to signify approval thereof.

End Use Plan. A plan for the use of a quarry or landfill or similar use for its use after the primary use is closed.

Engineer, Professional. An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of Oklahoma.

Environmental Report. Any study, report, or application required by this Code, such as critical natural areas, floodplains, riparian buffers, steep slopes, water resource protection areas, and wetlands.

Erosion. The wearing away of soil or rock fragments by water, rain, wind, or earth gravity.

Essential Access. An access that must cross a resource restricted area, such as a wetland or steep slope, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

Existing Construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of floodplain management regulations.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Expressway. A limited access highway designed to carry regional traffic. All intersections shall be grade separated.

Exterior Features. The architectural style, design, and general arrangement of the exterior of a building, structure, or object, including the color, nature, and texture of building materials, and the type of style of all windows, doors, light fixtures, signs, or other similar items found on or related to the exterior of a building, structure, or object.

Exterior storage. Outdoor storage of fuel, raw materials, products, equipment, and other materials used in commercial, office, or industrial activities. Exterior storage includes all building materials or waste or scrap materials stored outdoors.

F

Facade. *See* Building Front.

Fall Zone. The area on the ground within a prescribed radius from the base of a wireless telecommunications facility. The fall zone is the area within which there is a potential hazard from falling debris, such as ice, collapsing material or the collapse of the tower itself.

Family. Any number of individuals legally related through blood, marriage, adoption, or guardianship, including individuals placed for foster care by an authorized agency, or up to four unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common.

Farm. *See* Section *17.204*, *Agricultural Uses*.

Farmstead. *See* Section *17.204*, *Agricultural Uses*.

Fascia. A band located at the top edge of a building, but below the actual roofline and above the building wall. Fascia material is often of a different type than either the actual roof or the building wall.

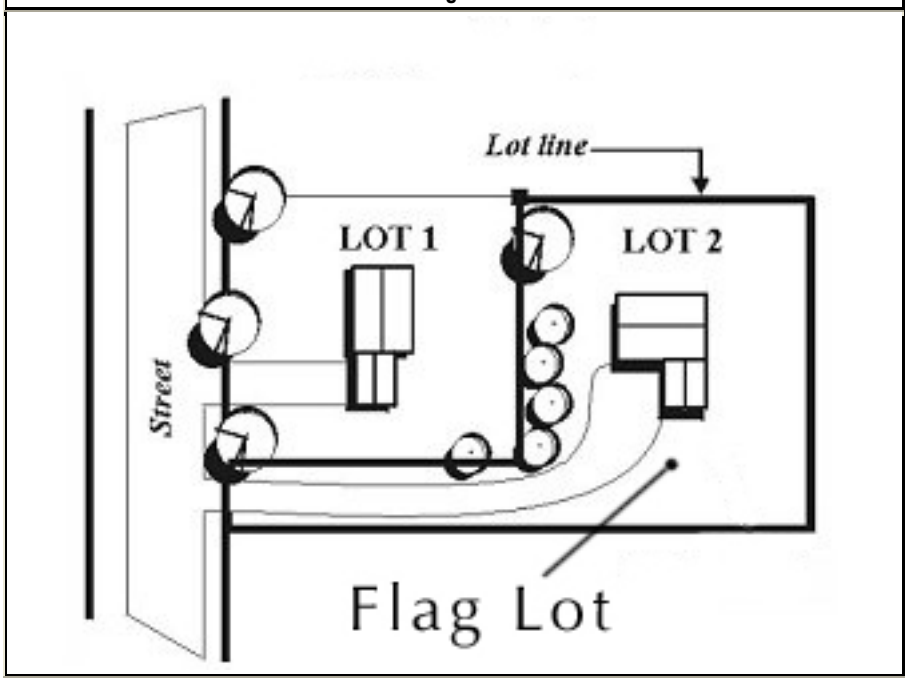
Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.

Final Plat. A complete and exact subdivision plan prepared in conformity with the provisions of this Article and in a manner suitable for recording with the County Clerk of the county in which the subdivision is located.

Flag. A flexible piece of fabric, normally rectangular and attached on one side to a pole or rope, with printed or embroidered insignia that symbolizes a nation, state, or organization. A picture or replica of a flag shall be excluded from this definition.

Flag Lot. A tract of land having insufficient lot width along a road or at the minimum setback line to meet the requirements of *Article 3*, *District and Bulk Standards*, but with sufficient area to meet all lot requirements further back on the lot. Sometimes referred to as a "panhandle lot." *See* Figure 17.308A, *Flag Lot* (Lot 2 of the diagram).

Figure 17.308A
Flag Lot



Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland and tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source

Flood Protection Elevation. A point two feet above the water surface elevation of the 100-year flood.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain. A relatively flat or low-lying land area adjoining a river, stream, or watercourse which is subject to periodic partial or complete inundation. It includes:

1. The Floodway Fringe.
2. Those lands where a detailed study has not been performed, but where a 100-year flood boundary has been approximated. All land subject to inundation by the 100-year flood shall be considered floodplain. The actual elevation shall be established after consideration of any flood elevation, flood line, or floodway data available from federal, state, local, or other sources. The approximate floodplain appears on flood insurance rate maps and flood boundary and floodway maps, where it may appear as Zone A.
3. The annual floodplain based on annual floodplain soils based on the Altus City Soils Survey.
4. Historical floodplains as determined by historic records.
5. Wetlands.

Floodplain Administrator. A person accredited by the Board and assigned by the City of Altus to administer and implement laws and regulations relating to the management of the floodplains.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (*see* Flood or Flooding>*).*

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. The zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

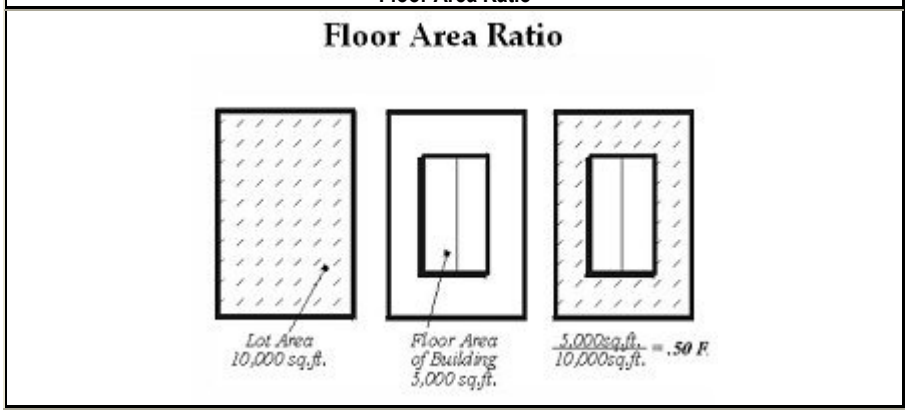
Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with NFIP requirements.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area, Gross. *See* Gross Floor Area.

Floor Area Ratio (FAR). A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.

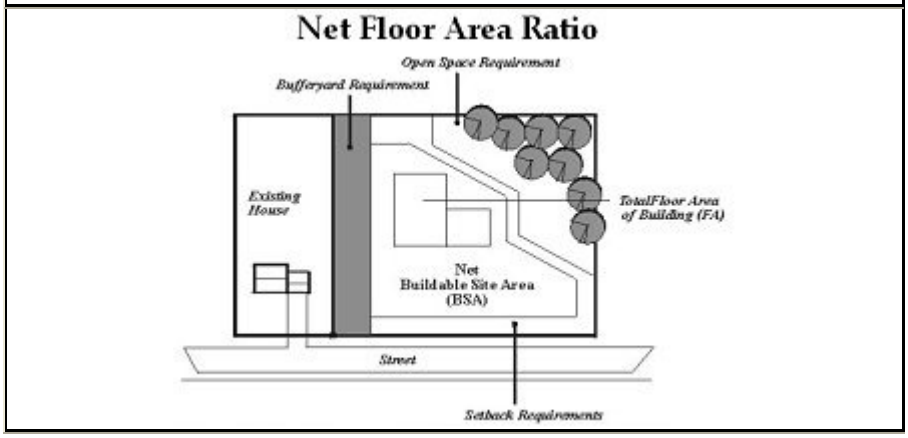
Figure 17.306A
Floor Area Ratio



Floor Area Ratio, Gross (GFAR). The total floor area (FA) of a building or structure divided by the base site area.

Floor Area Ratio, Net (NFAR). The total floor area (FA) of a building or structure divided by the net buildable site area (BSA).

Figure 17.306B
Net Floor Area Ratio



Footcandle. A unit measuring the amount of illumination produced on a surface. One footcandle is the amount of illumination falling on all points which are one foot from a uniform point source of one candle.

Forester. A person possessing a bachelors degree in forestry or closely related field.

Forest Management Practices.\ That combination of generally accepted methods for preserving, promoting, and protecting silviculture, which may include selective cutting, burning, and removal of trees.

Freeboard. Vertical elevation between 100-year flood elevation level and the top of bank or grade.

Front Lot Line. See Lot Line.

Front Street Yard. Open space extending across the full width of the lot between the front lot line and the nearest line of the building or any enclosed portion thereof.

Frontage. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

Functionally Dependent Use. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

G

Garage, Private. A garage accessory to a principal building, used for storage purposes only and in which no business, service, or industry is conducted.

Garage, Public. A garage available to the public for free or for fee.

Garage Sales. *See* Section *17.209*, *Temporary Uses*.

Garden Apartments. *See* Apartment.

Grade. The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading. The excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.

Gross Floor Area (GFA). The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

1. The horizontal square footage is measured from the outside face of all exterior walls.
2. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.
3. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells).
4. The protected upper floors of open atriums and foyers shall not be included.

5. Enclosed parking spaces, in residential garages, attached or detached, parking structures (nonresidential), or parking bays and traffic isles below the building shall not be counted as floor area.

Gross Vehicle Weight. The weight of the vehicle without passengers.

Groundwater. A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

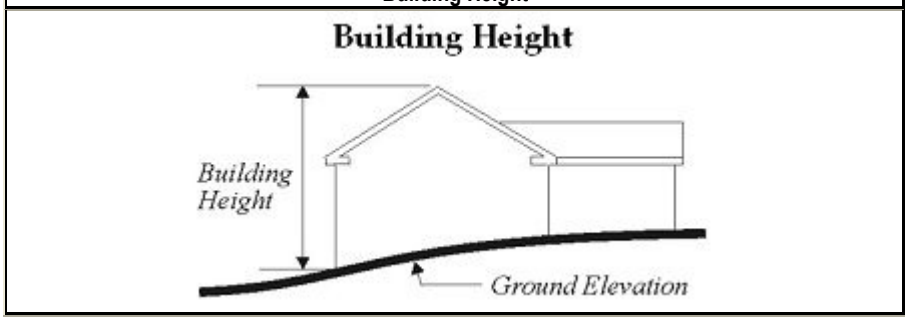
Guyed Tower. Any communications tower using wire guys connecting above-grade portions of a communications tower diagonally with the ground to provide support for tower, antenna, and connecting appurtenances.

H

Hazardous Substance. Any substance as found in the federal regulation 40 CFR 116, Designation of Hazardous Substances.

Height, Building. The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys and antenna. *See* Section *3.201*, *District Standards, Residential and Nonresidential*.

Figure 17.308A
Building Height



Height, Sign. The vertical distance measured from the highest of the adjacent sidewalk grade, adjacent street grade, or upper surface of the street curb to the highest point of the sign. Elevated roadways shall not be used to measure sign height.

Height, Tower. The distance measured from the finished grade of the site parcel to the highest point on the tower or other structure, including the base pad and any antenna(s). All measurements shall be given as AGL (above ground level).

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Highway. Any road thoroughfare, street, boulevard, lane, court, trailway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or persons.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior or;
    b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. *See* Section 2.301H, *Home Occupations*.

Homeowner. Homeowner shall mean and refer to those individuals who accept a deed to a lot or dwelling unit.

Hotel. *See* Section *17.205*, *Commercial Uses*.

Hydrophytic Vegetation. Those plants which are adapted to life in saturated soil conditions.

I

Impervious Surface Ratio (ISR). The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Impervious Surfaces. Areas that do not allow significant amounts of water to penetrate.

Infiltration. The passage or movement of water through the soil profile.

Institution. A public charitable, religious, or educational organization or entity which shall include such uses as any church, school, college, hospital, YMCA, YWCA, civic use, library, museum, park, or playground.

Intermittent Stream. A channel with banks and a bed within which concentrated water flows some of the time.

Intensity. The degree to which land is allowed to be used for development. *See* Density and Floor Area Ratio.

Interceptor. An interceptor is a large capacity sewer line to which trunk lines are connected.

L

Land Development, Major. *See* Major Land Development.

Land Development, Minor. See Minor Land Development.

Land Disturbance. Changing the composition or character of the land or vegetation on the site. This includes cutting trees, clearing and grading operations, grading, excavation, removal or destruction of the ground cover. Disturbance includes the act of preparing a site for a building.

The act of construction of a building or any portion of a building is not covered by the term land disturbance and would be regulated by the land uses category.

Land Grading. *See* Grading.

Land, Improved. Vacant land that has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

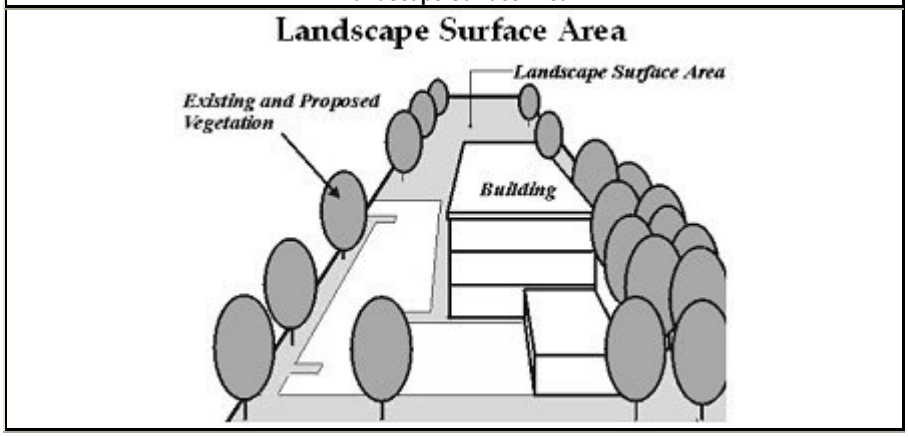
Landowner. The holder of legal title to the land as recorded by the City Recorder.

Landscape Architect. An individual registered by the State to practice the profession of landscape architecture.

Landscape Plan. A plan associated with a subdivision, land development, or parking facility plan indicating the placement of trees, shrubs, groundcover, and affiliated structures and improvements, including specifications, species, quantities, and installation as prepared by an Oklahoma registered Landscape Architect.

Landscape Surface Area. Surface area of land not covered by any buildings, storage areas, or impervious surface. These areas shall be maintained as lawn or a natural area and may be left undisturbed.

Figure 17.310A
Landscape Surface Area



Landscape Surface Ratio (LSR). The area of landscaped surface divided by the base site area.

Landscaped Area. The modification of the landscape for an aesthetic or functional purpose in an area, which includes the preservation of existing vegetation and continued maintenance together with grading and installation of minor structures and appurtenances.

Landscaping. The design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Lattice Tower. A structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennae and connecting appurtenances. Lattice towers may be freestanding or supported by wire guys. (See Guyed Tower.)

Leachable Wastes. Waste materials including, without limitation, solids, sewage sludge, and agricultural residue that may release water-borne contaminants to the surrounding environment.

Leachate. Liquid that has passed through, contacted, or emerged from dry waste and contains dissolved, suspended, or miscible materials, chemicals, and microbial waste products removed from the dry waste.

Lessee. Any person who leases all or a portion of a premise on a day-to-day, week-to-week, or month-to-month basis.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Level of Service (LOS). A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of Report 209, the Highway Capacity Manual, prepared by the National Research Council's Transportation Research Board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the best level of service and "F" indicating the worst. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.

Limited Use. A permitted use that has a number of special restrictions that may prohibit the use being developed on every property or control its design in detail.

Limited Use Permit. A permit indicating the use has been approved as meeting all the standards of this code.

Loading Space. A durably paved, properly designed for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

Local Street. A street that provides access to individual land uses.

Local Residential Access Street. A street that provides access to individual residential lots.

Lot. A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plot, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way.

Lot Coverage. That portion of the lot area that is covered by buildings.

Lot, Depth of. The average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear line shall be deemed to be not farther back than a line drawn parallel with the front street line, entirely on the lot, and not less than 10 feet long.

Lot Line. A line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are basically four types of lot lines -- front, rear, side, and street.

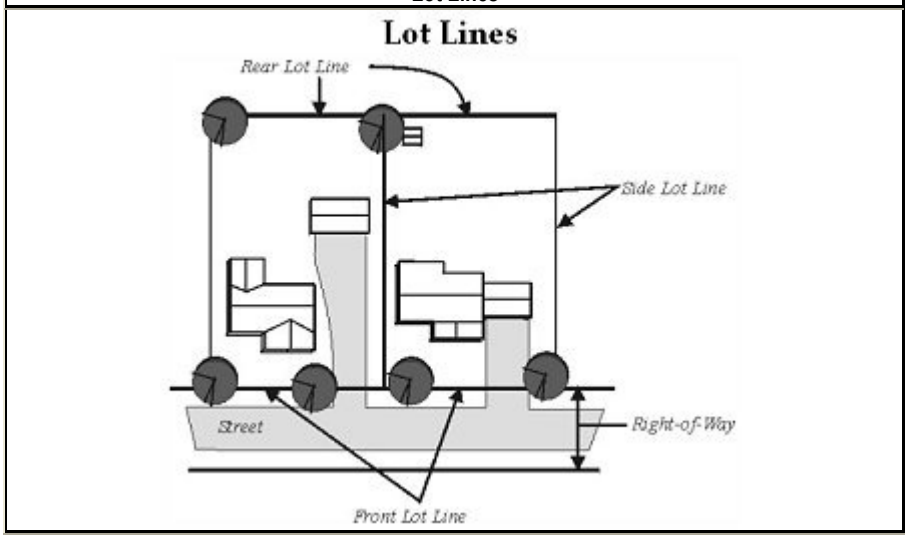
A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.

B. **Rear lot line.** The lot line opposite the front lot line.

C. **Side lot line.** The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.

D. **Street lot line.** Any lot line that is also a street right-of-way line.

Figure 17.310B
Lot Lines



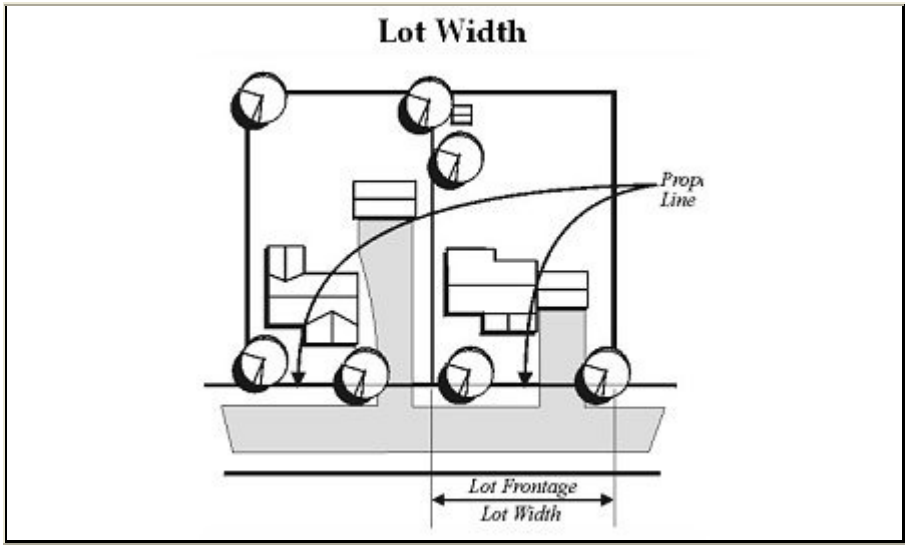
Lot-Line House. A dwelling type consisting of a single-family, fully detached residence located on an individual lot with only one side yard. No windows are permitted on the zero lot line wall of the house. The zero lot line may be achieved by:

1. Placing the house on a side lot line and providing a maintenance easement six feet wide on the adjoining lot; or
2. Locating the house so as to provide two side yards, one of which shall be a six-foot side yard with a use easement for the neighboring property.

Lot, Panhandle. *See* Flag Lot.

Lot Width. The distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (see Frontage).

Figure 17.310C
Lot Width



Low Income. The levels of income within the income range for "very low income families" established from time to time by the U.S. Department of Housing and Urban Development for the State of Oklahoma under federal law.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on a pole or other location.

Luminaire, Cut-off-type. *See* Cut-off-type Luminaire.

M

Maintenance Corporation. Maintenance Corporation shall mean and refer to a body of persons legally responsible for the maintenance of private open spaces and/or common facilities.

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Code or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, bufferyards, or parking, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of this Code, any use proposed not contained in the original advertisement shall be considered a major change.

Major Collector Street. A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a high volume of traffic from local nonresidential access streets.

Major Land Development. A plan that proposes one or more of the following:

1. A new public or private street or dedication to public use of an existing street.
2. Building(s) of 20,000 square feet or more of GFA on an undeveloped site.

3. Addition(s) to existing development of 10 percent or more of existing GFA or additions of 50,000 square feet or more of GFA.
4. Subdivision of five lots or more.
5. Apartment or multi-family development of 10 or more dwelling units.

Manufactured Home.

1. A one-family structure fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the *Federal Manufactured Housing Construction and Safety Ordinance*.
2. For the purposes of floodplain management regualtions, manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map Amendment. An amendment to zoning that involves a change of one or more district boundaries as shown on the Zoning Maps and/or a change in the zoning classification of specific property.

Marina. A facility for storing, servicing, fueling, berthing, securing, and launching private boats. It may include supporting facilities and services.

Marquee. A hood, awning, or permanent roof type construction which projects from the wall of a building above an entrance for movie theaters and similar uses.

Maximum Aggregate. The total of the sign area of all signs located on a parcel, excluding wall signs.

Maximum Gross Density. *See* Density, Gross.

Maximum Net Density. *See* Density, Net.

Maximum Permitted Illumination. The most illumination, measured in footcandles, that is allowed at the interior lot line or bufferyard line, if a bufferyard is required, at ground level.

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a watercourse or mean high water level in tidal areas.

Mews Arrangement. An arrangement of lots for which vehicular access is provided from alleys, and buildings front on common open space.

Minimize. To reduce to the smallest amount possible using Best Management Practices. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the

conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not alter the alignment or layout of streets by more than five feet.

Minor Collector Street. A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual, nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a low volume of traffic from local nonresidential access streets.

Minor Land Development. A plan, not involving a new street, that proposes one or more of the following:

1. Building(s) less than 20,000 square feet Gross Floor Area (GFA) on an undeveloped site.
2. Addition(s) to existing development of less than 10 percent of existing GFA or additions less than 50,000 square feet GFA.
3. Subdivision of less than five lots.
4. Apartment or multi-family development of less than 10 dwelling units.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Mixed Use. *See* Section *2.420*, *Mixed Use*.

Mobile Home or Mobile Dwelling Unit. A transportable, one-family dwelling larger than 320 square feet designed to be used as a year-round residence. This definition shall not include motor homes or recreational vehicles.

Moderate Income. The levels of income, established by the Housing Director, that prohibit or severely limit the financial ability of persons to buy or rent housing in the City of Altus.

Monopole Tower. A structure which consists of a single, freestanding pole structure to support antennae and connecting appurtenances.

Monument. A stone or concrete boundary marker, as required by this Code, intended to fix the physical location of property lines.

Motel. *See* Section *17.205*, *Commercial Uses*.

Multi-family Dwelling. A building arranged, intended, or designed to be occupied by three or more families living independently of each other. This includes apartments and multiplex units.

Multiplex. A multiple-family building type. Units may have either private or shared access. The units may be arranged in a variety of configurations, including back-to-back, side-to-side, or

vertical. However, no fewer than two and no more than eight units shall be attached in any single building. A multiplex is permitted only in planned developments as provided in *Article 3*, *District and Bulk Standards*, and *Article 4*, *Environmental Standards*.

N

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum of the 1929 or 1988 U.S. Geological Survey.

Native Groundcover Plants. Any locally indigenous herbaceous species that is not a weed.

Natural Areas. Natural areas are areas of private lots or public land that have been created, recreated, restored, or preserved with locally indigenous plant species and are being maintained through the encouragement of locally indigenous plant species and elimination of noxious weeds as determined by Oklahoma State Statutes.

Net Buildable Site Area. A calculated value determined by the calculations specified in *Article 5*, *Housing Bonus*.

New Construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations.

Nonconforming Building. A building, structure, or parts thereof lawfully existing at the time this Code or a subsequent amendment to this Code became effective which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Lot. A lot, legally established prior to the effective date of this Code, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

Nonconforming Sign. Any sign, legally established prior to the adoption of this Code, which does not fully comply with the standards of this Code.

Nonconforming Situation. A building or structure or the use of a lot lawfully existing at the time this Code or a subsequent amendment to this Code became effective, which does not conform to the dimensional use requirements of the district in which it is located.

Non-delineated Floodplain. An area subject to a 100-year flood, adjacent to a watercourse that is identified by a blue line on the current United States Geological Survey (USGS) topographic maps of the City or in the detailed maps of the City of Altus Soil Survey for which FEMA has not delineated a floodplain.

Nonconforming Use. A use of land or use of a building or structure lawfully existing at the time this Code or a subsequent amendment to this Code became effective which does not conform to the use requirements of the district in which it is located.

O

Occupancy. The use of land, buildings, or structures.

Old Field. An area historically used for agricultural purposes which has been abandoned and now evidences secondary succession. In particular, areas covered by woody plants eight or more feet in height which either cover 40 percent or more of a property or cover 80 percent of a contiguous area one acre or greater in size.

Opacity. The measurement of the screening effectiveness of a bufferyard or fence expressed as the percent of vision that the screen blocks.

Open Space. Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of this Code. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Altus.

Open Space Ratio (OSR). The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Open Storage. Goods, equipment, or supplies held for safekeeping or eventual sale or distribution, not entirely within totally enclosed buildings. T-structures, lean-to type structures, or roofed-over, fenced-in areas shall not be considered totally enclosed buildings.

Ornamental Planting Areas. Ornamental planting areas of private lots or public lands that are used for the growing of herbaceous or woody plantings for ornamental purposes. Determination of plant species that may be considered ornamental is to be made by a landscape architect. Ornamental planting areas shall be free of weeds.

Outdoor Storage. The storage of any material, personal or business property, or motor vehicles for a period greater than 24 consecutive hours, including items for sale, lease, processing, and repair not in an enclosed building.

Outer Ring. This term is used in the Industrial District. It includes the exterior 300 feet of all industrial districts and 300 feet on either side of major collector or arterial roads that run through an industrial district.

Outflow Hydrograph. Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

Outfall Point. A specific location, as defined by local topography, where stormwater runoff exits a specific land area.

Outlot. A portion of a subdivision reserved for future development by a conservation easement.

Outparcel. A lot used for drainage, detention, agriculture, or open space, with distinct boundaries, which shall not be used for residential or nonresidential uses, that is created in the process of subdivision.

Overlay District. A district that is applied over other zoning districts and which may modify the permitted uses or intensity of use.

Owner. *See* Landowner.

P

Panhandle Lot. *See* Flag Lot.

Parcel. *See* Lot.

Park. An area open to the general public and reserved for recreational, educational, or scenic purposes.

Parking Space. An area of land designated for the parking of motor vehicles and connected to a street or private accessory. *See* Section *9.201*, *Parking Space Standards*

Parking Structure. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition shall include parking garages, deck parking, and underground or under-building parking areas.

Passive Recreation. Recreational uses, areas, or activities oriented to noncompetitive activities that either require no special equipment or are natural areas. Bicycle riding, hiking, and bird watching are examples of passive recreation activities.

Pastures. Pastures are areas engaged in the grazing of livestock for recreational use or for the sale of livestock or livestock products.

Patio House. A dwelling type that is a detached or semi-detached unit (i.e. attached by a common wall to another dwelling unit) for a single family, with one dwelling unit from ground to roof. Each dwelling unit's lot shall be fully enclosed by a wall located at the lot line, thus creating a private yard, referred to as a patio, between the house and the wall. A "minimum patio area," rather than setbacks, is used to determine minimum yard area. All living spaces, such as living rooms, dens, and bedrooms, shall face into the yard or patio. A patio house is permitted only in planned developments as provided in *Division 3.300*, *Bulk Regulations*.

Paved Area. See Impervious Surfaces.

Peak Hours or Peak Periods. In general, periods from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. on weekdays. A peak hour is a 60-minute period occurring within a peak period. Different peak hours may be established by the Zoning Administrator based on type of development or traffic counts on a street.

Pedestrian Precinct. A paved or largely paved area set aside for pedestrian circulation and providing a full range of pedestrian amenities. Amenities include seating areas and other street furniture, lighting, landscaping, fountains or water features, art, or other appropriate amenities.

Pedestrian Way. A publicly or privately owned right-of-way or easement for pedestrian or bicycle use.

Percolation Tests. *See* Soil Borings and Percolation Tests.

Perennial Stream. A channel with banks and a bed within which concentrated water flows all of the time.

Performance Guarantee. *See* Surety.

Permit. Documents issued by the City allowing a person to begin an activity provided for in this Code or other codes, ordinances, and regulatory provisions adopted by the City Council.

Permitted Use. A use permitted by right in a district without the need for special administrative review and approval upon satisfaction of the standards and requirements of this Code.

Pervious. A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Petition. A request for text amendment or a map amendment made by a property owner, a subject property owner, or by a group of property owners acting as a private citizens' group.

Places of Assembly. *See* Section *2.421*, *Places of Assembly*.

Plan, Sketch. An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development.

Plan, Minor Land Development. A plan depicting a minor land development which may include the subdivision of land.

Plan, Preliminary. A plan of a subdivision or of a land development, including all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use, as a basis for consideration by the Zoning Administrator and Planning Commission prior to the preparation of a final plat.

Plan, Final. A complete subdivision or land development plan, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements or a plan of private streets to be dedicated to public use.

Plan, Record Conversion. A plan and supporting documentation describing the proposed conversion of a multi-family dwelling or single-family group dwellings from rental dwelling units to condominium or cooperative dwelling units.

Planned Development. A form of cluster development and residential use type. *See* Section *11.202*, *Residential Cluster and Planned Design*.

Planning Commission. *See* Section *13.301*, *Altus City Planning Commission*.

Plans, Construction. The architectural or engineering drawings showing the construction details and the types of material for the physical structures and facilities, excluding dwelling units, to be installed in conjunction with the development of the project.

Plant Units. This consists of three layers of plant material: canopy trees at the upper layer, understory or ornamental trees at the intermediate level, and shrubs at the ground level. Both evergreen and deciduous trees are specified in the plant unit options. The plant units are specified in Table *10.202*, *Plant Unit Options*.

Plat. A document, prepared by a registered land surveyor or engineer, which delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Plot. *See* Lot.

Primary Access. The manner in which a property takes access to the public street system, ordinarily by a drive that intersects the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

Principal Structure. A structure in which the principal use of the lot on which it is located is conducted.

Principal Use. The main use to which a premise is devoted and the primary purpose for which a premise exists.

Program Deficiency. A defect in the City's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards contained in the City Code.

Property Line. *See* Lot Line.

Property Owner. A person or persons having an ownership interest in real property located within the geographic boundaries of Altus, Oklahoma.

Principal Building or Use. The main use on a property in terms of size, area, and function. See Accessory Building or Accessory Use.

Public Improvement. Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

Public Utilities. Publicly or invester owned or regulated entities which provides services to the general public (e.g., water, sewer, telephone, solid waste, cable, gas, and electric). *See* Section *7.307*, *Easements*.

Public Water Supply Well. A well from which the water is used to serve a community water system.

R

Rare Species. Endangered or threatened species.

Rational Method. An engineering method of predicting peak runoff rates.

Rear Yard. Open space extending across the full width of the lot between the rear line of the lot and the nearest line of the building, porch or projection thereof.

Recreation, Active. *See* Active Recreation.

Recreation, Passive. *See* Passive Recreation.

Recreational Vehicle.

1. A vehicle designed or used as living quarters for recreational, camping, vacation, or travel use, such as house trailers, travel trailers, trucks, trailers, pickup trucks, and vans. For the purposes of this definition, a recreational vehicle shall not include trailers in excess of 28 feet in length or in excess of 4,500 pounds gross weight.
2. For the purposes of floodplain management regulations, recreational vehicle means a vehicle which is:
    a. Built on a single chassis;
    b. 400 square feet or less when measured at the largest horizontal projections;
    c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use:

Recreational Vehicle Park. *See* Section *1.307*, *Auto-Urban Manufactured Home (AMH) District*.

Reforestation. Replanting or planting of forest plant materials. Also includes planting in areas not originally forested for mitigation purposes.

Remedy a Violation.

1. To take action to correct a violation. This could entail stopping or discontinuing an illegal use, tearing down or altering a structure, or seeking a variation or other action to make the use legal.
2. For the purposes of floodplain management regulations, "remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damage, implementing the enforcement provisions of the City Code or otherwise deterring future a similar violations, or reducing federal financial exposure with regard to the structure or other development.

Required Street Yard. The street yard required by this Code that lies between the street and the setback line from any street -- front, side, or rear.

Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential Collector Street. A new street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Resource. A natural area or physical feature that is protected.

Restoration. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Retaining Wall. A structure which holds an earthen embankment in place.

Reverse Frontage Lot. A lot extending between and having frontage on two generally parallel streets.

Rezoning. An amendment to the Zoning Map.

Right-of-Way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

Riparian Buffer. An area on either side of a stream or around a body of water.

Road, Arterial. *See* Street, Arterial.

Road, Collector. *See* Street, Collector.

Road, Local. *See* Local Residential Access Street.

Road, Major Collector. *See* Major Collector Street.

Road, Minor Collector. *See* Minor Collector Street.

Roadway. The portion of a highway including the cartway and shoulders within a right-of-way.

Roof Deck Townhouse. *See* Section 3.303E, *Roof Deck and Duplex Townhouses*.

Roofline. The top of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

Runoff. That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on the land surface.

S

Sanitary Sewage. Any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary Sewage Disposal, Community. A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, On-lot. A system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a septic tank and tile disposal field located within the boundaries of an individual lot.

Sanitary Sewage Disposal, Public. A system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary Sewer Line. A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes that run to a central treatment and disposal plant.

Sanitary Sewer System. A central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines.

Satellite Dish. A type of antenna for receiving communications via satellite relay.

Scale. A measure of intensity that relates to the size (scale) of the use.

A. **Uses.** Scale indicates traffic volumes associated with the use and, for some uses, the distance people will travel to the use and location of uses is regulated by scale (*see Division 2.400, Limited and Conditional Uses*).

B. **Design.** Design standards for commercial uses are related to scale (*see Division 11.300, Nonresidential Design*).

SCS Method. A method of estimating runoff and peak discharges in a watershed, including Technical Release 20 and Technical Release 55, promulgated by the U.S. Department of Agriculture.

Sediment. Soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Sediment and Stormwater Management Plan. A plan for the control of soil erosion, sedimentation, stormwater quantity, and water quality impacts resulting from any land disturbing activity.

Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of:

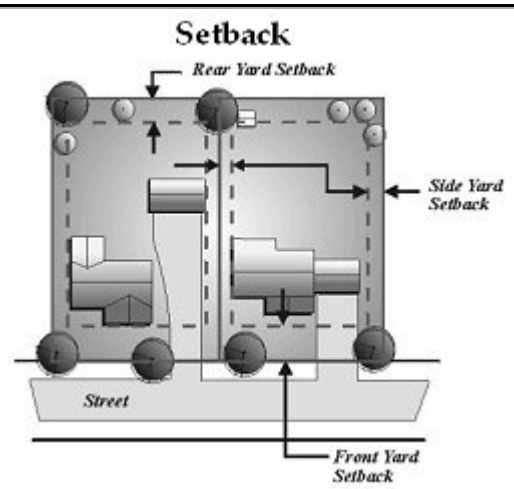
1. Removing dead, diseased, damaged, mature, or marketable timber;
2. Improving the quality of a tree stand or species; or
3. Meeting personal domestic needs.

Septic Tank. A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Septic System, Individual. *See* Sanitary Sewage Disposal, On-lot.

Setback. A stated minimum distance on a lot as measured from a lot line.

Figure 17.316A
Setback



Sheltered Care. *See* Section *17.203*, *Institutional Uses*.

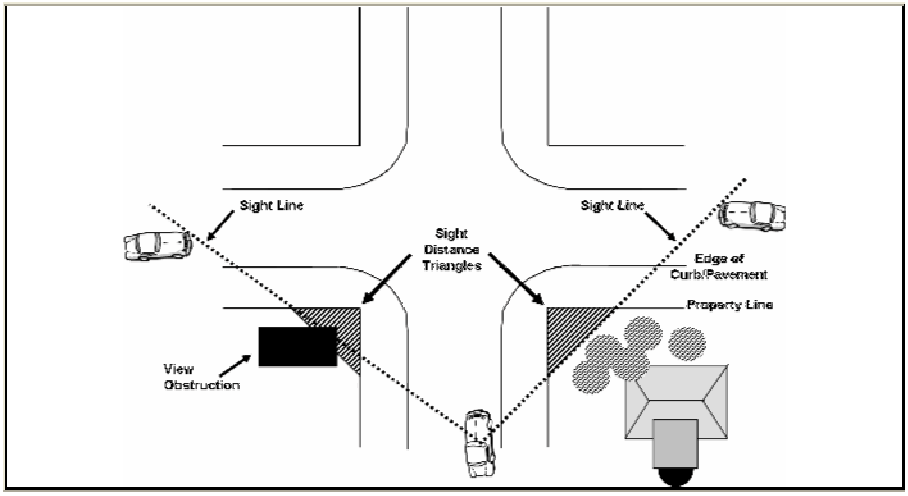
Shopping Center. A group of retail, personal, or professional service establishments planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Sidewalk. A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

Side Yard. A yard created by the setback distance of the building to a side lot line.

Sight Distance Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.

Figure 17.316B
Sight Distance Triangle



Sign. Any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant, or insignia of any nation, state, city, or other civic event used for a public purpose in the public interest, or to decorative banners placed on City lamp posts when such is used for a public purpose in the public interest.

Sign, Display Surface Area. The net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineation's including any frame or border, provided that only one face of a double-faced sign shall be included in the computation of display surface area.

Sign, Illuminated. A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

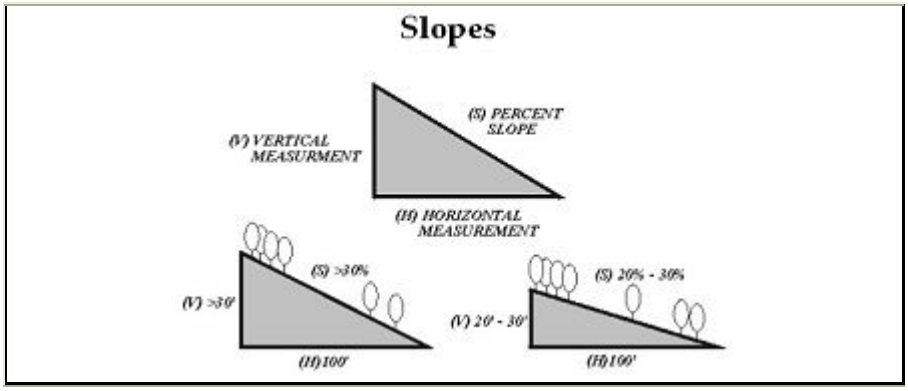
Sign, Projecting. A sign erected on the face or outside wall of a building which projects out at any angle therefrom.

Sign, Temporary. Signs of temporary nature used to advertise the premises for sale, rent, or lease.

Site Plan. A plan or drawing showing the location of buildings, parking, or other elements that is used for the issuing of approvals other than subdivision plans or land developments. Site plans cover a single land use issue. The drawings shall show sufficient detail to enable the Zoning Administrator to determine whether the standard requiring a site plan has been met.

Slope. The change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.

Figure 17.316C
Slope



Soil Borings and Percolation Tests. Field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Specimen Tree. Trees of the species listed in Appendix 1, Design and Landscaping Specifications that are in good health and are not in a woodland, but have diameters in excess of 24 inches DBH.

Stabilization. The prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel groundcover.

Start of Construction, (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Management. The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

1. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and
2. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Story, First. The ground floor story of a building, provided its floor level is not more than four feet below the mean lot level adjacent to the foundation.

Story, Half. A story under a sloping roof at the top of the building, the floor of which is not more than two feet below the wall plate.

Street. A strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than three separate parcels contiguous to one another shall not be considered a street as this term is defined.

Street, Arterial. A street that serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

Street, Boulevard. A street that is divided by a landscaped median that is continuous or exists at the development's entrance.

Street, Collector. A street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Cul-de-sac. A short, independent, minor street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.

Street Frontage. The linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.

Street, Half (Partial). A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street Line. A property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

Street, Local. A street which serves or is designed to serve primarily as access to abutting properties.

Street, Marginal Access. A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, Private. Any street right-of-way not dedicated to public use.

Street, Public. Any street right-of-way dedicated to public use or maintained by a federal, state, or local unit of government.

Street, Residential Collector. A street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street Right-of-Way. *See* Street and Right-of-Way.

Street, Service. A public or private way permanently reserved as a secondary means of access to abutting property.

Street, Stub. A stub street is a street segment, usually relatively short in length, which terminates at the boundary of a subdivision or site plan. The purpose of stub streets is to ultimately connect to abutting property when it is developed.

Structural Alterations. Any change in the structural members of a sign or building, such as poles, walls, columns, beams or girders.

Structure.

1. Any man-made object having an ascertainable stationary location on land or in water, whether or not affixed to the land.
2. For the purposes of floodplain management regulations, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, Permanent. A structure placed on or in the ground or attached to another structure in a fixed position.

Structure, Temporary. A structure that is designed to be repeatedly erected or inflated (tents and inflatable structures) or buildings that are picked up and moved.

Subdivision.

1. The division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than 10 acres not involving any new streets or easements of access, divisions of property by testamentary or interstate provision, or divisions of property upon court order; or
2. The division or allocation of land for the opening, widening, or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage, or other public facilities.

Subdivision, Major. *See* Major Land Development.

Subdivision, Minor. *See* Minor Land Development.

Subdivision Regulations. *See Article 7, Subdivision and Land Development Design Principles*.

Substantial Construction.

A. **Subdivisions.** Payment of surety, the clearing and grading of the site, installation of roads and utilities, and placing of initial foundations.

B. **Land Developments.** Installation of parking, circulation, stormwater facilities, and foundations.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred

"substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Superblock. An area bounded by arterial or collector streets or cut off by a body of water.

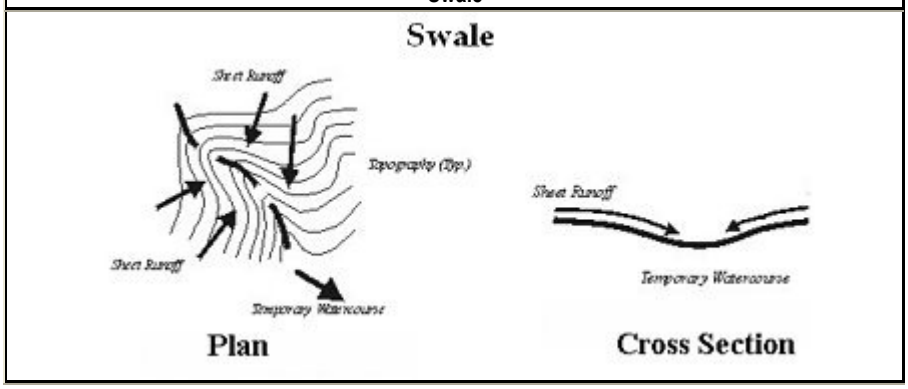
Surety. A form of financial guarantee that requires improvements will be made by providing the City with the resources to install the improvements should the developer fail to do so. These include bonds, cash, letters of credit, or other financial instruments approved by the City Attorney.

Surface Water. Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as depicted on U.S.G.S. topographic quadrangles and/or as determined by on-site surveys by a registered surveyor, landscape architect, or engineer. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities associated with agricultural operations, sewage lagoons, and other facilities for which normal maintenance and repair is necessary.

Surveyor. A land surveyor registered by and licensed to practice in the State of Oklahoma.

Swale. A linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse. The area of a swale is determined by the following: Where the swale serves a drainage area of less than 20 acres, land on either side of and within 30 feet of the centerline is the swale area. Where the swale drains an area of 20 to 160 acres, it is the area 50 feet on either side of the centerline of the swale. For drainage areas in excess of 160 acres, the area is 80 feet on either side of the centerline of the swale.

Figure 17.316D
Swale



T

Text Amendment. Changes to the text of the Code. Text amendments include changes that supplement, modify, or repeal any of the Code's present or future provisions. Changes to the Official Zoning Map are excluded (they are "map amendments"). *See also* Map Amendment.

Top of Bank. A point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a two-year storm event.

Topography. The characteristics of a parcel of land with respect to elevation.

Total Floor Area. *See* Gross Floor Area.

Towers. Towers include, but are not limited to: Guyed Tower, Lattice Tower, and Monopole Tower.

Tower zone. The area within the City of Altus where the placement of towers in support of wireless telecommunications facilities shall be located, as described in Section *2.431*E.3.c. and on the tower zone map.

Townhouse. A single-family attached dwelling unit, with a single unit going from ground to roof and with individual outside access. *See* Section 3.303D, *Townhouse and Weak-Link Townhouse*.

Townhouse, Weak-Link. A single-family attached dwelling unit, with a single unit from ground to roof and with individual outside access. Each unit shall have both a one- and two-story section. *See* Section 3.303D, *Townhouse and Weak-Link Townhouse*.

Travel Trailer. *See* Recreational Vehicle.

Tree, Canopy. A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are also called shade trees and typically reach heights of 50 to 100 feet at maturity.

Tree, Understory. A tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are also called ornamental trees.

Twin House. A single-family dwelling that is attached by one common wall to one other dwelling unit. *See* Section 3.303B, *Twin Houses and Duplexes*.

U

Understory Tree. *See* Tree, Understory.

V

Variance.

1. Relief from the standards of this Code.
2. With respect to floodplain management regulations, variance means a grant of relief to a person from the requirement of these regulations or ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Village House. A single-family residence which is detached from neighboring structures. A village house has very small front yards with special landscape requirements. Homes shall be built to the build-to line. A village house is permitted only in planned developments as provided in Section 3.303A, *Lot-Line and Village House*.

Violation.

1. A new use or structure that is not permitted or is improperly located in compliance with this Code.
2. With respect to floodplain management regulations, violation means the failure of a structure or other development to be fully compliant with this Division. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation until such time as that documentation is provided.

W

Water Quality. Those characteristics of stormwater runoff, usually from a land disturbing activity, that relate to the chemical, physical, biological, or radiological integrity of water.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Body. Any watercourse or lake defined by a bank or shore in which water can be found.

Watercourse. A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which concentrated water flows.

Watershed. The total or partial drainage area contributing stormwater runoff to a single point.

Water Table. The level below the surface at which the ground is saturated by water.

Weeds. Appendix 1, *Design and Landscaping Specifications*, lists species of plants that are considered to be weeds by this Code.

Wetland. Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the Oklahoma Department of Natural Resources.

Wetland Delineation and Report. An on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Wildlife Habitat. A community of plants that provide food, water, cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals.

Wireless Telecommunications Facilities Committee. The committee designated to review and approve the wireless telecommunications facilities permit. The committee is comprised of the Mayor, City Administrator, Altus City Planning Commission chairperson, Public Works Director and the Planning Director.

Wireless Telecommunication Facilities Permit. A permit for a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication or broadcasting facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or either lattice or monopole construction. This definition includes a satellite dish and a microwave transmitting tower.

Wireless Telecommunications Service. The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiver optics, laser, microwave, radio, satellite or similar facilities, with or without benefit or any closed transmission medium.

Woodland. An area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a forest, wood lot, grove, or stand of trees meeting the specifications of the forest type.

Y

Yard. An unoccupied space open to the sky on the same lot with a building or structure.

Yard, Street. A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon, setting back from and nearest such street line.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Yard, Side. A yard between the parts of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard.

Z

Zero Lot Line. *See* Lot-Line House.

Zoning District. A designation shown on the Zoning Map as being in a district enumerated in *Article 1*, *Jurisdiction and Zoning Districts*, in which a specific set of zoning standards apply. The term may refer to the standards or an area so mapped. The phrases "zoning classification" and "zoning designation" also mean "zoning district."

Zoning Map. The map(s) showing the location and boundaries of the zoning districts established by this Code. These maps are entitled, "Official Zoning Map of the City of Altus, Oklahoma."

Zoning Permit. A written permit issued by the Zoning Administrator that certifies that the proposed use of the land will be in compliance with the use designations of this Code.