

TITLE XV LAND USAGE

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SECTION 150.01 **CITY PLANNING COMMISSION; CREATED; MEMBERSHIP**

A City Planning Commission is hereby created for this City. It shall consist of five (5) appointive members, all of whom shall be electors of the City, and the Mayor and City Manager as ex officio members. The appointive members shall be nominated by the Mayor and appointed by the Council and shall serve for terms of three (3) years. Of the original appointive members, two (2) shall serve for terms of three (3) years, two (2) shall serve for terms of two (2) years, and one (1) shall serve for a term of one (1) year. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The Council may remove members of the City Planning Commission for cause.

Statutory reference: Planning commissions, procedures and duties, see 11 O.S. § 45-101

SECTION 150.02 **ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES**

The City Planning Commission shall elect a Chairperson, a Vice Chairperson, and a Secretary, who shall serve for terms of one (1) year. The Secretary need not be a member of the Commission. The Commission shall determine the time and place of its regular meetings. The Chairperson, the Mayor, or any three (3) members may call special meetings of the Commission. The Commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the Council. Their salaries and compensation shall be fixed by the Council and shall be paid out of the City treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the City treasury as other legal expenses of the City government are paid.

SECTION 150.03 **POWERS AND DUTIES**

The City Planning Commission shall have all the powers and duties prescribed for it by applicable State law and all other powers and duties now or hereafter prescribed for it by any other provision

of State law.

Statutory reference: Planning commission duties, see 11 O.S. §§ 43-101 and 45-101 et seq.

SECTION 150.04 **CITY PLANNING COMMISSION TO HAVE POWER OF A ZONING COMMISSION**

- A. The City Planning Commission is hereby appointed the zoning commission of the City. The City Planning Commission shall have the powers of a zoning commission as provided by State law. Whether exercising the powers of a planning commission or the powers of a zoning commission, it shall be legally one (1) board known as the City Planning Commission.
- B. Exercising the powers of a zoning commission, the City Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by applicable State law and all powers which now or in the future may be granted by applicable State law to the authorities.

Statutory reference: Zoning commission duties, see 11 O.S. § 43-109

SECTION 150.15 **BOARD OF ADJUSTMENT ESTABLISHED**

There is hereby created a Zoning Board of Adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. It is specifically provided, however, that on the effective date of this Subchapter, 8-1-1970, the Board of Adjustment as was legally in existence immediately prior to the date shall be constituted as the Board of Adjustment hereby created, and the terms of the then members of the Board shall expire after a period of three (3) years or until their successors are duly appointed and qualified. The Board of Adjustment shall be appointed by the Mayor and confirmed by the City Council.

SECTION 150.16 **ORGANIZATION AND PROCEDURES**

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

SECTION 150.17 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer of the municipality affected by any administrative decision based on this zoning ordinance. The appeal shall be taken within thirty (30) days of the decision by filing with the City Clerk and the Board of Adjustment a notice of appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the Board all papers constituting the record of the action from which the appeal is taken.

SECTION 150.18 PUBLIC HEARING REQUIRED

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matters referred to it, give fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear and be heard in person or by agent or by attorney at the hearing.

SECTION 150.19 FEES

The Zoning Board of Adjustment shall establish a fee for the hearing of appeals, which shall be sufficient to defray the cost of publishing the notice of public hearing and any other costs associated with the hearing; the appellant shall pay the fee upon filing the appeal.

SECTION 150.20 POWERS

The Zoning Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, Building Inspector, or other administrative officer in the enforcement of this Subchapter; and
- B. To authorize upon appeal in specific cases the variances from the terms of this Subchapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Subchapter will, in any individual case, result in unnecessary hardship, so that the spirit of this part shall be observed, public safety and welfare secured, and substantial justice done. The variances may be granted in the individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - 2. The application of this part to this particular piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
 - 3. The conditions are peculiar only to the particular piece of property involved; or
 - 4. Relief, if granted, would not cause substantial detriment to the public good or

impair the purposes and intent of the zoning regulations or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this Subchapter.

SECTION 150.21 **FOUR VOTES REQUIRED**

In exercising the above powers, the Board of Adjustment shall have the concurring vote of at least four (4) of its members in order that it may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the administrative officer for directing the issuance of a permit.

SECTION 150.22 **APPEAL TO DISTRICT COURT**

An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board, or bureau of the City to the district court by filing a notice of appeal with the City Clerk and with the Board of Adjustment within sixty (60) days from the filing of the decision of the Board, which notice shall specify the grounds of the appeal. Upon filing of the notice of appeal as herein provided, the Board shall transmit forthwith to the Court Clerk of the county the original or certified copy of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board.

SECTION 150.23 **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 Chairperson of the Board of Adjustment of the administrative office from which the appeal is taken certifies 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 or her opinion, would cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this Subchapter and upon notice to the Chairperson of the Board of Adjustment from which the appeal is taken, and, upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

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SECTION 151.01 CITATION AND CODIFICATION

This Chapter shall be known and may be cited as the “Historic Preservation Ordinance”.

SECTION 151.02 AREAS INCLUDED

The areas included within the Historic Preservation District and subject to provisions of this Chapter is the area described in the National Registry of Historical Places Inventory, attached as Appendix A to Ordinance 88-4.

SECTION 151.03 PURPOSE

- A. The City hereby declares that the historical, architectural, cultural, and aesthetic features of the City represent some of the finest and most valuable resources of the City, and the

resources are the embodiment of the heritage of the people of the City, State and nation.

B. Therefore, it is hereby declared that the purposes of this Chapter, to be known as the “Historic Preservation Ordinance,” shall be as follows:

1. To promote the creation of historic districts and landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, and areas of historic interest or importance within the City;
2. To safeguard the heritage of the City by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history;
3. To preserve and enhance the environmental quality of neighborhoods;
4. To strengthen the City’s economic base by the stimulation of conservation and reuse;
5. To establish and preserve property values;
6. To foster economic development;
7. To ensure the harmonious, orderly, and efficient growth and development of the municipality;
8. To promote the use of historic landmarks and districts for the culture, prosperity, education, and welfare of the people of the City and visitors to the City; and
9. To establish a preservation plan to accomplish the goals of this Chapter.

SECTION 151.04 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADAPTIVE USE. The restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the general historical and architectural character.

ARCHITECTURAL RESOURCES. Districts, structures, buildings, monuments, sites, or landscaping that possess local interest or artistic merit, or which are particularly representative of their class or period, or represent achievements in architecture, engineering technology, design, or scientific research and development.

BUILDING MATERIALS. The physical characteristics which create the aesthetic and

structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

CERTIFICATE OF APPROVAL. The official document issued by the Historic District Commission approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this Chapter.

COMMISSION. Historic District Commission of the City.

CONSERVATION. The sustained use and appearance of a resource essentially in its existing State.

DETAIL. Architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.

HEIGHT. The vertical dimension of a given structure, building, or monument.

HISTORIC DISTRICT. A geographically definable area with a concentration or linkage of significant sites, buildings, structures, or monuments that are unified historically or architecturally.

HISTORICAL RESOURCES. Sites, districts, structures, buildings, or monuments that represent facets of history in the locality, State, or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.

LANDMARK. An individual structure, building site, or monument which contributes to the historical or architectural heritage of the City.

ORDINARY MAINTENANCE AND REPAIR. Any work for which a building permit or any other City permit or certificate is not required and where the purpose of the work is stabilization, and further, where the work will not noticeably change the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The application of paint to previously unpainted brick or masonry shall not be considered ordinary maintenance and repair, nor shall the construction or enlargement of a driveway or parking area be considered ordinary maintenance and repair.

PRESERVATION. The adaptive, use, conservation, protection, reconstruction, restoration, rehabilitation, or stabilization of sites, buildings, districts, structures, or monuments significant to the heritage of the people of the City, State, and nation.

PROPORTION. The relative physical sizes within and between buildings and building components.

PROTECTION. The security of a resource as it exists through the establishment of the mechanisms of this Chapter.

RECONSTRUCTION. The process of recreating or reproducing by new construction all or part of the form and detail of a vanished resource as it appeared at a specified period in time.

REHABILITATION. The process of returning at a historical or architectural resource to a State of efficiency or soundness by repair or alteration designed to encourage its continued use but without noticeably changing the exterior appearance of the resource.

RESTORATION. The process of accurately recovering all or a part of the form and detail of a resource and its setting as it appeared at a particular period of time by means of the removal of later work and the replacement of missing earlier work.

RHYTHM. A regular pattern of shapes, including, but not limited to, windows, doors, projections, and heights, within a building, structure, or monument, or a group of same.

SCALE. The harmonious proportion of parts of a building, structure, or monument to one (1) another and to the human figure.

SETTING. The surrounding buildings, structures, or monuments, or landscaping which provide visual aesthetic, or auditory quality of the historic or architectural resources.

SHAPE. The physical configuration of structures of buildings, or monuments and their component parts including, but not limited to, roofs, doors, windows, and facades.

SIGNIFICANT CHARACTERISTICS OF HISTORICAL OR ARCHITECTURAL RESOURCES. Those characteristics which are important to or expressive of the historical, architectural, or cultural quality and integrity of the resource and its setting, and which include, but are not limited to building material, detail, height, mass, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

STABILIZATION. The process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without noticeably changing the exterior appearance of the resource.

STREET ACCESSORIES. Those sidewalk or street fixtures which provide cleanliness, comfort, direction, or safety, are compatible in design to their surroundings, and include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping, including, but not limited to, trees, shrubbery, and planters.

STRUCTURE. Anything constructed or erected the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. This includes, but is not limited to, buildings, fences, walls, driveways, sidewalks, and parking areas.

SECTION 151.05 CREATION OF HISTORIC DISTRICT COMMISSION

There is hereby created a Historic District Commission of the City to be composed of three (3) members, which members shall be the:

- A. City Manager of the City of Pawhuska;
- B. City Clerk of the City of Pawhuska; and
- C. Either an elected member of the City Council or a resident of the City of Pawhuska as determined and appointed by the City Council.

SECTION 151.06 ELIGIBILITY

The Commission members shall be interested in the history and heritage of the City and in the preservation and revitalization of the same.

SECTION 151.07 TERMS OF MEMBERSHIP

- A. *Generally.* The terms of membership for the three (3) members of the Historic District Commission shall be as follows:
- B. *Specifically.*
 - 1. The City Manager and the City Clerk shall serve during the period of time that they hold the office.
 - 2. The member of the City Council or, in the alternative, the resident of the City of Pawhuska appointed by the Council, shall serve at the pleasure of the Council.

SECTION 151.08 REMOVAL OF MEMBERS

Members of the Commission may be removed by the Council for neglect of duty or malfeasance.

SECTION 151.09 MEETING AND RULES OF COMMISSION

- A. The Commission shall elect from its membership a Chairperson who shall serve for one (1) year and who shall be eligible for re-election. All meetings of the Commission shall be open to the public.
- B. Any person, or his or her duly appointed representative, shall be entitled to appear and be heard on any matter before the Commission. The Commission shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the City Clerk. A majority of the voting members of the Commission shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the voting members of the Commission.

SECTION 151.10 DUTIES OF HISTORIC DISTRICT COMMISSION

- A. *Generally.* Unless otherwise specified in this Chapter, the duties of the Historic District Commission, shall be as follows.
- B. *Specifically.*
1. Prepare or cause to be prepared a comprehensive inventory of historical and architectural resources within the City;
 2. Prepare or cause to be prepared a general historical preservation plan to be incorporated within the comprehensive plan;
 3. Prepare findings of fact relating to the recommendation for designation of historical and architectural resources;
 4. Prepare findings of fact pursuant to action taken by the Commission relating to certificates of approval;
 5. Make recommendations to the City Council concerning the acquisition of development rights, facade easements, and the development of historical preservation plans;
 6. Make recommendations to the City Council concerning grants from federal and State agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic or architectural resources; and, when so directed by the Council, the Commission may oversee historical projects or programs;
 7. Recommend to the City Council the need for employing staff and making contracts with technical experts for the furtherance of the Commission's work;
 8. Promulgate rules governing the meetings of the Commission and the standards for materials presented to the Commission;
 9. Increase public awareness of the value of historic, architectural resources by developing and participating in public information programs and by recommending the update of the preservation program and by the giving of advice to owners or residents of the resources as to the problems and techniques of preservation work; and further, by placing monuments and markers at historical sites as chosen by the Commission;
 10. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings of fact, determinations, and decisions;

11. Make recommendations to the City Council regarding historic designations, certificates of approval, and amendment and enforcement of this Chapter;
12. Comment and make recommendations concerning actions undertaken by other City agencies or actions or other governmental units with respect to the effect of the actions upon historical and architectural resources;
13. Conduct a periodic review of the status of designated landmarks and historic districts and provide periodic reports on the findings of the review, along with any resolution for action as considered appropriate, to the City Council; and
14. Any other functions imposed by this Chapter or which may be specified by the City Council.

SECTION 151.11 **CREATION OF HISTORIC DISTRICTS**

Historic and present zoning districts may be created or enlarged upon recommendation of the Commission.

SECTION 151.12 **DISTRICT IDENTIFICATION**

Tracts, buildings, or sites within designated historical preservation districts shall be identified on the Official Zoning Map of the City.

SECTION 151.13 **DISTRICT REGULATIONS**

- A. *Generally.* The following regulations shall be applicable to the historic districts and shall control the use of all properties within the districts.
- B. *Specifically.*
 1. The erection, change, construction, moving, demolition, reconstruction, new infill, restoration, or alteration of any structure is prohibited unless a certificate of approval is granted by the Historic District Commission;
 2. All structures and grounds shall be maintained in good condition in keeping with the historical nature of the site designated;
 3. All interior portions of structures shall be kept in the good repair to the extent necessary to prevent structural deterioration; and
 4. Full compliance shall be had with all provisions and procedures of the historic preservation ordinance.

SECTION 151.14 **ORDINARY MAINTENANCE OR REPAIR**

Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any

structure, except exterior change.

SECTION 151.15 STREETSCAPES AND SIGNS

- A. The streetscape of the historic district can be developed by using landscaping, street furniture, signage, and architecture. At each point or intersection where a new zoning district begins, careful consideration should be taken so that there is an easy flow or transition from one (1) zoning district to the next.
- B. All open spaces, street, sidewalks, street furniture, street signs, lighting installations, and any other structure or monuments, shall conform to the overall purpose of the historic district, and shall meet all applicable provisions, conditions, and standards established herein.

SECTION 151.16 PERMITTED USES

- A. Except as provided below, property located within the Historic Preservation District may be used for any purpose, and only those purposes, permitted within the basic zoning district in which the property is located, subject to compliance with all regulations imposed by the basic zoning district and subject to compliance with all provisions of this chapter.
- B. Due to public safety issues involving congestion, adequate parking, and the current new growth of the retail and business trade in the Historic District, a temporary restriction is placed upon developments involving affordable housing programs within the Historic District until the year 2030.

SECTION 151.17 CERTIFICATE OF APPROVAL; WHEN REQUIRED

- A. *Generally.* A certificate of approval shall be required in the following instances before the commencement of work upon any structure or site located within the Historic Preservation District.
- B. *Specifically.*
 - 1. Whenever the work requires a building, fence, or sign permit issued by the City;
 - 2. Whenever the work includes the application of paint to a previously unpainted brick or masonry exterior or the construction or enlargement of a driveway or parking area; or
 - 3. Whenever the work includes the erection, moving, demolition, reconstruction, restoration, change, construction, new infill, or alteration of the exterior of any structure or site, except when the work satisfies all the requirements for ordinary maintenance and repair as defined in this Chapter.

SECTION 151.18 CERTIFICATE OF APPROVAL; GENERAL PROVISIONS AND PROCEDURE

- A. No building permit or fence permit shall be issued by the City Clerk and no person or entity shall install, construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of any historic landmark or of any building or structure located within the historic district or perform or take any action described in Section 151.17 unless application is made for a certificate of approval and such a certificate is granted by the Historic District Commission.
- B. The applicant shall submit to the Historic District Commission an application in writing for a certificate of approval if one is required by the terms of this Chapter, which application shall include data and information as required by the Commission, including but not limited to, the following:
 - 1. Name of applicant and property owner;
 - 2. Mailing address of applicant and permanent address of property owner;
 - 3. Location of property to be altered, repaired, or demolished;
 - 4. A detailed description of the nature of the proposed external alteration or repair to be completed;
 - 5. The intended and desired starting date and completion date of the alterations, repairs, or demolition;
 - 6. A drawing or sketch of the proposed external alteration, if applicable; and
 - 7. If demolition is to be performed, the reason for demolition and if a new structure or use is proposed, a description of the structure and intended use.
- C. Applications that are incomplete or not in compliance with the City building Code, restrictions and other City ordinances shall be returned to the applicant for completion and compliance.
- D. The Commission shall hold a meeting to consider the application within twenty (20) days after receipt of a completed application. The applicant shall be given written notice of the time and place of the meeting. Notice of the meeting shall be published in a newspaper of the City at least five (5) days prior to the meeting and the applicant shall be required to pay in advance the costs of the publication. The Commission may hold any additional meetings it considers necessary to carry out its responsibilities under this Chapter. The applicant or his or her agent shall attend the meeting of the Commission during which the application is considered. The Commission shall make its decision within five (5) days after the final hearing and in all events within forty-five (45) days after receipt of a completed application unless the Commission and the applicant mutually agree to extend the period of review. If

action is not taken within the forty-five (45) days after receipt of a completed application, it shall be deemed that the Commission approved the certificate of approval.

- E. Upon review of the application, the Commission shall determine whether the proposed work is of a nature which will adversely affect any historical or architectural resource and whether the work is appropriate and consistent with the spirit and intent of this Chapter. The Commission shall apply the criteria established by this Chapter and based thereon shall approve or disapprove the certificate of approval. If the Commission disapproves such a certificate of approval, no permit shall be issued and the applicant shall not proceed with the proposed work.
- F. The Commission shall develop the guidelines as it may find necessary to supplement the provisions of this Chapter and to inform owners, residents, and the general public of those techniques which are considered most proper for undertaking work relating to historical and architectural resources. The Commission shall have the opportunity to advise the City Council concerning provisions in the building, electrical, plumbing, heat, and air and housing Codes and other Codes which affect preservation work.
- G. It is not the intent of this Chapter to limit new construction to any one (1) period or architectural style, but to preserve the integrity of historic and architectural resources and to ensure the compatibility of new work constructed in the vicinity. In the case of the disapproval of plans by the Commission, the Commission shall state in writing the reasons for the disapproval and may include suggestions of the Commission in regard to actions the applicant might take to secure the approval of the Commission as to the issuance of a certificate of approval.
- H. The Commission may approve certificates of approval subject to certain conditions and all work shall be done in accordance with the conditions of the certificate of approval. It shall be the duty of the City Building Official to inspect from time to time any work performed pursuant to a certificate of approval to assure the compliance. In the event that the work is not in compliance, the City Building Official shall issue a stop-work order. The Commission may request by resolution that the City Building Official inspect the work and issue a stop-work order.

SECTION 151.19 CERTIFICATE OF APPROVAL; REVIEW CRITERIA

- A. *Generally.* The Commission shall be guided by the following criteria:
- B. *Specifically:*
 - 1. The United States Secretary of Interior standards for rehabilitation and guidelines for applying the standards for rehabilitation, as now existing or amended;
 - 2. The purpose and intent of this Chapter;
 - 3. The degree to which the proposed work may destroy or alter all or part of a resource;

4. The degree to which the proposed work would serve to isolate the resource from its historical or architectural surroundings, or would introduce visual, audible, vibratory, or polluting elements that are out of character with the resource and its setting, or that adversely affect the physical integrity of the resource;
5. The compatibility of the building materials with the aesthetic and structural appearance of the resource, including, but not limited to, the consideration of texture, style, color, or the components and their combinations of elements such as brick, stone, concrete, shingle, wood, or stucco;
6. The compatibility of the proposed design to the significant characteristics of the resource, including, but not limited to, a consideration of the harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories, and workmanship; and
7. If demolition is proposed, the criteria set out in Section 151.26 shall also be considered.

SECTION 151.20 MISCELLANEOUS PROVISIONS AND MINIMUM MAINTENANCE

Designated landmarks, or structures, buildings or monuments within the historic district shall be maintained to meet the minimum requirements of Codes and ordinances governing the public health, safety, and welfare. The Commission, on its own initiative, may file a resolution with the appropriate officer requesting the officer to proceed under the appropriate Codes to require correction of defects or initiation of repairs. All persons in charge of a landmark or a structure, building, or monument within a historic district shall keep in good repair all of the exterior portions of the resource, including appropriate landscaping.

SECTION 151.21 HISTORIC DISTRICT COMMISSION REVIEW

All matters regarding property or sites situated within the Historic Preservation District shall be reviewed and considered by the Historic District Commission prior to final action by the Planning Commission, the Board of Adjustment, or the City Council.

SECTION 151.22 APPEALS TO CITY COUNCIL

Any person, firm, or entity who is denied a certificate of approval by the Commission shall have the right to appeal the denial to the City Council; the appeal shall be by written notification to the City Clerk and hearing shall be scheduled before the Council at the next regular scheduled council meeting. The Council shall have the right and power to grant the certificate of approval or affirm the decision of the Commission in denying the certificate of approval.

SECTION 151.23 APPEALS FROM CITY COUNCIL

Any person aggrieved by a decision of the Council shall have the rights of appeal as provided by

law.

SECTION 151.24 TAXES

Nothing in this Chapter shall be construed as a reason for an increased valuation of property for purposes of ad valorem taxation because of historical designation.

SECTION 151.25 PROPERTY OWNED BY PUBLIC AGENCIES

The requirements, provisions, and purposes of this Chapter shall apply to all property owned by the City or any other public agency; provided, however, designation pursuant to this Chapter shall not affect the validity of prior actions of the City Council approving plans, programs, or authorizations for public trusts, agencies, or authorities of the City without an express amendment of the plan, program, or authority.

SECTION 151.26 CRITERIA FOR REVIEW OF DEMOLITIONS

- A. *Generally.* The Commission shall be guided by the following criteria in considering certificates of approval and authorizations for demolition of structures or sites within the Historic Preservation District.
- B. *Specifically.*
 - 1. The purposes and intent of this Chapter;
 - 2. The degree to which the proposed removal of the historical resource would serve to destroy the integrity and continuity of the Historic Preservation District of which it is a part;
 - 3. The nature of the resource as a representative type of style of architecture, socioeconomic development, historical association, or other element of the original designation criteria applicable to the structure or site;
 - 4. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure; and
 - 5. The alternatives available to the demolition applicant, including:
 - a. Donation of the subject structure or site to a public or benevolent agency;
 - b. Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements;
 - c. The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving the structure or site;

- d. The potential of the structure or site for renovation and its potential for continuing use;
- e. The potential of the subject structure or site for re-zoning in an effort to render the property more compatible with the physical potential of the structure; or
- f. The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided, however, that it is specifically intended that this factor shall not have exclusive control and effect but shall be considered along with all other criteria contained in this section.

SECTION 151.99 **PENALTY**

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be fined as provided in Section 10.99, including costs for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER 152 BUILDING CODES AND REGULATIONS

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SECTION 152.001 BUILDING CODE ADOPTED

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Building Code*, 2021 edition, including Appendix Chapters as published by the International Code Council and any future editions, supplements and revisions thereof, be and is hereby adopted by reference as the Building Code for this City for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Subchapter; and all ordinances or parts of ordinances in conflict therewith are repealed.

Statutory reference: Building Codes, adoption by cities, see 11 O.S. § 14-107 and 74 O.S. § 324.8

SECTION 152.002 BUILDING OFFICIAL

- A. The Building Official of this City shall be appointed by the City Manager and shall have the powers and duties prescribed for the “Building Official” by the building Code, provided that his or her powers and duties may be exercised by his or her authorized representatives under his or her supervision and control.
- B. For the purpose of this Code, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BUILDING INSPECTOR. The Building Official.

- C. The terms “Electrical Inspector,” “Plumbing Inspector,” and “Gas Inspector,” wherever used in the ordinances of the City, also each refer to and mean the Building Official, unless a separate Electrical Inspector, Plumbing Inspector, and/or Gas Inspector is appointed by the City Manager.

SECTION 152.003 FIRE LIMITS DEFINED

The fire limits of the City shall be composed of that part of the City as described below: “Begin at the NW corner of the intersection of 6th Street and Woodward Avenue and thence west along the north right of way line of 6th Street to the SW corner of Lot 7, Block 68, Original Townsite of Pawhuska; thence north along the center line of the alley traversing Block 68 to the NE corner of Lot 22 of the Block 68; thence west along the south right of way line of 7th Street to its point of intersection with the center line of Leahy Avenue; thence north along the center line of Leahy Avenue to the point of intersection with the center line of 9th Street; thence west along the center line of 9th Street to the point of intersection with the west right of way line of Grandview Avenue; thence southerly along the west right of way line of Grandview Avenue to the NE corner of Block 82, Original Townsite of Pawhuska; thence west along the north line of Block 82 to the center line of Palmer Avenue; thence southerly along the center line of Palmer Avenue to its point of intersection with the alley traversing Block 81 of the Original Townsite of Pawhuska; thence westerly along the alley traversing Block 81 and Block 80 of the Original Townsite of Pawhuska to the center line of Trumbley Avenue; thence continuing westerly along the south line of Lot 5 and Lot 12 of Block 79 of the Original Townsite of Pawhuska across Tinker Avenue and continuing westerly along the south line of Lot 5, Block 78 of the Original Townsite of Pawhuska to the west bank of Bird Creek; thence southerly along the west bank of Bird Creek to its point of intersection with the north right of way line of Main Street; thence continuing westerly along the north right of way line of Main Street (U.S. Highway 60) to the SW corner of Nicholson and Ruble’s Addition to Pawhuska; thence due south across U.S. Highway 60 continuing southerly along the west line of Standifer Tracts to a point two hundred (200) feet south of the south right of way line of U.S. Highway 60; thence in a general southeasterly direction on a line being two hundred (200) feet south of the south edge of U.S. Highway 60 to the point of intersection with the west right of way line of Farrell Avenue; thence south along the west right of way line of Farrell Avenue to the center line of 5th Street; thence easterly along the center line of 5th Street to

its point of intersection with the west right of way line of Midland Valley Railroad right of way; thence continuing southeasterly along the west right of way line of the Midland Valley Railroad right of way to its point of intersection with the center line of Osage Avenue; thence south to the point of intersection with the center line of 4th Street; thence easterly along the center line of 4th Street to its point of intersection with Gerard Avenue; thence southerly along the center line of Gerard Avenue to the point of intersection with the center line of 3rd Street; thence easterly along the center line of 3rd Street to its point of intersection with the center line of Mosier Avenue; thence north along the center line of Mosier Avenue to its point of intersection with the south right of way of the Midland Valley Railroad right of way; thence continuing easterly along the south right of way line of the Midland Valley Railroad right of way to its point of intersection with the east line of the Santa Fe Railroad right of way; thence north along the east right of way line of the Santa Fe Railroad right of way to the point of beginning.”

SECTION 152.004 BUILDING PERMIT REQUIRED; FEE

- A. It is unlawful for any person, firm, or corporation to construct, alter, remove, or demolish a building or structure, or to begin to do the same, without securing from the Building Inspector a permit therefor.
- B. There shall be submitted with each application for a building permit two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of any existing buildings or structures, if any, and the size and location of the building or structure to be constructed, altered, or moved. The applicant shall also state the existing or intended use of each such building or part of building and supply such other information with regard to the lot and neighboring lots that may be necessary to determine compliance with and provide for the enforcement of these regulations. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked, shall be retained by the Building Inspector. The application for a building permit shall be made by the owner of the property concerned or a certified agent thereof.
- C. The fee for a building permit and related permits (such as electrical, mechanical, plumbing, and inspection) shall be as identified in Appendix A. No part of the permit fee shall be refundable. Further, all applicable fees as required by the County, State or Federal government which are imposed upon the municipal building permit process, and any City administrative fee authorized by the County, State or Federal government, shall be included which are over and above those fees identified in Appendix A. The City Council may from time to time amend the fees listed in Appendix A.
- D. The fee for a building permit and related fees, specifically limited to electrical, mechanical, plumbing, sign and right-of-way permits, may be waived administratively for federal, state, and local units of government, including public school districts, which are funded by ad-valorem taxes. No other fees shall be waived.
- E. Fees as established in Appendix A to be paid to the City Clerk before a plumbing permit

shall be issued.

- F. Expiration of Building Permit. If the work described in a building permit has not begun within 6 months from the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected.
- G. Building types requiring Seal of an Architect. All building permits issued shall be in compliance with O.S.A. Titles 55 and 59 concerning those building types which are required to be designed, and plans and specifications to be issued, by a licensed Oklahoma architect.
- H. Before issuing a residential building permit, the Building Inspector shall obtain from the contractor a certificate of insurance, from the appropriate insurer, that the contractor has general liability insurance in an amount required by other construction trade contractors licensed by the Construction Industries Board, currently Fifty Thousand Dollars (\$50,000.00), and that the contractor has workers' compensation insurance or a workers' compensation exemption verification document.
- I. If the City should require a contractor to register in order to monitor insurance verifications, the registration fee shall not exceed the fee assessed by the City for other construction trade contractors licensed by the Construction Industries Board, currently Three Hundred Dollars (\$300.00) for an initial license, and Two Hundred Dollars (\$200.00) for a license renewal.

SECTION 152.020 PLUMBING CODE ADOPTED

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Residential Code*, 2021 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted by reference as the Code of this City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two (2) family dwellings and townhouses not more than three stories in height in this City, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Code published by the International Code Council on file in the office of this City are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, and all ordinances or parts of ordinances in conflict therewith are repealed.

Statutory reference: State plumbing requirements, licenses, see 59 O.S. §§ 1001 et seq.

SECTION 152.021 REGISTRATION OF PLUMBERS

- A. 1. No person shall practice or engage in the business, trade, or occupation of a plumbing contractor, journeyman plumber, or a plumber's apprentice unless he or she holds a valid, unrevoked, and unexpired license as a plumbing contractor, journeyman plumber, or certificate of registration as an apprentice plumber issued

by the State pursuant to the provisions of 59 O.S. §§ 1001-1021 and further until he or she has registered with the City Clerk.

2. The City Clerk shall make no registration of a plumbing contractor, journeyman plumber, or plumber's apprentice unless the City Clerk be presented with the valid State license or certificate and a payment of the fees as established by the City Council by motion or resolution.
 3. Registration with the City Clerk shall be on a yearly basis and shall expire on the 13th day of June of each year.
- B.
1. No person who is registered as a plumbing contractor, journeyman plumber, or plumber's apprentice as above provided shall allow his or her name to be used by another person either for the purpose of obtaining permits, or for doing business or work under the registration certificate.
 2. Every person so registered shall so notify the City Clerk of his or her business address, if any, or the address at which he or she is located and the name under which the business is carried on if different from the name of the individual registration and shall give immediate notice to the City Clerk of any change in either.
- C. No person shall perform plumbing services except as provided by the Ordinances of the City and the applicable provisions of the laws of the State not inconsistent with the ordinances of the City.

Statutory reference: State licenses, City may require registration, see 59 O.S. §§ 1001 et seq. 2011 S-1

SECTION 152.022 PLUMBING PERMITS, RESIDENTIAL HOMEOWNER

Any plumbing permit required by the ordinances of this City may be issued to any person to do any plumbing work regulated by the ordinances of this City in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with the building, provided the person applying for the permit is the bona fide owner of the dwelling and that the same will be occupied by the owner and that the owner shall personally purchase all material and perform all labor in connection therewith.

SECTION 152.023 PERMIT FEES

Fees as established in Appendix A are to be paid to the City Clerk before a plumbing permit shall be issued.

SECTION 152.024 RESERVED

SECTION 152.035 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Residential Code*, 2021 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted by reference as the Code of this City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two (2) family dwellings and townhouses not more than three stories in height in this City, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Code published by the International Code Council on file in the office of this City are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, and all ordinances or parts of ordinances in conflict therewith are repealed.

SECTION 152.050 DEFINITION

For the purpose of this Subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ELECTRICAL EQUIPMENT. Refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind or description, to be installed within or on any building or structure.

Statutory reference: State electrical licenses, requirements, City powers to regulate, see 59 O.S. §§ 1680 through 1697

SECTION 152.051 ICC ELECTRICAL CODE - ADMINISTRATIVE PROVISIONS

- A. That certain documents, a copy of which are on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *ICC Electrical Code - Administrative Provisions*. (See *ICC Electrical Code - Administrative Provisions* Section 102.7, 2021 edition), including Appendix Chapters as published by the International Code Council, and any editions, supplements, and revisions thereof be and is hereby adopted by reference as the Code of this City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in this City and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Code published by the International Code Council, on file in the office of this City are hereby referred to, adopted and made a part hereof as if fully set out in this Subchapter, and all ordinances or parts of ordinances in conflict therewith are repealed.
- B. Nothing in this Subchapter or in the electrical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended; nor shall any just or legal right or remedy of any character be

lost, impaired, or affected by this Subchapter.

SECTION 152.052 ELECTRICAL INSPECTOR

- A. The City Manager shall designate some suitable person as Electrical Inspector whose duties shall be the enforcement of this Subchapter and all ordinances pertaining to electrical equipment.
- B. The City Manager may designate additional persons as Assistant Electrical Inspector.

SECTION 152.053 ELECTRICAL PERMIT REQUIRED; FEES

No electrical equipment shall be installed until an electrical permit has been issued by the Electrical Inspector and the fee required has been paid as set forth in Appendix A.

SECTION 152.054 INSPECTION REQUIRED

No electrical equipment or installation shall be used or operated until inspected and approved by the Electrical Inspector or Assistant Electrical Inspector.

SECTION 152.055 LICENSE; CERTIFICATE OF REGISTRATION REQUIRED; FEES

No permit shall be issued to any person nor shall any person install any electrical equipment within this City unless they are properly and currently licensed by the State and are registered with the City Clerk and have paid any fee that is required, provided, however, that the owner and occupant of a single-family residence and who actually resides in the residence and purchases all the material and performs all the labor shall not be required to be licensed in order to obtain a permit.

SECTION 152.056 ELECTRICIANS' BOND

Every electrical contractor shall furnish the City evidence of current bond issued by some surety company authorized to do business in the State and meeting the requirements of State law.

SECTION 152.057 INSTALLATION NOT TO BE CONCEALED UNTIL APPROVED

- A. It is unlawful for any person, firm, or corporation to conceal, or cause to be concealed, any electrical equipment used for electrical light, heat, or power, until he or she or it knows that the installation has been approved by the Electrical Inspector.
- B. A tag in the switch cabinet or attached to the service equipment properly signed and dated, so stating, will be sufficient notice.

SECTION 152.058 WORK "ROUGHED IN"

New or old work "roughed in" shall include all electrical equipment to make the installation complete, be free from unintentional grounds, with joints properly made up, ready for attachment

of fixtures, drop lights, and appliances.

SECTION 152.059 INSPECTION OF NEW WORK “ROUGHED IN”

After making inspection of new work “roughed in,” the Electrical Inspector shall leave a tag or notice in the switch cabinet or attached to the service equipment, plainly indicating whether the work has been approved and is ready to conceal, or that the installation is not standard and must not be covered until approved by the Electrical Inspector.

SECTION 152.060 PREMISES NOT TO BE CONNECTED UNTIL INSTALLATION IS APPROVED

It is unlawful for any person, firm, or corporation to connect, or cause to be connected, any service or building, for the supply of electrical current for light, heat, or power, until he or she or it has been notified by the Electrical Inspector that electric work has been inspected and approved and is ready for electric service.

SECTION 152.061 ANNUAL INSPECTION IN FIRE ZONE; CORRECTIONS

The Electrical Inspector may make an annual inspection of all electrical equipment in the fire zone of the City. When any electrical installations are found to be in an unsafe or hazardous condition, the Electrical Inspector shall notify the person, firm, or corporation where the electrical conditions exist to correct same and place in a safe condition. Any person, firm, or corporation failing or refusing to make correction of hazardous or unsafe electrical installations, after having been notified by the Electrical Inspector, within a designated time to be determined by the Electrical Inspector, shall be fined according to the provisions of this Subchapter. Each day after the expiration of the time designated to make correction shall constitute a separate offense. When hazardous or unsafe electrical conditions exist and any person, firm, or corporation fails to make correction after having been notified, the Electrical Inspector shall have the authority to discontinue the electric service.

SECTION 152.062 INSPECTOR MAY ENTER BUILDINGS

The Electrical Inspector, while in the discharge of his or her official duty, shall have authority to enter any building or premises at any reasonable hour, for the purpose of making any electrical inspection, reinspection, or test of the electrical equipment contained therein or its installation; and any person interfering with the Electrical Inspector shall be fined as provided for in this Subchapter.

SECTION 152.063 RESPONSIBILITY FOR DAMAGES

This Subchapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or to property caused by any defect therein, nor shall the City or any officer or employee of the City, be held as assuming the liability by reason of the inspection or reinspection as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

SECTION 152.075 FUEL GAS CODE ADOPTED

That certain documents, a copy of which are on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as the *International Fuel Gas Code*, 2006 edition, as published by the International Code Council, Inc., and be and is hereby adopted as the *Fuel Gas Code* of the City of Pawhuska, Oklahoma, for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Subchapter, and all ordinances or parts of ordinances in conflict therewith are repealed.

SECTION 152.076 CERTIFICATE REQUIRED

No person shall engage in or work at the installation, extension, alteration, or repair of any gas appliance or piping pertaining to or in connection with gas service on consumer's premises within the corporate limits of the City unless the person holds either a plumber's license and is registered as such, or a gas fitter's license from the Board of Plumbing Examiners issued pursuant to the test as the Board requires. There shall be paid to the City Clerk a fee as established by the Council by motion or resolution for the gas fitter's license which shall expire on July 1st next after date of issue. The license may be renewed from year to year, if not permitted to lapse, by the payment to the City Clerk of the fee annually in advance before July 1st of each year.

SECTION 152.077 PERMITS

- A. No gas fitter or plumber shall install a conversion burner, floor furnace, central heating plant, or gas engine, or make alterations to the installed house piping in any building or structure without first obtaining from the City a permit to do the work. Permits will not be required for settings or connecting other gas appliances where the connections are made to existing outlets previously installed by a licensed plumber or gas fitter.
- B. It is unlawful for the owner or owners of the premises to permit gas plumbing to be done on the premises without a permit in violation of this Subchapter.

SECTION 152.078 FEES

Fees as set forth in Appendix A for inspection of gas installations shall be paid by the person to whom the permit is issued.

SECTION 152.079 INSPECTIONS

- A. Rough piping inspection shall be made by the Plumbing Inspector after all piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixture or gas appliance has been attached thereto.
- B. Test or final inspection shall be made by the Plumbing Inspector after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by

plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury twenty (20) inches in height, and the piping shall hold this air pressure for a period of at least fifteen (15) minutes without any perceptible drop. A U-gauge type mercury column or approved spring gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the tests shall be furnished by the installer.

SECTION 152.080 CERTIFICATES

The Plumbing Inspector shall issue a certificate of approval at the completion of the work for which the work complies with the provisions of this Code and all other requirements of law or ordinance applicable thereto. A duplicate of each piping certificate shall be delivered to the gas company and used as its authority to grant gas service.

SECTION 152.081 POWERS AND DUTIES OF INSPECTOR

- A. The Inspector is hereby authorized and directed to enforce all of the provisions of this Subchapter. The Inspector, upon presentation of proper credentials, may enter any building or premises at a reasonable time for the purpose of making inspection or preventing violations of this Code.
- B. The Inspector is hereby authorized to disconnect any gas piping or fixture or appliance which has been connected before a certificate of approval has been issued, or which, upon inspection, shall be found defective or in the condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping system, which notice shall state that the same has been disconnected by the Inspector, together with the reason or reasons therefor; and it shall be unlawful for any person to remove the notice or reconnect the gas piping or appliance until authorized by the Inspector to do so.

SECTION 152.082 FUNCTIONS OF THE GAS COMPANY

- A. It is the duty of the gas company to notify the Inspector of any gas piping or appliance which may appear to be defective or otherwise considered to endanger life or property, and the Inspector shall take the proper action as authorized by this Code.
- B. In all cases where the supplying of gas has been discontinued for safety reasons, the supplying of gas shall not be resumed until authorized by the Inspector.

SECTION 152.095 PERSONS MUST COMPLY WITH STATE LAW AND POSSESS ANY STATE LICENSE OR PERMIT

It is unlawful for any person, firm, or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store the gas, unless

the person has complied with and complies with all provisions of the law and ordinances relating thereto, and has any license or permit which may be required by State law. Pamphlet No. 58, Storage and Handling of Liquefied Petroleum Gases, Rules and Regulations, issued by the National Fire Protection Association and also adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this City. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the City and shall be punished accordingly.

Statutory reference: State rules, liquefied petroleum gas, see 52 O.S. § 420.1 et seq.

SECTION 152.096 INSPECTION; FEE

All liquefied petroleum installations within the City, upon completion, shall be inspected by the Plumbing Inspector, and shall not be used by the occupants until approved by the inspector as complying with the section above and the rules and regulations adopted thereby. The fee for the inspection shall be the same as prescribed for natural gas piping inspections.

SECTION 152.110 MOVING PROHIBITED WITHOUT PERMIT

No person shall move, cause to be moved, or assist in the moving of any house or building within and upon the streets and alleys of the City without and until a permit shall be issued by the City Clerk therefor as herein provided.

SECTION 152.111 RESERVED

SECTION 152.112 NOT TO ISSUE IF PAVEMENT DESTROYED

A permit shall not be issued, the provisions of this Subchapter notwithstanding, for the moving of any house, building, or heavy article, where the moving of the same will break, destroy, or in any manner injure the pavement, curbing, gutter, or shade trees within the City.

SECTION 152.125 TEARING DOWN OR REMOVING BUILDINGS PROHIBITED WITHOUT PERMIT

No person, firm, or corporation shall tear down or cause to be torn down or remove or cause to be removed any buildings of any kind within the City without having procured a permit from the City Clerk as provided in this Subchapter. The term “house” or “building” as used in this Subchapter shall not be interpreted to include outhouses used in connection with residence houses or business houses that are in use and are to be continued in use. This Subchapter does not require the procuring of a permit and the giving of a bond in those cases in which a house or building is being torn down, demolished, or removed by order of the State Fire Marshal or one (1) of his or her assistants or the Chief of the Fire Department of the City or other City authority, or the Sheriff of the county pursuant to the State law or pursuant to the terms of this Subchapter.

SECTION 152.126 APPLICATION; BOND; FEE

A. Any person, firm, or corporation desiring to tear down or remove a house or building within

the City shall make written application to the City Clerk for a permit authorizing same to be done.

- B. The application shall contain sufficient information to enable the City Manager of the City to determine the amount of cash deposit or bond to be required. The amount shall be not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00). The applicant shall deposit with the City Clerk the amount of cash determined by the City Manager or execute a bond with sufficient surety in the amount set by the City Manager. If cash deposit is made and no bond with surety given, the person, firm, or corporation making the application shall sign his or her own bond to be filled at the same time cash deposit is made.
- C. The condition of the bond herein required shall be as follows, that:
1. No damage will be done to sidewalks, curbs, streets, electric wires, or telephone wires in the tearing down or removing of the house or building;
 2. All lumber, brick, concrete, cement, plaster, nails, wire, and other material coming from the tearing down or removing of the house or building shall be cleaned up and removed;
 3. All cellar space and excavations under the house or building will be filled level with the remainder of the lot or lots;
 4. Any cistern or well which has been used in connection with the house or building will be filled or safely and securely closed;
 5. All openings to any sanitary sewer to which the house or building has been connected will be plugged to meet the requirements of the Plumbing Inspector, and securely closed; and
 6. The lot or lots on which the house or building has been located will be leveled where the house or building has been removed and the lot or lots left entirely free from trash of all kinds coming from tearing down or removing. However, if there be a substantial brick, stone, or concrete foundation of the house or building, if the person, firm, or corporation desires to leave the foundation so that it will be available for use as the foundation of another house or building which may be placed thereon, application may be made to the Building Inspector for permission to leave it standing. If the Building Inspector on consideration thereof gives written permit, the foundation may be left standing.
- D. The bond shall contain a provision obligating the completion of the tearing down or removal of the house or building within the time set by the City Manager, which time shall be not more than sixty (60) days, unless that time for good cause be extended in writing by the City Manager or by the Building Inspector. If bond with surety is given, the same shall not be accepted by the City Clerk until it has been approved by the City Manager. If the

foundation of the house or building under written permit of the City Manager or Building Inspector is not torn down, it must be left in the condition as not to furnish a place in which water will stand or to be the receptacle of rubbish or junk or to provide a place where weeds and noxious vegetation will grow. If the foundation is torn down, the material from which it was constructed must either be removed from the lot or lots or stacked in orderly way so that it will not furnish a home for rats, mice, and other animals. On making the cash deposit required and the executing of bond by the applicant or on executing bond with surety as required, the City Clerk shall issue to the applicant permit granting him or her the privilege to tear down or remove the house or building in compliance with the provisions of this Subchapter and bond.

SECTION 152.127 COMPLIANCE WITH BOND

If the house or building has been torn down or removed in compliance with this Subchapter and with the bond herein provided to be given and there has been no violation of this Subchapter or the terms of the bond, the cash deposit shall be returned and the individual bond exonerated, or the bond with surety, if 1 has been given, shall be exonerated.

SECTION 152.128 SATISFACTION OF DAMAGES

If the considerations of this Subchapter or the bond have been violated, the City Manager shall cause to be retained from the cash deposit made, if one (1) has been made, sufficient amount or take the steps as may be necessary to compensate for all damages suffered and to have the premises cleaned up as provided in this Subchapter and the bond given hereunder. Suit may be instituted against the person, firm, or corporation tearing down the house or building and, on the bond, given if there is a violation thereof and if suit is necessary.

SECTION 152.129 COMPELLING THE TEARING DOWN, DEMOLISHING, OR REPAIRING OF BUILDING, AND THE REMOVAL OF MATERIALS

- A. Whenever it is reported to the Chief of the Fire Department or whenever it comes to his or her knowledge from any source of information and he or she finds that any house, building, or other structure from want of proper repair or by reason of age and dilapidated condition or for any other cause is especially liable to fire, and is so situated as to endanger other buildings or property or is so occupied that a fire would endanger persons or property therein, the Chief of the Fire Department shall order the house, building, or other structure to be repaired, torn down, or demolished and all materials removed and all dangerous conditions removed.
- B. If the Chief of the Fire Department finds in a house or building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind dangerous to the safety of the house, building, or property, he or she shall order the material removed or conditions remedied. The order shall be made against the owner, lessee, agent, or occupant of the house, building, or premises; and thereupon the order shall be complied with by owner, lessee, agent, or occupant and within the time

fixed in the order. The time shall be fixed by the Chief of the Fire Department and shall be not less than ten (10) days. If there is no compliance with the order within the period of ten (10) days from the time same is given, and if there is no appeal to the State Fire Marshal as provided by State law within the period of ten (10) days, the Chief of the Fire Department shall proceed to tear down or demolish the house, building, or other structure or to have the same done, and remove, or have removed, the material from the lot or lots, or remove the combustible or explosive material, rubbish, rags, waste, oils, gasoline, or other inflammable conditions from the house, building, or premises. This shall all be done at the expense of the owner, lessee, agent, or occupant of the house, building, or premises. If the owner, lessee, agent, or occupant of the house, building, or premises shall fail or neglect to pay the expense for thirty (30) days from the time the expenses are created, the same shall be certified by the Chief of the Fire Department to the County Assessor, which officer shall enter the expenses on the tax list of the county as a special charge against the real estate on which the house or building is or was located and shall be collected as other taxes, and when collected shall be paid by the county authorities to the City Clerk to reimburse the City for the expenses so incurred.

SECTION 152.130 CONDEMNATION OF DILAPIDATED BUILDINGS; NOTICE; REMOVAL; LIEN

- A. *Generally.* The City Council may cause dilapidated buildings within the City limits to be torn down and removed in accordance with the following procedure.
- B. *Specifically.*
 - 1. At least fifteen (15) days' notice shall be given to the owner of the property before the Council takes action or holds a hearing. Notice shall be given by posting on the property and by certified mail with return receipt requested to the property owner at the address shown by the current year's tax rolls in the County Treasurer's office. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the County Clerk to the last-known address of the mortgagee;
 - 2. A hearing shall be held by the Council to determine whether the property is dilapidated and has thereby become detrimental to the health, benefit, and welfare of the public and the community, or creates a fire hazard to the danger of property;
 - 3. Upon a finding that the condition of the property constitutes a detriment or a hazard, and that the property would be benefitted by the removal of the conditions, the Council may cause the dilapidated building to be torn down and removed and shall fix reasonable dates for the commencement and completion of the work. The agents of the City are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the City if the work is not performed by the property owner within dates fixed by the Council;
 - 4. The Council shall determine the actual cost of the dismantling and removal of dilapidated buildings, and any other expenses as may be necessary in conjunction

therewith, including the cost of notice and mailing. The City Clerk shall forward a Statement of the actual cost and a demand for payment by certified mail with return receipt requested to the property owner, and by mailing a notice to any mortgage holder, at the addresses named in division (B)(1) above. If dismantling and removal of dilapidated buildings is done by the City, the cost to the property owner shall not exceed the actual cost of the labor, maintenance, and equipment required for dismantling and removal of dilapidated buildings. If dismantling and removal of dilapidated buildings is done on a private contract basis, it shall be awarded to the lowest and best bidder;

5. If payment is not made within six (6) months from the date of the mailing of the Statement, the City Clerk shall forward a certified Statement of the amount of the cost to the County Treasurer of the county in which the property is located and the same shall be levied on the property and collected by the County Treasurer as other taxes authorized by law. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the County Treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid; and
6. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DILAPIDATED BUILDING. The neglect of necessary repairs to a building or allowing it to fall into a State of decay or allowing it to fall into partial ruin to such an extent that the building is a hazard to the health or safety or welfare of the general public.

Statutory reference: Removal of dilapidated buildings, see 11 O.S. § 22-112

SECTION 152.131 CLEARING UP OF PREMISES FROM WHICH BUILDINGS HAVE BEEN REMOVED, TORN DOWN, OR DEMOLISHED BY ORDER OF STATE FIRE MARSHAL OR PURSUANT TO THIS SUBCHAPTER

In all cases in which a house or building has been removed before the taking effect of this Subchapter; or a house or building is torn down or demolished pursuant to order of the State Fire Marshal or one (1) of his or her assistants or the Sheriff of the county or the Chief of the Fire Department as provided by the State law or as provided in this Subchapter; and in which any of the following conditions exist, then the owner or owners of the lot or lots and the person, firm, or corporation who tore down the house or building shall immediately comply with the provisions of this Subchapter by having all of the things done:

- A. The premises have not been cleaned up;
- B. The premises are cleaned up, and all lumber, brick, concrete, cement, plaster, nails, wire, and other material have not been removed;

- C. The materials removed but the cellar space and excavations have not been filled;
- D. A cistern or well has not been filled or safely and securely closed and all openings to sanitary sewer have not been plugged to meet the requirements of the City Plumbing Inspector and securely closed; and
- E. The lot or lots have not been leveled and left entirely free from trash or the same be not immediately done.

SECTION 152.132 VIOLATIONS

If a person, firm, or corporation undertakes the tearing down of a house or building within the City limits and abandons the undertaking before it is completed, the abandonment shall constitute a violation of this Subchapter and of the bond given as heretofore provided. Cessation of work in tearing down of the house or building for a period of ten (10) days shall constitute prima facie evidence of abandonment of the work.

SECTION 152.145 SIGN PERMITS REQUIRED

No signboard, billboard, or sign of any kind hereafter erected shall be placed or hereafter maintained upon any property without a permit and the consent of the City Manager or the person designated by him or her. No sign, signboard, or billboard shall be fixed, placed, erected, or maintained upon any other highway unless the provisions of this Subchapter be fully complied with, and a permit for the erection of such a sign must be obtained before the erection of the same.

SECTION 152.146 TEMPORARY SIGNS

Temporary signs may be attached to buildings and suspended over public highways inside the fire limits by permit provided that the same may be securely attached to the buildings and so hung that the lowest part thereof shall not be less than twenty-five (25) feet above the surface of the roadway or eight (8) feet above any sidewalk and not less than five (5) feet above any electric wire. No temporary sign shall be hung across any street or alley higher than the fourth story floor line. Signs made wholly of cloth or in part of cloth shall not be permanently maintained, and no permit shall be granted for the use of any such sign for more than thirty (30) days.

SECTION 152.147 APPLICATION FOR SIGN PERMITS

- A. All applications for permits to erect or maintain a sign or signboard extending beyond the property line into any public highway or other public place shall be in writing, signed by the person proposing to erect or maintain the sign. If the sign is to be erected upon any building not owned by the applicant, the application shall also be signed by the owner of the building or his or her authorized agent. The application shall be accompanied by either plans or specifications or both, sufficient to show the design, dimensions, construction, weight, fastening, and wiring of the same for the approval of the City Manager or the person designated by him or her and shall also state the proposed location of the proposed sign.

- B. The plans and specifications of all electric signs shall also be subject to the approval of the Electrical Inspector. If the proposed sign is in accordance with the provisions of this and other applicable ordinances of the City, then the permit shall be granted, otherwise it shall be refused.

SECTION 152.148 SIGN PERMITS AND FEES THEREFOR

No permit required by this Subchapter for the erection of a sign, signboard, or billboard shall be issued, and no sign, signboard, or billboard for which such a permit is required shall be erected or maintained, unless the person erecting or maintaining the sign, signboard or billboard shall first take out a permit and pay a fee as set forth in Appendix A. The same fee shall be paid for the erection and maintenance of a temporary sign for a thirty (30) day period as herein provided for the erection and maintenance of all other signs.

The foregoing fee shall cover the issuance of the permit and the cost of inspection of the sign after erection. All permits shall be issued and signed by the Building Inspector or the person designated by him or her, who shall keep a record of all permits issued.

SECTION 152.149 INSPECTION AFTER ERECTION OF SIGN

All signs shall be inspected by the City Manager or the person designated by him or her promptly after erection. All electric signs shall also be inspected by the Electrical Inspector. As soon as the erection of any sign is complete the owner or person having charge of the erection of the same shall notify the City Manager or the person designated by him or her that the sign is ready for inspection.

SECTION 152.150 MAXIMUM AREA OF SIGN

No sign hereafter erected and projecting into any public highway more than 6 inches shall have an area on any one (1) side therefore exceeding twenty-four (24) square feet.

SECTION 152.151 SWINGING SIGNS

No swinging sign shall be of greater area than twelve (12) square feet. No sign shall project more than eight (8) feet beyond the face of the building to which attached. However, if a sign is constructed of open wire work with letters or illustrations attached thereto, the height and area thereof may exceed the foregoing limits, but the area must not exceed twenty-four (24) square feet or the height of three (3) feet.

SECTION 152.152 OVERHANGING SIGNS

- A. No sign which is fastened with its back directly against a building or parallel to the face of a building, shall project into or over any public highway more than eighteen (18) inches. All the signs must be supported on substantial metal brackets, attached and anchored directly to the body of the building. Signs attached to bays shall not extend from bay to bay or beyond the limits of the outer face of the bays but may follow the contour thereof. All

signs extending beyond the property line shall be so erected that the lowest point thereof shall not be less than eight (8) feet above any sidewalk, or less than fourteen (14) feet above any alley or roadway of any street.

- B. No sign shall extend more than eight (8) feet beyond the property line.

SECTION 152.153 TRANSPARENCIES

- A. Glass globe signs not more than twelve (12) inches in their greatest diameter and securely fastened may extend from buildings into public highways not more than eighteen (18) inches. No other transparency having any side or face of glass, of an area exceeding one (1) square foot, or extending more than twelve (12) inches into public highway, shall hereafter be constructed or maintained.
- B. All transparencies shall be constructed of incombustible materials and lighted with electricity.

SECTION 152.154 HOW SIGNS ARE FASTENED AND SUPPORTED

- A. All signs erected or hereafter maintained under the provisions of this Subchapter must be securely fastened and supported with metal fastenings and supports approved by the City Manager or person designated by him or her. No supports or fastenings shall be attached to or supported from wooden plugs. In all cases where a sign is to be attached to a masonry wall, approved toggle or expansion bolts must be used, or the bolts or other supports must extend through the wall and be fastened on the inside in a substantial manner. Every sign not placed with its back directly against the face of a building shall have a sufficient number of guys to properly support the same and secure the sign against wind pressure.
- B. Each and every support for all signs erected within the scope of this Subchapter must have a tensile strength at least four (4) times greater than required for the weight of the sign and the wind pressure to be resisted.

SECTION 152.155 REPAIR, PAINTING OF SIGNS

All signs extending over public highways or other public property and the supports and fastenings thereof must be kept in good repair at all times and all metal work shall be painted when erected and at least once each year thereafter.

SECTION 152.156 EXISTING SIGNS

Any sign now erected and existing in conflict with the provisions of this Subchapter shall be removed when rotten or unsafe or when ordered to be removed by the City Manager or the person designated by him or her.

SECTION 152.157 REMOVAL OF SIGNS

The City Manager or the person designated by him or her shall have the power to order the removal of any sign hereafter erected or maintained in violation of the provisions of this Subchapter. If the order of the manager or other designated person is not complied with, he or she may remove the sign himself or herself or cause the same to be done.

SECTION 152.158 VESTED RIGHTS; DAMAGES

- A. Neither the granting of any permit by the City or any of its officers before the passage of this Subchapter, nor the granting of any permit authorized under the provisions of this Subchapter nor the occupancy of any portion of any street, alley, or other public place, either above or below the surface thereof under the provisions or within the scope of this Subchapter, either with or without such a permit, shall ever be construed to grant any vested right in the occupancy; but all the privileges are granted and permitted to be exercised upon the express condition that the occupancy must be discontinued without expense to the City at any time the City so directs.
- B. The owner of any building any part of which projects beyond the property line into any public street, alley, or other public place, or in connection with which any part of any street, alley, or other public place is occupied, either above or below the surface thereof, shall, as a condition of the occupancy be bound to indemnify the City from any loss, costs, damages, or expense which the City may incur or for which the City shall be liable by reason of any damages of any character suffered or sustained by any person or persons, either directly or indirectly, by reason of the occupancy. Any person erecting or maintaining any sign under the provisions of this Subchapter and who is not the owner of the building or structure to which the same is attached shall be liable to indemnify the City as if he or she were the owner of the building or structure, but the liability of the owner shall not thereby be released.
- C. The provisions of this section shall be applicable to all cases where the occupancy of the street, alley, or other place is maintained after the passage of this Subchapter, regardless of the time when the occupancy commenced, and regardless of whether or not a permit for the occupancy has been heretofore granted by the City.

SECTION 152.159 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BANNER SIGN. All display signs printed or painted upon cloth with or without frames. Painted canvas signs on substantial wooden stretchers shall be classified as wooden signs.

BILLBOARD. All display boards and fences or screens used as such having paper or other material attached thereto with letters or illustrations painted or printed thereon.

SIGN. All display boards and fences or screens used as such, having letters or illustrations painted or raised thereon.

SECTION 152.160 ERECTION OF SIGNS AND BILLBOARDS

No sign or billboard shall be so erected in the City that the top of the same shall be more than fourteen (14) feet above the surface of the ground, provided, that all signs and billboards having an area of eighty (80) square feet or more, may have a board not more than twelve (12) feet long with the owner's name thereon raised above the top of the sign or billboard not more than eighteen (18) inches.

SECTION 152.161 CONSTRUCTION AND SETTING

- A. All signs and billboards other than those placed on or attached to buildings shall be independently supported on substantial posts set into the ground and shall be thoroughly braced and anchored against wind pressure. All the signs and billboards having a height of more than six (6) feet shall be erected on posts not less than four (4) inches square in size and placed not more than eight (8) feet apart. The posts shall be imbedded in the ground at least two and one half (2-1/2) feet and shall extend to the top of the board. Each post shall be braced by at least one 2 x 4 stringer, set at an angle of not less than forty-five (45) degrees firmly nailed or bolted to the post at a point not less than two thirds (2/3) the height of the post above the foot of the same and firmly nailed or bolted at the other end to an anchor not less than four (4) inches x four (4) inches in size, firmly imbedded in the ground not less than three (3) feet.
- B. All signs and billboards inside of City limits and having an area of over forty-eight (48) square feet shall have all parts thereof except the frame and rim of galvanized iron.

SECTION 152.162 SIGNS AND BUILDINGS

All signs or signboards attached to or placed upon any building inside the fire limits and having a greater area than twenty-four (24) square feet shall be of metal with metal or wood frame. No sign or billboard of any kind shall be attached to or placed upon a building in the manner as to obstruct any fire escape thereon or access thereto from the building.

SECTION 152.163 SKY SIGNS

"Sky signs" are hereby defined to mean the signs as are placed upon the roof or coping wall of buildings. All sky signs shall be constructed on wire netting in a metal frame with wood or metal letters or illustrations thereon. If the sign is to be electrically illuminated, no wood shall be used. Sky signs of open wire work may be placed upon the roof of any building provided that the top of any such sign shall not be over fourteen (14) feet above its base measured from the roof line irrespective of any coping line.

SECTION 152.164 ALTERATION; REPAIR; REMOVAL

No existing sign or billboard in conflict with the provisions of this Subchapter shall be altered or repaired except the same be made to conform to the provisions of this Subchapter. Any sign or billboard now existing or hereafter erected, which is or becomes unsafe shall be at once removed

or repaired in conformity with this Subchapter, and if not so removed or repaired, may be removed by the City Manager or the person designated by him or her after notice to the owner thereof or occupant of the premises where located.

SECTION 152.165 GROUND SIGNS AND BILLBOARDS

Every sign or billboard erected on the ground and having a face area of over sixty-four (64) square feet shall be so constructed that the underside of the sign shall average not less than two (2) feet above the street or sidewalk grade or the natural grade where no established grade exists. No sign or billboard shall be located closer than four (4) feet to any street line.

SECTION 152.180 ADOPTION OF MECHANICAL CODE

- A. That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as the *International Mechanical Code, Section 101.2.1*, 2021 edition, as published by the International Code Council, Inc., and any editions, supplements, and revisions thereof be and is hereby adopted as the Code of the City of Pawhuska, Oklahoma, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Pawhuska, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said Code published by the International Code Council, is hereby referred to, adopted, and made a part hereof, as if fully set out in this section, and all ordinances or parts of ordinances in conflict therewith are repealed.
- B. Nothing in this Subchapter or in the mechanical Code hereby adopted shall be construed to affect any suit or proceedings impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Subchapter.

SECTION 152.181 INTERNATIONAL PROPERTY MAINTENANCE CODE

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Property Maintenance Code*, 2021 edition, as published by the International Code Council and any future editions, supplements and revisions thereof, be and is hereby adopted by reference as the Property Maintenance Code for this City, for the maintenance of existing buildings and property as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Subchapter; and all ordinances or parts of ordinances in conflict therewith are repealed.

Statutory reference: Building Codes, adoption by cities, see 11 O.S. § 14-107 and 74 O.S. § 324.8.

SECTION 152.182 INTERNATIONAL EXISTING BUILDING CODE

That certain document, a copy of which is on file in the office of the City Clerk, Pawhuska, Oklahoma, being marked and designated as *International Existing Building Code*, 2021 edition, as published by the International Code Council and any future editions, supplements and revisions thereof, be and is hereby adopted by reference as the Existing Building Code for this City, for the maintenance of existing commercial buildings and property as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Subchapter; and all ordinances or parts of ordinances in conflict therewith are repealed.

SECTION 152.183 CERTIFICATE OF OCCUPANCY

- A. Except for any property of any railway company or terminal company, no land shall be occupied or used, and no building hereafter erected, altered, or extended shall be used, and no use of land or building shall be changed until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or proposed use complies with the provisions of these regulations.
- B. The application fee for a certificate of occupancy shall be as identified in Appendix A.
- C. Pending the issuance of a permanent certificate of occupancy, a temporary certificate may be issued. The temporary certificate shall be valid for a period established by the Building Inspector, pending completion of an addition, or during partial occupancy of a structure.

SECTION 152.999 ENFORCEMENT AND PENALTY

- A. It shall be the duty of the City Manager or the Building Inspector to enforce the provisions of these regulations. If the Manager or the Building Inspector shall find that any of the provisions of this Chapter are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials and employees of the City of Pawhuska vested with the duty or authority to issue permits or licenses shall comply with the provisions of these regulations and shall issue no permits or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of these regulations.
- B. Any person who shall engage in any business, trade, or vocation for which a license, permit, certificate, or registration is required by this Chapter without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this part or by any Code or provision adopted by this Chapter, or who shall otherwise violate any lawful regulation or order made by any of the officers provided for in this part, shall be guilty of an offense and upon conviction thereof, shall be fined as provided in Section 10.99.
- C. No penalty imposed by and pursuant to this Chapter shall interfere with the right of the

City also to apply to the proper courts of the State for a mandamus, an injunction, or other appropriate action against the person.

- D. Any person who shall tear down or begin the tearing down of any house or building within the City limits of the City without having first procured permit therefor as herein provided shall be guilty of an offense against the City and upon conviction thereof shall be fined as provided in Section 10.99.

APPENDIX A FEES

BUILDING PERMITS AND INSPECTION

Estimated Square Footage	Fee
0-2,000	\$200.00
< 2,001- above	\$350.00

New Building Additional Fee	Fee
Residential	\$850.00
Commercial	\$850.00

Renovation Additional Fee	Fee
Residential	\$300.00
Commercial	\$500.00

PLUMBING PERMITS AND INSPECTION

Type	Fee
Residential (new)	\$50.00
Commercial (new)	\$100.00
Existing (any)	40.00
Bond to dig into alley for sewer	\$250.00

ELECTRICAL PERMITS AND INSPECTION

Type	Fee
Residential	\$50.00
Commercial	\$75.00
Existing (any)	50.00
Bond to dig into alley for electrical	\$250.00

GAS INSTALLATION PERMITS AND INSPECTION

Type	Fee
Residential	\$100.00
Commercial	\$150.00
Bond to dig into alley for gas	\$250.00

LIQUID PETROLEUM INSTALLATION PERMITS AND INSPECTION

Type	Fee
Residential	\$100.00
Commercial	\$200.00

SIGN PERMITS

Fee
\$75.00

CERTIFICATE OF OCCUPATION

Fee
\$15.00

DUMPING SEPTIC WATER AT DISPOSAL PLANT

Fee per load
\$50.00

BULK RATE WATER

first 24 barrels (42 gal. barrel)	\$15.00
each additional barrel	\$0.50

MECHANICAL PERMITS: HEAT AND AIR

Residential	\$75.00
Commercial	\$150.00

CHAPTER 153 FLOOD DAMAGE PREVENTION

Section 153.01	Statutory Authorization
Section 153.02	Findings of Fact
Section 153.03	Statement of Purpose
Section 153.04	Methods of Reducing Flood Losses
Section 153.05	Definitions
Section 153.06	Lands to Which this Chapter Applies
Section 153.07	Basis for Establishing the Areas of Special Flood Hazard
Section 153.08	Establishment of Development Permit
Section 153.09	Compliance
Section 153.10	Abrogation and Greater Restrictions
Section 153.11	Interpretation
Section 153.12	Warning and Disclaimer of Liability
Section 153.13	Designation of Floodplain Administrator
Section 153.14	Duties and Responsibilities of the Floodplain Administrator
Section 153.15	Permit Procedures
Section 153.16	Variance Procedures
Section 153.17	General Standards
Section 153.18	Specific Standards
Section 153.19	Standards for Subdivision Proposals
Section 153.20	Standards for Areas of Shallow Flooding (Ao/Ah Zones)
Section 153.21	Floodways
Section 153.99	Penalty

SECTION 153.01 STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in statutes (82 O.S. §§1601 through 1618, as amended, Chapter 23) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City adopts the following floodplain management regulations.

SECTION 153.02 FINDINGS OF FACT

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

SECTION 153.03 STATEMENT OF PURPOSE

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

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

SECTION 153.04 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter uses the following methods:

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

SECTION 153.05 DEFINITIONS

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

application.

ACCESSORY STRUCTURE. A structure (such as a garage or a storage shed) that is on the same parcel of property as the principal structure, and the use of which is incidental to the use of the principal structure.

ALLUVIAL FAN FLOODING. Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING. A designated AO, AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. The flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% 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 ratemaking 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.

BASE FLOOD. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation, in feet above mean sea level, of the one percent (1%) chance flood, defined above as the "base flood."

BASEMENT. Any area of the building having its floor sub-grade (below ground level) on all sides.

BOARD. The Oklahoma Water Resources Board (OWRB).

CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT. Any man-made change to improved or 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.

ELEVATED BUILDING. 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. 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. In the case of Zones V1-30, VE or V, **ELEVATED BUILDING** also includes a building otherwise meeting the definition of **ELEVATED BUILDING**, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of § 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION. For the purpose of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1st, 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 the floodplain management regulations adopted by a community.

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).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Administration 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 Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map.

FLOOD PROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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. The 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 ADMINISTRATOR. The City Manager or some other person appointed and designated by the City Council 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 definition of ***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. 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, that provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY (REGULATORY FLOODWAY). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE. A use 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.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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 that 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.

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 consisting of a levee, or levees, and associated structures, such as closure and drainage devices, constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that the 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.

MANUFACTURED HOME. A structure transportable in one (1) or more sections, built on a permanent chassis and 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 (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For 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 adopted by a community 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 adopted by a community.

RECREATIONAL VEHICLE. A vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less, when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

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 one hundred and eighty (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.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL 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 fifty percent (50%) 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 fifty percent (50%) 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 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.”

VARIANCE. A grant of relief to a person from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A **VARIANCE**, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION. The failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until the time as that documentation is provided.

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.

SECTION 153.06 LANDS TO WHICH THIS CHAPTER APPLIES

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

SECTION 153.07 **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

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 Osage County, Oklahoma and Incorporated areas,” dated April 2, 2008, with accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be a part of this Chapter; provided, however, the City’s current existing flood damage prevention Ordinance shall remain in effect until April 2, 2008.

SECTION 153.08 **ESTABLISHMENT OF DEVELOPMENT PERMIT**

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

SECTION 153.09 **COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

SECTION 153.10 **ABROGATION AND GREATER RESTRICTIONS**

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

SECTION 153.11 **INTERPRETATION**

In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 153.12 **WARNING AND DISCLAIMER OF LIABILITY**

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

SECTION 153.13 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The City Council hereby appoints the City Manager the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 C.F.R. (National Flood Insurance Programs Regulations) pertaining to floodplain management.

SECTION 153.14 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
- B. Review permit applications to determine whether proposed building sites, including placement of manufactured homes, will be reasonably safe from flooding.
- C. Review, approve or deny all applications for development permits required by adoption of this Chapter.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, State or local governmental agencies (including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
- E. 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.
- F. 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 the notification to the Federal Emergency Management Agency.
- G. Assure that flood-carrying capacity within the altered or relocated portion of the watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with Section 153.07, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, State or other source, in order to administer the provisions of Section 153.17 through Section 153.21, all inclusive.
- I. 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 1 foot at any point within the community.

- J. Under the provisions of 44 C.F.R. Ch. 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones AI-30, AE and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than one (1) foot; provided, that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).
- K. Become accredited by the Board in accordance with 82 O.S. §§ 1601 through 1618, as amended.
- L. After a disaster or other type of damage occurrence to structures in the City, determine if the residential and nonresidential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

SECTION 153.15 PERMIT PROCEDURES

- A. Application for a development permit shall be presented to the Floodplain Administrator on forms developed by him or 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 flood-proofing criteria of Section 153.18(B);
 - 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - 5. Maintain a record of all the information in accordance with Section 153.14(A).
- B. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter, 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; and
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION 153.16 VARIANCE PROCEDURES

- A. The Appeal Board (which shall be the City Council) shall hear and render judgment on requests for variances from the requirements of this Chapter.
- B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
- C. Any person or persons aggrieved by the decision of the Appeal Board may appeal the decision in courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal, and shall, upon request, report variances to the Federal Emergency Management Administration.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in size, contiguous to and surrounded by lots with

existing structures constructed below the base flood level, providing the relevant factors in Section 153.15(B) have been fully considered. As the lot size increases beyond one half (½) acre, the technical justification required for issuing the variance increases.

- G. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach the conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter set forth in Section 153.03.
- H. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- I. 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.
- J. Prerequisites for granting variances include:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or ordinances.
 - 3. A written notice will be provided to any person granted a variance to build a structure below the base flood elevation. This notice will inform the variance applicant that the cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation.
- K. Variances may be issued by a community for new construction and substantial improvements, and for other development necessary for the conduct of a functionally dependent use, provided that:
 - 1. The criteria outlined in Divisions (A) through (I) above are met; and
 - 2. The structure or other development is protected by methods that minimize flood

damages during the base flood and create no additional threats to public safety.

- L. Any person seeking a variance shall file a petition with the City, accompanied by a filing fee of Twenty-Five Dollars (\$25.00).
- M. A copy of any variance issued shall be sent to the OWRB within fifteen (15) days of issuance.

SECTION 153.17 **GENERAL STANDARDS**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and discharges from the systems into flood waters; and
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 153.18 **SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 153.07, 153.14(H), or 153.19(C), the following provisions are required:

- A. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above not less than one (1) foot above the base flood elevation. A registered professional engineer, architect

or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this division, as proposed in Section 153.15(A)(1), is satisfied.

- B. *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this division. The Floodplain Administrator shall maintain a record of all flood-proofing certifications that include the specific elevation (in relation to mean sea level) to which each structure has been flood proofed.
- 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one (1) foot above grade.
 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. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:

- 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; be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. Require that manufactured homes be 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 Division (D) of this Section shall be:
- a. Elevated so that either:
 - i. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - ii. Elevated on reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade; and
 - b. Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement to support the manufactured home chassis.
- E. *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- 1. Be on the site for fewer than one hundred and eight (180) consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Meet the permit requirements of Section 153.15(A)(1), and the elevation and anchoring requirements for “manufactured homes” in Division D of this Section. 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.
- F. *Accessory structure.*

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

SECTION 153.19 STANDARDS FOR SUBDIVISION PROPOSALS

- A. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with Section 153.02 through Section 153.04.
- B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of Section 153.08, Section 153.15, and Section 153.16 through Section 153.21, all inclusive.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, greater than the lesser of fifty (50) lots or five (5) acres, if not otherwise provided pursuant to Section 153.07 through Section 153.14(H).
- D. All subdivision proposals, including the placement of manufactured home parks and

subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

- E. 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 flood damage.

SECTION 153.20 **STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

- A. Located within the areas of special flood hazard established in Section 153.07 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flows may be evident.
- B. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
 - 1. All new construction and substantial improvements of residential structures 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 community's FIRM (at least two (2) 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 community's FIRM (at least two (2) 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 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.
 - 3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in Section 153.15(A)(1), are satisfied.
 - 4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION 153.21 **FLOODWAYS**

- A. Located within areas of special flood hazard established in Section 153.07 are areas

designated as floodways.

- B. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If Section 153.20(B)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 153.17 through Section 153.21, all inclusive.
 3. Under the provisions of 44 C.F.R. Ch. 1, § 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

SECTION 153.99 PENALTY

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties set forth in Section 10.99. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 154 ZONING CODE

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SECTION 154.001 TITLE

This Chapter shall be known as and may be cited and referred to as the “Zoning Ordinance of the City of Pawhuska, Oklahoma.”

SECTION 154.002 PURPOSE

This Chapter is enacted for the purposes of promoting the health, safety, morals, and general

welfare of the community; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and promoting the development of the community in accordance with a comprehensive plan.

SECTION 154.003 INTERPRETATION AND APPLICATION

As concerns interpretation and application, the provisions of this Chapter shall be held to minimum requirements. Where this Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Chapter shall control. Terms and words are to be used and interpreted as defined in Section 154.005. Words used in the present tense include the future; the singular include the plural, and the plural the singular; the word “building” also means the word “structure”; the word “used” includes “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used,” and the word “shall” is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

SECTION 154.004 JURISDICTION

This Chapter, is in full force and effect in the corporate limits of the City. Territory annexed to the corporate limits of the City, subsequent to the effective date of this Chapter, shall immediately be subject to the provisions of this Chapter and are deemed to be designated as R-S Single-Family Residential District until altered or reclassified in the manner provided by law.

SECTION 154.005 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE OF STRUCTURE. A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

AGRICULTURE. The use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards, or commercial feed lots for cattle.

ALLEY. A minor right-of way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sales, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR. Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one half (1-1/2) ton capacity.

AUTOMOBILE SERVICE STATION or FILLING STATION. Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

AUTOMOBILE WASH or AUTOMATIC CAR WASH. A building or structure or chain conveyor, blowers, steam cleaners, and other mechanical devices used primarily for the purpose of washing motor vehicles.

BLOCK. In describing the boundaries of a district, the word ***BLOCK*** refers to the legal description. In all other cases, the word ***BLOCK*** refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse.

BOARDING HOUSE or ROOMING HOUSE. Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns, and other such facilities.

BOARD OF ADJUSTMENT. The Board of Adjustment of the City of Pawhuska, Oklahoma; also referred to as the ***BOARD***.

BUILDING. Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING ACCESSORY. See ***ACCESSORY USE OR STRUCTURE***.

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

BUILDING LINE. A line established beyond which no part of a building shall project, except as otherwise provided by this Chapter.

BUILDING, PRINCIPAL. A building or buildings in which the principal use of the

building site is conducted. In any residential district, any dwelling is deemed to be the principal building on the building site.

BULLETIN BOARD. Any sign announcing the activities of an educational, religious, institutional, or similar use.

CEMETERY. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

CHILD CARE CENTER. Any place, home, or institution which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians, or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities.

CITY COUNCIL. The official governing body of the City.

CITY PLANNING COMMISSION. The City Planning Commission, as established by the statutes hereinbefore cited, also referred to as **PLANNING COMMISSION**. The **CITY PLANNING COMMISSION** is also the zoning commission for the City.

CLINIC. A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

CLUB. A nonprofit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMPREHENSIVE PLAN. The official City plan of the City also refers to the specific document, "A General Plan for 1990: Pawhuska, Oklahoma."

CONVALESCENT HOME. A nursing home, a rest home, a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

COVERAGE. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

DWELLING. Any building or portion thereof designed or used as a residence of one (1)

or more persons, but not including a tent, cabin, trailer coach, mobile home, boarding or rooming house, hotel, or motel.

DWELLING, MULTI-FAMILY. A building or portion thereof containing three (3) or more dwelling units and designed for or used by three (3) or more families; also includes the word **APARTMENTS**.

DWELLING, SINGLE-FAMILY. A building containing one (1) dwelling unit and designed for or used exclusively by one (1) family.

DWELLING, 2-FAMILY. A building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word **DUPLEX**.

DWELLING UNIT. A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath, and sleeping facilities for not more than one (1) family living independently of any other family.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by the public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY. A person living alone or two (2) or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings.

FRONTAGE. The lineal measurement of a lot boundary which is abutting a street.

GARAGE APARTMENT. A dwelling for one (1) family erected as a part of a private garage.

GARAGE, PARKING. Any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles

or trailers.

GARAGE, PUBLIC. The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing, or refinishing of any vehicles.

GARAGE, REPAIR. A building in which facilities are provided for the care, servicing, repair, or equipping of automobiles.

HEIGHT. The vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure.

HOME OCCUPATION. Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise other than as permitted in Section 154.054. No advertising sign other than one (1) non-illuminated name plate, not more than two (2) square feet in area, attached to the main or accessory building shall be permitted and no mechanical equipment may be used except such as is customarily used in purely domestic or household purposes.

HOSPITAL. See ***MEDICAL FACILITIES.***

HOTEL. A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint.

INDUSTRY. Storage, repair, manufacture, preparation, or treatment of any article, substance, or any commodity for commercial use.

INSTITUTIONAL USES. Those uses organized, established, used, or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a nonprofit basis.

JUNK OR SALVAGE YARD. A place where waste, discarded, or salvage materials are bought, sold, exchanged, bailed, packed, disassembled, or handled, including all wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including the places where the uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

KENNEL. Any structure or premises on which three (3) or more dogs over four (4) months

of age are kept.

LOADING SPACE. A space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of the buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with the open spaces as required by this Chapter and having access on a public street.

LOT, CORNER. A lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of the two (2) sides is less than one hundred and thirty-five (135) degrees.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT, LINE. Any boundary of a lot.

LOT LINE, FRONT. The boundary of a lot which abuts a public street; where the lot abuts more than 1 street, the owner may select the front lot line.

LOT LINE, REAR. The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, WEDGE-SHAPED. A lot situated so that the front is either wider or narrower than the rear of the lot.

LOTS OF RECORD. A separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of the county.

MEAN LOT ELEVATION. The average elevation of a lot.

1. **NURSING HOME; REST OR CONVALESCENT HOMES.** See **CONVALESCENT HOME.**
2. **DENTAL OR MEDICAL CLINIC.** A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients

remaining overnight except under emergency conditions except as provided for in Section 154.042.

3. **DENTAL OR DOCTOR'S OFFICE.** The same as dental or medical clinic, including the various dental and medical specialties.
4. **HOSPITAL.** An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
5. **PUBLIC HEALTH CENTER.** A facility primarily utilized by a health unit for providing public health services, including related facilities.

MOBILE HOME. A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flat-beds or other trailers and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities.

MOBILE HOME LOT. A portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home.

MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

MOTEL. An area containing (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient persons.

OPEN SPACE. Areas included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and of porches.

PARCEL. A lot as defined herein.

PARKING SPACE. A permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

PLANNING COMMISSION. See **CITY PLANNING COMMISSION.**

ROOMING HOUSE. See **BOARDING HOUSE.**

SHORT TERM RENTAL. The rental of an existing or otherwise permitted single-family dwelling structure or any portion thereof, for a period of not more than thirty (30) days, where the owner is engaged in a contract for the rental of that specific single-family

dwelling, or any portion thereof through a lodging reservation website such as Airbnb for the purpose of providing transient lodging, home sharing, or vacation rental.

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** are 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 political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event 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 delineations, provided that only one (1) face of a double-faced sign shall be included

SIGN, ILLUMINATED. A sign designed to give forth any artificial light, or designed to reflect light from one (1) 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.

STORY. That portion of a building included between the surface of any floor and the surfaced of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET. A public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation.

STREET, ARTERIAL. Any street designated on the Thoroughfare Plan as an arterial, primary arterial, secondary arterial, major street, and the like.

STREET, MINOR. Any street not designated on the Thoroughfare Plan as an arterial.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams, or girders.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways, and similar improvement areas).

THOROUGHFARE PLAN. The part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words **MAJOR STREET PLAN** and **TRAFFICWAYS PLAN**.

TRAILER. A portable or mobile unit, other than a mobile home, used or designed to carry or transport material, or animals.

YARD. A required space on a lot unobstructed except as expressly permitted.

YARD, FRONT. A yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude.

YARD, REAR. A yard extending across the rear of a lot measured from side lot line to side lot line.

YARD, SIDE. A yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude.

SECTION 154.020 ZONING DISTRICTS ESTABLISHED

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

- A. A-G, General Agricultural District;
- B. R-S, Single-Family Residential District;
- C. R-G, General Residential District;
- D. C-C, Convenience Commercial District;
- E. C-A/R, Automotive Commercial and Commercial Recreation District;
- F. C-G, General Commercial District;
- G. I-L, Light Industrial District; and
- H. I-H, Heavy Industrial District.

SECTION 154.021 ZONING MAP INCORPORATED

The locations and boundaries of the zoning districts established by ordinance and delineated as shown on the map entitled “Zoning Map of the City of Pawhuska, Oklahoma,” and the zoning map is hereby incorporated as a part of this Chapter.

SECTION 154.022 DISTRICT BOUNDARIES ESTABLISHED

The boundaries of a zoning district extend to a center line of abutting streets, regardless the legal description used in establishing the districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the “Zoning Map of the City of Pawhuska,” the Planning Commission, upon written application or upon its own motion, shall recommend the location of the boundaries to the Board of Adjustment, and the Board of Adjustment shall make the final determination.

SECTION 154.023 MAINTENANCE OF OFFICIAL ZONING MAP

It is the duty of the Zoning Administrator to maintain an up-to-date “Official Zoning Map of the City of Pawhuska, Oklahoma,” including all amendments directly adopted by the City Council.

SECTION 154.035 APPLICATION OF REGULATIONS IN DISTRICTS AUTHORIZED

No land, building, structure, or improvement shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which the land, building, structure, or improvement is located, and the use is authorized, except as provided by Section 154.065 *et seq.*

SECTION 154.036 APPLICATION OF REGULATIONS TO THE USES OF A MORE RESTRICTED DISTRICT

Whenever the specific district regulations pertaining to 1 district permit the uses of a more restricted district, the uses are subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

SECTION 154.037 RESIDENTIAL USES RESTRICTED TO RESIDENTIAL LOTS

It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes except that one (1) accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

SECTION 154.038 DIVISION OF LOTS

An improved lot shall not hereafter be divided into two (2) or more lots unless all lots resulting from the division comply with all the applicable yard, space, area, parking, and loading regulations of the zoning district in which located.

SECTION 154.039 USE OF YARDS

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of this Chapter, provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting the improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district.

SECTION 154.040 STREET ACCESS

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

SECTION 154.041 STORAGE AND PARKING TRAILERS AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

- A. *Generally.* Commercial vehicles and trailers of all types, including travel, camping, and hauling, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions.
- B. *Provisions.*
 - 1. No more than 1 commercial vehicle, which does not exceed one and one half (1-1/2) tons rated capacity, per family living on the premises is permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquified petroleum products be permitted.
 - 2. No more than 1 camping or travel trailer or hauling trailer per family living on the premises shall be permitted, and the trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided that the trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City except as provided for in Section 154.042.
 - 3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinance of the City.

SECTION 154.042 DISPLAY OF TRAILERS, AND THE LIKE, IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Commercial vehicles and trailers of all types may be displayed in the commercial districts allowing sales of the vehicles or in the industrial districts allowing their manufacture; provided, however, the vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the City.

SECTION 154.043 PURPOSE AND APPLICATION OF OFF-STREET PARKING REQUIREMENTS

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

SECTION 154.044 REQUIRED OPEN SPACE; OFF-STREET PARKING

Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

SECTION 154.045 LOCATION OF OFF-STREET PARKING

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

SECTION 154.046 JOINT PARKING AND OFF-SITE PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces, for each use. Owners jointly provide for their individual parking needs through a joint facility and/or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business and/or other use is within two hundred (200) feet of the parking facility.

SECTION 154.047 SIZE OF OFF-STREET PARKING SPACE

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than 10 feet x 20 feet plus adequate area for ingress and egress.

SECTION 154.048 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED

- A. *Generally.* Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule.
- B. *Schedule.*
 - 1. *Dwelling, single-family or duplex.* One parking space for each separate dwelling unit within the structure;
 - 2. *Dwelling, multi-family.* The number of spaces provided shall not be less than one and one half (1-1/2) times the number of units in the dwelling;

3. *Boarding or rooming house or hotel.* One parking space for each sleeping room;
4. *Hospitals.* One space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate data for the parking of emergency vehicles;
5. *Medical or dental clinics or offices.* Six (6) space per doctor plus one space for each two (2) employees;
6. *Convalescent or nursing homes.* One (1) space for each six (6) patients bed plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses;
7. *Community center, theater, auditorium, church sanctuary.* One (1) parking space for each four (4) permanent seats, based on maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes;
8. *Convention hall, lodge, club, library, museum, place of amusement, or recreation.* One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;
9. *Office building.* One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service;
10. *Commercial establishments not otherwise classified.* One (1) parking space for each one hundred and fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and
11. *Industrial establishments.* One (1) off-street parking space for each five hundred (500) square feet of gross floor area or one (1) off-street parking space for each two (2) employees, whichever is greater, and one (1) loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

SECTION 154.049 PAVED SURFACE REQUIRED

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

SECTION 154.050 OFF-STREET PARKING LOTS LOCATED WITH OR ADJACENT TO A RESIDENTIAL DISTRICT

- A. *Generally.* Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply.
- B. *Provisions.*
1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under Section 154.051.
 2. No parking shall be permitted within a front yard when the parking lot is located in a residential district.
 3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
 4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
 5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses.
 6. No sign of any kind shall be erected except information signs used to guide traffic and to State the condition and terms of the use of the lots. Only nonintermittent white lighting of signs are permitted.

SECTION 154.051 SCREENING WALL OR FENCE SPECIFICATIONS

Fences or screening walls ("Fences") shall be permitted subject to the permit requirements of the City of Pawhuska, to wit:

- A. A Fence shall be considered a structure and shall be subject to all the regulations of the zoning district where its located.
- B. A permit fee in the amount established by the City Council shall be required.
- C. Regardless of the Fencing regulations contained herein, more restrictive privately enforced regulations in the form of plat restrictions, declarations of covenants and restrictions relating to architectural controls, deed restrictions or platted setback lines may further limit construction of a fence on a parcel.
- D. A front yard fence shall be no more than four (4) feet in height and constructed as not to obstruct visibility from any drive-way or street intersection.

- E. A backyard fence shall be no more than six (6) feet in height.
- F. Fences shall be constructed with the braces and supports on the interior of the fence, except when both sides are the same design and appearance.
- G. Barbed, hog or chicken wire or a single-strand fencing shall not be used, except in the agricultural or industrial zoning districts.
- H. Site plans should be submitted for permit review.
- I. The front yard fence shall be a decorative-type open fence. Only chain-link, decorative ornamental metal, picket and split rail fencing should be permitted.
 - 1. For wood picket fencing, the maximum width of the pickets shall be three and one-half inches and the minimum separation of the pickets shall be three and one-half inches.
 - 2. Decorative fences shall be made of ornamental metal pickets, galvanized steel, aluminum, or similar material and shall comply with the following:
 - a. Minimum separation of pickets shall not be less than two and one-half inches.
 - b. Maximum picket width shall not exceed one inch.
- J. Electric fences are prohibited.
- K. The Front Yard Fence shall have a minimum setback as determined by the setback of adjacent properties, and in all other cases, the minimum setback shall be twelve (12) feet from the edge of the street or curb. Where a property is situated on a Corner Lot, the setback requirements herein shall apply to both street facing walls of the main building on the site. In any case where the frontage is unclear, the Code Enforcement Officer may make a reasonable interpretation.
- L. the minimum setback requirements are applicable to vacant lots.
- M. Definitions:
 - 1. Front Yard Fence.
 - a. A front yard fence shall be defined as a fence located within the required front yard setback area for all structures or in front of the front wall of the main building on the site. A front yard fence should not obstruct any public walkway.
 - 2. Back Yard Fence.

- b. A backyard fence shall be defined as a fence located within the side and/or back yard setback area of the main building. A backyard fence cannot extend within 10 feet of the center line of an alley or it cannot obstruct any right of way.

3. Corner Lot

- c. A corner lot shall be defined as a lot situated at the intersection of and abutting two or more streets and said frontage yard abutting each street shall be deemed the front yard.

SECTION 154.052 MAINTENANCE OF WALLS OR FENCES

The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the Zoning Administrator shall constitute an offense hereunder.

SECTION 154.053 SEWER SERVICE

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

SECTION 154.054 HOME OCCUPATIONS

A. *General provisions.*

- 1. A home occupation as defined in Section 154.005 shall be permitted when the occupation conducted on residentially used premises is considered customary and traditional, incidental to the primary use of the premises as a residence, and not construed as a business.
- 2. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service.
- 3. Permitted home occupations shall be subject to all the regulations of the applicable zone district.
- 4. Permitted home occupations shall not affect adversely the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.

B. *Standards.*

1. The primary use of the structure of dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and he or she shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than twenty percent (20%) of the floor area of any one (1) story of the dwelling unit shall be devoted to the home occupations.
5. The home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence or the accessory building as may be approved by the Planning Commission and City Council.
6. No provision for extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zoning district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve the home occupations shall be permitted.
7. No display of goods or external evidence of the home occupation shall be permitted, except for one (1) nonanimated, non-illuminating, non-flashing announcement plate, indicating not more than the name and address of the resident. The plate shall be attached flat against the way of the residence and shall not exceed two (2) square feet in total surface area.
8. No stock-in-trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
9. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of this section.

C. *Permit.*

1. Any owner or his or her agent may make application for a home occupation permit by filing a written application with the Planning Commission in the form as the Commission may establish.
2. The application procedure for a home occupation permit and the filing thereof, and the procedures to be followed, shall be the same as for the seeking of an amendment

to the zoning ordinances as provided in Section 154.212.

3. The permit for the home occupation, if approved by the Commission and City Council, shall be issued for a period not to exceed three (3) years; shall not be transferable to a subsequent owner of the designated property; and shall not be transferable by the named applicant to another property in the municipality. The owner of a home occupation permit must apply for renewal of the same to the Planning Commission at the end of the three (3) year period. If no complaints concerning the use of the property under the permit have been received by the Commission/City during the previous three (3) years, then the Commission and City may, without further notice, grant the permit for an additional three (3) years. However, if complaints have been made to the Commission or City concerning the use of the property, then notices of the application to renew the permit must be given in the same manner as for a new permit.

SECTION 154.065 INTENT

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

SECTION 154.066 NONCONFORMING LOTS OF RECORD

In any district in which a lot exists of record at the effective date of adoption or amendment of this Chapter which does not conform in size or area to the provisions of this Chapter, buildings for the uses permitted in the district may be erected on the lot, notwithstanding limitations imposed by other provisions of this Chapter provided that the lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

SECTION 154.067 NONCONFORMING STRUCTURES

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

1. No structure may be enlarged or altered in a way which increases its nonconformity.
2. Should the structure be destroyed by any means to an extent of more than fifty (50) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
3. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 154.068 NONCONFORMING USES OF STRUCTURES

- A. *Generally.* If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.
- B. *Provisions.*
 1. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside the building.
 3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which the structure is located, and the nonconforming use may not thereafter be resumed.
 4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 154.069 NONCONFORMING USES OF LAND

- A. *Generally.* Where, at the effective date of adoption or amendment of this Chapter, lawful

uses of land exist that are no longer permissible under the terms of this Chapter as enacted or amended, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions.

B. *Provisions.*

1. No conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this Chapter.
2. No nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.
3. If any nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of the land shall conform to the regulations specified by this Chapter for the district in which the land is located.

SECTION 154.070 CHANGES IN NONCONFORMITY

A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the district in which located except that the Board of Adjustment may permit a change to a more restricted nonconforming use and the change shall be construed as an abandonment of the former permitted nonconforming use.

SECTION 154.085 GENERAL DESCRIPTION OF A-G DISTRICT

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

- A. To provide for the continued use of land for predominantly agricultural purposes;
- B. To preserve undeveloped areas until they can feasibly be developed to urban standards and with adequate public safeguards of health, safety, and the like; and
- C. To restrict development in areas subject to severe inundation until the time as it can be shown that these areas are no longer subject to flooding.

SECTION 154.086 USES PERMITTED

Within the A-G, General Agricultural District, the following uses are permitted:

- A. Agriculture, as defined in this Chapter;
- B. Single-family dwellings;
- C. Churches and temples;

- D. Elementary schools and high schools;
- E. Golf courses, but not including golf driving ranges, pitch and putt courses, or miniature golf courses;
- F. Parks and forest preserves not operated for profit;
- G. Temporary buildings and uses for construction purposes only and not for dwelling purposes, nor for a period that exceeds the completion of construction;
- H. Accessory buildings or uses incidental to the foregoing principal uses;
- I. Municipal or community recreation centers;
- J. Police or fire stations;
- K. Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries, or museums;
- L. Public or not-for-profit auditoriums, stadiums, arenas, armories, or sanitariums;
- M. Public or private hospitals or sanitariums;
- N. Public or private schools or colleges; and
- O. Public utility and services uses including electric substations, gas regulator stations, electric, gas, telegraph, telephone, and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations, and other similar facilities.

SECTION 154.087 AREA AND HEIGHT REGULATIONS

- A. *Generally.* All lots and improvements within the A-G District shall meet the following requirements.
- B. *Specifically.*
 - 1. All lots shall have not less than five (5) acres of land, and not more than one (1) principal building shall be placed on any one (1) lot.
 - 2. Each lot shall have a frontage of not less than three hundred and thirty (330) feet.
 - 3. Not more than ten percent (10%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.

4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.
5. All structures shall have not less than a fifty (50) foot front yard setback.
6. All principal structures shall have not less than a thirty (30) foot side yard setback. Accessory buildings may have side yards of not less than ten (10) feet.
7. All principal structures shall have not less than a fifty (50) foot rear yard setback. Accessory buildings may have a rear yard of not less than ten (10) feet.

SECTION 154.088 SIGNS AND BILLBOARDS

- A. *Generally.* No signs, posters, bulletin boards, or other similar displays are permitted in the A-G District except as follows.
- B. *Specifically.*
 1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring an announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.
 2. One identification sign may be erected on each street frontage of a single-family subdivision or permitted nonresidential use. The sign shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.
 3. 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 eighty (80) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.

SECTION 154.100 GENERAL DESCRIPTION OF R-S DISTRICT

The R-S, Single-Family Residential District, is established as a district in which the use of land is for single-family dwellings except as noted. It is the purpose and intent of this District to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this District. The intent is to further discourage any use in this District which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This District further encourages only those uses which, because of character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings.

SECTION 154.101 USES PERMITTED

A. *Generally.* Within the R-S, Single-Family Residential District, the following uses are permitted.

B. *Specifically.*

1. Single-family detached dwellings and duplexes, subject to the requirements of Section 154.103;
2. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools;
3. Public park or playground; and
4. Agricultural uses of the garden type that are not intended for commercial purposes.
5. Short Term Rentals

SECTION 154.102 USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS

A. *Generally.* The following uses may be permitted by the Board of Adjustment after a public hearing provided, they meet the requirements noted for each use in addition to applicable area regulations.

B. *Specifically.*

1. *Churches.* A minimum lot size of one (1) acre and arterial street frontage as shown on the Thoroughfare Plan;
2. *Library.* Provided it has arterial street frontage a shown on the Thoroughfare Plan;
3. *Home occupation.* Provided that it is in keeping with the meaning of “Home Occupation” as defined in this Chapter;
4. *Plant nursery.* Provided that no building or structure is maintained in connection therewith and no retailing of any material is carried on upon the premises;
5. *Golf course, private or public, or country club.* Provided that the chief activity is for recreational purposes, and any commercial activity is accessory or incidental thereto;
6. *Junior high or senior high schools.* Provided that they have arterial street frontage as shown on the Thoroughfare Plan;

7. *Accessory buildings.* Accessory buildings which are not a part of a main building may include 1 private garage;
8. *Temporary structures.* Temporary structures which are incidental to the construction of the main building and will be removed when the main structure is completed; and
9. *Parking lots.* Parking lots provided they are within two hundred (200) feet of a commercial or industrial district.

SECTION 154.103 AREA AND HEIGHT REGULATIONS

- A. *Generally.* All lots and improvements within the R-S District shall meet the following requirements.
- B. *Specifically.*
 1. All lots shall have not less than seven thousand two hundred (7,200) square feet of lot area, and not more than one (1) principal building shall be placed on any one (1) lot, except that not less than twelve thousand (12,000) square feet shall be required for uses other than single-family residences.
 2. Each lot shall have a frontage of not less than sixty (60) feet. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of forty (40) feet; however, the front building line on the lot shall be a minimum of sixty (60) linear feet measured at an equal distance parallel to and from the front lot line.
 3. Not more than thirty percent (30%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
 4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.
 5. All structures shall have not less than twenty-five (25) foot front yard setback.
 6. For a single-family dwelling of one (1) story, the minimum width of the side yard shall be five (5) feet for interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot. For buildings of more than one (1) story, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than fifteen (15) feet.

7. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building, provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

SECTION 154.104 SIGNS AND BILLBOARDS

- A. *Generally.* No signs, billboards, posters, bulletin boards, or other similar display are permitted in the R-S District except as follows.
- B. *Specifically.*
 1. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;
 2. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;
 3. Official public notices may be erected on affected property; and
 4. One nonilluminated name plate not exceeding two (2) square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises.

SECTION 154.115 GENERAL DESCRIPTION OF R-G DISTRICT

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

SECTION 154.116 USES PERMITTED

- A. *Generally.* Within the R-G, General Residential District, the following uses are permitted.
- B. *Specifically.*

1. Any use permitted in Section 154.101 for the R-S, Single-Family Residential District;
2. Duplex;
3. Multi-family dwelling; and
4. Rooming or boarding house.

SECTION 154.117 USES PERMITTED SUBJECT TO ADDITIONAL REQUIREMENTS

- A. *Generally.* The following uses may be permitted by the Board of Adjustment after public hearing, provided they meet the requirements noted for each use in addition to applicable area regulations.
- B. *Specifically.*
 1. *Convalescent home, rest home, nursing home, and hospitals, public or private.* Provided they have frontage on an arterial street as shown on the Thoroughfare Plan;
 2. *Mobile home parks.* In compliance with Section 154.120;
 3. *Community services, cultural, and utility facilities.* Provided they are located on a lot of not less than one (1) acre and have frontage of an arterial street as shown on the Thoroughfare Plan;
 4. *Child care centers or day nurseries.* Provided they are located on a lot not less than ten thousand (10,000) square feet in area and have principal access on an arterial street as shown on the Thoroughfare Plan;
 5. *Any uses.* Any uses permitted subject to additional requirements in Section 154.102 for the RS, Single-Family Residential District; and
 6. *Accessory buildings.* Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

SECTION 154.118 AREA AND HEIGHT REGULATIONS

- A. *Generally.* All lots and improvements within the R-G District shall meet the following requirements.
- B. *Specifically.*
 1. All lots have an area of not less than six thousand (6,000) square feet for a single-

family dwelling, ten thousand (10,000) square feet for a two (2) family dwelling, or ten thousand (10,000) square feet plus two thousand (2,000) square feet for each dwelling unit over two (2) for multi-family dwellings. For uses other than dwelling purposes, the lot area shall not be less than ten thousand (10,000) square feet except as otherwise specified;

2. Each lot shall have a frontage of not less than fifty (50) feet for single-family dwelling, sixty (60) feet for two (2) family dwelling, and one hundred (100) feet for multi-family dwelling and all other uses;
3. Not more than fifty percent (50%) of the lot area shall be covered with improvements, except that duplex shall not exceed thirty-five percent (35%) coverage and single-family improvement thirty percent (30%). Paved areas are not considered improvements within the meaning of this provision;
4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;
5. A minimum front yard setback of twenty-five (25) feet shall be provided on all single-family and duplex dwellings. One (1) foot of setback for each one (1) foot of height shall be provided for all uses other than single-family and duplex, but not less than a fifteen (15) foot front yard shall be provided;
6. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet. One foot of setback for each one (1) foot of height for all uses other than single-family and duplex shall be provided; and
7. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.

SECTION 154.119 SIGNS AND BILLBOARDS

The control of signs and billboards in the R-G District is the same as that set forth in Section 154.104 for the R-S District except that the uses as may be permitted, subject to additional requirements may erect one (1) nonilluminated name plate not exceeding twenty-four (24) square feet in area, identifying the name and use of the premises.

SECTION 154.120 MOBILE HOME PARK

- A. Upon compliance with the provisions as set forth herein, a mobile home park will be allowed within the R-G District:
 1. The applicant, upon making application for a zoning clearance permit, must submit

a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein;

2. The proposed site shall be a minimum of two and one half (2-1/2) acres in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as an arterial on the Thoroughfare Plan. All ingress or egress by automobile shall be on the streets. The proposed site shall be a minimum of two hundred (200) feet in depth;
 3. The mobile home park shall accommodate primarily permanent occupants, with no more than 40% of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in 1 area of the park so they will in no way interfere with the permanent residents;
 4. Front yards of not less than twenty (20) feet and side and rear yards of not less than ten (10) feet shall be provided on mobile home park sites;
 5. The proposed mobile home park shall be screened or buffered on all sides with a screening wall or fence in accordance with Section 154.051;
 6. The proposed site shall provide one (1) off-street parking space for each mobile home stand, plus one (1) additional, off-street parking space for each 4 mobile home stands; and
 7. The proposed site shall provide a connection for each mobile home stand to all public utilities.
- B. Notwithstanding the provisions of Division A. above, a mobile home shall be allowed within the R-G District, upon compliance with the following provisions:
1. The proposed site shall be a minimum of 2,500 feet for each mobile home;
 2. The mobile home so parked on such a site shall have an enclosed foundation and comply with all regulations as to sanitary and health regulations;
 3. Front yards of not less than twenty (20) feet and side and rear yards of not less than ten (10) feet for each mobile site;
 4. The site shall be screened or buffered on all sides with a screening wall or fence in accordance with Section 154.051;
 5. The proposed site shall provide one (1) off-street parking space for each mobile home stand;

6. The proposed site shall provide a connection for each mobile home stand to all public utilities; and
7. Any individual, partnership, corporation, or association desiring to locate a mobile home under this section shall, prior to locating the mobile home on the site, present to the zoning administration a Statement signed by all of the property owners within a three hundred (300) foot radius of the proposed site, wherein the owner's consent to the location of the mobile home on the proposed site, which site shall be described in the Statement.

SECTION 154.135 GENERAL DESCRIPTION OF C-C DISTRICT

This commercial district is intended for a unified grouping in 1 or more buildings of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.

SECTION 154.136 USES PERMITTED

A. Within the C-C District, the following uses are permitted:

1. Artists supplies and hobby shop;
2. Bakery shop;
3. Barber and beauty shops;
4. Bookstore;
5. Clothing or wearing apparel shops;
6. Drug store;
7. Dairy products store;
8. Delicatessen;
9. Financial institutions;
10. Florist shop;
11. Gift shop;
12. Grocery shop;
13. Hardware store;

14. Jewelry shop;
 15. Laundry and dry-cleaning pick-up stations;
 16. Liquor store;
 17. Medical facility;
 18. Office, professional and/or general;
 19. Pharmacy;
 20. Restaurants (not drive-in);
 21. Self-service laundries;
 22. Shoe repair shop;
 23. Sporting goods store;
 24. Tailor shop;
 25. Theater;
 26. Toy store; and
 27. Variety store.
- B. Any of the uses permitted in Section 154.117 subject to additional requirements as provided.
- C. Accessory buildings and uses customarily incidental to the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- D. Any other commercial use deemed by the Board of Adjustment to be of a similar nature to those listed above.

SECTION 154.137 AREA AND HEIGHT REGULATIONS

- A. *Generally.* All lots and improvements in the C-C District shall meet the following requirements.
- B. *Specifically.*

1. The parcel of land on which a convenience commercial center is located shall not be less than twelve thousand (12,000) square feet.
2. Each lot shall have a frontage of not less than one hundred (100) feet.
3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.
5. It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards.
 - a. All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.
 - b. On the side of a lot adjoining a residential district, there shall be a side yard setback of two (2) feet for each one (1) foot of height.
 - c. All buildings shall be set back from the rear lot line not less than one hundred and twenty (120) feet.

SECTION 154.138 BUSINESS SIGNS

- A. *Generally.* Business signs, poster boards, bulletin boards, or other similar displays in the C-C District shall conform to the following requirements:
- B. *Requirements.*
 1. In the C-C District, one (1) business sign not exceeding thirty-two (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 (1) lot, one (1) accessory building sign may be erected and the lot identifying the shopping center. The accessory sign shall not exceed fifty (50) square feet in the area. Ground signs shall not exceed the height of the building in which the principal use is located or twenty (20) feet, whichever is lower. No business sign shall be located within 50 feet of a residential district if visible from the district. Illumination, if any, shall be by constant light.
 2. 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 sixteen (16)

feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.

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

SECTION 154.150 GENERAL DESCRIPTION OF C-A/R DISTRICT

This commercial district is established as a district in which the principal use of land is for establishment offering accommodations, supplies of services to motorists, and for certain specialized uses such a retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not and should not necessarily located in the Central Business District or the Convenience Commercial District.

SECTION 154.151 USES PERMITTED

- A. Within the C-A/R, Automotive Commercial and Commercial Recreation District, the following uses are permitted: any use permitted in the C-C, Convenience Commercial District and other uses, including:
 1. Amusement enterprises;
 2. New and used automobile sales and services, new and used machinery sales and services, and public garages;
 3. Ambulance service offices or garages;
 4. Automobile service stations;
 5. Billboards as permitted in Section 154.153;
 6. Boat sales;
 7. Bowling alleys;
 8. Bus terminals;
 9. Dance halls;
 10. Drive-in theaters or restaurants;
 11. Electric transmission stations;
 12. Food and fuel stores;

13. Funeral parlors;
14. Garden stores;
15. Golf course, miniature, or practice range;
16. Heating and plumbing sales and service;
17. Hospital for small animals;
18. Ice plants;
19. Key shops;
20. Kennels;
21. Laundries;
22. Motels;
23. Music, radio, and television shop and repair;
24. Night clubs;
25. Novelty shops;
26. Pawnshops;
27. Pet shops;
28. Printing plants;
29. Public uses;
30. Recreation center, private;
31. Roller skating rinks;
32. Sign painting shops;
33. Taverns;
34. Travel trailer park and sales; and
35. Wholesale distribution center.

- B. Any other store or shop for retail trade or for providing personal, professional or business service other than those provided for in Section 154.166.
- C. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

SECTION 154.152 AREA AND HEIGHT REGULATIONS

- A. *Generally.* All lots and improvements in the C-A/R District shall meet the following requirements:
- B. *Specifically.*
 - 1. The parcel of land on which any commercial use is located shall not be less than twelve thousand (12,000) square feet.
 - 2. Each lot shall have a frontage of not less than one hundred (100) feet.
 - 3. Not more than thirty percent (30%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
 - 4. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.
 - 5. It is intended that the commercial uses and parking areas within a C-A/R District be designed to protect, insofar as possible, adjacent residential areas. In no case shall the development have less than the following standards.
 - a. All buildings shall be set back from all street right-of-way lines not less than fifty (50) feet.
 - b. On the side of a lot adjoining a residential district, there shall be a side yard setback of two (2) feet for each 1 foot of height.
 - c. All buildings shall be set back from the rear lot line not less than twenty (20) feet.

SECTION 154.153 BUSINESS SIGNS

- A. *Generally.* Business signs, poster boards, bulletin boards, or other similar display in the C-A/R District shall conform to the following requirements:
- B. *Specifically.*

1. In the C-A/R District, business signs not exceeding in the aggregate one (1) square foot of display surface area per one (1) lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs and billboards shall not exceed thirty (30) feet in height. No sign or billboard shall be located within fifty (50) feet of a residential district if visible from the district. Illumination, if any, shall be by constant light.
2. 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 fifty (50) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light.
3. All signs in the C-A/R District shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable Codes of the City and they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

SECTION 154.165 **GENERAL DESCRIPTION OF C-G DISTRICT**

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

SECTION 154.166 **USES PERMITTED**

- A. *Generally.* Within the C-G, General Commercial District, the following uses are permitted.
- B. *Specifically.*
 1. Any use permitted in a C-C or C-A/R District; and
 2. Any other retail, personal service, business service, or professional use not already mentioned, including:
 - a. Bakery;
 - b. Department store;
 - c. Frozen food locker;
 - d. Furniture repair and upholstery;
 - e. Research laboratories; and
 - f. Wholesale, except for outdoor storage.

SECTION 154.167 AREA AND HEIGHT REGULATIONS

There are no area or height regulations in the C-G District.

SECTION 154.168 SIGNS AND BILLBOARDS

All signs and billboards in the C-G District shall conform to the requirements in Section 154.153.

SECTION 154.180 GENERAL DESCRIPTION OF I-L DISTRICT

The purpose of the I-L, Light Industrial District, is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other potentially objectionable influences created in this District, a buffer or setback area between this District and any other zoning district except I-H is required.

SECTION 154.181 STANDARDS

- A. *Generally.* Any use constructed, established, altered, or enlarged in the I-L, Light Industrial District, after the effective date of this Chapter shall be so operated as to comply with the following standards.
- B. *Specifically.*
 - 1. No building shall be used for residential purposes, except that a watchman may reside on the premises.
 - 2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
 - 3. No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the I-L District.
 - 4. No toxic matter, noxious matter, smoke, gas, or odorous or articulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.
 - 5. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
 - 6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
 - 7. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

8. No outside storage of equipment and/or material, except equipment in daily use, is permitted in such a location where it can be viewed from any public street.
9. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

SECTION 154.182 USES PERMITTED

A. *Generally.* Within the I-L, Light Industrial District, the following uses are permitted.

B. *Specifically.*

1. Building materials sales;
2. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages;
3. Compounding, processing, and blending of chemical products, but not including any materials which decompose by detonation;
4. General and administrative offices;
5. Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: automatic screw machines, drop forges, or riveting machines;
6. Mail-order houses;
7. Manufacturing and assembling (or any combination of the processes) of products from wood, cork, glass, leather, fur, plastic, felt, and other textiles, but not including as a principal operation the processing of any raw materials;
8. Manufacturing and assembling of electrical and electronic products and equipment;
9. Printing and binding plants;
10. Research laboratories;
11. Warehouse and storage facilities;
12. Water filtration plants, pumping stations, reservoirs, and lift stations;
13. Any other manufacturing process or establishment except those permitted in Section 154.197; and

14. Accessory uses incidental to and on the same zoning lot as a principal use.

SECTION 154.183 AREA AND HEIGHT REGULATIONS

A. *Generally.* All lots and improvements in the I-L District shall meet the following requirements:

B. *Specifically.*

1. There are no area requirements in an I-L District.
2. There are no lot frontage requirements in an I-L District.
3. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
4. There are no height requirements in an I-L District.
5. No structure shall be erected, commenced, or maintained which has a front yard of less than fifty (50) feet.
6. When adjacent to a residential district, a side yard of fifty (50) feet or two (2) feet for each one (1) foot of height, whichever is greater, shall be provided.
7. When adjacent to a residential district, a rear yard of fifty (50) feet or two (2) feet for each one (1) foot of height, whichever is greater, shall be provided.

SECTION 154.184 SIGNS AND BILLBOARDS

All signs and billboards in the I-L District shall conform to the requirements in Section 154.153.

SECTION 154.195 GENERAL DESCRIPTION OF I-H DISTRICT

The purpose of the I-H, Heavy Industrial District, is to provide a location for industries which may by their nature create nuisances. The intent is the preserve this land especially for the industry in locations with access to arterial streets as designated on the Thoroughfare Plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this District, a buffer or setback strip between this District and other zoning districts except I-L is required.

SECTION 154.196 STANDARDS

A. Any use constructed, established, altered, or enlarged in the I-H, Heavy Industrial District, after the effective date of this Chapter shall be so operated as to comply with the following

standards.

- B. No use already established on the effective date of this Chapter shall be so altered or modified as to conflict with, or further conflict with, the applicable standards hereinafter for the I-H District:
1. No building shall be used for residential purposes, except that a watchman may reside on the premises;
 2. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
 3. No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of the activity is more than one hundred (100) feet from the boundary of any zoning district;
 4. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
 5. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odors, glare, heat, fire, or explosive hazards; and
 6. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation are permitted.

SECTION 154.197 USES PERMITTED

Within the I-H, Heavy Industrial District any use permitted in the I-L District also applies. The following uses are permitted:

- A. Blacksmiths, tinsmiths, and sheet metal shops;
- B. Bottling works;
- C. Canning or preserving factories;
- D. Cold storage plants;
- E. Ice cream production and distribution;
- F. Laundry and dry-cleaning plants;
- G. Machinery rental, sales and service;

- H. Machine shops; and
- I. Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing, or testing of any of the following materials, goods, or merchandise:
 - 1. Apparel;
 - 2. Beverages (non-alcoholic), processing and bottling;
 - 3. Building materials specialties;
 - 4. Clothing;
 - 5. Compounding and packaging of chemicals;
 - 6. Cosmetics and toiletries;
 - 7. Dairy products;
 - 8. Drugs and pharmaceutical products;
 - 9. Electrical and acoustical products and components;
 - 10. Food products (except fish, sauerkraut, vinegar, and yeast);
 - 11. Furniture;
 - 12. Glass products;
 - 13. Ice, dry and natural;
 - 14. Jewelry;
 - 15. Medical laboratory supplies, equipment and specialties;
 - 16. Metal products and utensils;
 - 17. Musical instruments;
 - 18. Optical goods;
 - 19. Paper products, including boxes and containers;
 - 20. Radios, phonographs, recorders, and television sets and parts;
 - 21. Textiles;

22. Toys and children's vehicles;
23. Trailers and carts;
24. Wood products, including wooden boxes and containers;
25. Milk, bottling and distribution;
26. Monumental stone cutting;
27. Motor freight terminals;
28. Pattern shops;
29. Printing plans;
30. Soldering and welding shops;
31. Sign painting;
32. Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor;
33. Spray painting and mixing;
34. Bulk fuel sales and storage;
35. Automobile wrecking and junk yards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight (8) feet in height; and
36. Processing of meat and vegetable products, including the slaughter of animals.

SECTION 154.198 AREA REGULATIONS

- A. There are no requirements for minimum lot area or frontage in the I-H District.
- B. Front, rear, and side yard requirements in the I-H District are the same as those set forth in Section 154.183 for the I-L District.
- C. Buildings shall not cover more than fifty percent (50%) of the site on which the use is located.

SECTION 154.199 SIGNS AND BILLBOARDS

All signs and billboards in the I-H District shall conform to the requirements in Section 154.153.

SECTION 154.210 DUTY OF ZONING ADMINISTRATOR

It is the duty of the Zoning Administrator to enforce this Chapter. If the Zoning Administrator shall find that any of the provisions of this Chapter are being violated, he or she shall notify in writing the persons responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take the other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

SECTION 154.211 ZONING CLEARANCE PERMIT REQUIRED

- A. The zoning clearance permit is a permit issued by the Zoning Administrator which states that a particular development meets all of the requirements of the zoning Ordinance. It is not a building permit and does not authorize construction. It certifies that the land and/or structure is in conformance with the terms of this zoning Code.
- B. No building or other structure shall be erected, constructed, enlarged, altered, or repaired in such a manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed without a zoning clearance permit being issued authorizing the construction, alteration, repair, or use changes as being in compliance with the provisions of this Chapter. No building permit shall be issued for any construction not conforming to a valid zoning clearance permit.
- C. No change shall be made in the use of any land or building or structure after the passage of this Chapter until a zoning clearance permit has been obtained, certifying that all the provisions of this Chapter have been complied with.
- D. An application for a zoning clearance permit shall be made to the Zoning Administrator by the owner or proposed occupant of the building or land to be occupied or used, and the application shall State the location and legal description of the property and set out in detail the character and nature of the use to be conducted thereon. Within three (3) days, the Zoning Administrator shall grant or deny the zoning clearance permit in accordance with the terms of this Chapter.
- E. All applications for zoning clearance permits shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and the other information as may be necessary to satisfy the requirements of these regulations.
- F. Zoning clearance permits shall be issued upon payment of a fee in the amount set by the City Council by motion or resolution.

SECTION 154.212 AMENDMENT PROCEDURES

- A. The regulations, restrictions, prohibitions, and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City Council a report and recommendation on the proposed change.

- B. An owner or his or her duly authorized agent or representative may make application for the amendment of the zoning restrictions applicable to his or her property by filing with the Planning Commission a written application in the form and content as the Planning Commission may by resolution establish. An application for amendment shall be accompanied by the payment of a Fifty Dollar (\$50.00) fee. Costs of notice and posting shall be billed to the applicant.
- C. Upon receipt of an application, together with a list of the names and addresses of all property owners located within three hundred (300) feet of the proposed property, the Planning Commission shall set a date for public hearing not less than twenty (20) days nor more than sixty (60) days from the date of filing. Fifteen (15) days' notice of the public hearing shall be given by the Planning Commission by publication in a newspaper of the application and hearing date; by the posting of a sign or signs on the property; and by mailing a copy of the notice of hearing by certified mail not less than ten (10) days prior to the hearing to all property owners within three hundred (300) feet of the proposed property. On the date of the hearing, the applicant must show proof of mailing to all of the property owners within three hundred (300) feet of the proposed property.
- D. The Planning Commission shall take the following actions:
 - 1. After notice and public hearing, the Planning Commission shall vote to:
 - a. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification; or
 - b. Recommend to the City Council that the application be denied.
 - 2. An application recommended for approval, or approval subject to modification, shall be transmitted to the City with the report and recommendation of the Planning Commission within fifteen (15) days from the date of Planning Commission action; and
 - 3. An application recommended for denial shall not be considered further and Twenty-Five (\$25.00) of the fee required in this section. Application for amendment shall be refunded to the applicant unless the applicant, within fifteen (15) days from the date of the Planning Commission action, files a written request with the City Council for a hearing. A fee of Twenty-Five Dollars (\$25.00) shall accompany the request for a hearing before the City if the refund herein above has been granted to the applicant in appeal. Upon notice of the request, and receipt of fee, the Planning Commission shall forthwith transmit the application and its report and recommendation to the City Council.
- E. The City Council shall hold a hearing on each application regularly transmitted, or which has been transmitted pursuant to an appeal as provided for in this section. The City Council shall approve the application as submitted and recommended by the Planning Commission,

or approve the application subject to modification, or deny the application, or return the application to the City Planning Commission for further study.

- F. If a written protest against an amendment, change, or repeal of this Chapter or any part thereof is presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots immediately abutting the territory included in the proposed change or separated therefrom only by an alley or street, the amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the City Council.

SECTION 154.999 PENALTY

A violation of this Chapter shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be fined as provided in Section 10.99, including costs for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

APPENDIX B AREA AND HEIGHT REGULATION

A-G General Agricultural District							
Minimum Lot Area	Minimum Lot Frontage	Maximum Coverage	%	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
5 acres	330 feet	10%		35 feet	50 feet	30 feet	50 feet
R-S Single-Family Residential District							
Minimum Lot Area	Minimum Lot Frontage	Maximum Coverage	%	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
7,200 square feet	60 feet	30%		35 feet	25 feet	5 feet interior lots; 10 feet street side of corner lots	20% depth of lot

<i>R-G General Residential District</i>							
<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Maximum Coverage</i>	<i>%</i>	<i>Maximum Height</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>
6,000 square feet	50 feet	30%		35 feet	25 feet	5 feet	20%
10,000 square feet	60 feet	35%		35 feet	25 feet	5 feet	20%
10,000 square feet	100 feet	50%		35 feet	1 feet/1	1 feet/1	20%
+2,000 each unit over 2; 15 feet min.; 15 feet min.							

<i>C-C Convenience Commercial District</i>						
<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Maximum % Coverage</i>	<i>Maximum Height</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>
12,000 square feet	100 feet	40%	35 feet	50 feet	271 adj. to Residential District	10%

<i>C-A/R Automotive Commercial and Commercial Recreation District</i>						
<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Maximum % Coverage</i>	<i>Maximum Height</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>
12,000 square feet	100 feet to Residential District	30%	35 feet	50 feet	271 adj.	20

<i>C-G General Commercial District</i>						
<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Maximum % Coverage</i>	<i>Maximum Height</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>
None	None	None	None	None	None	None

<i>I-L Light Industrial District</i>						
<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Maximum % Coverage</i>	<i>Maximum Height</i>	<i>Minimum Front Yard Setback</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Rear Yard Setback</i>
None	None	40%	None	50 feet	50 feet	50 feet
Minimum of 2 feet of setback for each 1 foot of height when adjacent to residential district.						

CHAPTER 155
SUBDIVISION REGULATIONS

Section 155.01 Subdivision regulations adopted

SECTION 155.01 SUBDIVISION REGULATIONS ADOPTED

The “Subdivision Regulations, City of Pawhuska, Oklahoma,” originally adopted as Ord. 2RS, 7-6-1970, and as it is amended from time to time, is hereby adopted and incorporated in this Code by reference. At least three (3) copies of the subdivision regulations and any amendments thereto shall be kept on file in the office of the City Clerk.

Statutory reference: Powers to adopt subdivision regulations, see 11 O.S. § 45-104