

**AN ORDINANCE AMENDING THE PRESENTLY EXISTING PROVISIONS OF TITLE 10 AND 11 OF THE TOWN CODE FOR THE TOWN OF HENNESSEY, KINGFISHER COUNTY, STATE OF OKLAHOMA DEALING WITH THE USE AND DEVELOPMENT PROPERTIES LOCATED IN THE TOWN OF HENNESSEY BY WAY OF REPEAL THEREOF AND ADOPTION OF THE PROVISIONS HEREIN CONTAINED TO BE KNOWN AS “THE UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF HENNESSEY, OKLAHOMA” AND CODIFIED IN TITLE 10 OF THE TOWN CODE OF ORDINANCES FOR THE SAID TOWN; AND PROVIDING FOR REPEAL, SAVING CLAUSE, SAFE HARBOR AUTHORIZATION AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, THE TOWN OF HENNESSEY HAS COMPLETED AN EXTENSIVE REVIEW AND REVISION OF THE DEVELOPMENT REGULATIONS FOR SAID TOWN WHICH INCLUDED WITHIN THE SCOPE OF SAID REVIEW THE CURRENTLY EXISTING PROVISIONS OF THE AFORESAID TITLES OF THE CURRENT TOWN CODE DEALING WITH THE TOPIC OF USE AND DEVELOPMENT OF PROPERTIES LOCATED IN THE TOWN OF HENNESSEY; AND

**WHEREAS**, THE MAYOR AND TOWN BOARD OF TRUSTEES DEEM IT IN THE BEST INTEREST OF THE TOWN TO ENACT THIS ORDINANCE AMENDING THE ABOVE MENTIONED TITLES BY WAY OF REPEAL OF THE CURRENT SECTIONS THEREOF AND REPLACEMENT OF THE REPEALED PROVISIONS WITH THE PROVISIONS OF THIS “THE UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF HENNESSEY, OKLAHOMA” TO BE CODIFIED IN TITLE 10 OF THE TOWN CODE.

**THE PROVISIONS OF TITLE 10 ZONING REGULATIONS REPEALED BY THIS ORDINANCE ARE AS FOLLOWS:**

ZONING REGULATIONS

- 10-1: TITLE; PURPOSE; INTERPRETATION
- 10-2: DEFINITIONS
- 10-3: ADMINISTRATION; GENERAL PROVISIONS
- 10-3A: PLANNING COMMISSION
- 10-3B: BOARD OF ZONING ADJUSTMENT
- 10-4: ZONING DISTRICTS; MAP
- 10-5: A-1 GENERAL AGRICULTURAL DISTRICT
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- 10-9: F FLOODPLAIN DISTRICT
- 10-10: PROVISION APPLYING TO DISTRICTS
- 10-11: OFF STREET PARKING AND LOADING
- 10-12: NONCONFORMING BUILDINGS, STRUCTURES AND USES

**THE PROVISIONS OF TITLE 11 SUBDIVISION REGULATIONS SHALL BE REPEALED IN TOTAL INCLUSIVE OF THE PROVISIONS HEREIN STATED AS FOLLOWS:**

**SUBDIVISION REGULATIONS**

- 11-1: ADMINISTRATIVE PROVISIONS; DEFINITIONS
- 11-2: DESIGN STANDARDS
- 11-3: IMPROVEMENTS
- 11-4: PLAT PREPARATION AND APPROVAL

**THE REPEALED PROVISIONS SET FORTH ABOVE SHALL BE REPLACED BY THE PROVISIONS OF “THE UNIFIED DEVELOPMENT ORDINANCE” AND CODIFIED UNDER TITLE 10 OF THE TOWN CODE FOR THE TOWN OF HENNESSEY, KINGFISHER COUNTY, OKLAHOMA AS FOLLOWS:**

**Unified Development Ordinance**

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- 10-1-2: Purpose; Nature of Regulations
- 10-1-3: Scope
- 10-1-4: Conflicting Provisions
- 10-1-5: Rules of Language; Ordinance Construction
- 10-1-6: Transitional Provisions
- 10-1-7: Safe Harbor Authorization
- 10-1-8: Severability

Chapter 2 Definitions

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- 10-3-1: Planning & Zoning Commission
- 10-3-2 Board of Adjustments
- 10-3-3 Summary of Authority
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- 10-3-5 Planned Unit Development (PUD)
- 10-3-6 Special Use Permit (SUP) - *previously referred to as Special Use on Review*
- 10-3-7 Site Plan Review
- 10-3-8 Variances

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**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR, AND THE BOARD OF TRUSTEES OF THE TOWN OF HENNESSEY, KINGFISHER COUNTY, STATE OF OKLAHOMA, TO-WIT:**

**SECTION 1:**

**Title 10 of the Town Code of Ordinances of the Town of Hennessey, Kingfisher County, State of Oklahoma is hereby amended by repealing the following currently existing sections, including the existing text for the provisions, signified by section title text of same being stricken out:**

**ZONING REGULATIONS**

- ~~10-1: TITLE; PURPOSE; INTERPRETATION~~
- ~~10-2: DEFINITIONS~~
- ~~10-3: ADMINISTRATION; GENERAL PROVISIONS~~
- ~~10-3A: PLANNING COMMISSION~~
- ~~10-3B: BOARD OF ZONING ADJUSTMENT~~
- ~~10-4: ZONING DISTRICTS; MAP~~
- ~~10-5: A-1 GENERAL AGRICULTURAL DISTRICT~~
- ~~10-6: RESIDENTIAL DISTRICT~~

- ~~10-6A: R-1A URBAN ESTATE RESIDENTIAL DISTRICT~~
- ~~10-6B: R-1 ONE FAMILY RESIDENTIAL DISTRICT~~
- ~~10-6C: R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT~~
- ~~10-6D: R-M MOBILE HOME PARK DISTRICT~~
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- ~~10-10: PROVISION APPLYING TO DISTRICTS~~
- ~~10-11: OFF STREET PARKING AND LOADING~~
- ~~10-12: NONCONFORMING BUILDINGS, STRUCTURES AND USES~~

**SECTION 2:**

**Title 11 of the Town Code of Ordinances of the Town of Hennessey, Kingfisher County, State of Oklahoma is hereby amended by repealing the following currently existing sections, including the existing text for the provisions, signified by section title text of same being stricken out:**

**SUBDIVISION REGULATIONS**

- ~~11-1: ADMINISTRATIVE PROVISIONS; DEFINITIONS~~
- ~~11-2: DESIGN STANDARDS~~
- ~~11-3: IMPROVEMENTS~~
- ~~11-4: PLAT PREPARATION AND APPROVAL~~

**SECTION 3:**

**Title 10 of the Town Code of Ordinances for the Town of Hennessey is hereby amended by the addition to said Title 10 the provisions appearing as follows which are hereby adopted as “The Unified Development Ordinance” for the Town of Hennessey:**

# Town of Hennessey, Oklahoma

## Unified Development Ordinance

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## Chapter 1 General Provisions

### 10-1-1: Title; Authority; Applicability; Effective Date

1. This document shall be known and may be cited as the Town of Hennessey Unified Development Ordinance and establishes the regulations and standards governing the use and development of land within the Town of Hennessey.
2. The Town of Hennessey is authorized by the powers pursuant to the Oklahoma State Legislature. The Town Board of Trustees chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land. In addition, the Town Board of Trustees intends that all other available powers shall support this Ordinance including those powers and those provided by State law, such as but not limited the provisions of Title 11, Oklahoma Statutes, Section 11-43-101 et seq. [11 O.S. § 43-101 et seq.]. If other authority is available because of changes in statutory and case law, State and federal, the Town Board of Trustees intends to avail itself of those resources as well.
3. This Ordinance shall apply to all land, buildings, structures, and uses thereof located within the Town. No person shall begin or change a land use or development in the Town without first obtaining a permit or approval from the Zoning Administrator. Uses not allowed or permitted are prohibited.
4. This Ordinance has been adopted pursuant to **Ordinance No. \_\_\_\_\_, dated \_\_\_\_\_**, and as amended thereto.

### 10-1-2: Purpose; Nature of Regulations

1. The provisions of this document are enacted to protect the public health, safety, and general welfare; and to encourage the orderly and efficient development and use of land within the Town of Hennessey, consistent with the Town of Hennessey Comprehensive Plan and the following principles:
  - a. *Compact Development*, which promotes the efficient provision of public services and infrastructure;
  - b. *Mixed-Use*, which clusters homes, jobs, stores, parks, and services within walking distance of one another;
  - c. *Full Utilization of Urban Services* (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
  - d. *Transportation Efficiency*, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
  - e. *Human-Scale Design*, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
  - f. *Healthy and Active Living*, by creating or transforming neighborhoods and districts to make physical activity through transportation, exercise, and recreation more likely.

- g. *Environmental Health*, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
  - h. *Efficient Administration of Code Requirements*, consistent with the needs of the Town of Hennessey.
- 2. The regulations contained herein divide the Town into zoning districts and regulate therein the use of the land, buildings and structures, the size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population, within the corporate limits of the Town.

### 10-1-3: Scope

- 1. Except as otherwise provided, no land shall be used other than one that is allowed by the provisions of this Ordinance.
- 2. No building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt, or arranged in any manner except as allowed by this Ordinance.
- 3. Buildings, structures and land may be used and occupied only in compliance with the provisions of this Ordinance.
- 4. All lots created or modified must comply with all applicable provisions of this Ordinance.

### 10-1-4: Conflicting Provisions

- 1. *Conflict with State or Federal Regulations*. If the provisions of this Ordinance are inconsistent with state or federal law, the more restrictive provision governs to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.
- 2. *Conflict with Other Regulations*. If the provision of this Ordinance are inconsistent with one another or if they conflict with the provisions found in other adopted ordinance or regulations of the Town, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.
- 3. *Conflict with Private Agreements and Covenants*. This Ordinance does not interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this Ordinance govern. The Town is not responsible for monitoring or enforcing agreements or covenants among private parties.

### 10-1-5: Rules of Language; Ordinance Construction

- 1. *Meanings and Intent*. The language of the Ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this ordinance or have the specific meanings assigned, unless the context expressly indicates another meaning. Words that are not expressly defined in this ordinance have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.
- 2. *Computation of Time*.
  - a. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working "days" of the Town of Hennessey, excluding Saturdays, Sundays and holidays observed by Town government.

- b. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by Town government, that day is excluded.
  - c. A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.
3. *Tenses and Usage.*
- a. Words used in the singular include the plural. The reverse is also true.
  - b. Words used in the present tense include the future tense. The reverse is also true.
  - c. The words "must," "will," "shall" and "may not" are mandatory.
  - d. The word "may" is permissive, and "should" is advisory, not mandatory or required.
  - e. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
  - f. The word "person" includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
  - g. The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."
  - h. The word "lot" includes "plat" or "parcel."
4. *Conjunctions.* Unless the context otherwise clearly indicates, conjunctions have the following meanings:
- a. "and" indicates that all connected items or provisions apply; and
  - b. "or" indicates that the connected items or provisions may apply singularly or in combination.
5. *Headings and Illustrations.* Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text controls.
6. *Current Versions and Citations.* All references to other Town, state, or federal regulations in the Ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, Ordinance requirements for compliance are no longer in effect.
7. *Lists and Examples.* Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.
8. *Delegation of Authority.* Whenever a provision appears requiring the head of a department or another officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Ordinance expressly prohibit such a delegation.
9. *Public Officials and Agencies.* All employees, public officials, bodies and agencies to which references are made are those of the Town of Hennessey unless otherwise expressly stated.

### 10-1-6: Transitional Provisions

The provisions of this section address the transition from the previous Ordinance (the one in effect before the effective date specified in Section 10-1-1) to this Ordinance.

1. *Zoning District Map Symbol Conversions.* The zoning district names and map symbols in effect before the effective date specified in Section 10-1-1 are converted as follows:

<i>Proposed District Name</i>		<i>Existing District Name</i>	
<b>Agricultural</b>			
<b>A-1</b>	Agricultural District	A-1	Agricultural District
<b>Residential</b>			
<b>RE</b>	Rural Estate District	R-1A	Urban Estate Residential District
<b>R-1</b>	Low Density Residential District-1	R-1	One-family Residential District
<b>R-2</b>	Medium Density Residential District	R-2	Medium Density Residential District
<b>R-3</b>	High Density Residential District	R-3	Residential Multi-Family District
<b>RM</b>	Mobile Home Park District	RM	Mobile Home Park District
<b>Commercial</b>			
<b>LC</b>	Light Commercial District	C-1	Local Commercial District
<b>HC</b>	Heavy Commercial District	C-3	Highway Commercial District
<b>Industrial</b>			
<b>I-1</b>	Light Industrial District	I-1	Restricted Industrial District
<b>I-2</b>	Heavy Industrial District	I-2	General Commercial District
<b>Mixed-Use Districts</b>			
<b>MU-1</b>	Low Density Mixed-use District		
<b>DM</b>	Downtown Mixed-use District	C-2	Center Business District

2. *Applications, Permits and Approvals.*

- a. Any building, development or structure for which a building permit was issued, or a complete permit application had been accepted for processing before the effective date specified in Section 10-1-1 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this Ordinance. If the building is not commenced and completed within the time allowed under the original building permit, the building, development or structure may be constructed, completed and occupied only if it complies with the standards of this Ordinance.
- b. Completed applications for PUDs, development plans, special use permits, variance or other zoning-related approvals that are pending approval on the effective date specified in Section 10-1-1 must be reviewed wholly under the terms of the Ordinance in effect immediately preceding the effective date specified in Section 10-1-1. Building permits



for construction and development approved under such zoning approvals may be issued in accordance with Section 10-1.1-B3.

- c. The Zoning Administrator is authorized to issue building permits for construction or development approved before the effective date specified in Section 10-1-1 and for developments pending approval under Section 10-1.1-B2, even if such building development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and completed within the time allowed under the building permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this Ordinance.
  - d. When a use classified as a special use permit under this Ordinance exists as an approved special use permit or permitted use on the effective date specified in Section 10-1-1, that use will be considered a lawfully established special use permit under this Ordinance. When any amendment to this Ordinance changes the classification of a permitted use to a special use permit, any use lawfully established before such amendment will be considered a lawfully established special use permit after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use permit or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to the applicable regulations of Chapter 8, Nonconformities.
3. *Violations Continue.*
- e. Any violation of the previous Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set forth in Chapter 9, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this Ordinance.
4. *Nonconformities.*
- f. Any nonconformity under the previous Ordinance will also be a nonconformity under this Ordinance, as long as the nonconforming situation continues to exist.
  - g. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this Ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity.
  - h. A situation that did not constitute a (lawful) nonconforming situation under the previously adopted Ordinance does not achieve (lawful) nonconforming status under this Ordinance merely by repeal of the previous Ordinance.

### 10-1-7: Safe Harbor Authorization

The Town Board of Trustees is expressly authorized to avoid the preemptive force of any provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by any one or more of the following actions:

- A. Changing the policy or practice that results in a substantial burden on religious exercise;
- B. Retaining the policy or practice and exempting the substantially burdened religious exercise;
- C. Providing exemptions from the policy or practice for applications that substantially burden religious exercise; or

D. Any other means that eliminates the substantial burden on religious exercise.

#### 10-1-8: Severability

If any portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the portion is to be deemed severed from the Ordinance and in no way affects or diminishes the validity of the remainder of the Ordinance.

## Chapter 2 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. In the event of conflict between any terms and definitions as established by state law or department of health regulations, the definition promulgated by the state or department of health shall prevail.

**ACCESS.** A means of vehicular or pedestrian approach, entry, or exit from property.

**ACCESSORY.**

1. When used in combination with the following words:
  - a. **BUILDING(S).** A detached building(s) containing an accessory use and located on the same lot as the primary building, provided all accessory buildings on a lot shall not exceed in size 240 square feet.
  - b. **USE(S).** A use(s) on the same lot as the primary use which is different from and customarily associated with the primary use, and which use has dedicated to it not more gross floor area than permitted in division (a) above.
2. Examples, not inclusive:

<i>Primary Building and Use</i>	<i>Accessory Building and Use</i>
<b>Dwelling-Habitation</b>	Carport-Vehicle Storage
<b>Dwelling-Habitation</b>	Workshop-General
<b>Dwelling-Habitation</b>	Greenhouse-Cultivation
<b>Dwelling-Habitation</b>	Dwelling-Home Occupation

**ADULT DAY CARE CENTER.** A facility which provides basic day care services to unrelated, impaired adults for more than four hours in a 24-hour period. A **CENTER** shall be a distinct entity, either freestanding or a separate program of a larger organization. A **CENTER** shall have a separately verifiable staff, space, budget, and participant record system. **ADULT DAY CARE CENTER** does not include retirement centers and senior citizen centers.

**ADULT ORIENTED BUSINESS.** Any business activity which offers the opportunity to view specified sexual activity or view, or touch, for entertainment, specified anatomical areas. Such definition further includes but is not limited to adult arcade, adult bookstore/film store, adult cabaret, adult lounge, adult motel or hotel, adult retail store, and an adult theater.

**AGRICULTURE.** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The term shall not include agricultural industries such as commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial greenhouses, commercial fish or poultry hatcheries, and other similar activities.

**AIRPORT or LANDING FIELD.** A facility used for the **LANDING**, take-off or taxiing of aircraft.

**ALCOHOLIC BEVERAGE ESTABLISHMENTS.** An establishment other than a restaurant, licensed to sell **ALCOHOLIC BEVERAGES** for consumption on premises; that limits patronage to adults of legal age for

consumption of **ALCOHOL**; and in which limited food service may be accessory to the service of **ALCOHOLIC BEVERAGES**. Drinking **ESTABLISHMENTS** may include but are not limited to taverns, saloons, breweries, bars, pubs, or cocktail lounges associated with restaurants.

**ALLEY**. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**AMUSEMENT, COMMERCIAL INDOOR**. An **AMUSEMENT** enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not audible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

**AMUSEMENT, COMMERCIAL OUTDOOR**. Any **AMUSEMENT** enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to, a golf driving range, archery range and miniature golf course.

**APPLICANT**. The owner of land proposed to be subdivided or the owner's representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises for all applications for subdivision review

**ART GALLERY**. A building where art such as paintings, sculptures or other works are exhibited and/or sold to the public.

**AUTOMOBILE REPAIR GARAGE**. Establishments primarily engaged in general automotive **REPAIR**, including but not limited to, engine, transmission, and motor **REPAIR** shops, service **GARAGES**, tire shops, glass replacement shops, and body **REPAIR** shops.

**AUTO STORAGE** or **AUTO AUCTION**. Establishments primarily engaged in the **STORAGE** and wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, but not including machinery wrecking establishments or junkyards.

**BASE FLOOD ELEVATION**. The elevations shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year.

**BED** and **BREAKFAST INN**. An owner-occupied housing unit with fewer than six (6) individual guest rooms where short-term lodging and meals are provided for compensation.

**BLOCK**. An area enclosed by streets and occupied by or intended for buildings. as a term of measurement, block shall mean the distance along a side of a street lying between and adjoining two (2) intersecting streets.

**BOARDING HOUSE**. A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for 3 or more, but not exceeding 20 persons, on a weekly or monthly basis.

**BREWERY, CRAFT BREW.** An individually owned establishment primarily engaged in brewing beer for distribution.

**BREWERY, LARGE SCALE.** Establishments primarily engaged in brewing beer, ale, malt liquors, and nonalcoholic beer for wholesale distribution.

**BUFFER.** A strip of land with a fence, wall or landscaping that provides a visual barrier between uses.

**BUILDING.** Any structure intended for shelter, housing or enclosure for persons, animals or chattel.

**BUILDING LINE.** A line parallel to the street right-of-way line designating the minimum distance from the street right-of-way line that a structure may be erected.

**BUILDING and LANDSCAPING MATERIALS SALES YARD.** A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales.

**BULK STANDARDS.** Specifications that provide minimum building setbacks, and maximum building height, building coverage and floor area ratio requirements.

**BUS STATION or TERMINAL.** Establishments primarily engaged in the operation of motor vehicle passenger terminals and of maintenance and service facilities, not operated by companies that also furnish motor vehicle passenger transportation.

**CARETAKER or EMPLOYEE HOUSING.** A detached secondary housing unit that is used for persons employed on the premise, where the principal commercial, industrial or institutional use of the site involves operations, equipment or other resources that require twenty-four (24) hour oversight. Such housing shall be occupied exclusively by the caretaker and/or employee and not for rent or use as a separate housing unit by persons other than those employed on the premise. The Planning Commission must find that the principal use on the site requires the continual supervision of a caretaker, superintendent, or watchman.

**CARPORT.**

1. Means any accessory building constructed in conjunction with the use of a single-family or two-family dwelling and which is:
  - a. Over a paved driveway;
  - b. Abutting the dwelling to which it is accessory;
  - c. Unenclosed, except for the one side abutting the dwelling;
  - d. No more than 25 feet in total length, both within and outside the front setback; and
  - e. No wider than 12 feet for a single garage and/or driveway or no wider than 24 feet for a double garage and/or driveway.
2. No more than one carport shall be permitted for each dwelling unit.

**CATERING ESTABLISHMENT.** A business that prepares and delivers food for consumption on the premises of a client. Does not include mobile food vendors.

**CHARITABLE or PHILANTHROPIC INSTITUTIONS.** A private, tax-exempt organization whose primary function is to provide either health, social, recreational, religious, or benevolent services, or research or educational activities in areas of benefit to the public such as health, medicine or conservation of natural resources. Does not include an organization for the purpose of operating a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union.

**CHURCH.** A facility operated by a religious organization used exclusively as a place of worship or for the promotion of religious activities, including accessory uses on the same site. Examples of these types of facilities include churches, mosques, synagogues, and temples. Examples of allowable accessory uses on the same site include living quarters for ministers and staff, and facilities for child day care and religious instruction.

**COLLEGE or UNIVERSITY.** An academic institution of higher learning accredited or recognized by the State of Oklahoma and offering a program or series of programs of academic study.

**COMMERCIAL MEDICAL MARIJUANA GROW and/or PROCESSING FACILITY.** Any medical marijuana growing, or processing facility licensed by the State of Oklahoma to grow or process medical marijuana in excess of 12 plants. Growing includes the cultivation, manufacturing, processing, packaging, and distribution of marijuana and marijuana products. Processing includes including but not limited to drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.

**COMMUNITY CENTER.** A public institution owned and operated by a governmental body for the social or recreational uses, health or welfare of the community served.

**COMMUNITY DIGEST.** Please see Comprehensive Plan.

**COMPREHENSIVE PLAN.** A periodically updated series of documents that unifies all elements and aspects of urban planning. This Plan reflects the best judgment of the staff, Planning and Zoning Commission, and the Town Charter, and sets a policy for Zoning and Subdivision decisions. This Plan indicates the general locations recommended for various land uses, transportation routes, public buildings, Streets, parks and other public and private developments and improvements. This Plan has historically been called the *Community Digest*.

**CONSTRUCTION PLAN.** Detailed final construction drawings indicating street, alley, water, wastewater, drainage or the layout of other installations.

**COUNTRY CLUB, PRIVATE.** An area of twenty (20) acres or more containing a golf course, a clubhouse and associated uses available only to private specific membership.

**COVERAGE.** The ratio of the gross floor area of all buildings on a lot, including the area covered by all overhanging roofs in excess of two feet, to the lot area.

**CREMATORY.** A facility licensed by the Oklahoma State Board of Embalmers and Funeral Directors for the disposal of human remains by cremation, dehydration, combustion, or other similar means.

**DAY-CARE CENTER.** Family day-care homes and nurseries.

**DAY CAMP FOR CHILDREN.** A facility arranged and conducted for the organized recreation and instruction including outdoor activities on a daytime basis.

**DEDICATION.** The transfer in ownership of a parcel of land, right-of-way or improvement to the Town of Hennessey or other public entity without compensation.

**DEED.** A legal document that states conveyance of title to real property.

**DENSITY.** The average number of housing units per parcel of land generally expressed as “dwellings per acre.”

**DEVELOPER.** Any person, entity, or corporation who subdivides a tract or parcel of land to be sold or handled for his own personal gain or use

**DISPENSARY STORE.** An establishment licensed by the Oklahoma State Department of Health and the Town of Hennessey pursuant to Title 63 O.S. § 421A, which allows the retail sale of marijuana, or marijuana derivatives in the form provided by licensed processors, as well as other products, including paraphernalia and clothing, to be sold to qualifying patients or their caregiver.

**DISTRICT.** A zoning district created herein.

**DWELLING.** Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including trailer homes.

**DWELLING, MULTIPLE-FAMILY.** A dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.

**DWELLING, SINGLE-FAMILY.** A dwelling designed to be occupied by one family.

**DWELLING, TWO-FAMILY.** A detached dwelling designed to be occupied by two families living independently of each other.

**DWELLING UNIT.** One room or a suite of two or more rooms designed for and used by one family for living and sleeping purposes and having one kitchen or kitchenette.

**EASEMENT.** A right held by the Town or its franchised utility companies to be used for access, drainage or the placement of utilities such as water, sewer, gas, telephone, cable television and electrical lines or other facilities.

**ENGINEER.** A person licensed to practice engineering in the State of Oklahoma.

**EQUIPMENT STORAGE/RENTAL YARD.** The use of any building, land area, or portion thereof, for the display, sale, rental or lease of heavy construction or farm equipment, including cranes, earthmoving and grading equipment, heavy trucks, tractors, and any warranty or repair work and other repair services conducted as an accessory use. Outdoor display of such items may be provided only as permitted by the district in which it is located.

**FAMILY.** One or more persons related by blood, marriage or adoption, or a group of not to exceed five persons not all related by blood or marriage, living together as a single housekeeping unit in a dwelling unit and maintaining and using the same housekeeping facilities in common.

**FAMILY DAY-CARE HOME.** A private dwelling which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family day-care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home.

**FENCE.**

1. A structure, wall or hedge, erected or grown for the purpose of dividing open space, delineating boundaries, enclosure or preventing passage or sight.
2. The height of fences shall be determined as follows:
  - a. Measurement to be taken from the highest elevation contiguous to the fence from the base to the top;
  - b. The fence is to follow the topography and is measured accordingly;
  - c. Decorative posts are to be excluded from measurement; and
  - d. Planter boxes built to effectively lower the height of the fence will be included in the measurement.

**FINAL PLAT.** The map, drawing, or chart on which an owner's plan of subdivision is presented to the Planning Commission and to the Town Charter for approval, and which, if approved, will be submitted to the County Clerk for recording.

**FINANCIAL INSTITUTION.** An establishment primarily engaged in the facilitation of financial transactions, such as investments, loans, and deposits. Uses include banks and trust companies, credit agencies, and other investment companies.

**FUNERAL HOME** and **MORTUARY.** Establishments where the deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

**FREIGHTING YARD** or **TERMINAL.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include freight terminal facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, and trucking facilities, including transfer and storage.

**FRONTAGE.** Property on (1) side of a street or place measured along the line of the street or place.

**GARAGE, PARKING.** Any building or portion thereof used for the storage of four or more vehicles for profit, hire or otherwise involving compensation in which any servicing is an accessory use but where repair facilities are not provided.

**GARAGE, PRIVATE.** A building used for storage purposes only for vehicles used solely by the occupants and their guests of the building to which it is accessory.

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



**GASOLINE SERVICE STATIONS.** The land and buildings or structures thereon used for the retail sales of gasoline, oil fuels and vehicle accessories, and accessory uses exclusive of painting, major repair or the sale of butane or propane fuels. All storage tanks for gasoline shall be below the surface of the ground and provided that no filling station shall be within 300 feet of any school, church, hospital, convalescence hospital, playground, community building or youth center or any other place where a large number of people congregate and further provided that the service station conforms to this code of ordinances

**GOLF COURSE, COMMERCIAL.** A **GOLF COURSE** privately owned but open to the public for a fee and operated as a commercial venture.

**GROCERY STORE OR SUPERMARKET.** A retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish, and poultry.

**GREENHOUSE** and **PLANT NURSERY.** A retail enterprise that sells plants, garden supplies and services, and similar items not to include heavy equipment such as farm machinery.

**GROSS FLOOR AREA.** The sum of all horizontal areas of all of the floors of a building as measured from the facade of exterior walls or from the centerline of common walls separating buildings and including, but not limited to the following spaces:

1. Basements;
2. Elevator shafts and stairwells at each floor;
3. Floor space for mechanical equipment with structural head room of seven feet or more;
4. Penthouses;
5. Attic space providing head room of seven feet or more;
6. Interior balconies, mezzanines and enclosed covered porches and enclosed steps; and
7. Accessory uses in the building exclusive of parking garages.

**GROUP HOME.** A community-based residential facility located in a single-family zoning area that admits not more than six persons with developmental or physical disabilities who require specialized living arrangements, and that provides for such persons a home that is subject to the care and supervision of a responsible adult and which is licensed by or which has a contract with the Department of Human Services. Group homes shall be subject to all restrictions of §60 O.S.

**GROW FACILITY.** Please see *Commercial Medical Marijuana Growing and /or Processing Facility*.

**HALFWAY HOUSE.** Means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community inmates who are nearing their release dates. The term shall not include private prisons.

**HEALTH OFFICER.** The Director of the Kingfisher County Health Department or his/her designee.

**HEALTHY AND ACTIVE LIVING.** Creating or transforming neighborhoods and districts to make physical activity through transportation, exercise, and recreation more likely.

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

**HOME OCCUPATION.** A business which is carried on in a dwelling unit provided that:

1. The business shall be restricted to the providing or performance of services. No on-site wholesale or retail sales shall be permitted.
2. The following businesses shall not be eligible for classification as a **HOME OCCUPATION**:
  - a. Beauty or barber shop;
  - b. Nursing home or clinic;
  - c. Doctor's or dentist's office;
  - d. Day-care center; or
  - e. The repair of vehicles owned by someone other than the occupant; or
  - f. Landscaping, tree trimming and/or lawn care service.
3. No person other than members of the family residing on the premises shall be engaged in the business.
4. The home occupation shall have dedicated to its use not more than 20% of the gross floor area of the dwelling unit.
5. The home occupation shall not be conducted in an accessory building.
6. No mechanical equipment shall be used in the business, except for such as is normally used for domestic purposes.
7. There shall be no change in the outside appearance of the dwelling unit or any other aspect of the premises which would provide visible evidence of the conduct of the home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the dwelling unit.
8. There shall not be more than one customer vehicle at a time parking off-street and no customer parking shall be permitted in the street right-of-way.

**HOSPITAL.** A health care institution with an organized medical and professional staff and with inpatient beds available on a 24 hour basis, which has as its primary function to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions, and which usually provides some outpatient services, particularly emergency care.

**HOTEL or MOTEL.** A building or group of buildings under one ownership reserved primarily for and occupied as the temporary abiding place of transients for compensation, exclusive of mobile home or recreational vehicle parks, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

**IMPROVEMENTS.** Grading, street surfacing, construction of curbs and gutters, sidewalks, crosswalks, culverts, bridges, water lines, sanitary sewer lines, force mains and lift stations, booster pump stations, storm sewer lines, detention facilities, other utilities, and other required features.

**INMATE TRANSITIONAL LIVING CENTERS.** See **HALFWAY HOUSE.**

**INMATE WORK CENTERS, INMATE HALFWAY HOUSES, and INMATE PRERELEASE CENTERS.** Shall have the same meanings as used in §57 O.S. or as defined by the Oklahoma Department of Corrections.

**INPATIENT TREATMENT.** See **HOSPITAL.**

**ITINERANT VENDOR.** Any person who engages in, does, or transacts any temporary or transient business in the town and who, for the purpose of carrying on such business, occupies any location for a period of less than 90 days.

**JAIL and CORRECTIONAL FACILITY.** Public or private facilities providing for the confinement of juvenile offenders, for the incarceration, confinement or detention of individuals arrested for or convicted of a crime, or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose freedom is restricted.

**KENNEL.** Any premises wherein any person, firm, corporation, or other legal entity engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

**LABORATORY, SCIENTIFIC or RESEARCH.** Laboratories for research or testing, but not for manufacturing, providing all work is conducted within an enclosed building and no noise, odor, smoke or other element of the operation is noticeable from outside the building.

**LIBRARY.** A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

**LOT.** A parcel of land the location, size and dimension of which are determined according to the most recent document legally filed of record pertaining to the same.

**LOT AREA.** The horizontal area included within lot lines, exclusive of any property over which there is an easement for flood control and/or drainage purposes.

**LOT, CORNER.** A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of the two sides is less than 135 degrees.

**LOT DEPTH.** The minimum distance between the front and rear lot lines.

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

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

**LOT LINES.** The boundaries of a lot and the boundaries shall be conterminous with right-of-way lines for those portions of a lot which abut a street or alley.

**LOT WIDTH.** The minimum distance between the side lot lines, measured at the front yard setback line, except where specifically otherwise provided.

**MAIN.** A water or wastewater line designed and installed to distribute water to or collect sewage from lateral or service lines.

**MANUFACTURED HOME.** Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. sec. 5401, 1978 as amended) commonly known as HUD (U.S. Department of Housing and Urban Development Code) and which meets the Town's Residential Design Standards.

**MANUFACTURING, HEAVY.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include concrete product manufacturing, garbage transfer stations, glass product manufacturing, plastic, rubber and other synthetic product manufacturing, and textile and leather product manufacturing. Permitted uses shall be conducted in a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

**MANUFACTURING, LIGHT.** A facility accommodating manufacturing processes involving and/or producing; apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include clothing and fabric manufacturing, electronics and appliance manufacturing, and food and beverage product manufacturing. Permitted uses shall be conducted in a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located

**MASSAGE CLINIC.** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on the activity of "massage," defined as any method of pressure on or friction against the external soft parts of the body with the hand or with the aid of any mechanical or electrical apparatus or appliance commonly used in this practice by a massage therapist.

**MEDIA BROADCAST SERVICES.** Commercial and public communications, including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities."

**MEDICAL or DENTAL FACILITY.** The use of space by individuals licensed in the State of Oklahoma to practice medicine, osteopathy, dentistry, chiropractic, podiatry, psychiatry, clinical psychology or other health-related professions on an outpatient basis. The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.

**MEDICAL MARIJUANA DISPENSARY.** Any retail medical marijuana establishment licensed by the State of Oklahoma and the Town of Hennessey to sell or dispense medical marijuana or medical marijuana products.

**MEDICAL MARIJUANA GROWING FOR PERSONAL USE.** Any individual licensed by the State of Oklahoma and the Town of Hennessey to grow up to 12 plants within a single residence for personal medical use.

**MEDICAL MARIJUANA WHOLESAL** and/or **STORAGE FACILITY.** Any wholesale or storage establishment licensed by the State of Oklahoma and the Town of Hennessey that acquires, possesses, stores, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid medical marijuana dispensary license.

**METES AND BOUNDS.** A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets or, in rural areas, a tree or other permanent fixture.

**MIXED-USE.** A development or structure which clusters homes, jobs, stores, parks, and services within walking distance of one another.

**MOBILE HOMES.** A single-family dwelling, factory-built and factory assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. The term “manufactured homes” is used for mobile homes constructed after 1978 when nationwide construction standards were adopted. The only “mobile homes” in existence are those still in use that were constructed before 1978.

**MOBILE/MANUFACTURED HOME PARK.** Any plot of ground upon which two or more mobile/manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for the accommodations.

**MOBILE/MANUFACTURED HOME SPACE.** A plot of ground indicated on an approved site plan park designed for the accommodation of one mobile/manufactured home and not located on a mobile/manufactured home sale lot.

**MOBILE/MANUFACTURED HOME SUBDIVISION.** A subdivision designed and intended for residential use where residence is in a mobile/manufactured home exclusively and mobile home lots are sold for occupancy.

**MUSEUM.** A building serving as a repository for a collection of natural, scientific, or literary objects of interest, or works of art, and arranged and designed to be used by members of the public for viewing, with or without admission charge.

**NIGHT CLUB** or **DANCE HALL.** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

**NET FLOOR AREA.** The gross floor of the building less non-public and non-workspaces, such as storage rooms, hallways, warehouses, utility closets or restrooms.

**NONCONFORMING.** When used in combination with the following words:

1. **STRUCTURE.** A structure in noncompliance with applicable setback, coverage or height regulations but which, on the effective date of this chapter, lawfully occupied the lot on which it is situated.
2. **USE.** An activity carried on in noncompliance with applicable district regulations but which, on the effective date of this chapter, lawfully occupied the lot on which it is conducted.

**NURSING, CARE FACILITY, CONVALESCENT, OR REST HOME.** All those facilities required to be licensed under the Oklahoma Nursing Home Care Act (63 O.S. §§ 1-1902 et seq.) to provide resident nursing care facilities, and the definitions within the Oklahoma Nursing Home Care Act shall be used in interpreting the provisions of this chapter. Drug and/or alcohol abuse treatment facilities are excluded from this definition.

**OFFICIAL FILING DATE.** The date upon which a development application that contains all necessary elements required by this Chapter is deemed complete by the responsible official.

**OPEN DISPLAY, COMMERCIAL.** The outdoor display of retail goods and products located outside of an enclosed business. Open display uses such as car, truck, and boat sales and/or rentals are prohibited, except as a Special permit Use as authorized under §159.044 of the Ordinance.

**PARCEL.** Same as **LOT**.

**PARKING AREA.** A permanently surfaced area enclosed or unenclosed, sufficient in size to store vehicles together with a permanent surfaced driveway connecting all parking spaces with a street or alley.

**PARKING SPACE.** A permanently surfaced area enclosed or unenclosed, being 8½ feet in width and 18 feet in depth and intended for the parking of vehicles.

**PARKING SPACE, OFF-STREET.** A parking space not on or extending over any public easement or right-of-way.

**PERFORMANCE BOND AND/OR SURETY BOND.** A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the ordinance, regulations, and approved plans and specifications of the development.

**PERMITTEE.** Any person to whom a permit is issued.

**PERSON.** Natural individual, firm, trust, partnership, association or corporation.

**PEST CONTROL SERVICES.** A commercial pest control business or occupation which is performed primarily off-site. Only those support activities, such as office work and storage of equipment is conducted at the business location and provided:

- A. No on-site storage of more than 30 gallons of pesticide or herbicide;
- B. No batch mixing of chemicals, other than individual tank mixing on each truck operated on-site;  
and
- C. No repair of chemical equipment on-site.

**PETROLEUM PRODUCTS, STORAGE and WHOLESALE.** A facility for the bulk storage and wholesale distribution of gasoline, diesel fuel, and/or other fuels and petroleum products.

**PHARMACY.** A retail store that primarily sells prescription drugs, which may also sell non-prescription drugs and medical supplies, other health care products, and a limited variety of convenience items.

**PLANNING AND ZONING COMMISSION.** The agency appointed by the Town Board of Trustees as an advisory body to it and which is authorized to act on pats.

**PLAT.** A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., drawn to scale; also includes minor, replat, and amending plat. Shall refer to Final Plats meeting the requirements of this chapter.

**PLAT, FINAL.** A map of a land subdivision prepared in a form suitable for filing of record in the office of the county clerk with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

**PLAT, MINOR.** A subdivision plat resulting in three or fewer lots and requires no new streets and minimal infrastructure extension that is processed through an abbreviated process or the combination of five or fewer existing lots of record into one.

**PLAT, PRELIMINARY.** A map indicating the proposed layout of a subdivision meeting the requirements herein enumerated and showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision to be submitted to the planning commission for consideration and approval.

**PRE-APPLICATION CONFERENCE.** An initial meeting between developers and the Zoning Administrator which affords the developer the opportunity to present their proposals informally.

**PROFESSIONAL OFFICES.** Professional offices, such as accounting, real estate, insurance, architectural or engineering offices, where chattels, goods, wares or merchandise are not created, stored, exchanged or sold.

**PUBLIC IMPROVEMENT.** Drainage ways, roadways, parks, utilities, or other facilities which the Town will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement established which affects the health, safety, or welfare of the general public.

**PUBLIC PARK and PLAYGROUND.** A public area reserved for natural or artificial landscaping, which may include recreational facilities and structures.

**PUBLIC SAFETY FACILITIES.** A facility including ambulance dispatch facilities, fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters.

**PUBLIC UTILITY STATION.** A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump chemically treated water. This does not include storage or treatment of sewage, solid waste, or hazardous waste.

**PUBLIC WATER SYSTEM or PUBLIC SEWER SYSTEM OF THE TOWN.** Any systems built and owned by or dedicated to and accepted by the town. All other systems are private.

**PUBLISHER.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals

**RECREATIONAL VEHICLE PARK.** A site under private ownership designed and intended to be used, by campers with **RECREATIONAL VEHICLES** or tents. **RECREATIONAL VEHICLE PARKS** may include public restrooms, water, sewer, and electric hookups to each lot and may also include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**RECREATIONAL VEHICLE SPACE.** A plot of ground indicated on an approved site plan within a recreational vehicle park designed for accommodation of one recreational vehicle.

**REPLAT.** The re-subdivision of any part or all of any block or blocks of a previously platted subdivision.

**RETAIL, GENERAL.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include antique stores, craft stores, clothing, shoes, and accessories, hardware stores, recreational equipment, religious goods, stationary, and toy stores and shall be larger than 4,000 square feet.

**RETAIL, SPECIALTY.** Stores and shops where the majority of the business is devoted to the sale of specialty goods. Such uses include delicatessens, pottery studios, tuxedo stores, small-scale bookstores, and video rental stores and shall be no larger than 4,000 square feet.

**RESTAURANT or EATING ESTABLISHMENT (NOT DRIVE-IN TYPE).** Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment. The term "primary Business" means that the gross receipts from the sale of food are equal to or exceed fifty (50) percent of the entire gross receipts of such establishment.

**RESTAURANT or EATING ESTABLISHMENT (DRIVE-IN).** A building or portion thereof where food and/or beverages are sold, and where a driveway is located so that vehicles may drive up to a window and received food and/or beverages for consumption either on the premises or elsewhere.

**RIGHT-OF-WAY, PUBLIC.** Any strip or area of land including surface, overhead or underground space which is used or intended to be used wholly or in part as a public street or alley, or as the location of public walkways and utility or drainage facilities or installations.

**ROOMING HOUSE.** A building where lodging only is provided for compensation to three or more, but not exceeding 20 persons. A building which has accommodations for more than 20 persons shall be a hotel, as defined herein.

**SALE BARN.** Barns, pens and sheds for the temporary holding and sale of livestock.

**SALVAGE or JUNK YARD.** Any land or building where metals, plumbing materials, appliances, vehicles, vehicle parts, rags or paper, machinery or similar items or material are kept, salvaged, stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed materials.



**SCHOOL, BUSINESS.** A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

**SCHOOL, COMMERCIAL TRADE.** A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

**SCHOOL, PRIVATE, ELEMENTARY or SECONDARY.** A private institution intended for the purpose of elementary or secondary education, which does not secure the major part of its funding from public sources.

**SCHOOL, PUBLIC.** Consists of all free schools supported by public taxation, and shall include nurseries, pre-schools, kindergartens, elementary and secondary schools, and technology center schools, not to exceed two years of junior college work, and such other schools, classes, and instruction as may be supported by the public.

**SECURITY.** The bond, letter of credit, or cash escrow provided by the developer to secure its promise in the improvement agreement.

**SELF-SERVICE LAUNDRY or DRY-CLEANING ESTABLISHMENT.** Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry-cleaning wearing apparel, cloth fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

**SERVICE TAP.** A water or wastewater pipe of a design capacity extended from the main to the property line to serve a single lot.

**SHELTER.** A temporary residential facility, which provides overnight accommodations and incidental services for homeless persons and/or families on a short-term basis.

**SHOOTING RANGE, INDOOR.** An area enclosed at which a handgun, rifle, or other firearm is discharged at a target, designed to prevent a projectile fired from a firearm at a target from going beyond the boundaries of the area, by use of a backstop or other barrier that is designed to completely stop the projectile or prevent a potentially dangerous ricochet.

**SETBACK.** The minimum yard specified.

**SIGHT TRIANGLE.** The area formed by measuring from the point of intersection of two lot lines a distance of 25 feet along each lot line and connecting the points so established to create a triangle with at least one side abutting street right-of-way.

**STORY.**

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

2. A basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed in the premises.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A **HALF STORY** containing living quarters shall be counted as a full story.

**STREET.** The entire width between the boundary lines of every way, other than an Alley, publicly maintained when any part of it is opened to the use of the public for pedestrian and/or vehicular travel.

**STREET, ARTERIAL.** A fast or heavy traffic street of considerable continuity and used basically as a traffic artery for travel among large areas of the Town. Arterial streets may be further designated as primary or secondary arterial streets.

**STREET, COLLECTOR.** A street which carries traffic from minor streets to arterial streets or highways, including the principal entrance streets of a residential development and streets for circulation in such a development.

**STREET, CUL-DE-SAC OR COURT.** A dead-end street providing a turnaround for vehicles.

**STREET, DEAD-END.** A street, other than a cul-de-sac, with only one (1) outlet.

**STREET, INDUSTRIAL.** A street intended primarily to serve traffic within an area of industrial development or proposed industrial development.

**STREET, LOCAL.** A street which is intended primarily to serve traffic within a neighborhood to provide access to residents, businesses, or other abutting property. Service to through movement is deliberately discouraged.

**STREET, MARGINAL ACCESS.** A local street which is parallel and adjacent to an arterial street or highway and which provides access to abutting property and protection from through traffic.

**STREET WIDTH.** The shortest horizontal distance between the lines which delineate the Right-of-Way of a Street.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

**SUBDIVIDER.** Same as Developer

**SUBDIVISION.** The division of land into two (2) or more parts, lots, or sites for the purpose of sale, building, development, or division of ownership, whether immediate or future.

**SUBDIVISION IMPROVEMENT AGREEMENT.** A contract entered into by the developer and the Town by which the developer promises to complete the required public improvements in the subdivision within a specified time period following Final Plat approval.

**SUBMISSION DATE.** The date an applicant delivers an application or petition under this Subdivision Ordinance to the Zoning Administrator, or the date on which an applicant deposits an application or

petition with the United States Postal Service by certified mail addressed to the Zoning Administrator, along with all required fees and documents.

***SUBSTANDARD PLATTED SUBDIVISION.*** A platted area deviating from or falling short of the standards adopted by the Town.

***SURETY.*** A bond, letter of credit, or letter of financial guarantee from a financial institution.

***SURVEYOR.*** A licensed State land Surveyor or a registered professional land Surveyor as authorized by the State statutes to practice the profession of surveying in Oklahoma.

***SWIM or TENNIS CLUB.*** A private recreational club where swimming, tennis, and other related uses take place, available only to private specific membership. All private swimming and/or tennis clubs shall be properly lit, screened, and be open during regular business hours.

***SWIMMING POOL, COMMERCIAL.*** A structure located either indoors or outdoors and designed to be primarily used for swimming or other related recreational or athletic purposes, generally open to the public with an admission fee.

***SWAP MEET, FLEA MARKET, and OTHER SIMILAR USES.*** . A collection or group of stalls, booths, tables or other similar arrangement, used by individual vendors, for the display and sale of various items of new or used personal property, either inside a building or outside in the open.

***TATTOO and/or BODY PIERCING SHOP.*** An establishment where the tattooing or piercing of human body parts is administered.

***TELECOMMUNICATION FACILITIES.*** The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

***TEMPORARY EMPLOYMENT SERVICES - DAY LABOR BUSINESS.*** Any enterprise engaged in procuring temporary employment for individuals who arrive and/or wait at the premises in which the temporary employment business is located on a regular basis for work assignments or transportation to a work site.

***THOROUGHFARE.*** Same as Street.

***TRACT.*** Same as LOT.

***TRANSITIONAL LIVING FACILITY.*** Shelter provided for persons for an extended period of time, where the space is re-occupied by another program recipient after a set period. Generally, the housing is integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. Not for the housing of inmates.

***TRANSITIONAL MIXED-USE.*** Referring to the zoning district intended to provide an acceptable range of blended land uses and controls that allow for business uses at are compatible with residential uses.

**TREATMENT FACILITY.** An institution designed for the care and rehabilitation of patients suffering from drug and/or alcohol abuse or related problems. This definition shall have the same meaning as defined in 43A O.S. § 3-403 pertaining to the Alcohol and Drug Abuse Services Act.

**UNLIGHTED PRIVATE TENNIS COURT.** A tennis court located within the rear yard of a private residence. To safeguard the amenity of residential areas against the adverse effects associated with the use of a private tennis court, an application for special review must be submitted and reviewed by planning staff.

**USABLE OPEN SPACE.** The portion of a lot which is open; not allocated to off-street parking spaces, parking areas, streets or any public dedication and unoccupied and unobstructed, provided that patios, natural landscaping and recreational facilities shall not be deemed obstructions.

**UTILITY, PRIVATE.** Services, and any related facilities (e.g., distribution lines), not customarily provided by the Town or public entities such as electricity, natural gas, and telecommunications.

**UTILITY, PUBLIC.** Services, and any related facilities (e.g., distribution lines), typically provided by the Town, County, or publicly owned entity such as potable water distribution, wastewater collection, and storm water management.

**VACATE** or **VACATION.** To make legally void.

**VEHICLE.** A self-propelled mechanical device designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses and motorcycles.

**VEHICLE STORAGE.** A service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include auto salvage yards.

**VETERINARY HOSPITAL.** A type of animal care facility where common household pets are provided with preventative care and/or are treated for illness, injury, or disease, but does not include animal shelters.

**VIOLATION.** Any failure to comply with this Unified Development Ordinance.

**WAREHOUSE.** A building or portion thereof used for storage of any merchandise, stock, furnishings or vehicles of a business of any kind, except that of storage area operated in conjunction with a retail business located on the same property shall not be a warehouse.

**WAREHOUSE, MINI.** A building or portion thereof used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as a passenger automobile, house trailer, motorcycle, boat, camper or other items of personal property generally stored in residential accessory buildings, exclusive of any merchandise, stock, furnishings or business vehicles of any kind.

**WASTEWATER TREATMENT PLANT.** A utility facility for the collection and treatment of sanitary sewage and storm water through mechanical, chemical and biological processes for the purpose of improving the quality of wastewater.

**WHOLESALE OR WAREHOUSE ENTERPRISE.** Establishments engaged in the storage and sale of commercial goods or commodities, usually in bulk, for purchasers other than individual customers. Examples include the wholesale distribution of furniture, household goods, farm supplies, and electrical, plumbing, heating and air conditioning supplies and equipment, but not to include freight distribution centers, large storage facilities or the use of delivery trucks in the routine operation of the business.

**YARD.** A space at grade between a building on a lot and the adjoining lot line as measured by the shortest horizontal distance between the lot line and the primary building.

**YARD, FRONT.** The yard extending across a lot between the side lot lines and established according to the first one of the conditions below which applies, the conditions being prioritized in descending order.

1. For planned or existing commercial or industrial uses, it is the yard adjacent and parallel to a major street or expressway if the lots abut such a facility;
2. It is the yard adjacent and parallel to the street upon which the lot has its shortest dimension; or
3. It is the yard indicated as the front on the subdivision plat filed of record.

**YARD, MINIMUM.** The smallest yard that shall remain unoccupied, unobstructed and without infringement by any structure on a lot.

**YARD, REAR.** The yard(s) at the opposite end of the lot from the front yard and extending across the lot between the side lot lines.

**YARD, SIDE.** All yards on a lot other than front and rear yards and extending across the lot between the front and rear lot lines.

**ZONING.** Regulations governing the use of land and buildings and development standards.

**ZONING ADMINISTRATOR.** The Town Administrator or his/her designee.

**ZOO.** A facility owned and operated for a fee, where live animals, birds and reptiles are housed and displayed.

## Chapter 3 Administration and Procedures

### 10-3-1: Planning & Zoning Commission

1. *Creation and Membership.*
2. A Planning Commission is hereby created and appointed by the Governing Body. There shall be five regular voting members of the Planning Commission.
3. A quorum of the Commission shall consist of three members. Before entering the performance of their duties each member shall take and subscribe to the oath of office as required by law.
  - a. **State Law reference**— Authority to create *Planning Commission* with not less than five members, §11-45-101 O.S., §11-45-102 O.S.
4. *Organization and Meetings.*
  - a. The Commission shall select the Chairperson and Vice-Chairperson from among its members. It is the duty of the Vice-Chairperson to preside over all meetings in the absence of the Chairperson. The Commission shall keep its own minutes and records. The Commission meets shall be set by the Town Administrator on an as needed basis, with notification as required by State Law. Commission meeting times shall also be determined by the Town Administrator. The Commission may meet at other times as the Commission determines.
  - b. Special meetings may be held upon the request of three members of the Commission. At least 72 hours advance notice shall be given to the Town Clerk of any special meetings
5. *Powers and Duties.*
  - a. Except as otherwise provided by the code, ordinance, rule, policy or regulation of the Town Board of Trustees, the Planning Commission shall have all the powers and duties prescribed for it by §11-45-103 O.S. and §11-45-104 O.S., and all other powers and duties now or hereafter prescribed for it by any other provision of state law. The Planning and Zoning Commission's powers and duties include, but are not limited to:
    - i. Recommend to the Town Board of Trustees all requests for adoption or amendments to:
      1. The Comprehensive Plan;
      2. Special area plans, corridor plans and neighborhood plans; and
      3. The text of this code and the Zoning Map, including zoning for newly annexed territory;
    - ii. Hear and recommend to the Town Board of Trustees all requests for:
      1. Vacating public right-of-way and easements pursuant to §11-42-102 O.S., et seq.;
      2. Zoning changes, including rezoning and zoning of planned developments;
      3. Special permits;
      4. Planned development outline development plan approvals and major amendments;
      5. A vested right as a part of any site-specific development plan; and
      6. Sewer variances.
    - iii. Decide all requests for:

1. Appeals;
2. Vacating any plat;
3. Special Use permits; and
4. Other tasks as assigned by the Town Board of Trustees.

**State Law reference**— Duties and powers of the planning commission, §11-45-103 O.S.

### 10-3-2 Board of Adjustments

1. *Creation and Membership.*
  - a. The Board of Adjustment of the Town of Hennessey is hereby created consisting of five appointive members, each of whom shall be a Town resident and shall represent the interests of the Town as a whole.
  - b. Members of the Board shall serve terms of three years.
  - c. All vacancies shall be filled by appointment of the Town Board of Trustees. A member's seat on the Board shall be vacant when the member ceases to reside in the Town.
  - d. **State Law reference**- Board of Adjustment – Appointment, §11-44-101 O.S.
2. *Organization and Meetings.*
  - a. The Board shall meet at least once a month, provided there is business to be brought before the Board. The concurring vote of at least three members of the Board shall be necessary to reverse any order, requirement, decision or determination being appealed from, to decide in favor of the applicant or to decide any matter which may properly come before it.
  - b. **State Law reference**- Board of Adjustment - Meeting and rules, §11-44-102 O.S.
3. *Powers and Duties.*
  - a. Except as otherwise provided by this code, ordinance, rule, policy or regulation of the Town Board of Trustees, the Board of Adjustment shall be governed by §11-44-104 O.S. The Board shall have the power to:
    - i. Hear and decide appeals;
    - ii. Hear and decide special requests to the Ordinance;
    - iii. Authorize in specific cases a variance from the terms, standards, and criteria that pertain to an allowed use category within a zoning district;
    - iv. Hear and decide requests for relief from the nonconforming provisions established in Chapter 7;
    - v. Variances to the landscape, buffering, and screening requirements; and
    - vi. Hear and decide variances to any provision of this code not otherwise assigned to another review body.
  - b. **State Law reference**- Similar Provisions, §11-44-104 O.S. et seq., §11-44-106 O.S., §11-44-107 O.S. et seq., §11-44-110 O.S. et seq.
4. *Applicants to the Board.*
  - a. Any aggrieved person, officer or unit of government may make application to the Board requesting relief for the purposes stated in Section 12-3-2(C) Powers and Duties. The application must be submitted to the Board, along with all required documents and fees, at least 30 days prior to the next scheduled Board meeting in order to be considered at that meeting.
  - b. Applications for an appeal shall be made as follows:
    - i. The appeal shall be taken within 30 days from the date of the decision of the administrative official.
    - ii. The application shall be filed in writing with the official and the Town Clerk. The application shall specify the grounds for the appeal.

- c. Applications for a variance shall be made as follows:
    - i. The application shall be filed in writing with the Town Clerk. The application shall indicate how the subject property meets the requirements of Section 12-3-2(G), Rules of Decision.
    - ii. The applicant shall submit with each application a list of names and addresses of all record property owners within a 300-foot radius of the exterior boundary of the subject property.
    - iii. Where the applicant requests a minor variance, he or she shall submit a list of names and addresses of only those owners of property adjacent to the subject property.
    - iv. The lists shall be current and certified by a bonded abstractor or the County Assessor of Oklahoma County.
  - d. The applicant shall deposit with the Town Clerk a fee as may be established by resolution of the Town Board of Trustees.
  - e. Upon receipt of a properly filed application, it shall be placed on the Board agenda for hearing within 60 days, and an administrative official shall transmit to the Board all papers constituting the record upon which the application is made.
5. *Stay of Proceedings on Appeal.*
- a. An appeal to the Board from a decision of an administrative official stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction upon application, upon notice to the officer from whom the appeal is taken, and upon due cause being shown.
6. *Time and Notice of Hearings.*
- a. Not less than ten days before the meeting of the Board, notice of public hearing of the Board shall be given as follows:
    - 1. By publication in a newspaper of general circulation in the city; and
    - 2. By mail in writing to all owners of property within a 300-foot radius of the exterior boundary of the subject property; provided, that on hearings involving minor variances, the notice shall be mailed to only those owners of property adjacent to the subject property.
  - ii. Required notices shall contain:
    - 1. Legal description of the property and the street address or approximate location in the city;
    - 2. Present zoning classification of the property and the nature of the application requested; and
    - 3. Date, time and place of hearing.
7. *Rules of Decision*
- a. In order to grant any variance from the terms hereof, the Board must find that all the following conditions are met:
  - b. Special conditions and circumstances exist which are peculiar to the land, structure or building in the same zoning district;
  - c. The special conditions and circumstances do not result from the actions of the applicant;



- d. Granting the variance requested will not convey on the applicant any special privilege that is denied by ordinance to other lands, buildings or structures in the same zoning district;
  - e. Literal interpretation of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms hereof and would work unnecessary and undue hardship on the applicant;
  - f. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
  - g. The grant of the variance will be in harmony with the general intent and purpose hereof; and
  - h. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity herewith.
  - i. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation hereof.
8. *Hearing Procedures.*
- a. All deliberations of the Board shall be conducted, and all of its decisions shall be made, at a meeting that is open to the public.
  - b. At the time of the hearing, any person may appear in his or her own behalf or be represented by agent or attorney.
    - i. All decisions of the Board shall be made after motion has been made and seconded.
    - ii. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.
    - iii. If conditions are imposed in the granting of a variance, the conditions shall be included in the motion.
  - c. In reaching a decision on any motion, the Board shall record the vote of each member or the absence or failure to vote.
    - i. The minutes of all deliberations by the Board shall be acknowledged as to accuracy by the Chairperson and shall be a part of the public record of the Board.
    - ii. The minutes of the meeting at which a variance was granted shall show that each element of a variance was established at the public hearing on the questions.
9. *Appeals to the District Court.*
- a. An appeal from any action, decision, ruling, judgment or order of the Board may be taken by any person or persons, jointly or severally, or any taxpayer or any officer, department, board or bureau of the municipality to the district court by filing a notice of appeal with the Town Clerk and with the Board within 30 days from the date the decision of the Board is rendered, which notice shall specify the grounds of the appeal. Upon filing of the notice of appeal, as herein provided, the Board shall forthwith transmit to the Court Clerk the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board.
  - b. An appeal to the District Court from the Board stays all proceedings in furtherance of the action appealed from unless the Chairperson of the Board from which the appeal is taken, certifies to the Court Clerk, after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the District Court, upon

application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the zoning code, upon notice to the Chairperson of the Board 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.

**10-3-3 Summary of Authority**

The following table summarizes the required review and approval authority provided under this Ordinance:

<i>Review and Decision-Making Bodies</i>				
<i>Procedure</i>	<i>Zoning Administrator</i>	<i>Planning and Zoning Commission</i>	<i>Town Board of Trustees</i>	<i>BOA</i>
<b>Amendments: Plan</b>	R	R-H	D-H	
<b>Amendments: Text</b>	R	R-H	D-H	
<b>Amendments: Rezoning</b>	R	R-H	D-H	
<b>Planned Unit Developments</b>	R	R-H	D-H	
<b>Site Plan Review</b>	R-D	A		A-H
<b>Variance</b>	R			D-H
<b>Annexation</b>	R	R-H	D-H	
<b>Vacation of public right-of-way or easement</b>	R	R	D-H	
<b>Vacation of plat</b>	R	R	D-H	
<b>Special Use Permit</b>	R	D	A	A-H
<b>Subdivision</b>	R-D	R-D	A	A-H

- R= Review (Responsible for Review and/or Recommendation)
- H= Hearing (Public Hearing Required)
- D= Decision (Responsible for Final Decision)
- A= Appeal (Authority to hear/Decide Appeals)

**10-3-4 Zoning Amendments**

1. *Procedures.* All applications for a change to the zoning text or official zoning map shall be made on forms provided by the Zoning Administrator. The Governing Body or Planning Commission may initiate the amendment of the zoning text or official zoning map.
2. *Materials and Reviews.* The following materials and procedures shall be used to process an application for a change to the Zoning Map or Text:
  - a. The applicant shall provide title or other suitable proof of ownership to the subject property.
  - b. The applicant shall provide a correct legal description of the subject property either in the form of a survey or a lot and block reference.
  - c. The applicant shall provide a sketch of the subject property drawn to scale that details the lot lines existing features or building, drives, adjacent buildings and the current use of existing buildings.

- d. The applicant shall submit supporting material as requested by the Zoning Administrator depending on the magnitude of the change and the possibility of detrimental effects on surrounding properties. Supporting materials may include but are not limited to:
    - i. Topography at an appropriate scale.
    - ii. A Certificate of Survey.
    - iii. Environmental assessment.
    - iv. Surface water discharge analysis.
    - v. Facilities and utilities suitability analysis.
    - vi. An analysis of existing wells, tanks, and other sub-structures.
    - vii. Traffic and parking analysis.
  - e. The applicant shall provide a list of the names and addresses of owners of all property situated within three hundred (300) feet of the property lines of the subject site. This list shall be current as of the date of submission. Persons appearing on said list will be sent notice of the public hearing in compliance with statutory requirements.
  - f. With the application, the applicant shall provide a written statement detailing the nature and reasons for the requested zoning change.
  - g. All materials to be submitted by applicant shall be given to the Zoning Administrator at least 30 days in advance of a public hearing.
  - h. A Rezoning Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the rezoning application.
3. *Procedures for Public Hearings.*
- a. All recommendations for an amendment to the zoning text or official zoning map shall first be submitted to the Edgerton Planning Commission for recommendation.
  - b. Notice of a hearing for a zoning map amendment shall be published once, at least fifteen (15) days in advance of the hearing in the official Town newspaper.
  - c. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of three hundred (300) feet of the perimeter of such proposed change, at least fifteen (15) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the Town Clerk.
  - d. When the Planning Commission has acted upon an application for rezoning, an ordinance shall be prepared and introduced before the Town Board of Trustees at a public hearing on the same date as set forth in the notice to property owners provided in the preceding section. The Town Board of Trustees may continue that hearing from time to time, prior to final action thereon.
  - e. No rezoning application which has been heard and decided by the Town Board of Trustees shall be resubmitted for a period of six months from the hearing, except on the ground of new evidence or proof of changed conditions.

### 10-3-5 Planned Unit Development (PUD)

- 1. *Purpose.* A Planned Unit Development (PUD) is established as an overlay zoning district and is intended as an alternative to conventional development. Approval of a PUD requires the submission to the Planning Commission and the Town Board of Trustees of a proposed outline development plan and accompanying development standards applicable to a particular tract, for

discretionary review. The PUD provisions are established for one (1) or more of the following purposes:

- a. To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties.
  - b. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Ordinance.
  - c. To encourage the provision and preservation of meaningful open space.
  - d. To encourage integrated and unified design and function of the various uses comprising the planned unit development.
  - e. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infra structure and land use compatibility.
2. *Planned Unit Development Submission Requirements.*
- a. *Five-Step Application and Review Procedure.* The developer and/or builder of a PUD shall follow a five-step application and review procedure:
    - i. Mandatory Pre-Application Conference.
    - ii. Application for rezoning, submission of PUD Master Plan, including the design statement and master development plan map.
    - iii. Preliminary plat, where required by the Subdivision Regulations.
    - iv. Final plat, where required by the Subdivision Regulations.
    - v. Application for building permit and site plan reviewed by the Zoning Administrator.
3. *Public Hearing.*
- a. Public hearings shall be held on the application for rezoning and the PUD Master Plan in accordance with regular procedures for zoning applications.
  - b. Public hearings on required plats shall be held in accordance with regular procedures established in the Subdivision Regulations.
4. *Planned Unit Development Review Procedures.*
- a. *Step 1. Pre-Application Review.* At least ten (10) business days prior to submission of an application for rezoning to a Planned Unit Development, the applicant shall submit to the Zoning Administrator a sketch plan drawn to approximate scale showing streets, lots, public areas, and other significant features.
    - i. The applicant should discuss with the Zoning Administrator the procedure for adopting a Planned Unit Development and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
    - ii. The Zoning Administrator shall also advise the applicant, where appropriate, to discuss the proposed Planned Unit Development with

those officials who must eventually review the various aspects of the proposal coming within their jurisdiction.

- iii. The intent of the Pre-Application Review is to expedite and facilitate the approval of a PUD Master Plan.
- b. *Step 2. Application for Rezoning and PUD Master Plan.*
- i. *Procedures and Requirements.* The PUD application for rezoning shall be filed in accordance with regular procedures and on application forms from the Town of Hennessey. The PUD Master Plan, which is submitted with the application for rezoning, shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this Ordinance.
  - ii. *Master development plan map.* The master development plan map shall be a graphic representation of the development plan for the area.
  - iii. *PUD design statement.* The PUD design statement shall be a written report submitted as a part of the PUD Master Plan containing a minimum of the following elements:
    - a. Title of PUD;
    - b. List of the owners and/or developers;
    - c. Statement of the general location and relationship to adjoining land uses, both existing and proposed;
    - d. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
    - e. The existing PUD zoning districts in the development area and surrounding it;
    - f. Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified;
    - g. A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested variations to the subdivision regulations or other applicable development regulations;
    - h. A statement on the existing and proposed streets, including right-of-way standards and street design concepts;
    - i. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
    - j. A topographic map with minimum five-foot contour intervals;

- k. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
    - l. Applicable hydrologic report, including erosion control plan pursuant to Oklahoma Department of Environmental Quality requirements;
    - m. A statement of utility lines and services to be installed, including which lines will be dedicated to the Town and which will remain private;
    - n. The proposed densities, and the use types and sizes of structures; and
    - o. A description of the proposed sequence of development.
  - iv. *Approval of the PUD Master Plan.* Upon final approval by the Town Board of Trustees of the PUD Master Plan and the appropriate ordinance of rezoning, these elements shall become a part of the official Zoning District Map. The ordinance of rezoning shall adopt the PUD Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the Town of Hennessey.
  - v. *Expiration of PUD Master Plan.* If, after three (3) years from the date of approval of a PUD Master Plan, no substantial development progress has been made within the PUD, then the PUD Master Plan shall expire. If a PUD Master Plan expires, a new PUD Master Plan must be submitted and approved according to the procedures of this Chapter.
  - vi. *Use and Development of the Property.* The PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said plan until it is otherwise amended by the Town Board of Trustees.
  - vii. The developer shall furnish a reproducible copy of the approved master development plan map for signature by the chairman of the Planning Commission, the mayor, and acknowledgement by the Town Clerk. The PUD Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the Town Clerk.
- c. *Step 3. Preliminary Plat.* Upon approval of the PUD Master Plan and the ordinance of rezoning, the developer shall prepare a Preliminary Plat for the entire development area. Where a recorded plat exists and where there will be no extensive easements, no property owners' associations, no plat restrictions, and no sale of lots which do not conform to the platted lot lines, the Planning Commission may waive the platting requirement.
- d. *Step 4. Final Plat.*

- i. Where a subdivision plat has been required, the Developer shall prepare a Final Plat for review, approval, and filing of record according to procedures established by the Planning Commission and Town Board of Trustees. In addition to these procedures, the Final Plat shall include:
  - 1. Provisions for the ownership and maintenance of common open space. Said open space may be dedicated to a private association or to the public provided that a dedication to the public shall not be accepted without the approval of the Town Board of Trustees.
  - 2. A homeowners' or property owners' association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, service and parking areas, and recreation areas.
- e. *Step 5. Site Plan.* A Site Plan shall be submitted upon the application for a Building Permit and reviewed in accordance with procedures established in Chapter 2.7, Site Plan.

5. *Modifications.*

- i. Minor amendments and adjustments. The Zoning Administrator shall be permitted to approve minor amendments and adjustments to the PUD master plan provided the following conditions are satisfied:
- ii. The project boundaries are not altered.
- iii. Uses other than those specifically approved in the PUD master plan are not added. Uses maybe deleted but not to the extent that the character of the project is substantially altered.
- iv. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
- v. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.
- vi. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.
- vii. Floor area, if prescribed, is not increased or decreased by more than twenty (20) percent.
- viii. Floor area ratios, if prescribed, are not increased.
- ix. Open space ratios, if prescribed, are not decreased.
- x. Height restrictions, setback requirements, coverage restrictions and other areas, height, and bulk requirements prescribed in the PUD master plan are not substantially altered.
- xi. The circulation system is not substantially altered in design, configuration, or location.

- xii. The design and location of access points to the project are not substantially altered either in design or capacity.
  - b. *Zoning Administrator Approval.* The Zoning Administrator shall determine if proposed amendments to an approved master development plan satisfy the above criteria. If the Zoning Administrator finds that these criteria are not satisfied, an amended PUD master plan shall be submitted for full review and approval according to the procedures set forth in these regulations.
  - c. *Reversion.*
    - i. *Property Owner Request.* If the property owner decides to abandon the PUD concept and nullify the PUD master plan, he shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the Planning Commission and Town Board of Trustees.

### 10-3-6 Special Use Permit (SUP) - *previously referred to as Special Use on Review*

1. *Purpose.* Special Uses are those uses which generally are incompatible with the permitted land uses in a given zoning district, but which require individual review of their location, design, and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. A Special Use Permit shall be required prior to the establishment of any Special Use identified in Section 10-5-2 or elsewhere in this code.
2. *Review and Approval.* The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the Special Use Permit to the Town Board of Trustees. Following the Planning Commission's recommendation, the Town Board of Trustees shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a Special Use Permit.
3. *Application and Criteria for Special Use Permit Approval.*
  - a. Application and public hearing procedures for a special permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in Section 10-3-7, Site Plan Review.
  - b. *Special Use Permit Criteria.* The Town Board of Trustees shall use the following criteria to evaluate a Special Use Permit:
    - i. Whether the proposed use shall be in harmony with the policies of the comprehensive plan.
    - ii. Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
    - iii. Whether the proposed use shall not adversely affect the use of neighboring properties.
    - iv. Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.



- v. Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the Town.
    - c. *Specific Conditions.* The Town Board of Trustees may impose specific conditions regarding location, design, operation, and screening to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.
  - 4. *Status of Special Use Permits.* Once a Special Use Permit has been granted for a lot, said Special Use Permit may not be expanded to another lot without application for a new Special Use Permit.
  - 5. *Expiration of Special Use Permits.* All Special Use Permits shall expire by default:
    - a. *Non-Establishment.*
      - i. If the use is not established within twelve (12) months and no extension is approved.
      - ii. When a building permit has not been issued for construction within twelve (12) months of Town Board of Trustees approval the applicant or owner may request a hearing for an extension of the initial Special Use Permit approval.
      - iii. Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval.
    - b. *Discontinuance.* If the use once established has been discontinued for a period of twelve (12) months or abandoned.
    - c. *Lack of Substantial Compliance.* Whenever the Zoning Administrator finds that any proposed construction or occupancy will not, in his opinion, substantially comply with the Special Use Permit, he shall refer the question to the Town Board of Trustees for its review.
    - d. *Amendment.* When the holder of a Special Use Permit determines that an extension of time or modification of the use is necessary, he may apply for amendment in the same manner as the original application. The amendment shall be processed in the same manner as an original application.

### 10-3-7 Site Plan Review

- 1. *Scope.* Except as otherwise provided, no building permit shall be issued for the construction, erection or alteration of any building or structure without first submitting a site plan and obtaining approval of the same from the Zoning Administrator as set forth in this chapter.
  - a. The following are exempt from the requirements of this chapter:
    - i. The construction, erection or alteration of single-family or two-family structures; and

- ii. A building, or addition to an existing building, with a gross floor area less than 10% of the combined gross floor areas of all existing buildings on the lot where the proposed building or addition is to be located.
  - b. This exemption shall not apply where the granting of an exemption for the proposed building or addition would cause the sum of all exemptions to exceed 10% of the lot area.
- 2. *Submission Requirements.* Three (3) copies of the site plan and one (1) digital copy shall be submitted to the Zoning Administrator at least thirty (30) working days in advance of a scheduled Planning Commission or Board of Adjustment hearing and shall contain the following:
  - a. The boundary lines of the area included in site plan, including angles, dimensions and reference to a section corner, quarter corner for point on a recorded plat, a north arrow and the lot area of the land included in the site plan;
  - b. A location map indicating the subject lot and one block in all directions;
  - c. Physical indication of boundaries, such as monuments, markers and fences and all encroachments or deviations from description of subject property or conflict with descriptions of adjacent properties;
  - d. Easements, rights-of-way, set-back lines or special uses required by deed restrictions, public regulations or existing by right of agreement and location and dimensions of each of the foregoing;
  - e. Name, width and type of streets, drives, roads, alleys, curbs, bridges, culverts, walks or steps, both on the site or adjacent thereto, any streets, drives, roads or alleys which are to be dedicated for public use and maintenance shall also be indicated as public;
  - f. Sewers, storm and sanitary, and manholes or inlets, including those on or adjacent to the property and type, size, location, elevations and direction of flow of each;
  - g. Location and size of gas and water mains, also all fire hydrants within 300 feet shall be located;
  - h. Existing buildings or structures on property, with height, size, location and description of use for each;
  - i. Existing and proposed elevations over the entire property by accurately platted contour lines at a one-foot vertical interval and the elevations of a reasonable portion of adjacent property;
  - j. The proposed method of providing for stormwater drainage;
  - k. Elevations of existing streets, roads, drives, walks, curbs and catch basins;
  - l. The location and dimensions, including height, of all proposed structures, showing distances from outside lines of buildings and structures to property lines and showing finished ground and basement floor elevations;
  - m. The location, dimensions and type of surfacing for proposed driveways, parking spaces, loading spaces and on-site sidewalks; (All parking areas shall indicate the type of paving through the use of a typical section.)

- n. Locate each dumpster pad; (The pad shall be constructed of concrete and dimensioned ten feet by ten feet by six inches. Pads shall be readily accessible to rear loading sanitation trucks.)
- o. The location, height and type of each wall, fence and all other types of screening;
- p. Demonstration that hazards or damage to other property will not be created by any channeling, cutting, filling, bulk-heading or other treatment of water flow from or past the site;
- q. The site plan shall indicate if the development is to proceed in phases or not;
- r. A description of all processes and activities involved in the proposed use;
- s. A legal description of the land included in the site plan; and
- t. The name, address and telephone number of the owner, developer and designer.

3. *Conditions for Approval; Appeals.*

- a. No site plan shall be approved unless it is in proper form, contains all of the required information and is in conformance with these regulations and with all other ordinances of the Town.
- b. The Zoning Administrator may approve the site plan when the above requirements have been met and when all the following specific requirements have been met:
  - i. The proposed use and construction conform to Chapter 12 of this code of ordinances;
  - ii. The lot has been platted or subdivided in accordance with Chapter 13 of this code of ordinances;
  - iii. All of the public improvements enumerated in Chapter 13 of this code of ordinances either have been installed or are included in the development plan;
  - iv. The proposed driveways, parking spaces, loading spaces and sidewalks are designed to provide an efficient and safe movement of traffic;
  - v. Screening is provided as required by ordinance; and
  - vi. The proposed method of providing for stormwater drainage, both surface and subsurface, is in conformance with the requirements contained in Chapter 13 pertaining to design standards for storm drainage facilities.
- c. If the submitted site plan does not comply with an approved development plan, any condition imposed on that development plan or applicable regulations of the Ordinance, the Zoning Administrator must disapprove the site plan and advise the applicant in writing of the specific reasons for disapproval.
- d. If the Zoning Administrator does not approve the site plan, the applicant may either: (1) resubmit the site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the Zoning Administrator by filing a notice of appeal with the Planning Commission. If such an appeal is filed, the site plan must be reviewed by the Planning Commission following the hearing and notice requirements that apply to minor amendments of approved

development plans. The Planning Commission’s decision may be appealed following the procedures of Chapter 3.

- e. Site plan approval, in and of itself, does not constitute effective dedication of rights-of-way or any other public improvements, nor will the site plan be the equivalent of or an acceptable alternative to the final platting of land prior to the issuance of building permit.

**10-3-8 Variances**

1. *Purpose and Scope.* The variance process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted to (1) allow a use in a zone district where it is not permitted by this Ordinance; or (2) merely remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide limited relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the Town.
2. *Conditions.* In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance.
3. *Procedure.* The applicant for variance shall complete and file the appropriate application form(s) with the Zoning Administrator. The Zoning Administrator shall determine if the application is complete. Complete applications shall be scheduled for review at the next regularly scheduled meeting of the Board of Adjustment. Notice shall be provided as required by these regulations.
4. *Appeals.* Any person aggrieved by any decision of the Board of Adjustment may file for an appeal in the Oklahoma County District Court.

**Chapter 4 District Regulations**

**10-4-1 Zoning Districts**

The Town of Hennessey is hereby divided into the following zoning districts as defined in this Ordinance and shown on the Official Zoning Map. The Zoning Districts shall be designated as follows and may be referred to by full name or by symbol only.

<i>Zoning Districts</i>	
<i>Symbol</i>	<i>Name of District</i>
Agricultural Districts	
<b>A-1</b>	Agricultural District
Residential Districts	
<b>RE</b>	Residential Estate District
<b>R-1</b>	Low Density Residential District
<b>R-2</b>	Medium Density Residential District

<b>R-3</b>	High Density Residential District
<b>RM</b>	Mobile Home Park District
Commercial Districts	
<b>LC</b>	Light Commercial District
<b>HC</b>	Heavy Commercial District
Industrial Districts	
<b>I-1</b>	Light Industrial District
<b>I-2</b>	Heavy Industrial District
Special Districts	
<b>MU-1</b>	Transitional Mixed-use District
<b>DM</b>	Downtown Mixed-use District

**10-4-2 Zoning Map**

1. *Establishment.* The location and boundaries of the zoning districts defined in this Ordinance must be established by ordinance and shown on the Town’s official zoning map, which shall be entitled “Zoning Map of the Town of Hennessey” and which shall be on file in the office of the Town Clerk and maintained under the direction of the Zoning Administrator.
2. *Maintenance and Updates.* The Zoning Administrator is responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezoning).
3. *District Boundaries.* Zoning district boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the zoning district boundary is deemed to extend to the centerline of abutting streets. When a map is used, district boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.
4. *Map Interpretations.* Where any uncertainty exists about a zoning boundary, the actual location of the boundary will be determined by the Zoning Administrator using the following rules of interpretation:
  - a. A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse will be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the centerline of the watercourse.
  - b. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.
  - c. A boundary shown on the zoning map as approximately following lot lines or other parcel boundaries assigned by the Town assessor will be construed as following such lot lines or parcel boundaries.

- d. A boundary shown on the zoning map as approximately following a street or railroad line will be construed as following the centerline of the street or railroad right-of-way.
- e. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
- f. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

### 10-4-3 Agricultural District

1. Agricultural District (A-1).
  - a. The A-1 district is established for the following purposes:
  - b. To provide for the continued use of land for predominately agricultural purposes;
  - c. To preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, and welfare; and
  - d. To provide a base (or holding) zoning district for all newly annexed property.

### 10-4-4 Residential Districts

1. *Residential Estate (RE)*. The RE district is intended to promote and encourage a suitable environment for residential development on large parcels of land at a low rate of urban population density. It is the intent of this district to encourage the construction of and the continued use of the land for single-family dwellings, and to prohibit commercial and industrial use or any other use that would substantially interfere with development or continuation of single-family dwellings or any use not performing a neighborhood function. The district also is intended to encourage low to moderate density neighborhoods to help manage the floodplain and encourage low density near and around flood prone and low-lying areas. On-site sewage disposal may be used in this district; future rezoning to the RE district should be consistent with the Town's plans for sanitary sewer line extension.
2. *Low-Density Residential District (R-1)*. The R-1 district is intended to promote and encourage the construction of and continued use of land for single-family dwellings with a greater density than the RE district but a lesser density than the R-2 district. The district prohibits commercial, office, and industrial uses or any other use that would substantially interfere with the development or continuation of single-family dwellings in the district.
3. *Medium-Density Residential District (R-2)*. The R-2 Medium Density Residential District provides a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of this land is for single family or multi-family dwellings and related recreational, religious, social and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element.
4. *Residential Multi-family (R-3)*. The R-3 district is intended to accommodate the development of multifamily units, including apartments and condominiums. It is the intent of this district, through proper site planning and design, to provide compatibility of uses in zoning, assure privacy and individuality by adequate screening techniques, protect adjacent property values, and make provisions for usable open space (exclusive of parking areas and streets).

5. *Mobile Home Park District (RM)*. The MH district is intended to encourage the development of properly planned mobile home parks and subdivisions in residential environments and to establish standards for the size, design, and quality of mobile home parks.
  - A. Mobile Home Park District (RM) Regulations
    - i. *Temporary Parking*.
      1. It shall be unlawful and an offense to park any recreational vehicle or mobile/manufactured home on any street, alley, highway or other public place or on any tract of land occupied or unoccupied, except when located in approved recreational vehicle parks or mobile/manufactured home parks; provided the temporary parking of recreational vehicles is authorized under the following conditions:
        - a. An occupied recreational vehicle may be temporarily parked for a period of not more than forty-eight (48) hours in any 12-month period in the residential and institutional zoning districts of the city.
        - b. Temporary parking of a recreational vehicle shall not be on a street, alley, public right-of-way, parks or other public property, but the vehicle shall be parked entirely on private property with the consent of the owner thereof.
        - c. No liquid waste shall be disposed of or dumped into or on any public property, private property, storm or sanitary sewers, but rather all waste shall be held in holding tanks completely within or upon the vehicle. Solid waste shall be disposed of in accordance with the ordinances and regulations of the city.
      2. Emergency or temporary stopping is permitted in any street, alley or highway for not longer than one-hour subject to any other or further prohibition, regulations or limitations imposed upon the traffic and parking regulations or ordinances for that street, alley or highway.
      3. Any owner of a recreational vehicle may park or store the equipment on private residential property, provided that no person shall occupy the recreational vehicle while so parked, except as provided in division (A) above for temporary parking.
    - ii. *Application of Regulations to Existing and New Parks*. Those parks lawfully in existence before the initial date of passage of this subchapter shall not be governed by the regulations and standards of this subchapter unless specifically stated herein. However, no existing park shall be permitted to expand or have placed a greater number of mobile/manufactured homes or travel trailers within its existing boundaries unless these additional units conform to all of the regulations and standards of this subchapter. Any existing park shall not be expanded beyond its existing boundaries unless the newly expanded area conforms to all the regulations and standards of this subchapter.
      1. All new parks planned for development after the date of initial passage of this subchapter shall conform to the regulations and standards established herein.
    - iii. *Building Permit Required*. Any person desiring to construct, erect, alter or repair a park or any addition thereto shall, before commencing work thereon, secure a building permit from the City Inspector to do so. No permit shall be required for the addition of steps, window or door awnings, antennas, skirting or porches.

1. All construction, plumbing, and electrical alterations or repairs shall be made in accordance with the regulations of the city and state statutes.
2. Building permits may be issued only in accordance with an approved site plan, as required in Chapter 9 of this code of ordinances.
3. Penalty: Any person who violates any provision of this ordinance or fails to comply with any requirement hereof shall upon conviction be subject to penalty under Section 1-4-1 of the Town Code of Hennessey.

*iv. Location and Layout Requirements.*

1. Intensity of development for a new mobile/manufactured home park shall be limited to no more than 10 mobile/manufactured homes per gross acres. Recreational vehicle parks shall be limited to 20 recreational vehicles per gross acre.
2. Every mobile/manufactured home or recreational vehicle space shall be clearly defined in a new park. Mobile/manufactured home spaces shall be at least 30 feet wide, and recreational vehicle spaces shall be no less than 25 feet wide. Mobile/manufactured homes shall be parked in the spaces that, at the nearest point, they shall be 10 feet from the service road, 10 feet from all property lines and at least 15 feet from any other mobile/manufactured home or recreational vehicle.
  - a. The space or pad on which a mobile/manufactured home or recreational vehicle is parked shall be constructed of asphaltic or Portland cement concrete.
  - b. This requirement may be satisfied with two asphaltic or Portland cement concrete driveway ribbons, separated by more than four feet with an area which shall be treated to kill all vegetation and filled with crushed rock to a depth of not less than two inches.
3. Recreational vehicle parks shall make provisions for tent camping. Ten percent of the spaces, in a recreational vehicle park may be assigned to tent camping only, and the space shall be constructed of sandy soil.
  - a. It shall be unlawful to permit a mobile/ manufactured home or recreational vehicle to be located in a park unless it is placed in a designated mobile/ manufactured home or recreational vehicle space as indicated on an approved site plan.
  - b. No structure other than a mobile/ manufactured home shall be permitted on a mobile/ manufactured home space, except that one structure of not to exceed 100 square feet may be used for storage on each space, and the park owners' home and/or park office may be permitted. No storage buildings are permitted on a recreational vehicle space.
4. At least two clearly defined parking spaces will be provided for each mobile/ manufactured home entirely on the mobile/ manufactured home space. At least one parking space shall be provided for each recreational vehicle space either on or adjacent to the recreational vehicle space
5. It shall be unlawful to locate a mobile/manufactured home or recreational vehicle less than 25 feet from any public street or highway right-of-way or so that any part of the mobile/manufactured home or



recreational vehicle will obstruct any roadway or walkway of a new park.

6. All mobile/manufactured home spaces shall abut upon a drive of not less than 30 feet in width. All recreational vehicle spaces shall abut upon a drive of not less than 20 feet in width. All driveways within a park shall be constructed with a minimum of 2½ inches of asphaltic concrete on a 6-inch compacted subbase or 4 inches of Portland concrete on a 4-inch sand cushion base. Driveways must have unobstructed access to a public street or highway. Recreational vehicle parks shall have major means of access from at least a major thoroughfare as designated on the comprehensive plan.
  - a. All parks shall have and maintain a buffer strip at least ten feet wide, along all park boundaries not bordering a street. The strip shall be bordered by a six-foot, sight-proof fence.

v. *Recreational Service Facilities and Buildings.*

1. At least one service building shall be provided in each travel trailer park to house sanitation facilities.
2. Service buildings shall be constructed to conform to the following provisions in addition to this subchapter and the Building Code of the city.
3. A service building shall:
  - a. Be located no less than 25 feet and no more than 200 feet from any travel trailer space;
  - b. Be of permanent construction and be adequately lighted;
  - c. Be of moisture-resistant material, to permit frequent washing and cleaning;
  - d. Have adequate heating facilities to maintain a temperature of 70°F. During cold weather and to supply adequate hot water during peak demands; and
  - e. Have all rooms well ventilated, with all openings effectively screened.
4. *Recreation Vehicle Water Supply, Sewer Facilities and The Like.*
  - a. Provisions shall be made within 150 feet of each travel trailer space to supply water for recreational vehicle reservoirs.
  - b. Where drinking fountains are provided for public use, they shall be of a type and in location approved by the health officer.
  - c. Sanitary dump stations approved by the health officer shall be provided to adequately serve the recreational vehicle park at times of maximum usage. The facility is to be connected to the city sanitary sewer system.
  - d. Toilets and one urinal for the first ten recreational vehicles or fraction thereof and for recreational vehicles in excess of ten not less than one additional urinal for every ten additional recreational vehicles or fractional number thereof.
  - e. Toilet facilities for females shall consist of not less than two flush toilets for the first six recreational vehicle spaces or any less number thereof and for recreational vehicle spaces in excess of six not less than one additional flush toilet for every

ten additional recreational vehicle spaces in excess of six or fractional number thereof.

- f. Toilet facilities for males and females shall not have less than two lavatories and two showers with individual dressing accommodations for the first ten recreational vehicles or any less number thereof, and for recreational vehicle spaces in excess of ten, not less than one additional lavatory and one additional shower with individual dressing accommodations for every ten additional recreational vehicle spaces or fractional number thereof.
- g. Each toilet for females and each shower or bathtub with individual dressing accommodations for females shall be in a private compartment or stall.
- h. The toilet and other sanitation facilities for males and females shall either be separate buildings or shall be separated, if in the same building, by a soundproof wall.
- i. Penalty: Any person who violates any provision of this ordinance or fails to comply with any requirement hereof shall upon conviction be subject to penalty under Chapter 9 of this Ordinance.

5. *Health and Safety.*

- a. Wrecked, damaged or dilapidated mobile homes and recreational vehicles shall not be kept or stored in a park. The health officer shall determine if a mobile home or travel trailer is unfit for human occupancy on either a temporary or permanent basis. Whenever a determination is made, the mobile home or recreational vehicle shall be vacated and removed from the premises.
- b. All mobile/manufactured homes in mobile/manufactured home parks shall be tied down in accordance with the requirements of the International Building Code.

6. *Mixed Parks.*

- a. Mixed parks shall have certain areas specifically reserved for mobile/manufactured homes and other areas specifically reserved for recreational vehicles. This distinction is to be clearly indicated on the site plan. The mobile/manufactured home portion of the park shall comply with all sections of this code concerning mobile/manufactured homes. The recreational vehicle portion of the park shall comply with all sections of this code concerning recreational vehicles.
- b. Although each section of the park may share a common point of access to a public street, mobile/manufactured home traffic and recreational vehicle traffic is to be segregated.

7. *Mobile/Manufactured Home Subdivisions.*

- a. *Applicability.* Mobile/manufactured home subdivisions shall comply with the provisions of Chapters 5 and 6 of this code of ordinances, except as otherwise provided for in this subchapter.

- b. *Lot Requirements.* Minimum effective lot widths in a mobile/manufactured home subdivision shall be 40 feet measured at the front building line and minimum lot areas shall be 4,000 square feet, provided that at least a 5-foot side yard shall be provided on each lot beyond any mobile/manufactured home and addition thereto. The effective lot width of a mobile/manufactured home shall be determined, for interior lots, by measuring at right angles across the lot from one diagonal side line to the other and for corner lots, the measurement shall be made at right angles from on diagonal having the greatest divergence from perpendicular to the street, through the midpoint of the rear line of the required front yard, to the opposite lot line or an extension thereof.
- c. *Side Lot Lines.* Side lines of lots in a mobile/manufactured home subdivision need not be at right angles to straight street lines or radial to curved street lines.
- d. *Public Streets.* Regardless of the effective lot width, mobile/manufactured home subdivision lots must abut a public street for at least 25 feet.
- e. *Greenbelt.* All mobile/manufactured home subdivisions shall have a green belt planting strip not less than 20 feet in width, along all subdivision boundaries.

#### 10-4-5 Commercial Districts

- 1. *Light Commercial District (LC).* The LC district is intended to provide for a full range of community-oriented retail and service commercial uses.
- 2. *Heavy Commercial District (HC).* This district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors of the Town of Hennessey and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.

#### 10-4-6 Industrial Districts

- 1. *Restricted Industrial District (I-1).* The I-1 Restricted Industrial District is intended primarily for manufacturing and assembly plants and warehousing that are conducted so that the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the General Industrial District. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.
- 2. *General Industrial District (I-2).* The I-2 General Industrial District is intended to provide for heavy industrial development of a potentially noxious nature, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, and other related uses. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the comprehensive plan map, as well as locations generally accessible to railroad transportation. Because of the objectionable influences that may be

created in this district, a buffer or additional setback strip is necessary around this district to protect other zoning districts, except the I-1 Light Industrial District.

#### 10-4-7 Mixed-Use Districts

1. *Transitional Mixed-use District (MU-1)*. The intent of MU-1 District is to provide for and encourage development and redevelopment with mix of uses that are compatible with and can coexist with and support residential uses. The MU-1 shall only be allowed between existing residential and commercial or the Downtown Mixed-use districts.
2. *Downtown Mixed-use District (DM)*. The intent of DM District is to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Town of Hennessey Central Business District. This District defines the downtown area with the intent to concentrate and target infill and redevelopment into the core of the community. Design standards respect the agricultural history of the community while focusing on creating a human-scaled, pedestrian-oriented walkable and bikeable downtown. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged

## 10-4-8 Dimensional and Density Standards

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in these regulations.

Dimensional and Density Standards								
Zoning Category	Lot Dimensions (ft)	Minimum Yard Setbacks (ft)				Minimum Lot Area	Maximum Lot Coverage (%)	Maximum Height (ft)
		Width	Front	Rear	Interior Side			
	1 Story				2 story			
<b>Agricultural District</b>								
<b>A-1</b>	150'	50'	50'	25'		5 acres	30%	35'
<b>Residential Districts</b>								
<b>RE</b>	160'	35'	40'	10'	15'	1 acre	30%	35'
<b>R-1</b>	60'	25'	20'	5'	10'	7,200 sq.'	25%	35'
<b>R-2</b>	60'	25'	20'	5'	10'	7,200 sq.'	25%	35'
<b>R-3</b>	60'	25'	20'	5'	10'	7,200 sq.'	25%	35'
<b>RM</b>	<i>Refer to Mobile Home Park District Regulations 10-4-4(5A7)</i>							
<b>Commercial Districts</b>								
<b>LC</b>	None	25'	25'	10' (on side adjoining residential districts)		None	35%	35'
<b>HC</b>	None	25'	25'	None		None	35%	None
<b>Industrial Districts</b>								
<b>I-1</b>	None	None	25'	20'		None	None	None
<b>I-2</b>	None	None	25'	20'		None	None	None
<b>Mixed-Use Districts</b>								
<b>MU-1</b>	None	None	None	None		None	None	None
<b>DM</b>	None	None	None	None		None	None	None

### General District (A-1)

1. When a lot has double frontage, the front yard requirements shall be provided on both sides.
2. Projections such as chimneys, elevators, poles, spires, architectural elements and public utilities, not used for human occupancy may extend above the height limit.
3. Churches, schools, hospitals, sanatoriums, and other public buildings may exceed the height limitation of the zoning district, if the minimum depth of the rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the proposed building height exceeds the prescribed height limit.
4. Accessory Building.
5. Accessory buildings (not to include accessory dwelling units) shall be located not less than ten (10) feet from any side or rear setback and shall not be allowed within any front yard setback in front of any main structure or dwelling.

6. The setback distance designated in table this section shall be measured from the property line.
7. Minimum lot area shall not be less than fourteen thousand (14,000) square feet for church uses.

Specific to General Agricultural District (A-1)

1. *Accessory structures.*
  - a. All parts of accessory structures must be located not less than sixty (60) feet from the front from the front property line.
  - b. Accessory structures located on a corner lot shall have a side yard setback from the interesting street (street that that the dwelling does not face) of not less than thirty-five (35) feet.
  - c. Accessory structures shall not cover less than twenty (20) percent of the rear yard.
  - d. Accessory Structures related to Residential Use on corner lots shall have a side yard setback from the intersecting street of not less than fifteen (15) feet.
2. *Side yards.*
  - a. *Churches, Agricultural Use Structures and Main Structures (other than Residential).*
    - i. There shall be a side yard setback from all side lots of not less than thirty-five (35) feet.
3. *Intensity of Use.*
  - a. Nonconforming, pre-existing lot within the General Agricultural District (A-1), that are enclaved on all sides by lands under different ownership, may be used for a single-family dwelling unit, but may not be used for maintaining or breeding agricultural animals.

Specific to Residential Districts (R-E, R-1, R-2, R-3)

1. If twenty-five (25) percent or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than thirty-five (35) feet, and no building varies more than five (5) feet from this average setback line, than no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth that fifty-five (55) feet.
2. Multiple-family uses shall have a lot area of not less than seven thousand two (7,200) square feet for the first dwelling unit and shall include an additional lot area of not less than two thousand eight hundred (2,800) square feet for the second dwelling unit and two thousand (2,000) square feet of lot area for each additional dwelling unit after the second. Common areas shall be allocated equally per dwelling unit.
3. Accessory dwelling units, such as garage apartments shall require an additional two thousand (2,000) square feet of lot area per unit.
4. Rear yards shall be no less than twenty (20) percent of the depth of the lot. An unattached, accessory use structure may be located in the rear lot of a main structure.
5. Churches permitted by special use permit with residential and mixed-use districts shall not be permitted with a lot area of less than one (1) acre and for each increment in seating capacity of twenty (20) persons which exceed a seating capacity of one hundred (100) persons in the main sanctuary/auditorium, an additional three hundred feet of lot area shall be provided.
6. Home occupations shall be operated by the inhabitants of the residence and shall not exceed two (2) operators. The occupational use shall not exceed thirty (30) percent of the dwelling or ten (10) percent of the lot. The use shall be conducted in a manner that clearly maintains the residential character of the dwelling and neighborhood.
  - a. No signs shall be permitted except for one (1) non-illuminated business name plate not exceeding two (2) square feet in area, attached to the main structure.
  - b. Adequate off-street parking to accommodate cliental will be provided in a manner that clearly maintains the residential character of the dwelling and neighborhood.
  - c. Off-street parking shall be constructed of dust free material, such as concrete or asphalt.
  - d. Equipment used by the home occupation shall be either screened by solid fence or stored within a structure, out of view of neighborhood residents.

Specific to Mobile Home Park District (RM)

1. If twenty-Mobile home subdivisions shall conform to the area and setback regulations contained in section of this chapter. For all other uses other than mobile home subdivisions located within the RM District shall use the same area and setback regulations as the R-3 residential district.



## Chapter 5 Use Regulations

The use of land or buildings shall be in accordance with those listed in Table 5, Use Chart. No land or building shall hereafter be used, and no building or structure shall be erected, altered or converted other than for those uses specified in the zoning district in which it is located.

### 10-5-1 Explanation of Table Abbreviations

Table 4 lists the principal uses allowed within all base zoning districts. Each of the listed uses is defined in Chapter 10-2, Definitions.

1. *Explanation of table abbreviations.*
  - a. *Permitted uses.* A filled in cell indicates that the use is allowed by right, without special conditions other than those imposed upon other uses by right in the district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the Special Use permit standards in this chapter and the standards in Chapter 10-4, District Regulations.
  - b. *Special review uses.*
    - i. "S" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved in accordance with the procedures of Section 10-3-6, Special Use Permits. Specific review uses are subject to all other applicable regulations of this Ordinance, including the Special Use permit standards in this chapter and the requirements of Chapter 10-4 District Regulations.
    - ii. The "S" designation in Table 4 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each Special Use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas and may be approved or denied as the findings indicate appropriate.
  - c. *Prohibited uses.* A blank cell indicates that the use is prohibited in the respective zoning district.

	Designates use permitted in zoning district
	Designates use prohibited in zoning district
S	Indicates use may be approved as Special Use

## 10-5-2 Table of Uses

PERMITTED USES	A-1	RE	R-1	R-2	R-3	RM	LC	HC	DM	MU-1	I-1	I-2
Accessory Building (over 240 sq.)		S	S	S	S	S	S	S	S	S		
Accessory Dwelling Unit	S	S	S	S	S	S						
Adult Oriented Business											S	S
Adult Respite Care Center									S	S		
Agriculture												
Agricultural Grow Facilities											S	S
Agricultural Processing Facilities											S	S
Airport or landing field	S											
Alcoholic beverage establishments												
Amusement, commercial indoor												
Amusement, commercial outdoor												
Antique shop												
Appliance store												
Art gallery												
Auto storage or auto auction												
Automotive parking lot												
Automotive												
Bed and Breakfast Inn	S	S	S	S	S	S						
Bulk storage or Wholesale of Gasoline, Propane, butane or other petroleum products												S
Brewery (Craft brew)												
Brewery (large scale)												
Building and landscaping material sales yard												
Caretaker or employee housing												
Catering establishment												
Cemetery	S											
Cement, lime or gypsum Manufacturing												S
Charitable or Philanthropic Institutions												
Church		S	S	S	S	S				S		
Church Mission, Tent revival or arbors												
College or university												
Commercial feed pens for livestock												S
Community center												
Compost Facility												S



PERMITTED USES	A-1	RE	R-1	R-2	R-3	RM	LC	HC	DM	MU-1	I-1	I-2
Convenience Store, Travel Center												
Country club, private												
Crematory												
Day camp for children										S		
Day-care center										S		
Dispensary/Medical Marijuana Dispensary										S		
Disposal Facility (including but not limited to; Trash, garbage, sewage treatment, sewage lagoons and composting.	S											S
Dwelling, multi-family										S		
Dwelling, single-family residential										S		
Dwelling, two-family										S		
Equipment storage/rental yard												
Equestrian Facilities, Private												
Equestrian Facilities, Public	S											
Event Center, Small scale (100<)	S											
Event Center, Large scale (100>)	S											
Family day-care homes												
Farm and Machinery Sales and Services												
Financial institutions												
Freighting yard/terminal												
Food products processing and packing												S
Funeral Home and Mortuary												
Gasoline service stations												
Golf course, driving range	S	S										
Greenhouse and plant nursery												
Grocery store or supermarket												
Group House					S					S		
Halfway House					S					S		
Hazardous Waste Collection, Processing, or Disposal												
Home occupations		S	S	S	S	S						
Hospital												

PERMITTED USES	A-1	RE	R-1	R-2	R-3	RM	LC	HC	DM	MU-1	I-1	I-2
Hotel or motel												
Inmate pre-release center											S	S
Inmate Work Center											S	S
Inpatient Treatment								S			S	S
Itinerant vendor							S	S	S	S	S	S
Jail and Correctional Facility											S	S
Kennel	S											
Laboratory, scientific or research												
Library												
Lodge hall, veterans or service organizations	S								S	S	S	S
Manufacturing, heavy												
Manufacturing, light												
Massage Clinic												
Media broadcast (including transmission towers)	S											S
Medical or dental facility												
Medical Marijuana Grow Facility												
Medical Marijuana Processing Facility												
Medical Marijuana Wholesale and/or Storage Facility												
Mobile/ Manufactured Home												
Modular Structure as a temporary use	S					S	S	S	S	S	S	S
Modular Home					S							
Mobile and Manufactured Home Sales												
Mobile and Manufactured Home Park												
Monument Sales												
Museum												
Natural Gas Production and Distribution												S
Night club, bar or dance hall								S	S	S	S	S
Nursing, care facility, convalescent, or rest home												
Open display and sales, commercial												
Oil and Gas Drilling	S										S	S
Pest Control Services												
Petroleum Products, Oil field equipment, associated storage yard and associated wholesale												

PERMITTED USES	A-1	RE	R-1	R-2	R-3	RM	LC	HC	DM	MU-1	I-1	I-2
Petroleum Production and Refining												S
Pharmacy												
Professional offices												
Public park and playground												
Public Safety Facilities			S									
Public or Nonprofit Recreational Facilities												
Public Utility Station		S	S									
Public Waste Treatment	S											
Publisher												
Recreational Vehicle Park												
Recycling Collection Facility												S
Restaurant or Eating Establishment (Not Drive-Through type)												
Restaurant or Eating Establishment (Drive-Through)												
Retail, general												
Retail, specialty												
Sale barn												S
Salvage yards												S
School, Business, Commercial Trade												
School, Private, Elementary, or Secondary												
Self-service laundry or dry-cleaning establishment												
Service Organization Hall	S											
Shooting range, indoor								S		S		
Swap meet, flea market, and other similar uses												
Swim or tennis club	S	S						S		S		
Swimming pool, commercial												
Tattoo and/or Body Piercing Shop												
Tele-communication Facilities	S						S	S		S		
Temporary Construction Building			S	S	S	S	S	S	S	S		
Temporary Employment Services, Day Labor Business												

PERMITTED USES	A-1	RE	R-1	R-2	R-3	RM	LC	HC	DM	MU-1	I-1	I-2
Theater, drive-in										S		
Transit Center							S	S	S	S	S	S
Transitional Living Facility					S					S		
Treatment Facility								S	S	S		
Unlighted private tennis courts	S	S										
Vehicle and Recreational Vehicle Sales								S				
Vehicle Repair								S		S		
Vehicle Storage												
Veterinary hospital	S											
Warehouse												
Warehouse, mini								S		S		
Wastewater treatment plant												
Wholesale or warehouse enterprise												
Zoo	S									S	S	S

### 10-5-3 Accessory Uses

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this section.

#### 10-5-3.1 General Standards

1. *General standards.* All accessory uses and structures shall comply with the general standards in this subsection.
  - a. *Compliance with this Ordinance.*
    - i. All accessory uses and structures shall be subject to the dimensional requirements of Section 10-4-8, unless otherwise specified in this Ordinance.
    - ii. Accessory uses shall comply with all standards of this Ordinance applicable to the principal use with which they are associated.
  - b. *Dimensional standards for accessory buildings and structures.*
    - i. Same lot. The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use.
    - ii. Size.
      1. In the R-1, R-2, R-3 and RM districts, the maximum size of any accessory building shall be 1,000 square feet unless otherwise approved by specific use permit. No accessory building shall be constructed until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building is also being used.
      2. In commercial and industrial districts, an accessory use shall not occupy more than 50 percent of the building square footage associated with the principal use.
  - c. *Same ownership required.* The principal use and the accessory use shall be under the same ownership.

#### 10-5-3.2 Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Ordinance. All accessory uses shall be subject to the standards in this Section, as well as any Special Use Permit standards applicable to the associated principal use as set forth in Section 10-3-6.

#### 10-5-3.3 Additional Standards for Specific Accessory Uses and Structures

1. *Home occupations.* A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential districts, provided that:
  - a. *Size/area.* The business or service is located within the dwelling or an associated accessory building and does not exceed 20 per cent of the combined floor area of the structures or 500 square feet, whichever is less.
  - b. *Employees and residency.* The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one (1) person who does not reside on the premises.
  - c. *Neighborhood compatibility.*
    - i. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two vehicles per home occupation.

- ii. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 10-6-4, Off-Street Parking and Loading.
  - iii. No additional parking areas other than driveways shall be located in the required front setback.
  - iv. There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
  - v. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.
  - vi. Wholesale or retail sales of goods shall not occur on the premises.
  - vii. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- d. Prohibited home occupations. The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: Auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than one chair, beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging.
2. *Swimming pools and associated equipment.* Swimming pools may be placed in rear yards and rear building line areas upon approval and issuance of a building permit in any A-1 or R districts. No swimming pool, nor any part of it, inclusive of decks and equipment, shall be placed in any utility easement, or drainage easement. No swimming pool, nor any part of it, shall be closer than five feet of any property line. All aboveground swimming pools shall be at least 25 feet from any arterial street.
3. *Storage buildings.* Storage buildings containing no more than 120 square feet may be placed in rear yards in any A-1 or R districts but shall be located at least five feet from the rear and side property lines. No part of the building, however, shall be located within a utility easement.
4. *Outdoor display and sales.* Outdoor display and/or sale may be allowed as an accessory use for all commercial uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic or creates an unsafe condition. The display of goods shall meet all of the following requirements:
- a. Procedural requirement. Outdoor display and/or sale shall require approval of the director. All new site plans must show the location of such areas in accordance with this section. Existing nonresidential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this section are to be met. Approval may be subject to appropriate conditions by the director.
  - b. Where permitted.
    - i. All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
    - ii. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-half of the length of the storefront, unless increased by the Director after taking into account aesthetic and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include

the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 per cent of the aggregate storefront of the overall shopping center.

- iii. The area of outdoor display or sales shall not encompass the width of the entrance doors to the facility as projected straight out from the facility. For example, if the width of the entrance doors is ten feet, then there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.
  - iv. No goods shall be attached to a building's wall surface.
  - v. The height of the outdoor display shall not exceed six feet, unless an exception to this provision has been granted by the director.
  - vi. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement and be clearly marked by a contrasting paint color.
  - vii. No outdoor displays shall be allowed in required landscape areas.
- c. No pedestrian obstruction. At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
5. *Outdoor storage.* Outdoor storage may be allowed as an accessory use through the site plan review process and subject to compliance with the following requirements:
- a. Each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.
  - b. Goods stored in an approved outdoor storage area shall be limited to those sold on the premises as part of an associated primary use.
  - c. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six feet and eight feet in height that incorporates at least one (1) of the predominant materials and one (1) of the predominant colors used in the primary structure. The fence may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped with a seven-foot-wide strip containing a minimum of one (1) tree for every 150 square feet of lot area.
  - d. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
  - e. If the outdoor storage area is covered, then the covering shall include at least one (1) of the predominant exposed roofing colors on the primary structure.
  - f. No materials may be stored in areas intended for vehicular or pedestrian circulation.
  - g. If installed, exterior lighting shall meet the functional needs of the facility without adversely affecting adjacent properties or the neighborhood.

## Chapter 6 Provisions Applicable to All

### 10-6-1 Exterior Lighting

The purpose of this chapter is to establish standards for the use of outdoor lighting facilities that serve private developments; provide adequate lighting for customer, pedestrian, and driver use; provide for the efficient use of energy; and mitigate nuisance, and glare to adjacent properties.

#### 10-6-1.1 Exemptions

1. All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this chapter unless exempted in subsection B below.
2. *Exemptions.* The following types of lighting are exempt from the requirements of this chapter
  - a. Outdoor lighting associated with single-family residential dwellings or duplex development projects;
  - b. Outdoor lighting used for public streets and right-of-way lighting;
  - c. Public utility companies when working on public utility lighting for public utility purposes in utility easements;
  - d. Outdoor lighting used for public or private recreational activities, sporting events at stadiums and ball fields, concerts, plays, or other outdoor events that are public or private, and
  - e. Outdoor lighting used for temporary decorative seasonal lighting or other temporary events.

#### 10-6-1.2 Lighting Plan Requirement

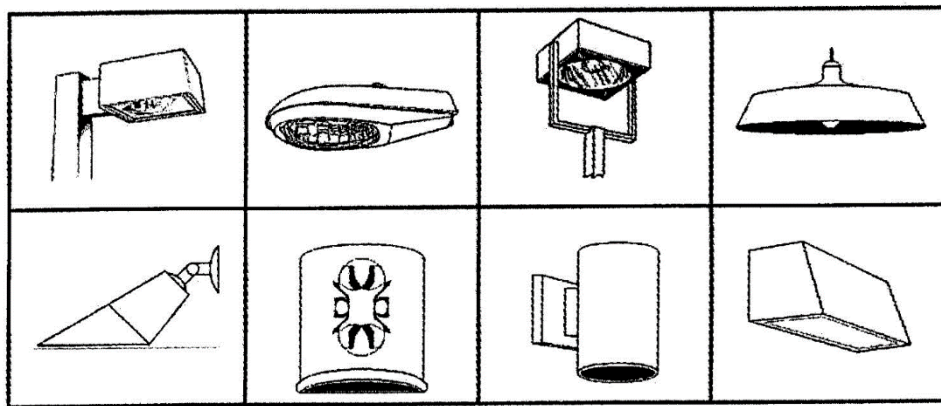
1. In order to ensure safety and compliance with the standards in subsection D. below, outdoor lighting plans demonstrating compliance with the standards of this Section shall be required with the submittal of a site plan. If no outdoor lighting is proposed, a note shall be placed upon the face of the site plan indicating that outdoor lighting is not required.

#### 10-6-1.3 General Lighting Standards

An applicant may use either the "fixture height standard" or the "photometric standard," as detailed in Chapter 10-6-1.4, Methods of Compliance. Regardless of the method chosen, outdoor lighting must be in compliance with the following standards:

1. *Safety.* Either method used shall provide sufficient and safe illumination for vehicle movement and pedestrian safety.
2. *Light poles.* Light poles shall not be placed in street rights-of-way or utility easements adjacent to street rights-of-way, except by franchised utility companies or by the Town of Hennessey, as a part of a street lighting project. Light poles may be placed in other utility easements with the approval of the director; and if light poles are allowed to be placed in utility easements, a note shall be placed on the face of the site plan stating the following: "Property owner(s) assumes all liability and replacement responsibilities for any damage to light poles placed in utility easements."
3. *Site perimeter illumination.* Illumination of the perimeter of the site shall be reduced in intensity when adjacent to lesser intensive uses or public rights-of-way measured in foot-candles (fc) at three feet above grade as follows for either the fixture height or the photometric standard:
  - a. Site adjoining another nonresidential zoning district: 3.0 fc.
  - b. Site adjoining agricultural/residential zoning districts: 0.5 fc.
  - c. Site adjoining public rights-of-way: 3.0 fc.
4. *Shielding.* Light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.





#### 10-6-1.4 Methods of Compliance

##### 1. *Methods of Compliance.*

- a. *Method 1: Fixture height standards.* All outdoor lighting shall be by shielded fixtures. Light fixtures shall be parallel to the final grade and installed so that no direct light will shine beyond the subject property. The height of light poles and fixtures shall be approved through the site plan process.
  - i. *Fixture height standard lighting plan.* The submitted lighting plan shall include the following:
    1. A scale drawing of the site with all outdoor lighting locations shown;
    2. Fixture specifications, including catalog cut sheets or generic standards;
    3. Pole type and height of fixture from base of the pole;
    4. Lamp type and size; and
    5. Fixture mounting, and orientation.
  - ii. *Allowable heights.* Allowable heights of light fixtures shall be measured from the light-emitting surface to the base of the pole location as follows:
    1. Maximum height of 16 feet, within 50 feet of agricultural/residential zoned districts, or public right-of-way;
    2. Maximum height of 20 feet, within 51 feet to 250 feet of agricultural/residential zoned districts, or public right-of-way;
    3. Maximum height of 35 feet, if located a minimum 251 feet from agricultural/residential zoned districts, or public right-of-way;
    4. Maximum fixture height shall not exceed 35 feet; and
    5. Canopy lighting shall be by recessed fixtures with diffusers that do not extend below the canopy surface.
- b. *Method 2: Photometric standard.* A photometric plan is required to be submitted unless the "fixture height standard" is utilized. If the "photometric standard" is desired to increase pole heights, the applicant shall submit a photometric plan in sufficient detail to evaluate its conformance with the general lighting standards in subsection E. above. The photometric plan shall include the following:
  - i. A scale drawing of the site with all outdoor lighting locations shown;
  - ii. Fixture specifications, including catalog cut sheets or generic standards;
  - iii. Lamp type and size;
  - iv. Fixture mounting heights, mounting orientation, and tilt angles if applicable;
  - v. A representative point-by-point illumination array for the site showing property lines and off-site lighting impacts;

- vi. The maximum fixture height shall not exceed 35 feet as measured from the base of the fixture to the base of the pole;
- vii. Canopy lighting shall use recessed fixtures with diffusers that do not extend below the canopy surface.

#### 10-6-1.5 Lighting Level Measurements

Light levels shall be measured with a direct-reading, portable light meter, calibrated within the last year by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor shall be located at the top of the visual screening fence on the property line (or at a height of three feet above the surrounding local grade if there is no fence), aimed towards the subject property in horizontal position. Readings shall be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these two readings will then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the sources in question can be determined.

#### 10-6-2 Fencing

This chapter provides uniform standards that are intended to permit the construction and maintenance of high-quality fences and walls, while preventing the monotonous appearance of uninterrupted fences and walls from dominating the city's streetscapes. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

1. *Safety.* To promote the safety of persons and property by providing fences do not:
  - a. Create a hazard due to collapse, fire, decay, or abandonment;
  - b. Obstruct firefighting or police observation ability;
  - c. Create traffic hazards by confusing or distracting pedestrians, or motorists; or
  - d. Become obstacles that hinder the ability of pedestrians, bicyclists, or motorists to read traffic signs.
  - e. Improve the long-term sustainability of residential structures.

##### 10-6-2.1 Fence Placement

1. *Encroachment on public property.*
  - a. No fence, guy wires, braces or any post of such fence constructed pursuant to this article shall be constructed upon or caused to extend or otherwise encroach over public property that the Town or the general public has dominion and control, owns or has a right of access over, under, around or through.
2. *Right-of-Way and Easements.*
  - a. No fence, wall or screening shall be permitted in the street right of way, or utility easements. If owner places a fence on property on which the Town has an easement of any type, then the owner assumes all responsibility for loss if it becomes necessary to remove such fence in order to gain access to utilities in the easement.

##### 10-6-2.2 Height Limitation in Rear and Side Yards

It shall be unlawful to erect, maintain, suffer or permit a fence at a height exceeding (7) feet in any rear yard or along any rear yard lot line, or in any side yard or along any side yard line, except by appeal to the Zoning Board of Adjustment and by favorable vote from same.

##### 10-6-2.3 Height Limitation in Front Yards

Front yard fences shall be constructed within the required front yard according to the following:

1. The fence is forty-two (42) inches or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 1 at the end of this article.)
2. In the case of a corner lot, the fence is forty-two(42) inches or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 2 at the end of this article.)
3. Metal fabric material (chain-link) fence materials are not allowed within the required front yard except for the repair or replacement of an existing chain-link fence to its original height.

#### 10-6-2.4 Reverse Frontage Lots

1. On all reverse frontage lots located on property zoned for residential use, or used for residential use, it shall be unlawful to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than ten (10) feet of the side property line.
2. It shall be an affirmation of defense to 10-6-2.4(A) above that the fence is three and a half (3.5) feet or less in height and the fence allows at least fifty (50) percent through vision. (See Figure 3 at the end of this article.)

#### 10-6-2.5 Barbed Wire or Electrically Charged Fences

Only fences as part of an agricultural or farming or ranching related activities erected, maintained or permitted shall be electrically charged in any manner or form. The exclusion includes but is not limited to fences electrically charged by battery or those tied in with the regular electrical outlet.

1. No fence erected, maintained or permitted shall be made with barbed wire unless as part of an agricultural or farming or ranching related activities.
2. No fence erected, maintained or permitted shall be made with concertina wire, razor wire or anything capable of causing significant harm to the general public.
3. Any barbed wire portion of a fence for a commercial application must be on that portion of the fence over six (6) feet in height. The barbed arms shall not extend over public rights-of-way or easements or over private property of another person. When adjoining property is zoned or used for residential purposes or public rights-of-way, barbed arms shall extend inward.

#### 10-6-2.6 Fence Construction, Materials, and Setback

1. All fences, unless prohibited elsewhere in this article, shall be constructed or maintained with wire or metal fabric material (chain-link), wood, brick, stone, concrete, vinyl, ornamental iron or other approved materials as approved by the code official. Fence posts shall be constructed or made of metal, brick, stone, concrete, fiberglass or other material approved by the code official. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled and anchored with concrete footers or encasement.
2. Fencing in commercial and industrial districts behind the front building line shall be constructed of the primary masonry materials of the building, wrought iron, chain-link, living plant material, or other materials as approved by the code official.
3. All fences shall be set back a minimum for five (5) feet from the front of a structure. In the event that district-specific fence regulations duly adopted by the Town Board of Trustees conflict with this subsection, those district-specific regulations will control.

#### 10-6-2.7 Gates

It shall be unlawful for any person to erect, construct, or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct, or maintain any fence along or near a rear property line which adjoins an alley or easement without providing a reasonable means of access to such an alley or easement. Gates must swing inward toward private property and are not allowed to swing outward across property lines into public-right-of-way.

### 10-6-2.8 Inspection

Upon completion of the installation of a fence, the Building Inspector shall be called upon for inspection. An acceptance tag will then be issued or a rejection tag indicating the defects in the same not in compliance with approved plans or Town Ordinances.

### 10-6-2.9 Maintenance

All fences shall be maintained by the owners of the property so as to comply with the requirements of this article and shall also be maintained in good condition; such condition shall not deviate from the maintenance standards as follows:

1. The fence shall not be out of vertical alignment more than twenty (20) degrees.
2. Any and all broken, damaged, removed or missing parts of said fence shall be replaced within ten (10) days of receiving notification by regular mail, or notice delivered in person by the code official or his authorized representative. The Code Official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as necessary. Replacement materials to be the same material, size, shape and quality of the original fence to which the repair is being made except when a post is damaged, removed or missing. Replacement materials of fence posts shall conform to the standards established in 10-6-2.7 above. Such post shall be replaced with metal or steel (095 or schedule 40) or other material approved by the Code Official.

### 10-6-2.10 Fence Permit Required; Application

It shall be unlawful for any person, firm, or corporation to construct, erect, install, alter or locate any fence within the town prior to completion of an application for a fence permit. Such application is available at Town Hall.

Any person making application for a fence permit shall submit a signed application containing the following information:

1. Applicant's name and address, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, and if the applicant represents an association, the name and address of the higher manager or agent of the association;
2. Name of the property owner;
3. Address where the fence is proposed to be erected;
4. Type of fence construction and buildings to be utilized;
5. Height of fence;
6. Site plan showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines, easements and public rights-of-way; and
7. Paid permit fee as set forth by the Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town of Hennessey Town Board of Trustees.

### 10-6-2.11 General Requirements

1. It shall be the duty of the Building Inspector or a Town Official to issue a permit applied for under this section, if he or she finds the application in order and in compliance with all provisions of this chapter and other ordinances, and if the fee prescribed by this section has been paid.
2. The Building Inspector may revoke any permit issued that fails to comply with any provision of this chapter or other applicable town ordinance. Upon such revocation, all work authorized by the permit shall cease.

3. No person shall continue with the construction of a fence after being served with a stop work order by the building inspector of the town or his designee except such work as that person to remove a violation or unsafe condition.
4. If the work authorized by a permit issued under this section is not completed within six (6) months after the date of issuance, the permit shall expire and become null and void.

#### 10-6-2.12 Right of Appeal

1. Upon denial of a fence permit application by the Building Inspector, an applicant may appeal in writing to the Board of Adjustment for consideration of variances. Whenever the applicant can show that a strict application of the terms of this article will impose upon him unusual or practical difficulties, the Board of Adjustment may consider such variances when the board is satisfied that granting of such variation will not merely serve as a convenience but will alleviate some demonstrable and unusual hardship or difficulty to warrant a variance and, at the same time, the surrounding property will be properly protected.
2. Areas that warrant a hearing before the Board of Adjustment would be fence materials, fence setbacks and overall height of the fence. These are the only areas that may be considered for considering a variance by the Board of Adjustment.

#### 10-6-3 Landscaping

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development, and that it contributes added high quality to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design.

##### 10-6-3.1 Applicability

1. *New development.*
  - a. All new non-residential development shall be landscaped to provide visual buffering, enhance the beautification of the town, safeguard and enhance property values, protect public and private investment, and to protect the public health, safety and general welfare of the citizens of the town. The landscaped area will help reduce soil erosion, and the volume and rate of discharge of stormwater runoff.
  - b. All new residential development/redevelopment of six or more dwelling units and/or three or more acres shall comply with the provisions of this section for landscaping requirements.
2. *Renovation/Enlargement of existing development.*
  - a. This Section shall apply to all applications for building permits for projects that involve one (1) or more of the following:
    - i. An increase in the number of stories in an existing building on the lot;
    - ii. An increase in the non-permeable lot coverage by more than 500 square feet; or
    - iii. An increase of 50 per cent or more in the square footage of building area or parking lot.
3. *Landscaping plans approved under previous ordinances.*
  - a. All landscape plans approved under prior ordinances of the town shall remain in effect and subject to fulfillment of all terms of such plans previously filed and approved.
4. *Exemptions.*
  - a. The following development types and areas are exempted from the requirements of this section:
    - i. Individual single-family and two-family dwellings on separate lots, where such residential use is the primary use on the lot;

- ii. New single-family detached and two-family subdivisions with four or fewer lots and four or fewer dwellings; and
- iii. Temporary uses approved pursuant to this Ordinance.

### 10-6-3.2 Landscaping Area Requirements

1. For all nonresidential, multifamily, and mixed-use districts:
  - a. An area equal to ten percent (10%) of the building footprint per street frontage shall be landscaped. Landscaping shall be located on that portion of the lot situated between the proposed building line and the property line or lines adjacent to the street and shall be permanently maintained.
  - b. Right-of-way between back of curb or edge of pavement to property line must be landscaped. However, in no case shall there be less than a 10-foot wide landscaped area.
  - c. Any landscaped area in the right-of-way in excess of ten (10) feet in width may be credited toward the total required landscaped area requirement.
  - d. The combined total of non-living landscape materials shall not exceed fifty percent (50%) of total required landscape area.

### 10-6-3.3 Parking Lot Landscaping

1. Landscaping in all commercial and residential parking lots shall be as follows:
  - a. Parking lots shall be separated from street frontages and from abutting uses by planting areas;
  - b. A minimum ten-foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate seven cars or more and any lot frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means;
  - c. A minimum ten-foot wide landscape strip shall be provided between any vehicular loading area and any lot frontage of the property on which the loading area is located, unless the vehicular loading area is otherwise screened from the street by a building or other means;
  - d. One deciduous shade tree shall be provided within the parking lot for every seven parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or buffer may not be counted toward this requirement;
  - e. Tree planting areas shall be no less than eight feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be less than 2½ feet from the edge of pavement or back of curb; if curbing is not provided around the tree planting area, curb stops shall be placed such that vehicles will not overhang the tree planting area;
  - f. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass or ground cover except for those areas that are mulched;
  - g. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

### 10-6-3.4 Landscaping Plan

1. *Landscaping plan approval.* Landscape plans shall be reviewed and approved by the Zoning Administrator prior to the issuance of a building permit. For multifamily, commercial, and industrial developments, a landscaping plan shall be submitted with the required site plan. For single-family, two-family, and mobile home developments, the location of proposed landscape development shall be shown on the preliminary plat followed by a landscape plan submitted with the final plat. Upon receipt of a landscape plan, the Zoning Administrator shall:

- a. Approve the landscape plan as complying with the requirements of this Ordinance; or
  - b. Approve the landscape plan with conditions that bring it into compliance with the requirements of this Ordinance; or
  - c. Reject the landscape plan as failing to comply with the requirements of this Ordinance; or
  - d. Waive the landscape requirement if it is determined that a suitable location for landscape development is not available.
2. *Landscaping plan content.* All landscaping plans shall include the following information:
- a. North arrow and scale;
  - b. The location of existing property lines and dimensions of the tract, accurately drawn to scale;
  - c. Exact locations and outline of all rights-of-way;
  - d. The location and size of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided;
  - e. The location and size of any permanent fixture or structure including, but not limited to, sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscape plan;
  - f. The location, size, and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation. Alternatively, a letter of no objection provided by the utility company may be provided;
  - g. The location, size, type, species, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced on the plan by a common name and/or scientific name, or an appropriate key of all plant species;
  - h. Indicate the method of irrigation on plans and define the area of coverage. If an automatic irrigation system is not proposed, the location of all required hose connections and other watering sources shall be noted; and
  - i. All screening required by this code.

#### 10-6-3.5 Maintenance of Landscaping

- 1. It shall be the responsibility of the property owner to maintain in good condition all the improvements required by this section.
- 2. *Landscaping* which dies shall be replaced by the owner no later than sixty (60) days after notification from the Building Official, with another living plant that is comparable to the existing plant or plant material specified in the approved *landscape* plan. The Building Official may extend this time period due to weather or other events outside of the reasonable control of the property owner.
- 3. Failure to provide the improvements required by this Code or failure to maintain required improvements in the manner prescribed by this Code shall constitute an offense and violation of this Code.

#### 10-6-3.6 Completion Requirements

- 1. A certificate of occupancy for any use wherein landscaping is required by this article, shall not be used until the landscaping has been installed in accordance with the landscaping plan; except that if a structure and all site improvements are complete except for the landscaping, and the season of the year or some other constraint will not permit the planting or growing of plants, temporary occupancy may be permitted by the Building Inspector until a date certain. If the landscaping has not been completed by said date, the property owner shall be in violation of the occupancy permit provisions of this chapter and shall be subject to the penalties as provided in Section 10-9-1.



## 10-6-4 Parking and Loading

This section is intended to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are secondary and supportive to the primary land uses on the site, and parking lot design should emphasize the primary facade and orient pedestrians toward the principal entranceways and walkways.

1. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:
  - a. Helping avoid and mitigate traffic congestion;
  - b. Encouraging multi-modal transportation options and enhanced pedestrian safety;
  - c. Providing methods to reduce the amount of impervious surface in parking areas and adequate drainage structures to order to reduce the environmental impacts of stormwater runoff;
  - d. Insure that paving or alternate means of surfacing of parking areas will address dust abatement and improve air quality; and
  - e. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

### 10-6-4.1 Applicability

1. *Generally.*
  - a. The off-street parking and loading standards of this section shall apply to all parking lots and parking structures accessory to any new building constructed and to any new use within town limits.
  - b. The requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.
2. *Expansions and enlargements.*
  - a. Unless otherwise expressly stated, the parking standards of this section apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, or other units of measurement used for establishing off-street parking requirements.
  - b. In the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address lawfully existing parking deficits.
  - c. Additional off-street parking spaces are required only when existing development is enlarged or expanded in any way that results in more than a ten percent increase in the total number of off-street parking spaces required for the development based on the standards of this Ordinance.
  - d. An enlargement or expansion may trigger the need to provide or increase accessible (ADA-compliant) parking, as determined by the Town.
3. *Change of Use.*
  - a. Unless otherwise expressly stated, when the use of property changes, additional off-street vehicle must be provided to serve the new use only when the number of parking spaces required for the new use exceeds by more than ten percent the number of spaces required for the lawful use that most recently occupied the building based on the standards of this Ordinance
  - b. When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property by more than ten percent, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this ordinance.



- c. A change of use may trigger the need to provide or increase accessible ADA-compliant parking, as determined by the Town.

**10-6-4.2 Computation of Parking and Loading Requirements**

1. *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.
2. *Multiple uses.* Lots containing more than one (1) use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
3. *Area measurements.* Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.
4. *Computation of off-street parking.* Required off-street loading spaces shall not be included as off-street parking spaces in computation of required off-street parking spaces.
5. *Parking for unlisted uses.* Parking requirements for uses not specifically listed below shall be determined by the Zoning Administrator based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use.

**10-6-4.3 Off-Street Parking Requirements**

1. *Off-Street Parking Schedule.* Unless otherwise expressly stated in this Ordinance, off-street parking spaces shall be provided in accordance with the following Table:

<i>Use</i>	<i>Number of Required Spaces</i>
<b>Residential and Lodging Uses</b>	
<b>Detached house</b>	2 per dwelling unit, both fully enclosed
<b>Duplex</b>	2 per unit
<b>Multiple family</b>	2 per unit
<b>Boarding/rooming house, motel, hotel</b>	1 per guest room plus 1 per employee on maximum shift
<b>Dormitories, fraternities, sororities and unmarried student housing</b>	2 per 3 occupants based on maximum design plus any additional parking required to meet public assembly requirements.
<b>Businesses and Commercial Uses</b>	
<b>Cafeteria, restaurant (not drive-in), bar, lounge, tavern, private club</b>	1 per seat based on maximum seating capacity plus 1 space per 2 employees on maximum shift
<b>Drive-in restaurant</b>	1 per 50 sq. ft. net floor area plus 1 space per 2 employees on maximum shift.
<b>Office not otherwise classified</b>	1 per 300 sq. ft. net floor area
<b>Commercial/service not otherwise classified</b>	1 per 200 sq. ft. net floor area
<b>Service station, car wash, and similar operations</b>	Adequate off-street space for vehicles being washed, fueled or serviced plus Maximum of 5 off-street spaces per establishment or minimum of 3 off street spaces for each wash rack, wash space, or work stall in station plan, whichever is greater.
<b>Day care centers or nurseries</b>	1 per 2 employees
<b>Adult day care centers</b>	1 per 2 employees plus 5 public spaces.
<b>Off-street parking requirements for temporary employment services / day labor businesses</b>	Applicants for a temporary employment service or day labor business shall submit an application and the required fee to the Planning Commission for a conditional use permit (CUP) to determine parking requirements. Notice of such application shall be given to the public by posting a conspicuous sign on the subject property at least seven days prior to the Planning Commission meeting the recommendation of the Planning Commission shall be

	forwarded to the Town Board of Trustees for final approval. The Planning Commission and Town Board of Trustees shall make a determination of the parking demand created by the proposed use and the amount of parking spaces thus determined shall become the off-street parking requirement for the permitted use. For existing structures and shopping centers the amount of available parking and the creation of potential traffic and parking hazards shall be considered.
<b>Industrial and Warehouse Uses</b>	
<b>Industrial, Warehouse</b>	Adequate area for all employee and customer vehicles at all times, plus adequate area for loading, unloading and for all vehicles used incidental to or part of primary operation
<b>Schools, Institutions and Places of Assembly</b>	
<b>Schools</b>	10 per classroom (college) 20 per classroom (technical college/trade school) 8 per classroom (high school) 4 per classroom (elementary and middle school)
<b>Hospital</b>	1 per 4 beds exclusive of bassinets, plus 1 per each visiting doctor/staff, plus 1 per 2 employees plus, adequate area for emergency vehicles.
<b>Medical/dental clinic or office</b>	6 per doctor plus 1 per 2 employees
<b>Convalescent/nursing home</b>	1 per 3 beds, plus 1 per 4 beds exclusive of bassinets, plus 1 per each visiting doctor/staff, plus 1 per 2 employees
<b>Community center, theater, auditorium, church sanctuary</b>	1 per 4 seats based on maximum seating capacity
<b>Place of amusement or recreation, convention hall, lodge, club, library or museum</b>	1 per 50 s.f. of floor space used for assembly or recreation in building
<b>All Uses Not Listed</b>	
For all uses not covered in this section, the Planning Commission shall make a determination of the parking demand to be created by the proposed use and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.	
<b>Accessible Parking for People with Disabilities</b>	
Accessible parking spaces for people with disabilities shall be provided in accordance with applicable building codes and Town engineering standards and specifications. The spaces may be counted toward satisfaction of the required spaces specified in this section.	

#### 10-6-4.4 Calculation of Maximum Parking Requirements

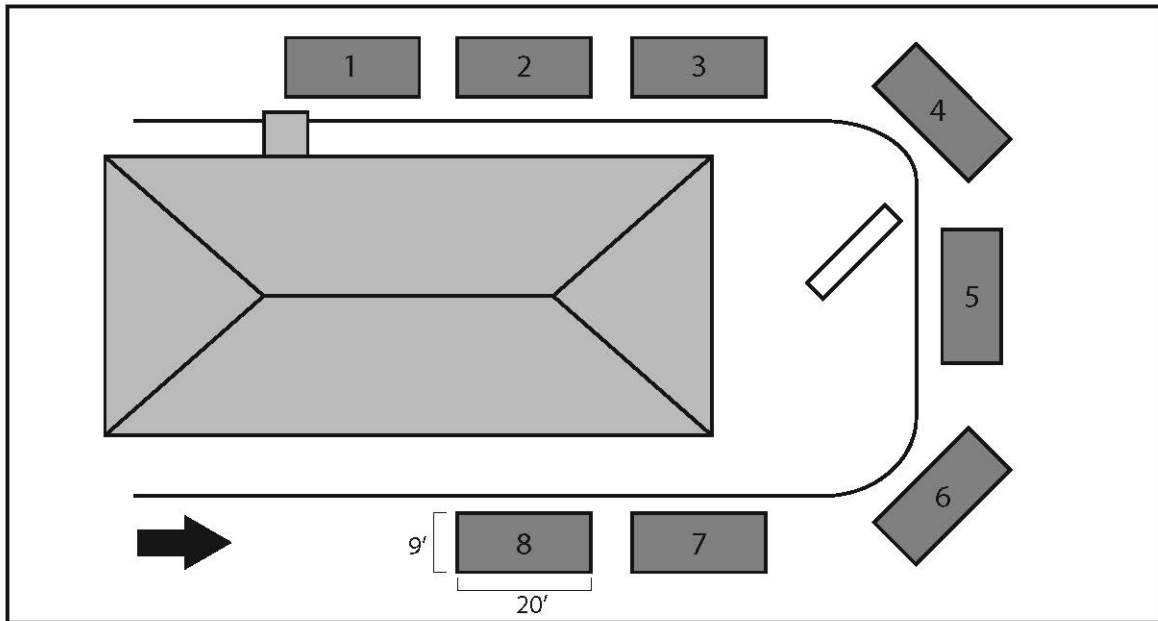
For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:

1. Handicapped parking;
2. Vanpool and carpool parking; and
3. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

#### 10-6-4.5 Stacking Spaces for Drive-Through Uses

In addition to meeting the off-street parking requirements of this Section, drive-through facilities specified in 10-5-2 Table of Uses, shall comply with the following minimum stacking space standards:

Type of Use	Minimum Stacking Spaces	Measured From
Financial institution, with drive-thru	4	Teller window
Restaurant, with drive thru	8	Pick-up window
Car wash, automatic	6	Bay entrance
Car wash, self-service	3	Bay entrance
Car wash, full service	4	Bay entrance
Gasoline sales gas pump island	30 feet from each end of island	



#### 10-6-4.6 Off-Street Loading Requirements

Development of any nonresidential or commercial/industrial use shall require provision of off-street loading spaces in conformance with the following minimum requirements:

Use	Gross Floor Area (sq. ft.)	Minimum Berths
<b>Retail and Industrial</b>	0 - 12,000	0
	12,000 - 48,000	1
	48,000+	2
<b>Office</b>	0 - 48,000	0
	48,000 - 100,000	1
	100,000+	2

1. The off-street loading berths shall be maintained on the same lot with the building.
2. Each berth shall be no less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height.

3. Loading berths may occupy part of any required side or rear yard, but no space may be located closer than ten feet to the rear property line.
4. When the off-street parking space or loading berth does not abut on a street, public or private alley or easement for access, an access drive of the following minimum widths shall be provided:
5. Two-way drive: twenty-five (25) feet.
6. One-way drive for ninety-degree parking: twenty (24) feet.
7. One-way drive for sixty-degree parking: eighteen (18) feet.
8. One-way drive for forty-five-degree parking: thirty (13) feet.
9. The maximum width of any driveway in non-residential districts shall be thirty-six (36) feet.
10. All off-street parking areas, driveways and loading berths shall be constructed according to standards approved by the Town Board of Trustees and on file with the Town Clerk.
11. Notwithstanding any provision of this section, no off-street parking spaces or loading berths shall occupy the sight triangle at a corner.

#### 10-6-4.7 Parking and Loading Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this UDO. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
  2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards or to storage areas for agricultural, industrial or construction equipment. Other requests for use of alternative surfacing require approval in accordance with the special use permit procedures of section 10-3-6 of this title.
  3. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:
    - a. Materials must be installed and maintained in accordance with all applicable City standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement system onto adjacent areas must be regularly swept and removed.
    - b. Accessible parking spaces and accessible routes from the accessible space to the principal structure or use served must comply with the Building Code.
    - c. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.
    - d. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas unless expressly approved by the Community Development Director.
    - e. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells may be used only in Industrial Zoning Districts.
    - f. Parking areas with pervious pavement or pervious pavement systems must have the parking spaces marked as required by this chapter, except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the

end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

G. Vertical Clearance: All parking spaces must have overhead vertical clearance of at least seven feet (7').

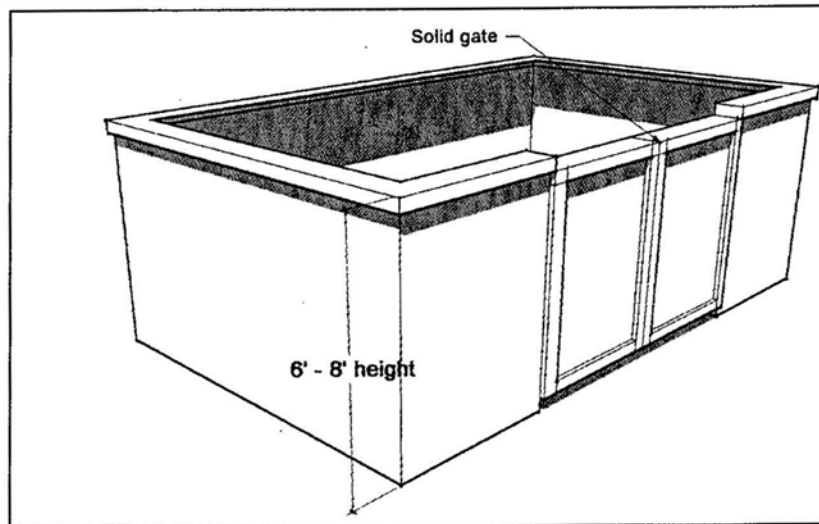
## 10-6-5 Screening

### 10-6-5.1 Applicability

All multifamily residential and all nonresidential uses shall be required to provide screening as specified in this section to block the views of the specified features (e.g., refuse collection, service areas) from any adjacent street or public open space or any adjacent property or public areas of a site. For purposes of this section, public areas of a site include public parking areas, sales areas, outside eating areas, or other areas to which customers, clients, and guests are given regular access.

### 10-6-5.2 Refuse Collection

1. In order to reduce the visual impacts of multifamily and nonresidential development, and to avoid problems with blown trash and pests, all refuse collection receptacles shall adhere to the standards that follow. For purposes of this section, the term "refuse collection receptacles" includes dumpsters, garbage cans, debris piles, or grease containers, but does not include trash or recycling receptacles for pedestrians or for temporary construction sites. This section also does not apply to refuse collection receptacles such as garbage cans that are normally stored indoors and brought outdoors on garbage pickup days.
  - a. *Location.* Outdoor refuse collection receptacles shall not be located in a required front setback, and should, depending on the size of the site and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles for nonresidential uses shall not be located in any setback area or required landscaping area that abuts an adjacent residential use. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking and loading area requirements of this chapter or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes on-site.
  - b. *Screening enclosure.* Each refuse collection receptacle shall be screened from view on all sides by a durable sight-obscuring enclosure consisting of an opaque fence or wall of between six feet and eight feet in height. (See Illustration ### below.) Where the access to the enclosure is visible from adjacent streets or residential properties, the access shall be screened with an opaque gate. The enclosure shall be maintained in working order and remain closed except during trash deposits and pickups.



- c. *Maintenance of refuse collection receptacle.* The lids of receptacles in screening enclosures without roof structures shall remain closed between pickups and shall be maintained in working order.

#### 10-6-5.3 Service, Storage, and Off-Street Loading Areas

Service, storage, and off-street loading areas shall be designed and located to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Non-enclosed service, storage, and off-street loading areas shall be screened with durable, sight-obscuring walls and/or fences of between six (6) feet and eight (8) feet in height. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building and landscaping.

#### 10-6-5.4 Rooftop Mechanical Equipment

Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one (1) of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. (See Figure 1.)

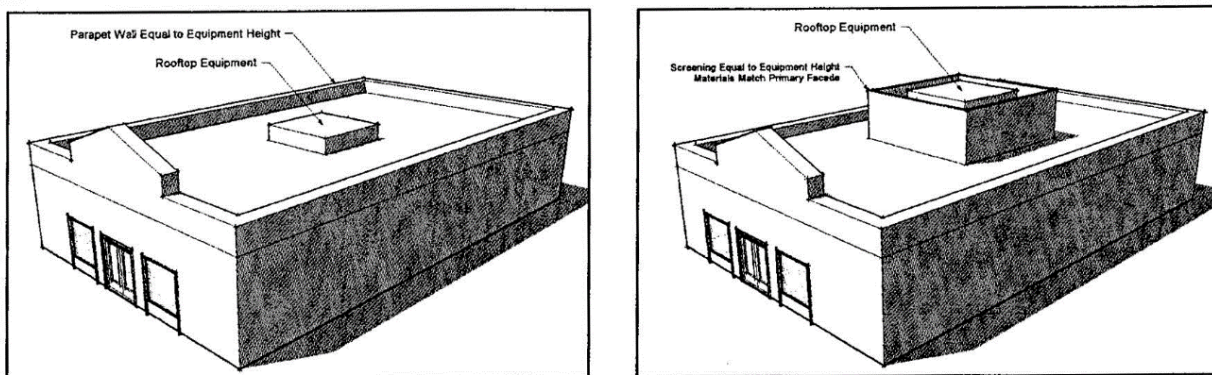


FIGURE 1 - ROOFTOP MECHANICAL EQUIPMENT

## 10-6-6 Signage

### 10-6-6.1 Purpose; Intent

1. *Purpose.* It is the purpose of this chapter to establish effective sign regulations, which recognize public as well as private interest and investment in our environment, and which regulate the number, size and location of signs; to enable the public to locate goods, service and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, and to protect the health, safety, welfare, enjoyment and continued attractiveness of the community.
2. *Intent.* The regulations contained in this Ordinance are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of commercial and industrial areas, prevent the deterioration of areas of scenic and natural beauty and, in general, promote a desirable community environment through the regulation of existing and proposed outdoor signs. These regulations are further intended to reduce potential traffic hazards from distracting and obstructing signs and to reduce hazards that may be caused by signs projecting over public rights-of-way. It is further determined that signs which may lawfully be erected and maintained under the provisions of this chapter are consistent with ordinary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof and are an unwarranted invasion of the right of legitimate business interests and of the public. Additionally, these regulations are designed to define and prohibit unsafe signage; as well cause the removal of abandoned and nonconforming signs while promoting and protecting the health, safety and welfare of the community.

### 10-6-6.2 Definitions

The following words and phrases used in this section shall have the following meanings:

**A-FRAME SIGN.** A ground sign which resembles the shape of a letter “A” in profile view. Sometimes designated as “sandwich board”, “sidewalk board” or “curb sign”.

**ABANDONED SIGN.** Any sign advertising a business, use, or service which has been discontinued or the premises upon which it is located have been vacated for a period of more than 90 days, which is a nonconforming sign.

**ALTERATION.** Any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign except that a copy change on a sign is not an alteration.

**ANIMATED SIGN.** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

**ARCHITECTURAL PROJECTIONS.** Any projection, excluding signs, which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including, but not limited to, roof overhangs, wing walls, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fascias and awnings.



**AREA OF SIGN.** The surface space of a sign, measured by its maximum projection or angle of interference with sight within a single continuous perimeter containing the sign message together with any frame, material or color forming an integral part of the display, not including support structures.

**AWNING SIGN.** Any sign painted on or attached to or supported by an awning.

**BANNER, FLAG, OR PENNANT.** Any nonridged material used for advertising purposes attached to any structure, pole, staff, line or framing (not including official flags of officially recognized governments or religious organizations).

**CANOPY.** A permanently roofed shelter covering a sidewalk, driveway or other similar area, which is supported by the building to which it is attached.

**COPY.** The wording or message of a sign, including the surface upon which the wording or message is attached.

**DIGITAL.** Digital shall mean and include any pixel based or similar technology used to display and/or change the image and/or copy on a sign by electronic, digital, led, video or similar technology.

**DISPLAY FACE.** See "sign side."

**ELECTRONIC MESSAGE CENTER AND DISPLAY SCREEN.** Any on premises sign or portion of a sign that uses changing lights to display an electronic image, video or text messages. The rate of change of the messages or images is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, flat screens, led screens, video boards and holographic displays.

**ERECT.** To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

**FACADE.** The side of a building below the eaves.

**FRONTAGE, BUILDING.** The horizontal, linear dimension of that side of a building which abuts a street, a parking area, mall or other circulation area open to the general public and having either a main window display of the enterprise or a public entrance to the building.

**FRONTAGE, STREET.** The lineal frontage or frontages of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

**HEIGHT.** The vertical distance measured from the ground level to the top of a sign, inclusive of berms and embankments.

**HISTORIC WORDS OR SYMBOLS.** Any sign painted, engraved or carved into a building and that no longer relates to the use or occupant of the building and has been in place for greater than fifty (50) years.

**LOT.** A portion or parcel of land, whether part of a platted subdivision or otherwise, occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this Ordinance.

**LOT STREET FRONTAGE.** The length of the property line(s) or lot line(s) bordering a public road. For corner lots, each street side property line shall be a separate street frontage.

**MAINTENANCE.** The replacing, repairing or repainting of a sign structure made necessary by ordinary wear and tear, weather or accident. All such work shall be performed so as to conform with all applicable code provisions.



**NONCONFORMING SIGN.** A sign in noncompliance with applicable number, area, height, setback, code or specification regulations but which lawfully existed at the time of the effective date of the chapter or amendments thereto.

**OWNER.** That person who owns a sign and who either owns the property on which the sign is located or is the owner of the business being conducted on the premises to which the sign pertains.

**PERSON.** Any person, tenant, firm, partnership, association, corporation, company, institution or organization of any kind.

**PROJECTION SIGN.** A building-mounted double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee.

**PROPERTY LINE.** The line marking the boundary between any street and the lots or property abutting thereon as determined by the legal description of the property and the records of the Oklahoma County Clerk.

**PUBLIC ENTRANCE.** An entrance to a building or premises which is customarily used or intended for use by the general public. Fire exits, special employee entrances, loading dock entrances not generally used by the public, and the like shall not be considered as public entrances.

**ROOF.** The cover of any building, including the eaves and similar projections. The term "roof line" shall also include the highest point on any parapet wall, providing said parapet wall extends around the entire perimeter of the building.

**SETBACK.** The minimum allowable horizontal distance from a given point of line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure.

**SIGHT TRIANGLE.** The area designated as corner visibility.

**SIGN.** All or part of any object, structure or device intended to be viewed by the public for advertisement or identification of a business, location, object, person, institution, organization, product, service or event by means of including words, pictures, logos, symbols, colors, motion, illumination or projected images as part of a window sign. For purposes of removal, signs shall also include all sign structures.

**SIGN STRUCTURE.** Any part of a sign, including the base, supporting columns or braces, display surface or any appendage thereto.

**SITE PLAN.** An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development. Among the features generally required on a site plan are the property boundaries and lot lines, existing streets and impervious surfaces, existing buildings and other structures, major features of the landscape, proposed street and utility networks and planned access points.

Types of Signs:

**Bench Signs, Courtesy:** Any bench or seat placed for the convenience of the public and containing advertising matter.

**Billboard or Off Premise Sign:** A sign or advertising device which directs attention to or advertises products, services or activities unrelated to the where the sign is located.

**Canopy Sign:** Sign attached to or constructed in or on a canopy.

**Changeable Copy Sign (Manual):** A sign on which copy, or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

**Directional Sign:** A sign guiding or directing vehicular or pedestrian traffic within a development. Directory signs shall not be deemed to be freestanding, ground or wall signs.

**Grand Opening Sign:** Any temporary sign which calls attention to a new business.

**Freestanding/Ground Sign:** A sign not attached to buildings on the lot.

**Monument:** Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. Monument signs are typically mounted on a masonry base. As distinguished from a pole sign, the sign base of any monument sign must be a minimum of seventy-five percent (75%) or more of the width of the sign face that is to be situated on the base. If less than seventy-five percent (75%), it is considered a pole sign.

**POLE:** A sign erected and maintained on one (1) or more freestanding mast(s) or pole(s) and not attached to any building.

**ILLUMINATED AWNING SIGN:** A frame structure with translucent, flexible, reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage. Such signs are internally illuminated by LED, fluorescent or other light sources in fixtures approved under national and local electrical codes.

**INSTITUTIONAL SIGN:** A sign placed on premises of an institution containing the name of and/or information relating to such uses. Uses allowed: public facilities, schools, religious assembly, hospitals or government owned facilities.

**JOINT IDENTIFICATION SIGN:** A sign which serves as common or collective identification for two (2) or more commercial or industrial uses on the same lot.

**MARQUEE SIGN:** A sign depicted upon, attached to or supported by a marquee (A permanently roofed structure attached to and supported by a building and projecting from the building).

**MESSAGE CENTER SIGN:** Any electronic communication display device utilizing lights, diodes or similar illumination to create letters, numerals or graphic presentations, capable of one (1) or more of such various functions or operating modes as steady, scrolling, travelling, alternating or flashing copy.

**MENU BOARD SIGN:** A sign which is designed and utilized for the purpose of disclosing the availability and cost of products sold on the premises on which it is situated, which products are delivered directly to the stall or place where the menu board is installed, or which are delivered at some point in a lane of travel in which the menu board sign is part.

**MULTIPLE-TENANT SIGN:** An on-premises sign identifying individual businesses within a commercial building or buildings where the uses share the same lot, access and/or parking facilities or a coordinated site plan.

**MURAL:** A work of graphic art painted or applied to building wall(s) which contains no advertising or logos.

**OFF-PREMISE SIGN:** Any sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot or within the same building upon which such sign is located.

**OPEN HOUSE SIGN:** Any temporary sign that calls attention to a home for sale or rent, which is temporarily open to the public.

**POLITICAL SIGN:** A sign concerning candidate for political office or involving a ballot issue.

**PORTABLE SIGN:** A sign designed to be transported from one location to another and is not permanently mounted.

**PROJECTING SIGN:** A sign attached to a building or extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached and where the face of the sign is not in a plane parallel to the wall to which it is attached, but not including a "marquee sign," as herein defined.

**REAL ESTATE SIGN:** A sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

**RESIDENTIAL DEVELOPMENT ENTRANCE SIGN:** A sign on a gateway at the entrance of a residential complex or development denoting the name and/or address of the complex or development.

**ROOF SIGN:** A sign erected upon or over the roof or parapet of any building and supported in whole or in part by the building.

**SUBDIVISION ENTRY SIGN:** A sign integrated into the entrance treatment (i.e., entrance wall) with the name of the subdivision or planned unit development on one or both sides of each principal entrance. Subdivision entry signs shall not obstruct any public right-of-way or easement.

**SUSPENDED SIGN:** A sign suspended from the ceiling of an arcade, marquee, canopy or other architectural projection, as herein defined.

**TEMPORARY SIGN:** A sign, banner, pennant, balloon, feather flags, tear drop flags or similar device or display which is intended for a temporary period of display for the purpose of announcing a special event or promoting a political campaign, special election or construction. Such sign may be constructed of cloth, vinyl, plastic, canvas or cardboard material, with or without a structural frame.

**TIME-TEMPERATURE-DATE SIGN:** A sign which displays the time, outdoor temperature and/or date of the month.

**V-TYPE SIGN:** A sign consisting of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding ten (10) feet apart at any point.

**VEHICLE-MOUNTED SIGN:** A sign mounted or displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semitrailer or other vehicle, whether or not such vehicle is in operating condition and is not currently registered and licensed to operate on public streets and not actively used as a vehicle.

**WALL/BUILDING MOUNTED SIGN:** A sign attached flat to any wall of an enclosed building, where the exposed face of the sign is in a plane parallel to the plane of said wall and extends not more than fifteen (15) inches horizontally from the face of said wall. A sign erected upon or against the side of a roof having an angle of forty-five (45) degrees or less from the vertical shall be considered to be a wall sign and shall be regulated as such. Also, a sign painted directly on the surface of the building.

**WINDOW SIGN:** A sign, which is painted on, applied or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included.

### 10-6-6.3 Application; Prohibited Signs

1. The provisions of this chapter shall apply to the display, construction, erection, alteration, use, location

and maintenance of all signs within the city. It shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign, except in conformance with provisions of this chapter.

2. This chapter shall not apply to:
  - a. The changing of the copy on a legal sign; or
  - b. Painting, repainting, cleaning or other normal maintenance and repair of a sign or a sign structure unless a structural change is made; or
  - c. Historic words or symbols; or
  - d. Any noncommercial holiday signs and decorations; or
  - e. Signs erected by a governmental body, such as a federal, state, county or municipality.
3. All signs not expressly permitted under this Chapter or exempt from regulation are prohibited in the Town. Such signs include, but are not limited to:
  - a. Abandoned Signs
  - b. Snipe Signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this chapter.
  - c. Vehicular Signs.
4. Signs and/or window coverings that cover greater than thirty percent (30%) of either the interior or exterior of a window's viewing area are strictly prohibited.

#### 10-6-6.5 Exemptions

The following are exempt from the requirement to obtain a sign permit, but shall otherwise comply with the terms of this ordinance, except as otherwise specifically indicated:

1. Bulletin Board. Bulletin Boards for public, charitable, or religious institutions when the same are located on the premises of the institutions and are less than twenty-four (24) square feet in area, provided such sign shall be located on the same lot as the principal structure.
2. Construction sign when placed upon the construction site following the issuance of a building permit. Only one such sign shall be allowed per street frontage and each sign shall not exceed thirty-six (36) square feet in area. Such sign must be removed not later than 30 days after a certificate of occupancy is issued by the building official.
3. Directory signs and office identification signs. Up to one of each such sign per building façade, provided that no one sign shall exceed six (6) square feet in area.
4. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside.
5. Home Occupation Signs. No permit is necessary if the following criteria are met:
  - a. Permitted in the A-1, R-1, R-2 zoning districts.
  - b. The maximum sign area is two (2) square feet.
  - c. The sign must be attached to the main or accessory building
  - d. The sign shall not be illuminated.
6. Holiday and seasonal decorations.
7. Flags, streamers, pennants and inflatables associated with a promotion or special event.
8. Murals provided such signs do not contain any commercial messaging.
9. Political and Noncommercial Signs. Temporary signs advertising political candidates or parties, provided that such signs may not be erected before the applicable filing period and shall be removed within thirty (30) days following such election; or signs advertising support or opposition to any public issue, provided that such signs shall not be erected more than thirty (30) days prior to the election on the issue and shall be removed within thirty (30) days following such elections. These signs shall not be placed any closer than fifteen (15) from the right-of-way.

10. Real estate signs which advertise the sale, rental, or lease of the premises on which such signs are located shall be subject to the following limitations:
  - a. Residential District - A total sign area not to exceed 16 square feet; or
  - b. Nonresidential District – A maximum sign dimension of 32 square feet, and:
    - i. One per lot frontage; or
    - ii. For lots that have frontage that exceed 300 linear feet, one additional sign per 300 linear feet.
11. Temporary Signs (including temporary window sign covering less than thirty percent (30%) of either the interior or exterior of a window). Provided that signs may not be erected more than thirty (30) days before a special event. These shall be removed within seven (7) calendar days following the special event. They can be placed no closer than fifteen (15) feet from the edge of the street. No more than two (2) temporary signs shall be placed on a site per year.

#### 10-6-6.6 Enforcement; Administration

1. All provisions of this ordinance shall be enforced and administered by the Zoning Administrator or other designated personnel.
2. *Applicability.* Except as otherwise provided in this ordinance, it shall be unlawful for anyone to erect, construct, enlarge, move, convert or place any sign in the Town without first obtaining a sign permit for each such sign from the Zoning Administrator.
3. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the Zoning Administrator:
  - a. A site plan and elevation drawing of the proposed sign;
  - b. Type and size of sign, including wind-load specifications and calculations;
  - c. The material with which the sign is to be constructed;
  - d. The height of the sign; and
  - e. The information to be contained on the sign.
4. Upon submission of the written application, the Town shall have 10 business days to review the application for a sign permit.
5. The Zoning Administrator shall approve sign permits in writing. Approval shall be entered upon the original permit application and maintained in the files of Zoning Administrator.
6. Before a permit is issued, the applicant shall pay to the Town Clerk a fee as prescribed.
7. The fee shall not be refunded upon the revocation of a permit pursuant to the provisions of this chapter.
8. Unless otherwise specified by the Zoning Administrator, approved sign permits shall expire one hundred eighty (180) days after the date issued.

#### 10-6-6.7 Residential District Signs

The following signs shall be permitted in residential districts, unless otherwise provided in this ordinance.

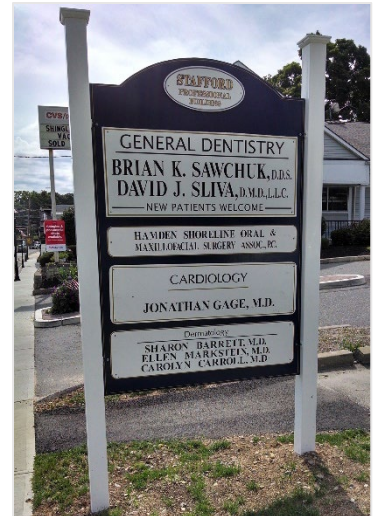
1. Real estate signs, construction signs, identification signs and instructional signs which comply with the number, height, area, manner and location provisions of the districts, provided that real estate signs be removed no later than five (5) days after the close of sale.
2. Subdivision entry signs
3. Signs identifying any of the following uses shall be allowed, subject to a maximum sign area of twenty-four (24) square feet and not more than one (1) such sign per lot. No sign shall exceed six (6) feet in height.
  - a. Public or private schools
  - b. Places of assembly
  - c. Nursing or rest homes
  - d. Public parks or recreation areas

### 10-6-6.8 Commercial and Industrial District Signs

The following signs shall be permitted in commercial and industrial districts and subject to the stated regulations:

1. No sign shall be erected or maintained in any category of commercial (neighborhood or highway) or industrial zoning districts, except to identify only the name of the owner, trade name, trademark or product symbol, products sold and/or the business activity conducted on the premises upon which the sign is located, in conformity with the following general regulations, unless otherwise specified in the subarea requirements of this Ordinance.
2. *Building-mounted/Wall signs.*
  - a. *Area:*
    - i. On lots less than two (2) acres:
      1. Total sign area of all building signs shall not exceed five (5) percent of the total wall area for all walls that directly face a public street or parking lot.
      2. No single building sign shall exceed twenty-four (24) square feet.
    - ii. On lots of two (2) acres or more but less than five (5) acres:
      1. Total sign area of all building signs shall not exceed six (6) percent of the total wall area for all walls that directly face a public street or parking lot.
      2. No single building sign shall exceed thirty-six (36) square feet.
    - iii. On lots of five (5) acres or more:
      1. Total sign area of all building signs shall not exceed seven (7) percent of the total wall area for all walls that directly face a public street or parking lot.
      2. No single building sign shall exceed sixty (60) square feet.
  - b. *Height:* Signs shall have a maximum height equal to the eave line.
  - c. *Illumination.* In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.
3. *Freestanding Signs.*
  - a. *Area:* Each sign shall have a maximum area based on the lot size of the property as follows:
    - i. On lots less than two (2) acres: 24 sq. ft.
    - ii. On lots of two (2) acres or more but less than five (5) acres: 40 sq. ft.
    - iii. On lots of five (5) acres or more: 60 sq. ft.
  - b. *Height:*
    - i. For non-shopping centers, individual businesses, signs shall have a maximum height of ten (10) feet
    - ii. For non-shopping centers, individual businesses, signs shall have a maximum height of ten (10) feet
    - iii. Freestanding signs for multiple tenant developments shall not exceed sixty (60) square feet in area and shall not exceed ten (10) feet in height.
    - iv. Identification signs for shopping center developments containing multiple tenants shall be required to be designed to accommodate space for a minimum of two (2) secondary tenants in addition to the primary major tenant in the development.
  - c. *Illumination:*
  - d. *Shopping center development identification signs.* Shopping centers, typically containing multiple tenants such as retail or other commercial centers which meet the following square footage requirements, shall be eligible for one (1) freestanding development identification sign

per street frontage classified as an arterial or collector adjacent to the property upon which the shopping center development is located. The street frontage for a shopping center development which is designed to have individual freestanding tenants on platted lots or tracts that are included within the shopping center shall be calculated based upon the cumulative arterial or collector street frontage of such lots or tracts which are part of the respective shopping center development. Multiple buildings planned as part of the same shopping center development may use the cumulative total square footage of such buildings; however, any building used in such total shall then be ineligible for any additional freestanding signage.



### 10-6-6-9 Downtown Mixed-Use District Signs

1. Signs within the Downtown Mixed-Use District shall be subject to the additional following requirements:

a. *Wall and Projection Signs.*

- i. One wall or projection sign per facade on every side of the building with exposed illumination will be permitted for each individual business.
- ii. The outline area of each wall sign shall not exceed twenty-five percent (25%) of the wall area of the business on which the sign is attached. No sign may exceed one hundred fifty (150) square feet in area.
- iii. No sign shall project more than five (5) feet above the roof line of the building. This requirement shall not apply to pre-existing legal non-conforming signs.
- iv. Signs may project up to five (5) feet into any portion of the right-of-way not occupied by a road surface. Signs which overhang a sidewalk shall be a minimum of eight (8) feet above the sidewalk.

b. *Freestanding Signs.*

- i. Height: Multiple tenant signs shall not exceed ten (10) feet in height, including the monument base. Individual tenant freestanding signs shall not exceed six (6) feet in height, including the base.
- ii. Sign Area: The maximum sign area of a multiple tenant identification sign shall be forty-eight (48) square feet. Individual tenant signs shall be no more than twenty-four (24) square feet per side.
- iii. Hanging Signs: Shall be constructed on a single post and perpendicular bracket design. The height of the signpost shall not exceed six (6) feet in height. The sign area shall not exceed six (6) square feet.



c. *Temporary Signs.*

- i. Menu boards, sandwich boards or A-frame type signs shall be allowed for the purpose of advertising nonrecurring daily specials.
- ii. These signs shall be removed from display each day at the close of business.





- iii. Limited to a maximum of six (6) square feet in area per side up to two (2) sides to any one sign.

#### 10-6-6-10 Digital Signs

##### 1. Location.

- a. Digital signs shall be allowed in the residential zoning districts.
- b. Digital signs shall only be allowed in the Downtown Mixed-Use District with approval of a sign permit by the Town Board of Trustees upon recommendation of the Planning Commission.
- c. Digital signs for churches and schools that are not located within a commercial, industrial or general public district shall be permitted if conforming to the following:
  - i. Signs shall not be displayed between the hours of 10:00 p.m. and 6:00a.m.
  - ii. The maximum area allowed shall be fifty-four (54) square feet per sign.

##### 2. Display.

- a. A digital sign shall not allow any single display, advertisement, or message to change more frequently than once every six (6) seconds, with a transition period between each display of one second or less.
  - i. The maximum brightness levels for a digital sign shall not exceed five tenths (0.5) foot-candle over ambient light levels at all times, day or night. Certification must be provided to the Town of Jones at the time of the sign permit application demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower.
- b. Digital sign illumination requirements:
  - i. The luminance of a digital sign shall be measured at least thirty (30) minutes before sunset, with a foot-candle meter with the digital sign or displaying a black image at a pre-set distance, and again with the sign on displaying a white image at the same distance.
  - ii. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the sign area versus measurement distance. The following formula shall be used to determine the distance:
    - 1. Measurement distance= square root of the area of sign square footage x 100.
  - iii. If the difference between the readings is five tenths (0.5) foot-candle or less at night, the brightness is adjusted correctly.
  - iv. All digital signs shall be equipped with a sensor or other device that automatically adjusts the sign to comply with the five tenths (0.5) foot-candle measurement standard. Certification must be provided to the Town at the time of the sign permit application.
  - v. Existing digital signs may use a timer, photocell or other means to adjust the brightness. Timers shall be set to lower the brightness from thirty (30) minutes before sunset to thirty (30) minutes after sunrise throughout the year.

#### 10-6-6.11 Nonconforming Signs

- 1. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- 2. All nonconforming signs, including billboards, commercial advertising structures, and statuary or supporting members shall be completely removed from premises not later than three (3) years from the effective date of June 30, 1973.



3. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
  - a. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
  - b. If more than fifty percent (50%) of the sign area is damaged, it shall be repaired to conform to this Ordinance.
  - c. The sign is located within the sight triangle and obstructs the view of motorists.
  - d. An alteration in the structure of a sign support.
  - e. A change in the mechanical facilities or type of illumination.
  - f. A change in the material of the sign face.
4. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
5. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit, or a change of use and occupancy permit by the Town of Hennessey. 10-6-6.12 Maintenance of Signs
1. Every sign, including those exempted from this ordinance, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not rust resistant. The building inspector or authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of any sign which constitutes a hazard to the health, safety or general welfare of the public.

#### 10-6-6.12 Penalty

1. Any person who violates any provision of this ordinance or fails to comply with any requirement hereof shall upon conviction be subject to penalty under Chapter 9 of this Ordinance.

## Chapter 7 Additional Provisions Applicable to Nonresidential Use

The purpose of this chapter is to establish additional standards and conditions that shall apply to permitted, special use and accessory as noted in *Section 10-5-2: Table of uses*.

### 10-7-1 Adult Oriented Business Use

#### 10-7-1.1 Approved Location

Adult oriented businesses use shall be permitted by special use permit in districts zoned Industrial as depicted on the zoning map on file with the Town Clerk.

#### 10-7-1.2 Separation

1. *Separation from Other Uses:* No adult oriented business use shall be allowed to locate, or expand to, within one thousand two hundred fifty (1,250) feet of any residentially zoned lot, religious assembly, school, park or recreation use, or childcare center. This separation distance shall be measured as a straight line without regard to intervening properties or structures, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of the lot that is zoned residential or that contains the religious assembly, school, park or recreation use, or childcare center.

No adult-oriented business use shall be allowed to locate, or expand to, within 500 feet of any business licensed to sell or serve alcoholic beverages. The separation distance shall be measured as a straight line without regard to intervening properties or structures, from the nearest exterior structural wall of each business.

2. *Separation from Other Adult Oriented Business Use:* No adult oriented business use shall be allowed to locate or expand within one thousand two hundred fifty (1,250) feet of any other adult oriented business use.

#### 10-7-1.3 Access

Direct access to and from an adult oriented business use shall not be provided from a residential street, nor shall access be allowed through any private lot, private driveway or private street in a district zoned other than an Industrial zoned district.

#### 10-7-1.4 Frontage

The property on which the adult business use is located shall have a minimum of 100 feet of street frontage.

#### 10-7-1.5 Screening

Appropriate screening shall be provided along all non-street facing lot lines. Such screening shall include landscaping which incorporates a mix of shade trees, ornamental trees, evergreen trees, and shrubs. A berm and a solid or semisolid fence or hedge not more than six (6) feet high may also be included as part of the screening. All screening shall be maintained in good condition by the owner or owners of the property.

#### 10-7-1.6 Windows and Doors

The building that the adult oriented business use is located within shall be designated in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures or products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult oriented business activity shall take place partially or totally outside the building. No flashing lights and/ or lighting which leaves the impression of motion or movement shall be permitted.

#### 10-7-1.7 Signage

Adult oriented business uses shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty square feet. Said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Signs must meet all requirements of *Section 10-6-6: Signage*.

### 10-7-2 Animal Care and Kennels

All outdoor animal runs, pens or enclosures shall be located at least twenty-five (25) feet from lot lines abutting residentially zoned districts. Kennels shall require a minimum lot size of three (3) acres.

### 10-7-3 Charitable Institutions

Ingress and egress for charitable institutions shall be designed so as to minimize traffic congestion.

### 10-7-3 Compost Facility

The following additional standards and conditions shall apply to all Compost Facility:

#### 10-7-3.1 Landscape Buffer

Compost use shall be subject to the landscape buffer standards of *Section 10-6-3: Landscaping*, provided that either the Planning Commission or the Board of Trustees may require a greater buffer to protect adjacent property from adverse visual and/or other impacts associated with a specific compost facility.

#### 10-7-3.2 Traffic Circulation

Ingress and egress for the operation shall be designed so as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each six hundred sixty (660) feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles.

#### 10-7-3.3 Storage Bins

Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be completely screened from view from off-site.

#### 10-7-3.4 Litter Control

The property shall be maintained in a clean, litter-free condition.

#### 10-7-3.5 Hazardous Materials

Operations shall not involve the on-site holding, storage, or disposal of hazardous substances, except substances used for the operation of the facility, such as fuel.

#### 10-7-3.6 Material

No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of a compost facility. Only yard/garden wastes are allowed as compost material.

#### 10-7-3.7 Hours of Operation

Uses shall not operate before sunrise or after sunset if located within one thousand (1,000) feet of a residentially zoned district.

### 10-7-4 Convenience Store and Vehicle Repair Use

The following additional regulations shall apply to all convenience stores which have gasoline pumps, vehicle repair uses, and other businesses that sell gasoline or diesel fuel:

#### 10-7-4.1 Traffic

All traffic concerns must be adequately addressed to promote safety and reasonable traffic flow.

#### 10-7-4.2 Screening

Appropriate screening shall be provided along all lot lines abutting a residentially zoned property. Such screening shall include landscaping which incorporates a mix of shade trees, ornamental trees, evergreen trees, and shrubs. A berm and a solid or semisolid fence or hedge not more than 6 feet high may also be included as part of the screening. All screening shall be maintained in good condition by the owner or owners of the property.

#### 10-7-4.3 Design

The design location, colors and screening of the gas pumps shall be such that they are compatible with the design of the building.

### 10-7-5 Medical Marijuana Use

Medical Marijuana Use shall be subject to the following additional standards and conditions:

#### 10-7-5.1 General Conditions

The following conditions will be made for medical marijuana facilities within the municipal boundaries of the Town of Hennessey.

1. Structures where medical marijuana is processed, stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
2. Medical marijuana grow facilities shall conduct activities in a manner that will not constitute a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.
3. All medical marijuana dispensary, commercial medical marijuana growing and/or processing facilities, and medical marijuana wholesale and/or storage facility

establishments shall be located within an entirely enclosed and secure with limited access structure, as required by the rules and regulations of the department of health, as may be amended from time to time.

4. Medical marijuana grow, processing, storage, and wholesale facilities, including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The facility must be properly ventilated so as not to create humidity, mold or other related problems. Lighting in grow facilities shall not exceed one thousand (1000) watts per light. The use of gas products (CO2, butane, etc.) or CO2 and ozone generators in the grow facilities is prohibited.
5. Growing marijuana at a medical marijuana grow facility shall not be visible from the public right of way or adjacent property.

#### 10-7-5.2 Separation

For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in herein is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

1. *Separation from Other Uses.* Retail Marijuana Establishment Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any of the following uses:
  - a. private or public preschool, elementary, secondary, vocational or trade school, college, university or any childcare center;
  - b. any library or museum;
  - c. any place of worship or religious assembly;
  - d. any public playground, public park, pool, or recreation facility; or
  - e. any juvenile or adult transitional living facility, inmate transitional living facility, halfway houses, substance abuse rehabilitation or treatment center.
2. *Medical Marijuana Grow Facility Separation from Residential Zone District.* Medical Marijuana Grow Facility shall be a permitted use in any Agricultural Zoning District and limited Industrial Zoning Districts wherein growing marijuana crops are no closer than three hundred (300) feet from any residential zone district.
3. *Separation from Other Medical Marijuana Facility.* No medical marijuana facility shall be allowed to locate or expand within one thousand (1,000) feet of another medical marijuana facility.

#### 10-7-5.3 Zoning

The following additions will be made for the zoning classifications where medical marijuana related activities are allowed within the municipal boundaries of the Town of Hennessey.

1. Medical Marijuana Dispensary shall be a permitted use in all Commercial Zoning Districts.
2. Medical Marijuana Processing, Wholesale, or Storage Facilities shall be a permitted use in all Industrial and Agriculture Zoning Districts.
3. Medical Marijuana Growing shall be a permitted use in any Agricultural Zoning District and limited Industrial Zoning Districts. Separation requirements found in *Section 10-7-5.2: Separation* will apply.

### 10-7-6 Modular Structure as Temporary Use

Modular units serving as temporary use shall be subject to the following standards:

#### 10-7-6.1 Building Code

All applicable provisions of the currently adopted Building Code shall be followed.

#### 10-7-6.2 Expiration

The special use permit allowing the modular structure to be used as a temporary use shall expire 1 year after the approval date by the Board of Trustees. The holder of the special use permit may apply for an extension of the special use permit by following the procedure outlined in *Section 10-3-6: Special Use Permit*.

#### 10-7-6.3 Use Prohibited

The use of modular unit is prohibited in: Residential Estate (RE), Low Density Residential (R-1), and Medium Density Residential (R-2) Zoning Districts.

### 10-7-7 Transitional Living Facility, Inmate Transitional Living Facility and Halfway Houses

Transitional Living Facility, Inmate Transitional Living Facility and Halfway Houses shall be subject to the following standards:

#### 10-7-7.1 Size

A maximum of ten persons, including staff, shall reside in the facility at one time.

#### 10-7-7.2 Separation

No transitional living facility, inmate transitional living facility and/or halfway houses shall be located within one-thousand five hundred (1,500) feet of any other transitional living facility, inmate transitional living facility, halfway houses or treatment facility, nor shall a transitional living facility, inmate transitional living facility or halfway houses be located within three hundred (300) feet of any religious assembly, school, park, licensed childcare facility, or residentially zoned property.

### 10-7-8 Vehicle/Equipment Sales, Vehicle/Equipment Storage Yard and Vehicle Repair

Vehicle/Equipment Sales, Vehicle/Equipment Storage Yard and Vehicle Repair uses shall be subject to the following standards:

#### 10-7-8.1 Storage and parking Areas

All vehicle and equipment storage areas and parking areas must be hard-surfaced (with asphalt or concrete), dust-free. Vehicle and equipment storage areas and parking areas located in the Agricultural and Industrial District may be constructed with 6 inches of level compacted crushed gravel, limestone or recycled asphalt.

#### 10-7-8.2 Landscaping and Buffering

Landscaping and Buffering must be provided in compliance with *Section 10-6-3: Landscaping*.

## Chapter 8 Nonconformities

### 10-8-1: Purpose; Violations

1. *Purpose.* The purpose of this chapter is to regulate and restrict uses, structures, lots, and signs that were established legally prior to the effective date of this Ordinance, that no longer conform to the requirements of this Ordinance or future Ordinance amendments. All such situations are collectively referred to in this chapter as "nonconformities." While nonconformities may continue, this chapter is intended to achieve their eventual elimination, in order to preserve the integrity of this Ordinance and the character of the town.
2. The following nonconformities are regulated by this section:
  - a. *Nonconforming Uses of Land without a Building or Structure* is for nonconforming uses of land where there are no buildings or structures.
  - b. *Nonconforming Uses of Conforming Buildings* is for when the building or structure is conforming but the use is nonconforming.
  - c. *Nonconforming Buildings and Structures that have Conforming Uses* is for nonconforming buildings or structures that have conforming uses.
3. *Violations.* Nothing in this section shall be interpreted as authorizing approval of a building or premises in violation of zoning regulations in effect at the time of the effective date of this section.

### 10-8-2: Nonconforming Uses of Land without a Building or Structure

1. The lawful use of land existing at the time of the passage of this Ordinance, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000.00), even though such use does not conform to the provisions hereof, may continue subject to the following provisions:
  - a. Discontinuance
    - i. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.
  - b. Expansion or movement
    - i. A nonconforming use shall not be expanded or moved in whole or in part to any other portion of the lot or parcel on which it is located.

### 10-8-3: Nonconforming Uses of Conforming Buildings

1. If a lawful use, involving conforming individual buildings or structures existing at the effective date of adoption of or amendment to this Ordinance, becomes nonconforming under the terms of this Ordinance, said use may continue, subject to the following provisions:
  - a. Change of nonconforming uses
    - i. A building use may be changed to another nonconforming use of an equal or a more restrictive classification or to a conforming use. However, the use shall not thereafter be changed to a less restricted use. A building permit is required for any structural alterations.
  - b. Effect of discontinuance
    - i. In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the building or premises shall thereafter conform to the use regulations of the district.

- c. Expansion of a nonconforming use
  - i. No nonconforming use, except when required by law, shall be enlarged, extended, or reconstructed, unless such change is to a use permitted in the district.
- d. Restoration of a damaged use
  - i. When a nonconforming use of a building is damaged by fire, explosion, natural cause, or public enemy, by more than fifty (50) percent of its true value, said building shall be restored only if it conforms to the district regulations.
- e. Remodeling
  - i. Improvements or remodeling which do not increase the size or intensity of use shall be permitted.

#### 10-8-4: Nonconforming Buildings and Structures that have Conforming Uses

1. Although a structure or building does not conform to the district regulations of this Ordinance for a minimum lot size, lot width, setback requirements, height, coverage, parking, other characteristics of the structure, or its location on the lot, the lawful existence of a structure or building at the effective date of adoption of this Ordinance may continue, subject to the following provisions:
  - a. Alteration or enlargement of buildings and structures
    - i. A nonconforming building or structure shall not be enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located.
      1. Exceptions. If a building or structure is conforming as to use, but nonconforming as to setbacks or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the setback or height requirements and the existing building and the addition complies with the off-street parking requirements of the district in which said building or structure is located.
  - b. Restoration of a damaged building
    - i. When a nonconforming building is damaged by fire, explosion, natural causes, or a public enemy, by more than fifty (50) percent of its true value, it shall be restored only if it is done in a manner that conforms to the district regulations.
  - c. Relocation
    - i. No such building shall be moved for any reason for any distance whatever, unless it hereafter conforms to all provisions of the zoning district in its new location.
  - d. Remodeling
    - i. Improvements or remodeling which do not increase the size or intensity of use shall be permitted.

#### 10-8-5: Screening Nonconforming Commercial Uses

1. All nonconforming commercial uses of property abutting residentially zoned property shall be adequately screened from view in accordance with the regulations of Section 10-6-3, Landscaping.



## Chapter 9 Enforcement

### 10-9-1: Violations and Penalties

1. Any person, firm, or corporation who violates any of the provisions of this Ordinance or fails to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense, or misdemeanor, and shall, upon conviction, be liable for a fine not to exceed the sum of five hundred (500) dollars, excluding costs, and each day such violations shall be permitted to exist shall constitute a separate offense, or misdemeanor, and shall be punished as such.
2. The owner, or owners, of any building or premises or part thereof where anything in violation of this Ordinance shall exist, and any architect, builder, contractor, individual, person, firm, or corporation employed in connection therewith and who may assist in the commission of any such violation shall be deemed guilty of a separate offense, and upon conviction, shall be fined as herein provided.
3. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Town of Hennessey, in addition to other remedies, may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, or alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

## Chapter 10 Telecommunication Facilities

### 10-10-1: Purpose

Telecommunication towers, antennas and other wireless facilities, including supporting structures, present land use concerns that should be dealt with by protecting residential uses, encouraging co-location, minimizing the number of wireless facilities in a manner that does not discourage market access or competition, and preventing or limiting adverse effects on off-site premises. The intent of these provisions is to provide for the continued establishment of new wireless communication providers and the expansion of existing wireless communication services within the city, while simultaneously protecting neighborhoods, all through minimizing adverse visual and operational effects of facilities through careful design, sighting, screening, camouflage, and co-location requirements encouraging creative design and camouflage measures.

### 10-10-2: Exclusions; Application Process

1. *Exclusions.*
  - a. Any tower installed by a government entity that is for emergency communications systems is exempt from these standards.
  - b. Any antenna of less than 35 feet in total height is exempt from this subchapter, but all installations must comply with all rules and regulations of applicable state and local building codes and the standards published by the Electronic Industries Association. All support structures and antennas must be constructed and operated in a manner that does not create electromagnetic or other interference with the Town's radio frequencies and public safety operations as required by the Federal Communications Commission.
  - c. All existing structures established prior to this subchapter are permitted as they were previously.
  - d. All antennas used exclusively for amateur communications are exempt from this subchapter.
2. *Application for telecommunication tower permit.*
  - a. All new communication antennas and towers require a permit if they exceed 35 feet in height.
  - b. Applications must be made at least 30 days prior to the following Planning and Zoning Commission meeting to be heard. All applications must be reviewed by the Planning and Zoning Commission and approved by Town Board of Trustees.
  - c. Plans certified by a licensed engineer must be on file with the Building Inspector at the time when application is made. These plans must contain the following:
    - i. A site plan, three copies, drawn to scale specifying the location of tower(s), guy anchors, if any, transmission or support building(s) and other accessory uses, parking areas, access roads and detailed landscaped areas. The site plan shall be designed in accordance with Chapter 12-3-7 of this code of ordinances. The plan must also include provisions for proper drainage.
    - ii. A report from a registered structural or civil engineer indicating the tower height and design, structure, installation and total anticipated capacity of the structure, including the number and types of antennas which could be accommodated. This data shall satisfactorily demonstrate that the proposed

tower conforms to all applicable requirements of the International Codes Council Section 3108 and American National Standards Institute (TIA-222-G).

3. *Fee for application and permit*
  - a. *Permit fees.*
    - i. The permit fees for performing the activity described in this chapter shall be set periodically by the Town Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town Board of Trustees.
    - ii. All towers must obtain a business license from the Town.
  - b. *Sales Tax.* All commercial tower permits must reflect the Town as the point of sale with regard to communications using the tower. The Town's sales tax shall be collected as required by applicable sales tax ordinances.
4. *Leasing public properties.* The cost of erecting a new antenna support structure on public properties shall be evaluated on a case by case basis, based upon consideration of previous agreements and current market values in surrounding areas.
5. *Hearings.* All antenna applications will be heard by the Planning and Zoning Commission and its recommendation shall be forwarded to the Town Board of Trustees for final approval or disapproval of antenna applications.
6. *Ownership list required.*
  - a. The applicant shall submit a current list of names and addresses of all record property owners within a 300-foot radius of the exterior boundaries of the proposed site of the tower, certified by a bonded abstractor or the County Assessor of Oklahoma County. Regardless of the distance requirement, the list shall include the names and addresses of all property owners who own property abutting the parcel on which the tower is located.
  - b. Where the tower is located on leased property, then the list shall include those persons abutting the entire tract owned by the lessor. For example, if the tower site is leased from a quarter section of land, then the owners abutting the quarter section would be notified.
  - c. Where the proposed tower exceeds 100 feet in height, then the list of surrounding property owners shall be extended to include those property owners within a radius of the site equal to three times the height of the proposed tower, plus all abutting landowners.
7. *Notice of hearing.*
  - a. At least 20 days prior to hearing before the Planning and Zoning Commission, the Zoning Administrator shall mail a notice of public hearing to all persons within the areas described above.
  - b. The notice shall include the following:
    - i. Legal description and approximate street address of area for location of the tower;
    - ii. A brief description of the proposed tower; and
    - iii. Date, time and place of public hearing.

### 10-10-3: Criteria for Review of Application

1. All new antennas must be erected on an existing communications tower already located in the Town unless it is proven by the applicant that this requirement is ineffective, non-feasible or impossible.
2. If there are not existing towers that are suitable for co-location, then an alternative is to erect a tower on public land unless it is proven by the applicant that this requirement is ineffective or not feasible.
3. If co-location on an existing tower or location on public land is not effective, feasible or possible, then the Planning and Zoning Commission and Town Board of Trustees may consider approval of an antenna support structure in the A, LC, HC or I-1 Zoning Districts, providing the applicant accurately addresses the following issues:
  - a. Whether the applicant proves the tower or site will be designated or laid out to accommodate future multiple users; and
  - b. Whether the proposed tower is to be located in an area where it would be unobtrusive and would not substantially detract from the aesthetics or neighborhood character due to either location, natural setting of the area or lack of visibility caused by natural growth or other factors.

### 10-10-4: Site Requirements

All tower sites must adhere to the following requirements:

1. All sites must be enclosed by a fence at least six feet in height, the nature and type to be determined by the Planning and Zoning Commission. The Planning and Zoning Commission may require evergreen screening where necessary to protect adjacent property owners.
2. The proposed site must have an approved, all-weather, ingress/egress road and shall meet all design specifications.
3. No on-site advertising will be permitted.
4. The site must be continually maintained in accordance with town ordinances and permit requirements.
5. Hazard warning and no trespassing signs must be posted on all sides of the fence.
6. Noise levels for any combustion-fired generators or other apparatus must be less than 100 Db as registered from the property immediately adjoining the site on the nearest side.
7. A set back of at least the height of the proposed tower is required.

### 10-10-5: Restrictions and Conditions

1. All structures must be able to withstand a minimum wind load of 90 mph.
2. All antennas that are mounted on an existing building or structure shall be aesthetically pleasing with the surrounding areas as approved by the Planning and Zoning Commission.
3. All antenna support structures must be of monopole design unless it is proven by the applicant that this type of structure cannot be utilized without undue hardship.
4. No advertisement shall be allowed on any tower.
5. Lighting shall be as required by the Federal Communications Commission and/or by the Federal Aviation Administration. No other lighting shall be incorporated if not required by either agency or specified by the city's Planning and Zoning Commission as a condition of the use permit.

### 10-10-6: Height of Tower

1. Communication towers may exceed the height limitations of the zoning district in which it is located, as provided in this subchapter, provided no tower may exceed 200 feet in height.

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2. All communication towers shall comply with federal, state and local airport height regulations in accordance herewith.

## Chapter 11 Platting and Subdividing

### 10-11-1 General Provisions

1. This section establishes uniform procedures for platting and subdivision requirements as provided in Title 11, Oklahoma State Statutes, Section 47-113 et seq. [11 O.S. § 47-113 et seq.].
  - a. A Final Plat or Minor Plat shall be approved and recorded by the Town prior to any land division that is subject to these provisions and prior to the beginning of any new development within municipal boundaries.
2. *Exemptions.* The following land divisions are exempt from the requirements of this Chapter:
  - a. Use of existing or expanding cemeteries complying with all State and local laws and regulations;
  - b. A division of land created by order of court of competent jurisdiction.
3. *Applications and Procedures.* An application must be completed and accepted for review by the Zoning Administrator. All applications shall be made on forms provided by the Town. To be complete, it must comply with all provisions of this Section and any other Sections pertaining to the application and must contain all required documentation for the application.
4. The proposed subdivision may be processed as a standard subdivision or as a minor plat subdivision as follows:
  - a. Standard Subdivision Plat:
    - i. Preliminary Plat (and construction plans for improvements);
    - ii. Final Plat;
    - iii. Building Permit;
    - iv. Occupancy Permit;
  - b. Minor Plat Subdivision (as required).
5. Upon initial receipt of a subdivision proposal, the Zoning Administrator shall determine if the proposal shall be classified as a Standard Subdivision Plat or a Minor Subdivision Plat. If a subdivision is determined to be a Minor Subdivision Plat, the Zoning Administrator shall determine what information, drawings and procedure will be necessary for the submission of the minor plat subdivision plat to the Planning Commission in accordance with these regulations and the policies of the Planning Commission.

### 10-11-2 Types of Plats

Below lists the various types of plats and their purposes:

<i>Types of Plats</i>		
<i>Section</i>	<i>Type of Plat</i>	<i>Purpose</i>
<b>10-11-5</b>	Preliminary Plat	As the first stage in the platting approval process, the purpose of a Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance

<b>10-11-6</b>	Final Plat	As the second stage in the platting approval process, the purpose of a Final Plat is to ensure that the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities; that Public Improvements to serve the Subdivision or development have been installed and accepted by the Town or that provision for such installation has been made; and that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
<b>10-11-7</b>	Minor Plat	The purpose of a Minor Plat is to provide a limited means for simple land division under certain circumstances, which result in minimal lot creation. In circumstances where adequate infrastructure, easements, and Right-of-Way already exist and the extension of any Town facilities to serve any lot within the Subdivision is not required, then a Minor Plat may be suitable as an instrument to subdivide one (1) lot into three (3) or fewer lots. The Minor Plat is also suitable for the purpose of combining lots where infrastructure, easements and Right-of-Way is not affected.
<b>10-11-8</b>	Replat	The purpose of a Replat is to re-subdivide all or any part of a previously platted subdivision, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding Plat.
<b>10-11-9</b>	Amending Plat	The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat. An Amending Plat does not allow for the creation of new lots and is designed only to modify existing recorded Plats.

**10-11-3 Pre-Application Conference**

The purpose of a Pre-Application Conference is to provide applicants an opportunity to confer early and informally with Staff and present subdivision and development proposals for comments and advice on the procedures, specifications, and standards required by the Town. This feedback, early in the development process, can help applicants avoid major plan revisions that are more cumbersome to change after land use applications have been submitted.

Applicants should keep in mind that, due to the preliminary nature of information discussed during Pre-Application Conferences, Town Staff reserves the right to determine specific requirements after receiving official land use applications. Information obtained during a pre-application conference is subject to subsequent changes in zoning and other applicable regulations. A Pre-Application Conference does not lock in any fees or development requirements in any way.

**10-11-3.1 Scheduling a Pre-Application Conference**

1. Pre-Application meetings are scheduled on a first come, first served basis and should be scheduled not less than fourteen (14) days prior to the submittal of a land use development application.

2. *Required Materials:*
  - a. Complete Pre-Application Conference request form;
  - b. Preliminary site-plan drawing;
  - c. Pre-Application Conference fee.
3. Staff will contact applicants by telephone or email to schedule a date and time. Conferences will be scheduled as soon as possible following receipt of completed forms and materials. Please be advised that incomplete information or vague development plans may result in a delay in scheduling Pre-Application Conference meetings.

#### 10-11-4 Filing Fee

To defray the cost of review and administration procedures, a filing fee shall be paid to the Town Clerk at the time of submittal. Filing fees for performing the activity described in this chapter shall be set periodically by the Town Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town Board of Trustees.

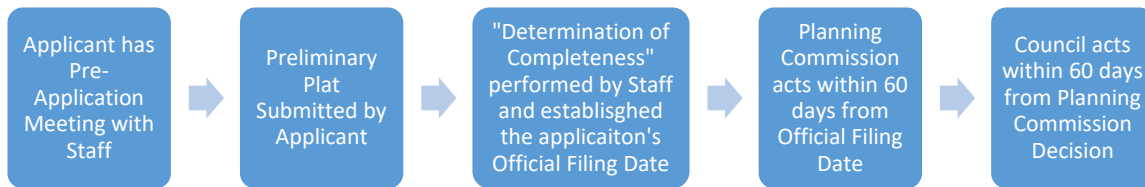
<i>Fee Schedule</i>	
<i>Type of Submittal</i>	<i>Fee</i>
<b>Pre-Application Conference</b>	Fee shall be as provided by the Town Board by resolution.
<b>Preliminary Plat</b>	Fee shall be as provided by the Town Board by resolution.
<b>Final Plat</b>	Fee shall be as provided by the Town Board by resolution.
<b>Minor Subdivision Plat</b>	Fee shall be as provided by the Town Board by resolution.
<b>Replats</b>	Fee shall be as provided by the Town Board by resolution.
<b>Amending Plat</b>	Fee shall be as provided by the Town Board by resolution.

#### 10-11-5 Preliminary Plat

The purpose of a Preliminary Plat shall be to determine the general layout of the Subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this Chapter.

1. *Exceptions.* A Preliminary Plat is not required when a Minor Plat is submitted.
2. *Required.* The applicant shall prepare a preliminary plat for submission to the Planning Commission. It shall conform to the minimum requirements of these regulations and the zoning code and be in compliance with the Town's Comprehensive Plan. The Preliminary Plat shall include all contiguous land partially or fully owned or under option by the applicant. The applicant must submit all required documents as specified in this division before the Planning Commission can commence Preliminary Plat review.





### 10-11-5.1 Application and Procedures

1. *Pre-Application Conference.* Prior to a Preliminary Plat submittal, the Developer or his authorized agent is encouraged to meet with the Zoning Administrator who will determine if a Preliminary Plat is required. Should Preliminary Plat approval be required, the relationship of the proposed subdivision to the Town's Comprehensive Plan, Storm Water Management Criteria, Zoning Ordinance, Street requirements, Utility service, and the general character of the development may be discussed to acquaint the Developer with Town platting requirements and procedures.
2. *Fees.* The Developer shall pay a non-refundable application fee for each Preliminary Plat submitted. Application fees shall be set periodically by the Town Board of Trustees of the Town of Hennessey, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Town Board of Trustees.
3. *Application Content.* Applications for a Preliminary Plat shall be submitted on a form supplied by the Town of Hennessey with the required information as stated on the application form. When more than one (1) sheet is necessary to accommodate the entire plat area, an index sheet at appropriate scale showing the entire area shall be attached. The date the plat was submitted shall legibly appear on the plat.
4. *Accessories.* An application for a Preliminary Plat may be accompanied by:
  - a. An Application for Plat and/or Zoning approval; and
  - b. Construction Plans.
5. However, approval of each shall be separate and in accordance with this Chapter and with Chapter 4, Design Standards.
6. *Responsible Official and Initial Review.* The Zoning Administrator shall be the responsible Official and the Town Board of Trustees shall be the official review body for a Preliminary Plat.
7. *Re-Submittal Following Review.* shall review each pending Preliminary Plat application and recommend either:
  - a. Approval of the Preliminary Plat,
  - b. Denial of the Preliminary Plat, or
  - c. Approval of the Preliminary Plat with specific conditions.
8. Necessary revisions and comments shall be forwarded to all individuals listed on the application.
  - a. The Developer shall provide the Zoning Administrator two (2) reproducible copies of the Preliminary Plat with revisions addressed and resolved.
  - b. Once the revisions have been resubmitted, the Zoning Administrator shall then review the Preliminary Plat for compliance with original recommendations.

### 10-11-5.2 Accompanying Materials

1. *Contents of a Preliminary Plat.* Three (3) hard copies and a digital pdf file of the Preliminary Plat drawn to a scale of 100 feet to 1 inch shall be provided, and shall contain or be accompanied by the following information:
  - a. The proposed name of the subdivision.
  - b. The name and address of the owner or owners of the land to be subdivided, the name and address of the applicant if other than the owner, and the name and address of the land surveyor.
  - c. The date of preparation of the plat, north arrow and scale.
  - d. Key or location map showing location of subdivisions within the mile section.
  - e. An accurate legal description of the property.
  - f. The location and dimensions of all boundary lines of the proposed subdivision.
  - g. The names of all adjacent subdivisions and the names, location and widths of all existing and proposed streets, easements, drainage ways, and other public ways on and adjacent to the property.
  - h. The locations and widths of all oil, gas, and petroleum product easements and of all existing utilities on or adjacent to the subject property.
  - i. A topographic map of the subdivided area with land contours not having two feet, contour intervals, referenced to a United States Geological Survey or Coast and Geodetic Survey benchmark or monument;
  - j. The location and description of all existing structures, water bodies, and watercourses.
  - k. The location and dimension of all proposed drainage ways, pedestrian ways, bike paths, parks, playgrounds, public ways, or other public or private reservations.
  - l. All proposed lots progressively numbered and building setback lines.
  - m. All proposed blocks progressively numbered.
  - n. When more than one (1) sheet is necessary to accommodate the entire plan area, an index sheet at appropriate scale showing the entire area shall be attached.
  - o. Any other information as may be deemed by the Planning Commission as reasonably necessary for the full and proper consideration of the proposed subdivision.
2. *Current Title Commitment.* The Applicant shall furnish with the application to the Town a current title commitment issued by a title insurance company authorized to do business in Oklahoma, a title opinion letter from an attorney licensed to practice in Oklahoma, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

### 10-11-5.3 Approval Procedures

1. *Approval Action by the Planning Commission.*
  - a. The Commission shall:
    - i. Review the Preliminary Plat application, the findings of the Building Inspector, and any other information available.
      1. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.

- ii. Act within sixty (60) calendar days following the official filing date of the Preliminary Plat application, unless the Applicant submits a Waiver of Right to 60-Day Action.
            - 1. If no decision is rendered by the Commission within the sixty (60) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Commission.
            - 2. Take one of the following actions:
              - a. Approve the Preliminary Plat;
              - b. Approve the Preliminary Plat with conditions, which shall mean the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
              - c. Deny the Preliminary Plat.
2. *Approval Action by the Town Board of Trustees.*
  - a. The Town Board of Trustees shall:
    - i. Review the Preliminary Plat Application, the findings of the Zoning Administrator, decision from the Planning Commission, and any other information available.
      - 1. From all such information, the Town Board of Trustees shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.
    - ii. Act within sixty (60) calendar days following the action of the Planning Commission, unless the applicant submits a Waiver of Right to 60-Day Action.
      - 1. If no decision is rendered by the Town Board of Trustees within the sixty (60) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed to be approved.
    - iii. Take one of the following actions:
      - 1. Approve the Preliminary Plat;
      - 2. Approve the Preliminary Plat with conditions, which shall mean the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
      - 3. Deny the Preliminary Plat.
3. *Criteria for Preliminary Plat Approval.*
4. The following criteria shall be used to determine whether the Preliminary Plat Application shall be approved, approved with conditions, or denied.
  - i. Approval Criteria
    - 1. The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Unit Development (PUD) zoning standards;
    - 2. The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, easements, and right-of-way are adequate

to serve the development and meet applicable standards of this Subdivision Ordinance;

3. The Preliminary Plat has been duly reviewed by applicable Town Staff;
4. The Preliminary Plat conforms to design requirements and construction standards as set forth in Chapter 4.
5. The Preliminary Plat is consistent with the Comprehensive Plan; and
6. The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare.

5. *Effect of Preliminary Plat Approval.*

- a. Continuation of the Development Process
  - i. The approval of a Preliminary Plat by the Town Board of Trustees shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and a Final Plat.
- b. General Approval of Layout Only
  - i. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat

10-11-5.4 Expiration and Extension

1. *Preliminary Plat Expiration.*

- a. Two-Year Validity
  - i. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the applicant shall submit and receive approval for Construction Plans and Final Plat for the land area shown on the Preliminary Plat.
  - ii. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
- b. Phased Developments – Partial Construction Plans and Final Plat
  - i. If Construction Plans and a Final Plat for only a portion of the land area shown on the Preliminary Plat are approved by the end of the two (2) year period, then the Preliminary Plat for the remainder of the land not included on the Construction Plans or Final Plat shall expire on such date.
- c. Relationship to Construction Plans
  - i. A Preliminary Plat shall remain valid for two (2) years or the period of time in which approved Construction Plans are valid, whichever is greater.
- d. Action on Final Plat
  - i. Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Town Board of Trustees within the two (2) year Period, the Preliminary Plat shall expire unless an extension is granted as provided in Section 10-11-5.4(B) Preliminary Plat Extension.
- e. Void If Not Extended
  - i. If the Preliminary Plat is not extended as provided in Section 10-11-5.4(B), Preliminary Plat Extension, it shall expire and become null and void.

2. *Preliminary Plat Extension.*

- a. A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to the Town in writing at least thirty (30) calendar days prior to expiration of the Preliminary Plat and shall include reasons why the Preliminary Plat should be extended.
- 3. Preliminary Plat Extension Decision
  - a. The Zoning Administrator will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the official filing date of the request.
  - b. Should the Zoning Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
- 4. Extension Considerations
  - a. In considering an extension, the Zoning Administrator shall consider whether the following conditions exist:
    - i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
    - ii. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
    - iii. Construction is occurring on the subject property;
    - iv. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
    - v. There is a need for a park, school or other public facility or improvement on the property.
- 5. Extension Conditions
  - a. In granting an extension, the Zoning Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
  - b. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.
- 6. Appeal of the Denial of the Preliminary Plat Extension
  - a. Appeal of the Preliminary Plat Extension Decision
    - i. The denial of an extension by the Zoning Administrator may be appealed to the Planning Commission.
    - ii. A written request for such appeal shall be received by the Zoning Administrator within fourteen (14) calendar days following the denial.
    - iii. The Planning Commission shall hear and consider such an appeal within thirty (30) calendar days following the Zoning Official's receipt of the appeal request.
  - b. Appeal of the Commission's Preliminary Plat Extension Decision
    - i. The denial of an extension by the Planning Commission may be appealed to the Town Board of Trustees.
    - ii. A written request for such appeal shall be received by the Zoning Administrator within fourteen (14) calendar days following the denial.
    - iii. The Town Board of Trustees shall hear and consider such an appeal within thirty (30) calendar days following Zoning Administrator's receipt of the appeal request.

- iv. The decision of the Town Board of Trustees is final.

#### 10-11-5.5 Amendments

1. *Minor Amendments to Preliminary Plats.*
  - a. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat.
  - b. Minor amendments may only include:
    - i. Minor adjustments in street or alley alignments, lengths and paving details, and
    - ii. Minor adjustments to lot lines that do not result in creation of additional lots or any nonconforming lots, provided that such amendments are consistent with applicable approved prior applications.
2. *Major Amendments to Preliminary Plats.*
  - a. All other proposed changes (not listed above) to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new Official Filing Date, etc.) before approval of Construction Plans and/or a Final Plat.
3. *Determination between Minor and Major Amendments to Preliminary Plats.*
  - a. The Zoning Administrator shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

#### 10-11-6 Final Plat

1. The purpose of a Final Plat is to ensure:
  - a. Consistency with standards. That the proposed subdivision and development of the land is consistent with all standards of development pertaining to the adequacy of public facilities;
  - b. Provide for Public Improvements. That public improvements to serve the subdivision or development have been installed and accepted by the Town, or that provisions for such installation has been made;
  - c. Other Requirements and Conditions. That all other requirements and conditions have been satisfied or provided for, to allow the Final Plat to be approved recorded; and
  - d. Ensure that the subdivision meets all other standards of development to enable initiation of site preparation activities for any lot of tract subject to the Final Plat.
2. *Exceptions.* A Final Plat is not required when a Minor Subdivision Plat is submitted (refer to Section 10-11-7, Minor Subdivision Plat).
3. *Ownership.* Proof of ownership required.
  - a. The Applicant shall furnish with the application a current title commitment issued by a title insurance company authorized to do business in Oklahoma, a title opinion letter from an attorney licensed to practice in Oklahoma, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
  - b. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are

consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.

4. *Prior Approved Preliminary Plat Required.*
  - a. The Final Plat and all accompanying data shall conform to the approved Preliminary Plat or as the Preliminary Plat may have been subsequently amended.
5. *Maintenance Bond Required.*
  - a. *Per requirements established and maintained by the city engineer, the applicant shall furnish maintenance bonds to the city for public improvements.*
  - b. *Maintenance bond value shall be set at one hundred and twenty percent (120%) of the approved estimated cost for the to the city for public improvements and will be held for a minimum of three (3) years. Estimated cost shall be approved by the city engineer.*

#### 10-11-6.1 Review and Approval Action

1. The Zoning Administrator shall:
  - a. Initiate review of the Final Plat and materials submitted;
  - b. Request written comments from other municipal departments and/or outside agencies, if deemed necessary; and
  - c. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available Planning Commission meeting.
2. The Planning Commission shall:
  - a. Review the Final Plat Application, the findings of the Zoning Administrator, and any other information available.
    - i. From all such information, the Planning Commission shall determine whether the Final Plat conforms to the regulations of this Subdivision Ordinance.
  - b. Act within sixty (60) calendar days following the Application's Official Filing Date, unless the Applicant submits a Waiver of Right to 60-Day Action.
    - i. If no decision is rendered by the Planning Commission within the sixty (60) day period or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Planning Commission.
  - c. Take one of the following actions:
    - i. Approve the Final Plat;
    - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
    - iii. Deny the Final Plat.
3. The Town Board of Trustees shall:
  - a. Review the Final Plat Application, the findings of Zoning Administrator, the decision from the Planning Commission, and any other information available.
    - i. From all such information, the Town Board of Trustees shall determine whether the Final Plat conforms to the regulations of this Subdivision Ordinance.
  - b. Act within sixty (60) calendar days following the action of the Planning Commission on the Final Plat, unless the Applicant submits a Waiver of Right to 60-Day Action.
    - i. If no decision is rendered by the Town Board of Trustees within the sixty (60) day period or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.

- c. Take one of the following actions:
  - i. Approve the Final Plat;
  - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
  - iii. Deny the Final Plat.

#### 10-11-6.2 Criteria for Final Plat Approval and Recordation

The following criteria shall be used to determine whether the Final Plat Application shall be approved, approved with conditions, or denied:

1. *Prior Approved Preliminary Plat.*
  - a. The Final Plat conforms to the approved Preliminary Plat
  - b. All conditions imposed at the time of approval of the Preliminary Plat, if any, have been satisfied;
  - c. The Construction Plans conform to all requirements of Chapter 12, Construction Plans and Procedures and have been approved by the Building Inspector;
  - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved by the Building Inspector;
  - e. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Chapter;
  - f. The Final Plat conforms to design requirements and construction standards as set forth in this Chapter;
  - g. The Final Plat is consistent with the zoning of the property; and
  - h. The Final Plat conforms to all requirements of this Subdivision Ordinance.
2. *Final Plat Recordation.*
  - a. Prior to approval of the Final Plat,
  - b. After approval of the Final Plat, the Zoning Administrator shall procure the appropriate signatures on the plat. The Zoning Administrator shall cause the Final Plat to be recorded with the appropriate County Clerk upon receiving the appropriate signatures.
3. *Revisions to Final Plat.*
  - a. Any Final Plat that has been approved by the Town Board of Trustees, but not recorded with the County Clerk, which is found to contain erroneous descriptions or are otherwise defective, may be corrected by the applicant and approved by the Zoning Administrator.
  - b. Once the Final Plat has been filed and recorded with the County Clerk, revisions may only be processed and approved as a Replat or Amending Plat.

#### 10-11-7 Minor Subdivision Plat

The purpose of a Minor Subdivision Plat is to provide a limited means for simple land division under certain circumstances, which result in minimal lot creation. In agreement with the intent of this Subdivision Ordinance, Minor Subdivision Plats are intended to ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision. Additionally, Minor Subdivision Plats are intended to ensure the future growth and development of the entire Town by ensuring new development does not hinder the provision of public facilities and services to neighboring and nearby properties.



### 10-11-7.1 Authority; Purpose and Intent; Eligibility

1. *Authority.* The Planning Commission, pursuant to the powers and jurisdiction vested through Title 11, Oklahoma State Statutes, Section 45, does hereby exercise the power and authority to review, approve, and disapprove transfer of land hereinafter referred to as Minor subdivision plats.
2. *Purpose and Intent.* The purpose of a Minor Subdivision Plat is to simplify the subdivision of land under certain circumstances outlined in State law.
3. *Eligibility.* An application for approval of a Minor Subdivision Plat may be filed only in accordance with State law, when all of the following circumstances apply:
  - a. Whenever a tract of less than five acres comprising the total area of a single ownership is to be subdivided into four (4) or fewer lots, or whenever a proposed subdivision zoned for single-family residential use contains four (4) or fewer lots, a Preliminary and Final Plat will not be required.
  - b. The Minor Subdivision Plat is also used for the combination of two (2) or more previously platted and recorded lots into a single lot.
  - c. The classification of a subdivision as a Minor Subdivision Plat shall not be construed to waive any requirements of these regulations, including the platting requirements of Section 10-10-1, nor the provisions of any other ordinance or statute pertaining to the property.

### 10-11-7.2 Application for Approval

1. *Application Requirements.* Application for Minor Subdivision Plat approval shall be filed with the Zoning Administrator on forms supplied by the Town. The completed application shall be accompanied with the following:
  - a. A certified survey, prepared by a land surveyor registered in the State of Oklahoma, shall be submitted on the proposed Minor Subdivision Plat. The survey shall show the following:
    - i. Each new lot being formed shall be labeled "Lot 1," "Lot 2," "Lot 3," and/or "Lot 4";
    - ii. The legal description of the original tract of land and each new lot being created by the subdivision shall be shown;
    - iii. The scale, north point and date shall be shown;
    - iv. The name and address of the owner of record shall be shown;
    - v. A key map showing the location of the reference to existing and proposed major streets and government section lines shall be included;
    - vi. The location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision shall be shown;
    - vii. Lot line boundaries with dimensions to the nearest one-hundredth (1/100) foot and proposed location and width of streets, alleys and easements and building setback lines, where applicable, shall be shown; and
    - viii. The original signature and seal of the registered land surveyor preparing the plat of survey, properly notarized, shall be included.
  - b. A copy of the original deed showing the legal description of the tract, site or parcel proposed as a short form subdivision shall be submitted.

- c. Deeds of tracts, parcels or lots bordering the proposed short form subdivision shall be submitted if deemed necessary by the director.
  - d. All instruments for the dedication of required public easements and rights-of-way shall be submitted. This shall mean, in cases where private easements are required, that the applicant must submit certified copies of the instruments filed of record with the county clerk.
2. A filing fee in the amount set forth in Section 10-10-4 shall accompany the Minor Subdivision Plat application. The filing fee is non-refundable.

#### 10-11-7.3 Review and Approval Procedures; Plat Recordation; Revisions

1. *Review.* The Zoning Administrator shall review the proposed Minor Plat Subdivision to ensure compliance with all design and improvement requirements of this chapter. The Zoning Administrator may submit the application for review and comment to other agencies and/or municipal departments as deemed necessary.
2. *Approval Procedure.*
  - a. The Zoning Administrator is delegated administrative authority to approve Minor Subdivision Plats.
  - b. The Zoning Administrator and the Planning and Zoning Commission, as appropriate, shall decide whether to approve, conditionally approve or deny a Minor Subdivision Plat application based on the following criteria:
    - i. The Minor Subdivision Plat is consistent with all zoning requirements for the property;
    - ii. The final layout of the subdivision or development meets standards in this Chapter;
    - iii. All lots to be created by the plat already are adequately served by all required municipal services and utilities;
    - iv. The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Subdivision Plat; and
    - v. The Minor Subdivision Plat does not require the extension of any municipal facilities to serve any lot within the development.
3. *Action.*
  - a. *Administrative Approval.*
  - b. *Administrative Denial.*
  - c. *Final Approval.*
4. *Minor Subdivision Plat Recordation.*
  - a. After approval of the Minor Subdivision Plat, the Zoning Administrator shall procure the required signature of the Planning and Zoning Commission chairperson on the plat. The Zoning Administrator shall then cause the Minor Subdivision Plat to be recorded with the County Clerk.
5. *Revisions to a Minor Subdivision Plat Following Approval.*
  - a. Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

## 10-11-8 Replats

### 10-11-8.1 Purpose; Applicability

A Replat of all or a portion of a recorded plat may be approved without vacation of the recorded plat, if the Replat meets the following criteria:

- A. Replat Criteria
  1. The Replat is signed and acknowledged by the owners of the property being replatted; and
  2. The Replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat

### 10-11-8.2 Partial Replat Application

1. If a Replat is submitted for only a portion of a previously platted Subdivision, the Replat must reference the previous Subdivision name and recording information and must state on the Replat specific lots that are being changed along with a detailed "Purpose for Replat" statement.

### 10-11-8.3 Review and Approval Process

1. Review Action and Approval Action - Same as Final Plat
  - a. The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat per Section 10-11-6.
2. Responsible Official
  - a. The Zoning Administrator shall be the responsible Official.

### 10-11-8.4 Procedures for Recordation Following Approval; Effect

1. The procedures for recordation of a Replat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 10-11-6.2, Criteria for Final Plat Approval and Recordation.
2. Upon approval and recording of the Replat, it is controlling over the previously recorded Plat for the portion replatted.

## 10-11-9 Amending Plats

### 10-11-9.1 Purpose; Applicability

1. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat. The Amending Plat allows these minor revisions without the need of filing a Plat Correction Certificate. Furthermore, the Amending Plat goes beyond the scope of a Plat Correction Certificate and provides a means to relocate any lot line or to combine lots. An Amending Plat does not allow for the creation of new lots and is designed only to modify existing recorded Plats
2. The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following purposes:
  - a. Correct an error in a course or distance shown on the preceding plat;
  - b. Add a course or distance that was omitted on the preceding plat;
  - c. Correct an error in a real property description shown on the preceding plat;
  - d. Indicate monuments set after the death, disability, or retirement from practice of the Engineer or Surveyor responsible for setting monuments;
  - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

- f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. Correct an error in courses and distances of lot lines between two (2) adjacent lots if:
  - i. Both lot owners join in the application for amending the plat;
  - ii. Neither lot is abolished; and
  - iii. The amendment does not attempt to remove recorded covenants or restrictions.
- h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- i. Relocate one or more lot lines between one or more adjacent lots if:
  - i. The owners of all those lots join in the application for amending the plat;
  - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
  - iii. The amendment does not increase the number of lots,
- j. Make necessary changes to the preceding plat to create four (4) or fewer lots in the Subdivision or a part of the Subdivision covered by the preceding plat if:
  - i. The changes do not affect applicable zoning and other regulations of the municipality;
  - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
  - iii. The area covered by the changes is located in an area that the Town Board of Trustees planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area, or
- k. Replat one or more lots fronting on an existing street if:
  - i. The owners of all those lots join in the application for amending the plat;
  - ii. The amendment does not attempt to remove recorded covenants or restrictions;
  - iii. The amendment does not increase the number of lots; and
  - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

#### 10-11-9.2 Notices; Review Action

1. The approval and issuance of an Amending Plat shall not require notice, hearing, or approval of other lot owners.
2. The Zoning Administrator shall:
  - a. Initiate review of the Plat and materials submitted.
  - b. Request written comments from other municipal departments and/or outside agencies, if deemed necessary.

#### 10-11-9.3 Approval Action; Decision

1. The Zoning Administrator shall:
  - a. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.

- b. Act within sixty (60) calendar days following the application’s Official Filing Date, unless the applicant submits a Waiver of Right to 60-Day Action.
- c. Take one of the following actions:
  - i. Approve the Amending Plat;
  - ii. Approve the Amending Plat with conditions; or
  - iii. Defer the Amending Plat to the Planning Commission for consideration.

#### 10-11-9.4 Recordation

After approval of the Amending Plat, the Zoning Administrator shall procure the appropriate signatures on the plat. The Zoning Administrator shall then cause the Amending Plat to be recorded with the appropriate County Clerk.

#### 10-11-10 Vacation of Plats

##### 10-11-10.1 Purpose; Criteria

1. This section is intended to provide a process for the vacation of plats and subdivisions that are no longer viable and to ensure the vacation minimizes any adverse impacts on the applicant, surrounding property owners, and the Town.
2. The vacation of the plat shall conform to the following:
  - a. The Comprehensive Plan and other adopted plans and policies of the Town;
  - b. No parcel shall be landlocked as a result of the vacation;
  - c. Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;
  - d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services); and
  - e. The provision of adequate public facilities and services to any property as required in Chapter 6, Public Improvements, shall not be inhibited by the proposed vacation.

##### 10-11-10.2 Plat Vacation Prior to Recordation

After a Final Plat has been approved and before it is recorded, the applicant may seek to have the Final Plat, or any part of the plat, nullified and vacated by executing a written instrument declaring the Final Plat, or any applicable part of it, to be nullified and vacated, a copy of which shall be attached to said Final Plat.

1. Review Process
  - a. The Planning Commission and Town Board of Trustees shall review such an instrument in the same manner as platting or subdivision.
2. Review and Approval
  - a. The applicant shall submit the Final Plat with the attached written instrument nullifying and vacating said Final Plat, or part of it, for review and recommendation by the Planning Commission and for approval by the Town Board of Trustees.
3. Plat Vacation
  - a. Upon approval of the nullification and vacation of the Final Plat, the applicant shall record the Final Plat with the attached written instrument nullifying and vacating it, or part of it, with the County Clerk. Upon such recording, the instrument will operate to

destroy the force and effect of the Final Plat approval and to divest all public rights in the dedications laid out or described in said Final Plat.

#### 10-11-10.3 Plat Vacation after Recordation

After a Final Plat has been recorded, the applicant may seek to have the Final Plat, or any part of it, nullified and vacated by executing a written instrument declaring the Final Plat to be nullified and vacated and attaching that instrument to the Final Plat.

The procedures for vacating a recorded Final Plat shall meet the following requirements:

1. None of the lots in the subdivision have been sold.
2. If any lots have been sold, the majority of owners of the lots in the subdivision and all owners in the area to be vacated must approve the proposed nullification and vacation in writing, such written approval to be submitted to the Planning Commission.
3. Request for nullification and vacation must be in accordance with Title 11, Oklahoma Statutes, Section 42-101 et seq., as amended. [11 O.S. § 42-101 et seq.].

## Chapter 12 Construction Plans and Procedures

### 10-12-1 Construction Plans

#### 10-12-1.1 Purpose

The purpose of Construction Plans is to ensure that mandatory public improvements be installed to serve a development in accordance with all the Subdivision Ordinance standards, including all standards within the Town Code of Ordinances.

#### 10-12-1.2 Submitting Plans

Plans shall be submitted in accordance with the requirements provided in the application. Incomplete construction plans shall not be accepted, and such plans shall be returned to the Applicant. Construction plans shall be prepared by a Professional Engineer and must be approved in accordance with this chapter prior to the approval and/or recordation of the final plat.

1. *Review and Approval Action.*
  - a. The Building Official shall be the responsible official for review and approval of construction plans.
2. *Decision-Making Options.*
  - a. The Building Official shall approve, approve subject to modifications, or deny construction plans.

#### 10-12-1.3 Criteria for Approval

The Building Official shall approve construction plans if:

1. The plans are consistent with the approved Preliminary Plat; and
2. The plans conform to the subject property's zoning standards and to the standards for adequate public facilities, contained in this Subdivision Ordinance and all other applicable Town Ordinances.

The approval of construction plans shall remain in effect for a period of six (6) months from the date of approval, or for the duration of construction of the project, provided that progress towards completion of the project continues to be demonstrated, unless construction plans are extended in accordance with the following Section 10-12-1.4, Extension of Construction Plans.

#### 10-12-1.4 Extension of Construction Plans

Construction plans may be extended for a period of six (6) additional months beyond the expiration date. A request must be made in writing to the Building Official for such extension prior to expiration of the plans and shall include reasons why the plans should be extended.

1. *Decision by the Building Official.*
  - a. The Building Official will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the official filing date.
  - b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
2. *Extension Criteria.*
  - a. The Building Official shall extend construction plans approval for a period of six (6) additional months beyond the plans' expiration date if:

- i. The construction plans comply with new ordinances that impact the health, safety and general welfare of the Town; and
- ii. Demonstrable progress towards completion has been made to proceed with construction or required improvements.

3. *Conditions.*

- a. In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

#### 10-12-1.5 Construction Release

Upon approval of the preliminary plat and the construction plans, receipt of all documentation (e.g., insurance information, bonds, etc.) and fees required, the Building Official shall release the plans for construction if all Town requirements pertaining to construction have been met. Expiration, and possible extension, of the construction release shall be the same as for the construction plans.

#### 10-12-2 Timing of Public Improvements

##### 10-12-2.1 Completion Prior to Final Plat Approval and Recordation

Completion of all required public improvements, in accordance with the approved preliminary plat and the approved construction plans, shall occur prior to final plat approval and recordation. A final plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of all required public improvements. If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

##### 10-12-2.2 Necessary Easements

1. *Easements for Utility Providers.*

- a. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements prior to final plat approval and recordation.
- b. The Applicant's engineer shall provide the Building Official with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the final plat with the recording information for each.

2. *Off Site Easements.*

- a. All necessary off-site easements required for installation of required off-site Public Improvements to serve the development shall be acquired by the Applicant prior to approval and recordation of the final plat.
- b. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the Town.

#### 10-12-3 Inspection, Maintenance, and Acceptance of Public Improvements

##### 10-12-3.1 Inspection of Public Improvements

1. *Timing.* The Building Official shall inspect the construction of improvements while in progress, as well as upon completion.



2. *Conformance with Construction Plans.* Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the Applicant's engineer and shall be subject to approval by the Zoning Administrator.
3. *Corrections to Improvements.* If the Zoning Administrator finds, upon inspection, that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, then the Applicant shall be responsible for completing and/or correcting the public improvements to being such into compliance.

#### 10-12-3.2 Submission of Recorded Drawings

1. *Certification.*
  - a. The Town shall not accept dedication of required public improvements until the Applicant's engineer has certified to the Town, through submission of detailed record drawings of the project and filed copies of any off-site easements that the public improvements have been built in accordance with the approved construction plans.
2. *Acceptance and Recordation of Public Improvements.*
  - a. The Town shall not accept improvements until the final plat is approved by the Town and recorded at the County.
  - b. Each record drawing sheet shall show all changes made in the construction plans during construction and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date.
  - c. Detailed requirements for such drawings are available from the Building Official.
3. *Digital Files.*
  - a. Digital files of all the Record Drawings shall be submitted by the Applicant and received by the Town.

#### 10-12-3.3 Acceptance or Rejection of Improvements

1. *Responsible Official.*
  - a. The Building Official shall be responsible for inspecting all required public improvements shown in the construction plans and for accepting completed subdivision improvements intended for dedication to the Town.
2. *Final Inspection.*
  - a. After completion of all improvements, franchise utilities, grading, and erosion control the Building Official and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the public improvements.
3. *Letter of Final Acceptance.*
  - a. If all improvements are completed, inspected, tested (if applicable), and determined by the Town to be in conformance with this Subdivision Ordinance, Town standards and specifications, and construction plans, then the Building Official shall issue a letter of final acceptance to the applicant, thereby notifying the Applicant of the Town's intended acceptance contingent on the approval of the final plat.
4. *Meaning of Acceptance.*
  - a. Acceptance of the improvements shall mean that the Applicant has transferred all rights to all the public improvements to the Town for title, use, and maintenance.
5. *Rejection.*

- a. The Building Official shall reject those improvements that fail to comply with the construction plans and Town's standards and specifications. The Town shall enforce the guarantee provided by the maintenance bond(s).

## Chapter 13 Design Standards

### 10-13-1 Streets

1. The arrangement of streets in a subdivision shall, except for cul-de-sacs, connect with streets already dedicated in adjoining subdivisions or provide for future connections to adjoining tracts. Streets shall be arranged so as to cause no undue hardship on the subdivision of adjacent unplatted tracts and the Planning Commission and Town Board of Trustees may require the dedication of street rights-of-way to facilitate the subdivision of such properties. No development approval shall be granted where adequate off-site transportation is not available at the time of development approval or contained within a fully funded capital improvement program or plan.
2. *Streets.*
  - a. Collector streets shall be provided for the circulation of traffic through a Subdivision and the connection thereof to arterial streets. Adequate local streets shall be provided to accommodate access within the subdivision.
  - b. Residential Streets shall be so laid out that their use by through traffic will be discouraged.
  - c. Street intersections:
    - i. More than two (2) Streets intersecting at a point should be avoided; and
    - ii. Where two (2) or more Streets converge at one (1) point, or acute intersection angles occur, setback lines or special rounded or cutoff corners, or both, may be required to ensure public safety and to facilitate orderly traffic movements; and
    - iii. Streets should intersect at a ninety-degree angle, and in no case should the angle be less than seventy-five (75) degrees; and
    - iv. Streets should have at least a fifty-foot tangent section of roadway approaching an intersection.
  - d. Dead end streets shall not be permitted except where same will be eventually extended in adjacent unplatted areas. Such temporary dead-end streets shall terminate with a turn-around.
  - e. No street names shall be used which will duplicate or be confused with the names of existing streets in the Town of Hennessey or neighboring communities. Street names shall be subject to approval by the Planning Commission and Town Board of Trustees and shall be shown on the final plat.
  - f. Pedestrian walk Rights-of-Way not less than ten (10) feet wide shall be required where deemed necessary to provide access to schools, playgrounds, shopping centers, transportation and other community facilities.
3. The minimum right-of-way widths of proposed streets shall be as follows:

<i>Type of Street</i>	<i>Right-of-Way Widths</i>
Freeway or Expressway	As required by the Oklahoma Department of Transportation
Primary Arterial	100 feet
Secondary Arterial	80 feet
Minor Industrial Street	70 feet
Residential Collector	60 feet
Local Streets	50 feet

4. *Access.*

- a. Each lot shall be provided with access to a public street, approved private street or highway.
- b. A shared access easement may be required between adjacent lots fronting on any street section in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.
  - i. Said dedication shall be provided on the final plat of the subject properties or be filed by separate instrument and filed with the County.
- c. Non-access provisions controlling ingress and egress to streets may be required by the Planning Commission and Town Board of Trustees to assure traffic safety and to relieve congestions at intersections.
- d. The minimum distance between access points are as follows:

<i>Type of Street</i>	<i>Minimum Distance Between Access Points</i>
Freeway or Expressway	Limited by the Oklahoma Department of Transportation
Primary Arterial	No limits of access
Secondary Arterial	No limits of access
Minor Industrial Street	No limits of access
Residential Collector	No limits of access

10-13-2 Alleys

1. *Commercial and Industrial.* Alleys may be required by the Planning Commission and Town Board of Trustees in commercial and industrial zoned properties to provide service access, off-street loading and unloading, parking and access for police and firefighting services. Alleys serving commercial and industrial zoned properties shall not be less than thirty (30) feet in width of right-of-way.
2. *Residential.* Alleys in residentially zoned properties shall be not less than twenty (20) feet in width of right-of-way.
3. *Alignment.* Horizontal changes in alignment shall be gradual and at intersection corners and shall have a radius of twenty (20) feet to permit safe vehicular turning movements.
4. *Dead End.* Dead end alleys shall be avoided where possible, but where unavoidable, shall be provided with an adequate vehicle turn-around at the terminus as determined by Fire Chief or his/her designees.
5. *Obstructions.* No obstructions shall be permitted in areas reserved for alleys.

### 10-13-3 Sidewalks

As a critical component to the Town's transportation system, sidewalks serve to provide for the health, safety, and welfare of the Town. Sidewalks provide safe pathways for people to move about the Town and reduce the potential for pedestrian-automobile collisions. Furthermore, sidewalks can serve both residential and nonresidential uses by increasing connectivity (i.e., points and types of access to an area) and providing additional means of travel.

#### 10-13-3.1 Sidewalks Required

1. *Requirement.*
  - a. Sidewalks shall be constructed on both sides of all streets, within residential and commercial districts, unless the Planning Commission waives or modifies this requirement, including allowing the developer to contribute funds-in-lieu of construction.
  - b. Within all residential developments, sidewalks shall be a minimum of four (4) feet in width.
  - c. The design and installation of all sidewalks shall meet all state and federal requirements, including but not limited to the Americans with Disabilities Act.
  - d. All subdivisions, site developments, or sections thereof shall have installed in them sidewalks and/or trails to serve each lot or parcel therein.
2. *Responsibility.*
  - a. The Developer shall install sidewalks within the development along street Right-of-Ways and along the existing streets fronting the development
3. *Construction Materials.*
  - a. Sidewalks shall be concrete, shall conform to the applicable standards contained in these regulations and shall be a minimum of forty-eight (48) inches wide and a minimum of four (4) inches thick with handicapped access at all intersections. Sidewalks shall normally be separated from the edge of the street by a grassy strip twenty-four (24) inches wide. All non-paved right-of-way shall be either sodded or seeded.
4. *Location.*
  - a. Sidewalks and trails shall be located in the Right-of-Way of the street and shall extend across the entire dimension of each lot or parcel side adjacent to a public street.
5. *Timing of Completion.*
  - a. All required sidewalks and trail dedications shall be completed prior to occupancy and before any public utility connection occurs.
6. *Sidewalk Fee in Lieu of Construction.*
  - a. It is the desire of the Town to have required sidewalks built at the time of and congruent with development. However, there may be circumstances regarding safety, economic waste and geographical features that preclude such construction.
  - b. The Zoning Administrator has the authority to approve construction exemptions and collect a fee in lieu of one hundred fifteen percent (115%) of the estimated total construction cost (i.e., labor included).
  - c. In no instance will a private or public entity not build or pay a fee in lieu of sidewalk or trail construction.

### 10-13-4 Easements

1. *Utility Easements.* Where alleys are not provided, the Planning Commission and Town Board of Trustees may require easements of a minimum width of ten (10) feet along each rear lot line and along each side lot line where necessary for use by public and private utilities.

2. *Drainage Easements.* The Planning Commission and Town Board of Trustees may require drainage easements as recommended by the Town. All drainage easements for facilities shall be of such dimensions so as to allow equipment access for construction and maintenance of the facility.

#### 10-13-5 Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:
  - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - b. Zoning requirements as to lot sizes and dimensions;
  - c. Need for convenient access, circulation, control and safety of street traffic; and
  - d. Limitations and opportunities of topography.
2. Blocks for residential use shall not be longer than one thousand eight hundred (1,800) feet or less than five hundred (500) feet measured along the centerline of the block. Wherever practical, blocks along primary arterial and secondary arterial streets shall be not less than one thousand (1,000) feet.
3. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block. Such pedestrian walkways or crosswalks may be required by the planning commission if deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.
4. Blocks used for residential purposes shall be of sufficient width to allow for two (2) tiers of lots of appropriate depth but shall not be less than two hundred twenty (220) feet in width except where otherwise required to separate residential development from through traffic. Other exceptions to this prescribed block width shall be permitted for blocks adjacent to major streets, railroads or waterways. Such exceptions are allowed provided other applicable provisions of this chapter are met.
5. Blocks intended for business and industrial use shall be of a width and depth suitable for the intended use, with due allowance for off-street parking and loading facilities.

#### 10-13-6 Lots

##### 10-13-6.1 Generally

The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing a building permit. All lots shall be arranged to comply with the Comprehensive Plan, the Zoning Ordinance, all drainage ordinances and building codes and all other ordinances of the Town, and to provide access from an approach street.

##### 10-13-6.2 Dimensions

1. Lot dimensions shall comply with the minimum standards of the zoning ordinance. Additional requirements shall be as follows:
2. Lots shall have a width, depth and area of not less than that required by the Zoning Ordinance. Lots, tracts or parcels created for a particular commercial or industrial use shall have sufficient area and dimensions to provide for off-street parking and loading facilities as required by the Zoning Ordinance for the type of use and development proposed.
3. Corner lots shall have an extra width that is adequate to permit building setbacks from side streets and front streets.
4. Side lot lines shall be at right angles to street lines or radial to curving street lines.

5. Corner lot lines shall be cut with a chord to provide a sight triangle with legs of twenty-five (25) feet from the point of intersection of the property lines along both property lines. The triangle shall be dedicated to the Town and be included in the street right-of-way easement.

#### 10-13-6.3 Lots Under One Ownership; Lots for Commercial and Industrial Uses

1. Where a block is to be developed and retained under single ownership, it is not required that the block be subdivided into lots; however, the block must meet all requirements of this chapter and other applicable regulations for lots and blocks, including lot sizes and dimensions.
2. All lots proposed for commercial or industrial use shall abut upon a dedicated street and shall be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width or depth that is less than is required for the permitted use under the applicable provisions of the Zoning Ordinance.

#### 10-13-6.4 Double Frontage and Reverse Frontage Lots

1. Double frontage and reverse frontage lots shall be avoided, except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In all cases, a sight-proof screening shall be provided and shall not be less than six feet in height. The sight-proof screening shall be provided along the rear portion of the lots abutting such a traffic artery. There shall be no right of access to the rear or side portion of any lot abutting such traffic artery.

#### 10-13-6.5 Street Access

1. Low or medium density residential lots shall not derive access from a major street. Lots facing collector streets should be minimized to the fullest extent possible. Where a lot borders a collector street and a local street, access shall be gained from the local street only. If lots have access on local streets, the planning commission shall require on the face of the final plat a note limiting access for lots that back or side onto a collector, arterial or other major street. Where driveway access from a major or arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards. Driveways should be designed and arranged so that vehicles avoid backing into major or arterial streets. It is encouraged that driveways should be designed and arranged so that vehicles avoid backing into collector streets.

#### 10-13-6.6 Drainage

1. Lots shall be laid out so that drainage flows away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

### 10-13-7 Public Areas and Open Space

The purpose of this section is to provide the amount of land to be dedicated for parks and open space.

Parks and open space are essential in providing for the public welfare of the community. These areas benefit residents by providing recreational opportunities and are considered elements that contribute to the quality of life found in the community. The amount of land for parks and open space and its distribution contributes to citizens' quality of life.

#### 10-13-7.1 Applicability

It shall be a condition of a final plat of all residential subdivisions having a dwelling unit density of greater than one (1) unit per net acre, that the applicant, developer, or owner will be required to make to and at the discretion of the Town Board of Trustees either:

1. Land donation; or
2. Cash in lieu of land donation.

#### 10-13-8 Building and Setback Lines

1. Building lines shall be shown on all plats intended for residential use of any character, as follows:
  - a. In residential districts, a front yard setback shall be provided on every lot. The depth of such front yard setback line shall be at least twenty-five (25) feet.
  - b. On any corner lot to be used for residential purposes, the setback line on the intersecting street shall be located not less than fifteen (15) feet from the right of way line, in case such lot is back to back with another lot, and twenty-five (25) feet in every other case; and
  - c. Restrictions shall be made requiring that all buildings to be used for residential purposes be set back from side lot lines at least five (5) feet on all interior side lot lines.
  - d. Where crosswalks are provided or required, a side yard building line shall be provided not less than ten feet back of a crosswalk right-of-way line on the side of a lot abutting a midblock crosswalk.

#### **SECTION 4: Repealer.**

**All ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.**

#### **SECTION 5: Savings Clause.**

**Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.**

#### **SECTION 6: Safe Harbor Authorization.**

**The Town Board of Trustees is expressly authorized to avoid the preemptive force of any provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by any one or more of the following actions:**

- A. Changing the policy or practice that results in a substantial burden on religious exercise;
- B. Retaining the policy or practice and exempting the substantially burdened religious exercise;
- C. Providing exemptions from the policy or practice for applications that substantially burden religious exercise; or
- D. Any other means that eliminates the substantial burden on religious exercise.

#### **SECTION 7: Severability.**

**If any one or more of the sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Town Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.**

#### **SECTION 8: Emergency.**

**It being necessary for the protection of the public peace and the health and safety of the citizens of Hennessey, Oklahoma, an emergency is declared to exist, and this ordinance shall become effective immediately upon its passage by the Town Board.**

**PASSED AND APPROVED THIS 13<sup>TH</sup> DAY OF MAY 2021 BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HENNESSEY, OKLAHOMA.**

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**John R. Gritz, Mayor**

**ATTEST:  
(seal)**

\_\_\_\_\_  
**Kati Walters, Town Clerk**