



## **ZONING REGULATIONS**

**for the**

### **BARTLESVILLE-WASHINGTON COUNTY METROPOLITAN PLANNING AREA**

This document represents the original Zoning Regulations adopted by the Bartlesville City Council on August 1, 1966 and by the Washington County Board of County Commissioners on August 22, 1966, as revised and amended through December 6, 2010. The Zoning Ordinance occupies Appendix A of the Code of the City of Bartlesville.

Updated through December of 2010

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(As Amended through 12-2010)**

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# **ZONING REGULATIONS FOR THE CITY OF BARTLESVILLE, OKLAHOMA, AND THE COUNTY OF WASHINGTON, OKLAHOMA**

THESE ZONING REGULATIONS ARE ADOPTED PURSUANT TO THE AUTHORITY GRANTED BY THE LEGISLATURE OF THE STATE OF OKLAHOMA ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES AND OTHER STRUCTURES IN THE CITY OF BARTLESVILLE AND IN THE UNINCORPORATED AREAS OF WASHINGTON COUNTY WITHIN THREE MILES OF THE CORPORATE LIMITS OF BARTLESVILLE, OKLAHOMA AND WITHIN ONE-HALF MILE OF U.S. HIGHWAY 75 FROM THE BARTLESVILLE CITY LIMITS TO COUNTY ROAD 3100; AND ESTABLISHING THE PERCENTAGE OF THE LOT OR AREA WHICH MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, CIVIC AND PUBLIC ACTIVITIES AND OTHER PURPOSES, AND DIVIDING THE SAID AREAS OF THE CITY OF BARTLESVILLE AND OF WASHINGTON COUNTY INTO DISTRICTS OR ZONES, AND REGULATING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, CONVERSION, ALTERATION AND USES OF BUILDINGS AND STRUCTURES AND THE USES OF LAND, AND PROVIDING FOR UNIFORM REGULATIONS FOR EACH CLASS OR KIND OF BUILDINGS THROUGHOUT EACH DISTRICT, AND PROVIDING FOR A CITY BOARD OF ADJUSTMENT AND A COUNTY BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME AND PROVIDING FOR ADMINISTRATIVE PROCEDURES FOR BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND APPEAL PROCEDURES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

## **SECTION 1 – SCOPE AND APPLICATION**

- 1.1 Title and Authority.** The official title of this document shall be the “Zoning Regulations for the Bartlesville-Washington County Metropolitan Planning Area.” These regulations are adopted under the specific authority granted by the Oklahoma State Statutes Title 3, Section 101 et. seq, Title 11, Section 43, and Title 19, Section 866, as amended, and are intended to exercise broadly the powers granted to the City and County thereunder.
- 1.2 Purpose and Intent.** The Zoning Regulations set forth herein are enacted to implement the land use portion of the Comprehensive Plan for the future development of the City of Bartlesville and that part of Washington County that is within its jurisdiction as described herein; to promote the health, safety, peace, morals, comfort, prosperity, and the general welfare of the citizens and to lessen congestion of public transportation and travel; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to provide adequate police protection and facilitate the making of adequate provisions for transportation, water, sewerage, schools, parks, forests, recreational facilities and other public requirements; and to prevent undue encroachment thereon.

In fulfilling these purposes, this Code is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this Code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a

byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction shall not be enforceable in tort.

- 1.3 Scope and Conflict.** The provisions of this Code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign located within the City of Bartlesville and for that part of Washington County that is within the jurisdiction of these regulations, except where exempted by Section 1.5 of this Code.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this Code specify different requirements, the more restrictive shall govern.

- 1.4 Territorial Jurisdiction.** Specifically, the territorial jurisdiction of these regulations shall include the following territory:

1. Any land located within the incorporated city limits of Bartlesville, Oklahoma hereby established and as may be hereinafter modified through annexation and/or de-annexation; and
2. Any land within the unincorporated limits of Washington County, Oklahoma, which is not included within the territorial jurisdiction of any incorporated municipality, that lies within three (3) miles of the city limits of Bartlesville, Oklahoma; and
3. Any land located within the unincorporated limits of Washington County, Oklahoma, which is not included within the territorial jurisdiction of any incorporated municipality, that lies within a one-mile wide area centered along U.S. highway 75 (one-half (1/2) mile on either side of the highway) from the southernmost city limits of Bartlesville to County Road 3100, excluding the Prairie View Acres subdivision located on County Road 2900.

This territory shall be known as the Bartlesville-Washington County Metropolitan Planning Area.

- 1.5 Exemptions from Zoning Regulations.** The following activities, land uses, structures, and/or site improvements are exempt from these regulations, but are not exempt from any other applicable local, State or Federal laws or regulations:

1. Property of any railway company or terminal company as per Title 11, Section 43-108 of the Oklahoma State Statutes.
2. Telephone exchange buildings as per Title 11, Section 43-102 of the Oklahoma State Statutes.
3. Within the unincorporated Washington County area of the Metropolitan Planning Area, the following are exempt from zoning regulations pursuant to Title 19, Section 866.30 of the Oklahoma State Statutes:
  - a. The erection and use of the usual farm buildings for agricultural purposes;
  - b. The planting of agricultural crops;
  - c. The extraction of oil or natural gas; and
  - d. Forestry activities.

- 1.6 Extension of Zoning Jurisdiction.** All territory which may hereafter be included within the zoning jurisdiction of the City of Bartlesville or Washington County, Oklahoma, shall be governed by and subject to the requirements of the RA-Residence Agriculture District until such time as the zoning district map shall have been amended to authorize other uses.

(Remainder of page left blank intentionally.)

## SECTION 2 - ESTABLISHMENT AND DESIGNATION OF ZONING REGULATIONS

- 2.1 Zoning Districts.** Twenty-four (24) zoning districts are hereby established for the City of Bartlesville and for that part of Washington County that is within the jurisdiction of these regulations; these districts are designated as follows:

### RESIDENTIAL DISTRICTS

RA	Residential Agriculture District (5 acres minimum lot area per dwelling unit).
RE	Residential Estate District (platted subdivisions – 0.5 dwelling units per acre; unplatted lots – two acres minimum)
RS Single-Family Residential Districts:	
RS-12	Single –Family Residential District (12,000 sq. ft. minimum lot area per dwelling unit).
RS-10	Single –Family Residential District (10,000 sq. ft. minimum lot area per dwelling unit).
RS-7	Single –Family Residential District (7,000 sq. ft. minimum lot area per dwelling unit).
RS-5	Single –Family Residential District (5,000 sq. ft. minimum lot area per dwelling unit).
RM Multifamily Residential Districts	
RM-3	Multifamily Residential District (3,000 sq. ft. minimum lot area per dwelling unit).
RM-1.5	Multifamily Residential District (1,500 sq. ft. minimum lot area per dwelling unit).
RM-.75	Multifamily Residential District (750 sq. ft. minimum lot area per dwelling unit).
RT Mobile Homes Residential Districts	
RT-3	Mobile Homes Residential District (3,000 sq. ft. minimum area per unit)
RT-4	Mobile Homes Residential District (4,000 sq. ft. minimum area per unit)

### COMMERCIAL DISTRICTS

O	Office District
C-2	Neighborhood Shopping District
C-3	Major Shopping District
C-4	Central Commercial District
C-5	General Commercial District
C-6	Commercial Amusement District
C-7	Highway Commercial District

### INDUSTRIAL DISTRICTS

IP	Industrial Park (Performance Zone)
M-1	Limited Industrial District (Light)
M-2	General Industrial District (Medium)
M-3	Intensive Industrial District (Heavy)

## SPECIAL DISTRICTS DESIGNATIONS

PUD	Planned Unit Development (see Section 7.6)
HY75-0	Highway 75 Overlay District (See Section 7.10)

- 2.2 **Combined Districts.** Elsewhere in these regulations, including the table showing permitted uses by districts and district regulations, certain districts are grouped and represented as a single district. The combined districts and the component district of which they are composed are as follows:

COMBINED DISTRICT	COMPONENT DISTRICT
RS Single-Family Residential	RS-12
	RS-10
	RS-7
	RS-5
RM Multifamily Residential	RM-3
	RM-1.5
	RM-.75

Wherever in these regulations there is a reference to any of the districts described above as a "combined district", the reference is to all the component districts which together constitute the combined district.

(Remainder of page left blank intentionally.)

### SECTION 3 - INTERPRETATION OF DISTRICT BOUNDARIES

- 3.1     Zoning District Boundaries.** The boundaries of the zoning districts are hereby established as shown on the maps entitled Zoning District Maps of the City of Bartlesville and of Washington County, Oklahoma, dated July 14, 1966, as amended, which are a part of these regulations and which are on file in the office of the City Clerk and County Clerk. Said maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of these regulations.
- 3.2     Boundary Locations.** Unless otherwise indicated on the zoning maps, the district boundaries are lot lines, the center lines of streets or alleys or specified distances there from, railroad right-of-way lines, or property lines, as they existed at the time of the enactment of these regulations.
- 3.3     Uncertainty of Boundaries.** Where uncertainty exists as to the boundaries of the zoning districts or when the street or property existing on the ground is at variance with that shown on the Zoning District Maps, the Board of Adjustment upon written application or upon its own motion shall determine the location of such boundaries.

(Remainder of page left blank intentionally.)

## SECTION 4-RESIDENTIAL DISTRICTS

### 4.1 Districts

#### 4.1.1 *RA Residential Agriculture District*

*4.1.1.1 Purpose.* This district is designed to preserve temporarily in agricultural use land which is suited for eventual development in some urban use, pending the need and the economical provision of major streets, utilities and other facilities. This district is composed mainly of unsubdivided lands that are vacant or in agricultural use with some dwellings and accessory uses.

*4.1.1.2 Permitted Uses.* Uses permitted in the RA District are set forth in Table 4.2.

*4.1.1.3 RA District Bulk Regulations.* Zoning district bulk regulations for the RA District are set forth in Table 4.3.

#### 4.1.2 *RE, RS, RM, and RT Residential Districts.*

*4.1.2.1 General Purposes.* The regulations for the RS, RM and RT Districts are designed (1) to protect the residential character of the included areas by excluding commercial and industrial activities, (2) to encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds, (3) to permit certain appropriate institutions to be located in residential neighborhoods, (4) to preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site areas and, (5) to make available a variety of dwelling types and densities in a variety of locations to serve a wide range of individual requirements.

#### 4.1.3 *RE Residential Estate District.*

*4.1.6.1 Purpose.* The Residential Estate District is intended to provide low-density, limited growth residential areas. It is designed to accommodate residential development opportunities for those who desire exurban, low density, or estate living and are willing to live in more remote areas and assume the costs of providing many of their own services and amenities. The public provisions of these services are precluded because the City of Bartlesville must concentrate its limited resources in areas where more intense future development is logical. Unlike the Residential-Agriculture District, the Estate District is not to be considered a holding zone or temporary zone which will permit more intensive zoning at a future date.

*4.1.6.2 Permitted Uses.* Uses permitted in the RE District are the same as the RS District as set forth in Table 4.2 except that one horse or pony per two acres of land may be maintained.

*4.1.6.3 RE District Bulk Regulations.* Zoning district bulk regulations for the RE District are set forth in Table 4.3.

#### 4.1.4 *RS Single-Family Residential Districts.*

*4.1.3.1 Purpose.* RS Districts are designed for those areas where the land is presently being used, or where development appears desirable, for single-family dwellings. **In** addition to the general purposes applying to all residence districts, the regulations for the RS Districts are designed to encourage the provision of single-family, detached residences in districts off our permitted densities.

*4.1.3.2 Permitted Uses.* Uses permitted in the RS Districts are set forth in Table 4.2.

*4.1.3.3 RS District Bulk Regulations.* Zoning district bulk regulations for the RS Districts are set forth in Table 4.3.

#### 4.1.5 *RM Multifamily Residential Districts.*

*4.1.4.1 Purpose.* RM Districts are designed to provide areas for medium and high population density, RM Districts will consist mainly of (1) areas containing multifamily dwellings (including two-family dwellings) with some single-family dwellings, (2) areas which contain single-family and two-family dwellings, are centrally located, and are appropriate to ultimate multifamily development, and (3) open areas where future multifamily development appears desirable. **In** addition to the general purposes applying to all residence districts, the regulations for the RM Districts are designed to encourage the provision of multifamily accommodations in districts of three permitted densities.

*4.1.4.2 Permitted Uses.* Uses permitted in the RM Districts are set forth in Table 4.2.

*4.1.4.3 RM District Bulk Regulations.* Zoning district bulk regulations for the RM District are set forth in Table 4.3.

#### *4.1.6 RT Mobile Homes Residential District.*

*4.1.5.1 Purpose.* The RT District is designed for areas now occupied by mobile homes (house trailers) or mobile homes parks, and for open areas where mobile homes development appears desirable. The district is intended to permit and encourage the development of properly planned and improved mobile home parks in appropriate locations in a residential environment.

*4.1.5.2 Permitted Uses.* Uses permitted in the RT District are set forth in Table 4.2.

*4.1.5.3 RT District Bulk Regulations.* Zoning district bulk regulations for the RT District are set forth in Table 4.3.

## **4.2 Permitted Uses in Residential Districts.**

Uses permitted in the various residential districts are set forth in Table 4.2. No use shall be permitted in any residential district other than a use identified in this table. A use shall be permitted in a residential district where the letter "x" appears opposite the named use and in the column headed by the designation of said district; provided, however: (1) that each such use is permitted subject to the provision of off-street parking in the amounts shown in the column heading "Parking Spaces Required" and in accordance with Section 7.4.2, and (2) that all conditions specified in the Section or Sections whose number or numbers appears in "Special Conditions" column have been met. Where an "S" appears in Table 4.2, the use is permitted subject to the granting of a Special Zoning Permit by the Board of Adjustment in accordance with the provisions of Section 10.5.

(Remainder of page left blank intentionally.)

**TABLE 4.2-TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		RESIDENTIAL DISTRICTS			
	SPECIAL CONDITIONS (See Sec.)	PARKING SPACES REQUIRED (See Sec. 7.4.2)	RA	RE/RS	RM 1/	RT 1/
Accessory uses, in addition to those accessory uses set forth specifically in this list.	None	None	X	X	X	X
Agricultural Implement Sales and Repair	10.5	None	S			
Agriculture: accessory uses including storage.	None	None	X	X	X	X
Agriculture: animal and poultry husbandry, beekeeping, dairying and pasturage, but not including retail sales on the premises or the feeding of offal or garbage.	None	None	X			
Agriculture: field crops, floriculture, greenhouse, horticulture, nursery, truck gardening or viticulture, but not including retail sales on the premises.	None	None	X	X	X	X
Agriculture: retail sales of agricultural products raised on the premises.	None	None	X			
Airport or aircraft landing strip.	7.7.1(1)	None	X			
Animal Hospital, Pound or Shelter	7.7.1(2), 10.5	None	S			
Art gallery or museum, public.	7.7.1(21)	One/200 sq. ft. floor area			X	X
Auditorium, arena, coliseum, theater or similar facility.	7.7.1(20) 7.7.1(21)	One/4 seats			X	X
Bait shop.	10.5	None	S			
Batching plant, asphaltic or Portland Cement concrete, non-commercial, temporary.	7.7.2(3)	None	X	X	X	X
Bed and Breakfast; see Major Home Occupation	7.7.1(24) & 10.5		S	S	S	S
Blacksmith, Horseshoeing.	10.5	None	S			
Cemetery, columbarium or mausoleum.	7.7.1(6)	None	X			
Ceramic Crafts, manufacture and sale on premises.	10.5	One/300 sq. ft. of floor area	S			
Child/Adult Care Facilities						
Residentially-Based Facilities		7.2, 7.3				
a) Family Child Care Home	7.2, 7.3	7.2, 7.3	X	X	X	X
b) Large Child Care Home	7.2, 7.3, 10.5	One/1.5	S	S	S	S
-Commercial	7.3, 10.5	employee	S	S	S	S
Church or other place of worship.	7.7.1(7)	One/4 seats in sanctuary	X	X	X	X
Club or Lodge; Private, except those whose chief activity is carried on as a business.	7.7.1(8) 10.5	One/500 sq. ft. of floor area	S	S	S	S
College or University:						
a) Auditorium or similar facility.	7.7.1(9), 7.7.1(20), 7.7.1(21)	One/3 Seats	X	X	X	X
b) Dormitory, fraternity, sorority.	7.7.1(10)	One/3 Beds	X	X	X	X
c) All other facilities other than stadium.	7.7.1(9)	One/500 sq. ft. floor area	X	X	X	X
Community building, public.	7.7.1(21)	One/400 sq. ft. floor area	X	X	X	X
Construction building and/or yard, temporary.	7.7.2(3)	None	X	X	X	X
Dwelling, multi-family, including duplex	None	Three/2 dwelling units			X	X

PERMITTED USES	SPECIAL PROVISIONS		RESIDENTIAL DISTRICTS			
	SPECIAL CONDITIONS (See Sec.)	PARKING SPACES REQUIRED (See Sec. 7.4.2)	RA	RE/RS	RM 1/	RT 1/
Dwelling, single-family detached, including modular home.	None	Two/dwelling unit	X	X	X	X
Earth moving and excavation; depositing of construction materials, clay, earth, gravel, minerals, rocks, sand or stone on the ground.	7.7.1(17) 10.5	None	S	S	S	S
Electrical substation.	10.5	One/400 sq. ft. floor area	S	S	S	S
Feed and Grain Sales	10.5	None	S			
Gas Regulator Station	10.5	One/400 sq. ft. floor area	S	S	S	S
Golf course, but not including commercially operated driving range, "pitch and putt" course, or miniature golf course.	7.7.1(8)	None	X	X	X	X
Group Home for Children (O.S.A. Title 10, Section 401)	7.7.1(28) 10.5	.5/Bed	S	S	S	S
Group Home for Handicapped (O.S.A. Title 60, Section 860)	7.7.1(27)	.5/Bed	X	X	X	X
Health center, government operated.	7.7.1(15)	One/400 sq. ft. floor area	X		X	X
Heliport	7.7.1(1)	None	X			
Home Occupation	7.2	One/Non-resident employee	X	X	X	X
Hospital, general, not including animal.	7.7.1(15)	One/3 beds excluding bassinets	X	X	X	X
Incinerator, accessory.	13	None	X			
Institution, correctional, detention, penal, or for care of the insane, feebleminded, alcoholic, or narcotic patients.	7.7.1(15)	None	X			
Institution for children and the aged.	7.7.1(15)	None	X	X	X	X
Irrigation System Sales.	10.5	None	S			
Kennel	10.5 7.7.1(2)	None	S			
Library, public or private, open to the public without charge.	7.7.1(21)	One/500 sq. ft. floor area	X	X	X	X
Livestock feeding yards and pens, not including sales, with special permission.	7.7.1(2) 10.5	None	S			
Meat Processing and Butchering.	10.5	None	S			
Mobile home, manufactured home or factory-built home.	7.5 10.5	One/dwelling unit	X	S	S	X
Mobile Home Park.	7.5	One/dwelling unit				X
Monastery, convent, or similar institution of religious training.	7.7.1(18)	One/3 beds	X	X	X	X
Nursery, Garden Center.	7.7.1(23) 10.5	One/300 sq. ft. floor area	S			
Off-street parking and loading, temporary.	7.7.2(4)	None	X	X	X	X
Parish house, including nunnery or rectory.	None	One/dwelling unit	X	X	X	X
Park, playground or playfield.	None	None	X	X	X	X

PERMITTED USES	SPECIAL PROVISIONS		RESIDENTIAL DISTRICTS			
	SPECIAL CONDITIONS (See Sec.)	PARKING SPACES REQUIRED (See Sec. 7.4.2)	RA	RE/RS	RM 1/	RT 1/
Public Land Uses, not included elsewhere; including a public water filtration plant, pumping station, elevated storage facility.	7.7.1(25) 10.5		S	S	S	S
Railroad company facilities, all types.	None	None	X	X	X	X
Recreational Vehicle Park	7.54 10.5	1.25/Unit	S			S
Rehabilitation center for handicapped persons.	7.7.1(15)	One/1.5 employee	X	X	X	X
Residential accommodations for caretakers or servants, accessory.	None	One/1.5 employee	X	X	X	X
Retail consumer goods sales and personal services conducted solely for the convenience of the residents of a multifamily dwelling, provided that there shall be no entrance to the place of business except from within said dwelling and no external sign or other external evidence of the presence of the business.	None	None			X	X
Riding Stable.		None	X			
Rooming and/or boarding house.	None	One/2 guest rooms			X	X
Saddler and Tack Store.	10.5	None	S			
Sanatorium.	7.7.1(15)	One/3 beds	X		X	X
School, public, parochial, or private, non-profit:						
(a) Grades nine and below, including kindergarten.	None	One/500 sq. ft.	X	X	X	X
(b) Grades ten and above.	None	One/100 sq. ft.	X	X	X	X
Sign, bulletin, accessory.	7.11.5	None	X	X	X	X
Sign, for sale, lease, or rent.	7.11.4	None	X	X	X	X
Sign, identification.	7.11/5	None	X	X	X	X
Sign, nameplate.	7.11.5	None	X	X	X	X
Stable.	10.5	None	S			
Stadium.	7.7.1(20)	One/3 seats	X	X	X	X
Storage, agricultural or domestic, in a barn, shed, tool room or similar accessory building.	None	None	X	X	X	X
Swimming pool, accessory.	7.7.1(22)	None	X	X	X	X
Telephone Exchange Building.	None	One/1.5 employee	X	X	X	X
Terminal company facilities, all types.	None	None	X	X	X	X
Tourist Home.	None	One/guest room			X	X
Tract office, temporary.	7.7.2(5) 10.5	None	S	S	S	S
Veterinarian Clinic, animals on premises.	7.7.1(2) 10.5	None	S			
Wireless Communication Towers and Antenna	7.8 10.5	None	S	S	S	S

Footnotes:

1/ A supplemental designation PUD is required when requesting a Multifamily Residential or Mobile Home Residential District (see Section 7.6).

**TABLE 4.3 – RESIDENTIAL DISTRICT BULK REGULATIONS**

Table 4.3 – Residential District Bulk Regulations: No lot or yard shall be established in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged in any residential district that does not meet the minimum requirements for such district as set forth in the following table.											
ZONING DISTRICTS	LOT AREA, MINIMUM (Sq. Ft. except as indicated)		MINIMUM LOT WIDTH AND MAXIMUM LOT COVERAGE		REQUIRED YARDS, MINIMUM (FEET)					MAXIMUM HEIGHT	
					FRONT	REAR		SIDE			
	PER LOT	PER DWELLING UNIT	LOT WIDTH AT FRONT BUILDING LINE MINIMUM (FEET)	MAXIMUM LOT COVERAGE PERCENT (%)		SINGLE FRONTAGE LOT	DOUBLE FRONTAGE LOT	INTERIOR	EXTERIOR		STORIES
RA (Residential Agriculture)	5 acres	5 acres	200	20%	50**	20	50**	20	50**	3	45
RE (Residential Estate)	2 acres*	2 acres *	120	20%	50**	20	5088	20	50**	3	45
RS (Residential Single Family):											
RS-12	12,000	12,000	100	35%	25	20	25	12	15	2 ½	35
RS-10	10,000	10,000	75	35%	25	20	25	10	15	2 ½	35
RS-7	7,000	7,000	60	35%	25	20	25	7.5	15	2 ½	35
RS-5	5,000	5,000	50	35%	25	20	25	5	15	2 ½	35
RM (Residential Multifamily):											
RM-3	5,000	3,000	50	45%	25	20	25	5***	15	3 ½	45
RM-1.5	5,000	1,500	50	55%	36	30	36	6***	15	3 ½	45
RM-.75	5,000	750	50	65%	36	30	36	6***	15	10	12.5
RT (Residential Mobile Home)	5,000	2,500	50	35%	25	20	20	5***	15***	3 ½	45

**FOOTNOTES:**

*	Lots in platted subdivisions may be less than 2 acres provided the gross density does not exceed 0.5 dwelling units per acre.
**	All structures including fences shall be required to be set back a distance of 100 feet from any section line.
***	When abutting an RS or RA District, the interior side yard shall be twice the requirement for the abutting district.
****	See Section 7.5.3.2 for setback requirements for mobile home developments.

## SECTION 5 - COMMERCIAL DISTRICTS

### 5.1 Districts

#### 5.1.1 *0 Office District.*

*5.1.1.1 Purpose.* This district was created to permit professional offices and related uses to be located in close relationship to residentially zoned property. It is anticipated that this zoning designation will principally be applied to individual parcels of land whose adjacency to an arterial street or other more intensive land use limits its desirability for residential use.

The uses permitted in this zoning district are low intensity uses which are most compatible with residential uses. Rezoning of parcels of land to this category shall not be construed as a precedent for rezoning similar or adjacent parcels to more intensive commercial uses.

*5.1.1.2 Permitted Uses.* Uses permitted in the 0 District are set forth in Table 6.2.

*5.1.1.3 0 (Office) District Bulk Regulations.* Zoning District Bulk Regulations for the 0 (Office) District are set forth in Tables 5.2, 6.2 and Section 7.6. Because of the sensitivity of site development adjacent to residential uses, no permit for new construction or alteration of existing construction which increases the floor area or impervious surface of the site by more than ten percent may be issued without prior site plan review by the Planning Commission and governing body.

Site Development Plans are to be submitted to the Community Development Director for review and approval by the governing body with recommendation from the MAPC. Plans shall be drawn to scale and include the location and dimensions of all existing and proposed structures and their relationship to adjoining properties and structures, driveways, parking areas and walkways; landscape areas and provisions for screening; grading plans; and provisions for drainage and public utilities. Approval of said Site Development Plan shall be processed in accordance with the PUD Regulations contained in Section 7.6.

#### 5.1.2 *C-2 Neighborhood Shopping District*

*5.1.2.1 Purpose.* This district is designed to provide locations for the conduct of retail trade and personal service enterprises to meet the regular needs of and for the convenience of adjacent residential areas. The types of uses authorized in this district are limited to those that serve the everyday needs of the household. Because these facilities are an integral part of the neighborhood; more restrictive requirements for open space and off-street parking are made than are provided in other commercial districts.

*5.1.2.2 Permitted Uses.* Uses permitted in the C-2 District are set forth in Table 6.2.

*5.1.2.3 C-2 District Bulk Regulations.* Zoning district bulk regulations for the C-2 District are set forth in Tables 5.2 and 6.2 and Section 7.6.

#### 5.1.3 *C-3 Major Shopping District*

*5.1.3.1 Purpose.* This district is designed to provide for shopping facilities covering a wide range of retailing and personal services including most of the shopping goods and services needed to satisfy the personal and household needs of the residents of a major section of the urban area.

*5.1.3.2 Permitted Uses.* Uses permitted in the C-3 District are set forth in Table 6.2.

*5.1.3.3 C-3 District Bulk Regulations.* Zoning district bulk regulations for the C-3 District are set forth in Tables 5.2 and 6.2 and Section 7.6.

#### 5.1.4 C-4 Central Commercial District

**5.1.4.1 Purpose.** This district is designed to be the central business district or the downtown shopping and employment area for the community and surrounding trade area. This district is intended to provide space for retailing of all kinds, professional offices, financial institutions, amusement facilities, transient facilities, and limited wholesaling and warehousing.

**5.1.4.2 Permitted Uses.** Uses permitted in the C-4 District are set forth in Table 6.2.

**5.1.4.3 C-4 District Bulk Regulations.** Zoning district bulk regulations for the C-4 District are set forth in Tables 5.2 and 6.2 and Section 7.6.

**5.1.4.4 Design Review Procedure.** Certain development activities within the C-4 Downtown Commercial District are subject to compliance with the Downtown Design Guidelines adopted by the City Council on August 11, 2008 and confirmed by Ordinance No. 3335 approved by the City Council on September 7, 2010. The design review procedure shall be required for the following types of development:

- A. New construction and exterior renovations of existing structures;
- B. New or expanded accessory structures;
- C. Exterior renovations to accessory structures;
- D. Any permanent sign;
- E. Parking lots;
- F. Fencing;
- G. Screening;
- H. Requests for the usage of a public sidewalk;
- I. Planting or removal of any tree or landscape feature which is visible from a public right-of-way or alleyway;
- J. Repair, remodel, or replace any exterior building materials

If a regulated development activity requests a financial incentive, the design of said development activity shall be reviewed and approved by the Bartlesville Redevelopment Trust Authority (BRTA). If no financial incentive is being requested in connection with a regulated development activity, then the design of said development activity shall be reviewed and approved by the Community Development Director. A decision of the BRTA or Community Development Director may be appealed to the City Council by the applicant or any property owner within 300-feet.

The design review process shall in no way be construed to influence the approval of land uses within the Downtown Redevelopment District. Approval of land use shall be obtained from the Community Development Department prior to the initiation of the design review process.

#### 5.1.5 C-5 General Commercial Districts

**5.1.5.1 Purpose.** This district is designed to accommodate miscellaneous commercial enterprises serving the consumer public, business, industry, and agriculture. This district will provide for commercial uses that do not need to be in shopping centers or the central business district or which are undesirable in such areas.

**5.1.5.2 Permitted Uses.** Uses permitted in the C-5 District are set forth in Table 6.2.

**5.1.5.3 C-5 District Bulk Regulations.** Zoning district bulk regulations for the C-5 District are set forth in Tables 5.2 and 6.2 and Section 7.6.

#### 5.1.6 C-6 Commercial Amusement District

**5.1.6.1 Purpose.** This district is designed to provide for amusement establishments that usually require a large site, generate considerable traffic, and may involve nuisance factors, including such enterprises as bowling alleys, drive-in theaters, miniature auto race tracks, and amusement parks.

**5.1.6.2 Permitted Uses.** Uses permitted in the C-6 District are set forth in Table 6.2.

*5.1.6.3 C-6 District Regulations.* Zoning district regulations for the C-6 District are set forth in Table 5.2 and 6.2 and Section 7.6.

*5.1.7 C-7 Highway Commercial District*

*5.1.7.1 Purpose.* This district is designed to permit and encourage the grouping, in defined areas along highways, of certain retail activities and services intended primarily to serve, and dependent on, the motoring public.

*5.1.7.2 Permitted Uses.* Uses permitted in the C-7 District are set forth in Table 6.2.

*5.1.7.3 C-7 District Regulations.* Zoning district regulations for the C-7 District are set forth in Tables 5.2 and 6.2, and Section 7.6.

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**TABLE 5.2 – COMMERCIAL DISTRICT BULK REGULATIONS**

Table 5.2 – Commercial District Bulk Regulations: No lot or yard shall be established in any commercial district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged in any commercial district that does not meet the minimum requirements for such district as set forth in the following table.							
ZONING DISTRICTS	LOT AREA MINIMUM (Sq. Ft.)	LOT WIDTH AT FRONT BUILDING LINE, MINIMUM (FEET)	MAXIMUM FLOOR AREA RATIO AND/OR MAXIMUM GROSS FLOOR AREA FOR ANY BUILDING	YARDS, MINIMUM (FEET)			
				EXTERIOR 2/		INTERIOR	
				WHERE ABUTTING AN ARTERIAL STREET	WHERE ABUTTING A NON-ARTERIAL STREET	WHERE ABUTTING PROPERTY IN A RESIDENTIAL DISTRICT 1/	WHERE ABUTTING PROPERTY IN A NONRESIDENTIAL DISTRICT
O Office 3/	7,000	70	0.25; 10,000 sq. ft.	50'	25'	10'	10'
C-2 Neighborhood Shopping	5,000	50	0.25; 20,000 sq. ft.	50'	25'	20'	0
C-3 Major Shopping	5,000	50	0.25	50'	25'	40'	0
C-4 Central Commercial 4/	5,000	50	10	0	0	40'	0
C-5 General Commercial	5,000	50	0.5	50'	25'	40'	0
C-6 Commercial Amusement	7,500	75	0.4	50'	25'	40'	0
C-7 Highway Commercial	7,500	75	1.5	50'	25'	40'	0
FOOTNOTES:							
1/ One foot of additional setback shall be provided for every foot of building height over 20 feet where adjoining a lot in a residential zone.							
2/ Commercial use of any tract which adjoins Adams Boulevard shall provide a front and exterior side yard of not less than ten (10) feet. The front and side yards thus required shall be landscaped with grass, hardy shrubs, or appropriate ground cover and shall be maintained in good condition.							
3/ See additional regulations on Site Development Plans for Office Zoning District in Section 5.1.1.							
4 / See additional regulations on development within the C-4, Downtown Commercial Zoning District in Section 5.1.4.							

## SECTION 6 - INDUSTRIAL DISTRICTS

### 6.1 Districts

#### 6.1.1 *M-1 Limited Industrial District (Light)*

*6.1.1.1 Purpose.* The M-1 District is designed to provide area suitable for manufacturing, warehousing, and other industrial activities which have slight or no objectionable environmental influences in their operation or appearance.

*6.1.1.2 Description.* Light manufacturing and industrial uses having slight or no emission of odor, heat, smoke, noise, vibration or other objectionable environmental influences.

*6.1.1.3 Permitted Uses.* Non-manufacturing uses as set forth in Table 6.2 as a permitted use in M-1 Districts.

Any light industrial or manufacturing use except the following:

- Aluminum, brass, copper, iron or steel foundry works;
- Acetylene gas manufacture in excess of 15 pounds pressure per square inch;
- Ammonia, bleaching powder or chlorine manufacture;
- Asphalt manufacture or refining;
- Auto salvage yards;
- Blast furnace, except as a minor incidental part of another permitted industrial use;
- Boiler works or forge works;
- Brick, tile or terra cotta manufacture;
- Celluloid manufacture;
- Concrete ready mix plant;
- Creosote manufacture or treatment;
- Disinfectant or insecticide manufacture;
- Distillation of bones, coal, tar or wood;
- Dyestuff manufacture;
- Fat rendering;
- Fertilizer manufacture (organic);
- Gas (heating or illuminating manufacture or storage, except where such gas is to be entirely consumed on the premises;
- Glue, gelatin or size manufacture;
- Incineration or reduction of dead animals, garbage, offal or refuse other than garbage, offal or refuse accumulated and consumed within or on the same premises;
- Lamp black manufacture;
- Match manufacture;
- Lime, cement or plaster manufacture;
- Oilcloth, linoleum or sheet vinyl manufacture;
- Pickle, sausage, sauerkraut or vinegar manufacture;
- Paint, oil, varnish or turpentine manufacture;
- Paper or pulp manufacturing by sulfide process emitting noxious gases or odors;
- Printing ink manufacture;
- Rayon or cellophane manufacture;
- Refining of petroleum or other crude materials;
- Rolling mill;
- Rubber manufacture from crude materials;
- Shoddy manufacture;
- Soda ash, caustic soda and washing compound manufacture
- Slaughtering of animals, exclusive of poultry and rabbit killing;
- Smelting;

- Soap manufacture;
- Starch, glucose, dextrin manufacture;
- Stock yards;
- Storage of dismantled automobiles or any form of junk;
- Sugar refining;
- Acid manufacturing for wholesale;
- Tallow, grease or lard manufacture or refining;
- Tanning or curing of leather, raw hides or skins, or storage of raw hides or skins;
- Tar roofing or tar waterproofing manufacture;
- Wool scouring, hair manufacture;
- Yeast manufacture for wholesale;
- Trades, industries, or uses having moderately offensive emissions of odor, heat, smoke, noise, vibration or other objectionable environmental influences.
- Similar uses not elsewhere classified.

6.1.1.4 *M-1 District Bulk Regulations.* Zoning District Bulk Regulations for the M-1 District are set forth in Table 6.3.

6.1.1.5 *Use Conditions.*

- A. All uses included in the M-1 District which are located within 300 feet of an R District shall be conducted within enclosed buildings.
- B. All uses permitted in the M-1 District, when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

6.1.2 *M-2 General Industrial District (Medium)*

6.1.2.1 *Purpose.* The M-2 District is designed to group together a wide range of industrial uses which may produce moderately objectionable environmental influences in their operation or appearance.

6.1.2.2 *Description.* Manufacturing and industrial uses having moderately offensive emissions of odor, heat, noise, vibration or other objectionable environmental influences.

6.1.2.3 *Permitted Uses.* Non-manufacturing uses as set forth in Table 6.2 as a permitted use in M-2 Districts.

All industrial and manufacturing uses **except** the following:

- Auto salvage;
- Chlorine or hydrochloric, nitric, picric, sulphurous, sulfuric acid or ammonia manufacture;
- Distillation of bones;
- Explosive manufacture or storage;
- Fat rendering;
- Fertilizer manufacture from mineral or organic materials;
- Garbage, offal, or dead animal reduction or dumping;
- Glue manufacture;
- Junk yard;
- Petroleum refining;
- Refuse dump;
- Salvage yards, NEC;
- Slaughter of animals;
- Smelting;
- Stockyard;
- Storage of dismantled automobiles or any form of junk;
- Trades, industries, or uses that have heavily objectionable emissions of odor, heat, smoke, noise, vibration or other consequential environmental influences.
- Similar uses not elsewhere classified.

6.1.2.4 *M-2 District Bulk Regulations.* Zoning District Bulk Regulations for the M-2 District are set forth in Table 6.3.

6.1.2.5 *Use Conditions.*

- A. The uses permitted in the M-2 District which are located within 300 feet of an R District shall be conducted within enclosed buildings other than incidental storage of vehicles, equipment and materials.
- B. The uses permitted in the M-2 District when located on a lot which is abutting an R District shall be screened from the adjacent R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

6.1.3 *M-3 Intensive Industrial District (Heavy)*

6.1.3.1 *Purpose.* The M-3 District is designed to provide areas for manufacturing and other industrial activities which may constitute substantial environmental influences or hazards.

6.1.3.2 *Description.* Manufacturing and industrial uses having substantial objectionable emissions of odor, heat, smoke, noise, vibration or other consequential environmental influences.

6.1.3.3 *Permitted Uses.* Non-manufacturing uses as set forth in Table 6.2 as a permitted use in M-3 Districts. Manufacturing or Industrial uses not elsewhere classified.

6.1.3.4 *District Bulk Regulations.* Zoning District Bulk Regulations for the M-3 District are set forth in Table 6.3.

6.1.3.5 *Use Conditions.* None.

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#### 6.1.4 IP Industrial Park District

6.1.4.1 *Intent and Purpose.* In order to promote the orderly growth and development of the community, protect the value of property, limit the expenditure of public funds, improve the opportunity for local employment and economic activity and achieve the intent of land use regulations this district is hereby established. The general purposes of the Industrial Park (IP) District are as follows:

- A. To provide an environment conducive to the development and protection of administrative facilities, research institutions, manufacturing plants, warehousing and similar enterprises in a park-like atmosphere.
- B. To permit flexibility in the types of uses permitted within the district by establishing environmental performance criteria and site development standards which will be conducive to the erection of industrial buildings pleasing in appearance and which will harmonize with other surrounding land uses.

#### 6.1.4.2 Allowable Uses

- A. *Primary Activities.* The following activities are permitted subject to the development and performance standards set forth herein.
  - 1. Manufacturing and industrial activities.  
Scientific and research activities, including laboratories and other research facilities.
  - 3. Administrative activities.
  - 4. General wholesale activity and warehousing of processed or semi-processed products.
- B. *Secondary Activities.* The following secondary activities which support or are adjunct to the primary activities are permitted subject to the development and performance standards and conditions set forth herein.
  - 1. Within the industrial park area, day care centers, coffee shops, restaurants and automobile service stations are permitted, subject to the granting of a Special Zoning Permit as specified in Section 10.5.  
Storage activities. Warehouses and covered and enclosed storage facilities are permitted as part of a primary activity. In addition, outdoor storage of raw materials or materials in process of manufacturing is permitted by right, but limited to interior rear yards and enclosed by a visual separation barrier, and in no case shall materials be stacked or stored so as to exceed the height of this separation barrier. This visual separation barrier shall be a minimum height of six feet and may be composed of a fence, wall, hedge, landscaping, earth berm, natural buffer area, or any combination thereof which is sufficient to visually separate the outdoor storage area from adjoining properties or public rights-of-way. The composition and design of said visual separation barrier shall be at the discretion of the developer as long as the purpose and intent of these regulations are fulfilled and said separation barrier is approved by the Community Development Director. Storage of finished products is permitted by right without screening requirements. It shall be the intent of these regulations to require a visual separation barrier which serves to effectively screen said outside storage areas in a manner which is consistent with the park-like atmosphere of the Industrial Park District and that which is pleasing in appearance and which will harmonize with other surrounding land uses.
  - 3. Any variations to the above-permitted storage activities, including, but not limited to the following: (1) height of stacked or stored materials; (2) height of screening walls, may be permitted, subject to Planning Commission approval.
  - 4. Ancillary retail activities as part of a primary activity.
- C. *Limitation on permitted uses.* All uses (activities) in an Industrial Park Zoning District shall be conducted entirely within an enclosed building, except for the following: off-street parking, trash collection, loading and unloading areas, signs, driveways, walkways, landscaping, and approved open storage areas.

#### 6.1.4.3 Site Development Standards

- A. *Buffers.* No part of any building or accessory structure, driveways except those necessary to provide access from a public right-of-way, parking or loading areas or other use of land shall be located closer

- than fifty feet to any residential (RS, RM, RT, RE or RA) zoning district boundary or within fifty feet of any major arterial. This buffer area, if wooded, shall remain wooded, and if open, shall be planted and maintained in accordance with the approved landscape plan for the Industrial Park shown in Section 6.146. Said landscape plan shall be submitted and approved as part of any request for Industrial Park District Zoning. While the approved landscape plan and tree planting guide for the Bartlesville Industrial Park shown in Section 6.146 identifies perimeter tree plantings within the buffer area on forty foot (40') centers, clustering of trees may be permitted if approved by the Community Development Director as long as the required number of trees as shown on the approved landscape plan remains the same.
- B. *Impervious Surface Ratio.* The ratio between the total area of impervious surface material and the lot area net of easements shall not exceed 0.75.
- C. *Building Setbacks.* No building, structure, parking or loading areas, except screening walls, landscaping, drives or monument signs shall be constructed or maintained in the following setbacks:
1. Front and exterior side yard setbacks shall not be less than twenty feet from a property line abutting a street except the setback may be reduced to ten feet on an access easement.  
Interior side and rear yard setbacks shall not be required except where the buffer yard is required.
- D. *Parking Area Landscaping.* The landscape requirements of Section 7.4.2.8 shall be applicable to all parking areas within the IP District. Parking areas for commercial vehicles used in conjunction with the business shall be exempted from the interior landscaping requirements of Section 7.4.2.8. Alternate designs may be permitted subject to MAPC approval.
- E. *Permitted Signs.* Subject to the general sign regulation of this ordinance, the following illuminated or non-illuminated accessory signs shall be permitted in the IP District.
1. No signs shall be permitted in a buffer yard abutting a residential district.  
An identification sign limited to sixty square feet shall be permitted at each access street.
  3. Where an access drive or road has a median strip or island at the entry, the subdivision identification sign may be placed on the median or island with the approval of the Community Development Director if on a public ROW.
  4. Temporary signs announcing the development of a new subdivision shall be permitted for a period of one year at which time it may be renewed by the Community Development Director for successive twelve-month periods. These signs shall not exceed 300 square feet or thirty feet in height.
  5. Directional signs limited in area to ten square feet each, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not counted in any computation for sign area.
  6. Identification signs for single tenant or multi-tenant buildings--other than multi-story office buildings--may have one flat sign per business with a total sign area of not more than ten percent of the wall area on which the business has its main entrance. Each sign shall be limited, however, to not more than 100 square feet.
  7. Individual buildings will be permitted one freestanding address or building identification sign of single face or double face design on each street frontage. The maximum height shall be twenty feet. The sign area shall not exceed 300 square feet on any face and not in excess of an aggregate of 600 square feet.
  8. Directory listing signs. Freestanding signs for multi-tenant buildings may list building tenants. The portion of the sign area devoted to such listing shall be limited to sixty percent of the total permitted sign area, and the tenant listings shall be uniform in size, type and lettering. It is understood, however, that tenant "logos" are permitted to be depicted on such signs; the size of the logo to be appropriate to the size of the lettering.
  9. In the event of street frontages exceeding 300 square feet, one freestanding sign will be permitted for each 300 feet of frontage or part thereof. In any case, each street frontage for a particular building will be treated separately. These regulations have reference to buildings and do not have reference to "lots."

F. *Architectural Features.* It is the purpose of these regulations to promote an industrial park atmosphere with buildings that are pleasing in appearance and harmonize with their surroundings. As a minimum requirement, not less than fifteen percent (15%) of each front exterior facade and street sidewall where a building is located on a corner lot shall be designed with architecturally finished materials, to include but not limited to masonry materials such as stone and brick veneers, stucco or plaster, and glass curtain walls or glass block construction. Ground mounted mechanical equipment, trash storage areas and other types of enclosures must be designed to be architecturally compatible with the principle building.

6.1.4.4 *Environmental Performance Criteria.* No use or activity shall be permitted in the IP District except in conformity to the environmental performance criteria prescribed below.

A. *Illuminated Glare Standards.*

1. *General Requirements.* Uses within the IP District shall not produce glare so as to cause Illumination in R Districts in excess of 0.5-foot candles. Flickering or bright sources of light shall be shielded so as not to be visible from any R District or public ROW.

*Intensity of Light Sources.* Light sources and illuminated surfaces within 500 feet of and visible within any R District shall comply with the light intensities indicated in the table below.

MAXIMUM INTENSITY OF LIGHT SOURCES	
SOURCE	INTENSITY
Bare incandescent bulbs	15 Watts
Illuminated buildings	15-Foot Candles
Back Lighted or luminous background signs	150-Foot Candles
Outdoor illuminated signs	25-Foot Candles

B. *Vibration.* There shall be no activity on any site which causes continuous or regular ground vibration which is perceptible, without instruments, at the boundary line of the site. Temporary construction or demolition activities shall be exempt from the vibration regulations.

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C. *Noise.*

1. General Requirements. At no point along the boundary of an R District or along an adjacent lot shall the sound pressure level of any operation or activity exceed the decibel limits in the octave bands designated in the following table:

<b>MAXIMUM PERMITTED SOUND LEVEL (In Decibels)</b>		
<b>DAYTIME HOURS -7:00 A.M. TO 10:00 P.M.</b>		
<b>OCTAVE BAND PREFERRED CENTER FREQUENCY (HERTZ)</b>	<b>ALONG R DISTRICT BOUNDARIES</b>	<b>ALONG ADJACENT LOT BOUNDARIES</b>
31.5	79	86
63	74	81
125	68	75
250	60	67
500	54	60
1,100	48	54
2,000	43	49
4,000	38	44
8,000	36	41
<b>NIGHTTIME HOURS -10:00 P.M. TO 7:00 A.M.</b>		
<b>OCTAVE BAND PREFERRED CENTER FREQUENCY (HERTZ)</b>	<b>ALONG R DISTRICT BOUNDARIES</b>	<b>ALONG ADJACENT LOT BOUNDARIES</b>
31.5	75	82
63	70	77
125	64	71
250	56	63
500	50	56
1,000	44	50
2,000	39	45
4,000	34	40
8,000	32	37
Impact noises shall not exceed the following peak intensities:		
	<b>ALONG R DISTRICT BOUNDARIES</b>	<b>ALONG ADJACENT LOT BOUNDARIES</b>
Overall Peak	84	90

2. Exceptions. The following uses and activities shall be exempt from the noise standards prescribed above.
  - a. Noises not directly under the control of the property user.
  - b. Noises emanating from construction and maintenance activities between 7:00 A.M. and 10:00 P.M. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.
  - c. The noise of safety signals, warning devices, and emergency pressure relief valves.
  - d. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.
- D. *Smoke and Other Visible Emissions.* There shall not be discharged into the atmosphere from any source any air pollutant in excess of the quantities permitted by the Oklahoma Clean Air Act.
- E. *Materials Handling.* No person shall cause or permit any materials to be handled, transported or stored in such manner which allows or may allow particulate matter to become airborne.
- F. *Particulate Matter.* There shall not be discharged into the atmosphere any particulate matter in excess of the quantities permitted by the Oklahoma Clean Air Act.
- G. *Odors.* In the IP District, the emission of odorous matter on a continuous or regular basis from any property in such concentrations as to be readily detectable at any point along the boundaries of said

property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

- 6.1.4.5 *Administrative Requirements.* An application for an IP District zoning map amendment shall include a minimum of forty acres and be accompanied by a subdivision sketch plan. Upon approval of the zoning map amendment and sketch plan a preliminary and final plat shall be processed for approval in the same manner as a residential subdivision, except that no individual lots need to be shown on such plat and only streets, blocks, easements, and minimum building lines need be indicated. The minimum ROW width of a minor street within an IP District shall be sixty feet or as required by the Planning Commission.

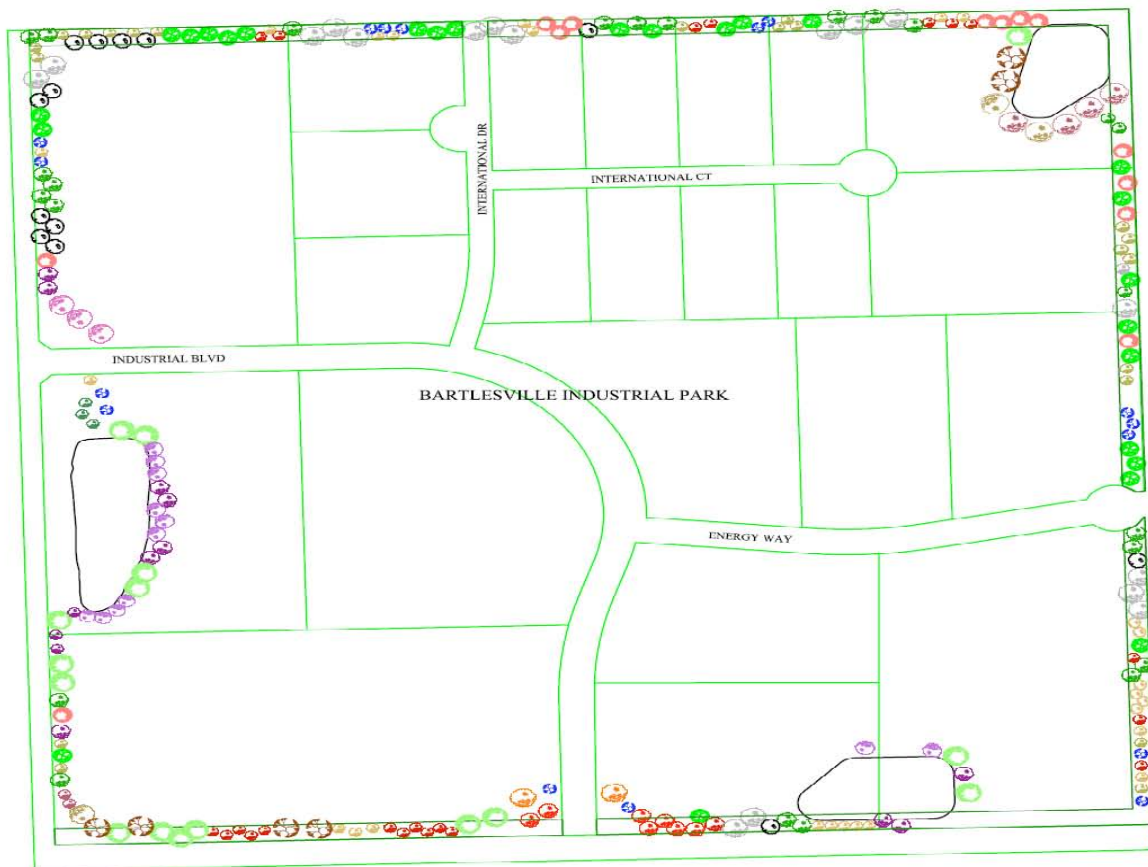
#### **BARTLESVILLE INDUSTRIAL PARK TREE PLANTING GUIDE**

<b>KEY TO TREE PLANTINGS</b>		
<b>KEY</b>	<b>COMMON TREE NAME</b>	<b>SIZE</b>
AE	AMERICAN ELM (DUTCH ELM DISEASE RESISTANT ONLY)	L
AM	AMUR MAPLE	S
CP	CALLERY PEAR	M
CHP	CHINESE PISTACHE	M
FP	FLOWERING PEAR (BRADFORD, REDSPIRE, ETC.)	M
GR	GOLDEN RAINTREE	M
LE	LACE BARK ELM	M
PLE	PINK LADY (WINTERBERRY) EUONYMUS	S
RM	RED MAPLE	L
RB	REDBUD	S
RO	RED/SHUMARD OAK	L
B	RIVER BIRCH	M
ROL	RUSSIAN OLIVE	S
SO	SAWTOOTH OAK	L
SG	SWEETGUM	L
SY	SYCAMORE	L
TS	TEXAS SOPHORA	S
WH	WASHINGTON HAWTHORNE	S
WW	WEeping WILLOW	M
WA	WHITE ASH	L

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# BARTLESVILLE INDUSTRIAL PARK LANDSCAPE PLAN

Approved by Ordinance #2810 on September 7, 1993



## KEY TO TREE PLANTINGS

### COMMON TREE NAME

- American Elm  
(Dutch Elm Disease Resistant ONLY)
- Amur Maple
- Callery Pear
- Chinese Pistache
- Flowering Pear  
(Bradford, Redspire, Etc.)
- Golden Raintree
- Lace Bark Elm
- Pink Lady  
(Winterberry) Euonymus
- Red Maple
- Redbud

### COMMON TREE NAME

- Red/ Shumard Oak
- River Birch
- Russian Olive
- Sawtooth Oak
- Sweetgum
- Sycamore
- Texas Sophora
- Washington Hawthorne
- Weeping Willow
- White Ash

## **6.2 Permitted Uses in Office, Commercial and Industrial Districts**

6.2.1 No use shall be permitted in any office, commercial or industrial district other than a use shown in Table 6.2, and no use shall be permitted in any such district unless the letter "x" appears opposite the named use and in the column headed by the designation of said district; provided, however:

- A That each use is permitted subject to the providing of off-street parking in the amounts shown in the column headed "Parking Spaces Required" and off-street loading, all in accordance with Section 7.4; and,
- B. That all conditions specified in the section or sections whose number or numbers appear in the "Special Conditions" column have been met.

Where an "S" appears in Table 6.2, the use is permitted subject to the granting of a Special Zoning Permit by the Board of Adjustment in accordance with the provisions of Section 10.5.

6.2.2 It is the intent that the Zoning Ordinance be cumulative to the extent that upon written application to the Board of Adjustment and approval thereof as a Special Zoning Permit pursuant to the procedures set forth in Section 10.5, residential classifications may be permitted in "O", "C" or "M" districts; office classifications may be permitted in "C" or "M" districts; and commercial classifications may be permitted in "M" districts. RA district uses, however, may not be permitted in RS, RM, or RT districts.

6.2.3 Applications for Special Zoning Permits, as provided in Section 10.5, may be submitted to the Board of Adjustment to permit an M-3 classification to be located in an M-2 District or an M-2 classification in an M-1 District. In considering such application the Board shall take into account the extent of any adverse environmental influences on the adjacent properties and may impose such requirements as deemed necessary to reduce or eliminate such influences.

6.2.4 Classification of Uses Not Listed: In the case where a use is not specifically listed within Table 6.2, the Community Development Director shall classify the use based upon a comparison of other uses which most closely resembles the unlisted use and shall determine the most appropriate district or districts where such a use shall be allowed. Criteria which shall be considered when basing a comparison of an unlisted use shall include but not be limited to the following: compatibility with surrounding uses, traffic considerations, intensity of use, environmental and aesthetic impacts, land use density, capacity of public services and facilities, etc.

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**TABLE 6.2 - PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Accessory uses, in addition to those set forth specifically in this list.		None		X	X	X	X	X	X	X	X	X
Agriculture: accessory uses including storage.		None		X	X			X	X	X	X	X
Agriculture: animal and poultry husbandry, dairying and pasture, but not including retail sales on the premises or the feeding of offal or garage.		None			X		X	X	X	X	X	X
Agriculture: field crops, floriculture, greenhouse, horticulture, nursery, truck gardening or viticulture, but not including retail sales on the premises.		None		X	X		X	X	X	X	X	X
Agriculture: retail sales of agricultural products raised on the premises.	7.4.2.4	None		X	X		X	X	X	X	X	X
Airport sales, service, rental, repair.		One/1,000 sq. ft. floor area					X			X	X	X
Airport, aircraft landing strip.	7.7.1(1)	None									X	X
Altering, pressing, repairing of wearing apparel.		One/200 sq. ft. floor area	X	X	X	X	X					
Ambulance service. 2/		One/each employee				X	X	X	X	X	X	X
Amusement park, commercial. 2/		One/200 sq. ft. lot area						X			X	X
Animal hospital, pound, shelter. 2/	7.7.1(2)	One/400 sq. ft. floor area									X	X
Animal hospital, small animal treatment 2/	7.7.1(3)	One/400 sq. ft. floor area					X		X	X	X	X
Auction room; auctioneer		One/200 sq. ft. floor area				X	X				X	X
Auditorium, arena, coliseum, Theater or similar facility.	7.7.1(20) 7.7.1(21)	One/4 seats			X	X	X	X		X	X	X
Automatic Teller Machine		None	X	X	X	X	X		X			
Automobile accessory and supply store including tire, battery and auto service, not including tire recapping.		One/300 sq. ft. floor area			X	X	X		X			
Automobile glass, muffler, seat covers, tires and upholstery sales and repair		4/repair bay			X	X	X		X	X	X	X
Automobile, bus or truck body work or painting.		4/repair bay					X				X	X
Automobile, bus, truck dismantling, salvage or wrecking. 2/& 3/	7.7.1(16) 10.5	One/1.5 employee									S	S
Automobile laundry (Car Wash)	7.7.1(4)	None			X	X	X		X	X	X	X
Automobile service station, including customary minor incidental service, but not body or motor repair.		4/service bay		X	X	X	X		X	X	X	X
Automobile parking lot, free or customer		None		X	X	X	X	X	X	X	X	X
Automobile parking lot or parking garage, commercial		None			X	X	X	X	X	X	X	X
Automobile and truck rental		None				X	X	X	X	X	X	X
Automobile repair, not including body work or painting.		4/repair bay				X	X		X	X	X	X
Automobile sales (new) and service.		1/3,000 sq. ft. open sales lot area				X	X		X	X	X	X

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Automobile sales, used.		1/3,000 sq. ft. open sales lot area				X	X		X	X	X	X
Bait store.		One/100 sq. ft. floor area			X	X	X		X		X	X
Bank savings and loan association, trust company.		One/400 sq. ft. floor area			X	X	X		X			
Barber and beauty shop.		2/chair		X	X	X	X					
Baseball park, commercial.		One/4 seats						X		X	X	X
Batching or mixing plant, asphaltic or Portland Cement concrete, mortar or plaster. 2/		None									X	X
Batching plant, asphaltic or Portland Cement concrete, noncommercial, temporary	7.7.2(3) 10.5	None		S	S	S	S	S	S	S	S	S
Beer sales, for consumption on the premises. 2/		One/100 sq. ft. floor area			X	X	X	X	X			
Bicycle rental, repair, sales.		One/300 sq. ft. floor area			X	X	X	X				
Billboards: See Sign Advertising.												
Billiard Parlor.		Two/table			X	X	X	X				
Boat and marine rental, repair, sales, storage.		1/3,000 sq. ft. open sales lot area			X	X	X		X	X	X	X
Bowling alley.		Three/alley			X	X	X	X				
Building materials store, retail, including plumbing, electrical and mechanical fixtures.		One/400 sq. ft. floor area			X	X	X			X	X	X
Building materials and lumberyard, retail 2/		One/500 sq. ft. floor area					X			X	X	X
Bus passenger station.		One/400 sq. ft. floor area				X	X		X	X	X	X
Bus sales, service and repairs. 2/		One/1.5 employee					X			X	X	X
Business machines rental, repair, sales.		One/300 sq. ft. floor area				X	X			X	X	X
Cabinet shop.	6.1	One/500 sq. ft. floor area or one/1.5 employee maximum								X	X	X
Café: See "Restaurant."												
Carnival or circus, temporary.	7.7.2(1)	One/500 sq. ft. floor area			X	X	X	X	X	X	X	X
Cartage, express, parcel delivery, moving/hauling. 2/		One/1,000 sq. ft. floor area or One/1.5 employee				X	X			X	X	X
Caterer.		One/400 sq. ft. floor area			X	X	X			X	X	X
Christmas tree and wreath sales, temporary.	7.7.2(2)	One/500 sq. ft. lot area			X	X	X	X	X	X	X	X
Church or other place of worship.	7.7.1(7)	One/4 seats		X	X	X	X	X	X	X	X	X
Check cashing.		One/400 sq. ft. lot area			X	X	X					

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS <u>5/</u>							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED <u>1/</u> (See Sec. 7.4.2)	<u>0</u> <u>6/</u> <u>7/</u>	<u>C-2</u> <u>7/</u>	C-3	<u>C-4</u> <u>8/</u>	C-5	C-6	C-7	M-1	M-2	M-3
Cleaning: See "Laundry/Dry-cleaning."												
Clinic, dental, medical or osteopathic.		One/100 sq. ft. floor area	X	X	X	X	X					
Clothing or costume rental.		One/400 sq. ft. floor area			X	X	X					
Club or lodge whose chief activity is carried on as a business.		One/300 sq. ft. floor area			X	X	X	X	X			
Club or lodge; private, except those whose chief activity is carried on as a business.		One/500 sq. ft. floor area		X	X	X	X	X	X			
Cold storage plant.		One/1,000 sq. ft. floor area or One/1.5 employee				X				X	X	X
College or University:												
a. Auditorium or similar facility.	7.7.1(9) 7.7.1(20) 7.7.1(21)	One/4 seats			X	X	X			X	X	X
b. Dormitory, fraternity house, sorority house.	7.7.1(10)	One/2 beds			X	X	X			X	X	X
c. All other facilities, other than stadium.	7.7.1(20)	One/500 sq. ft. floor area			X	X	X			X	X	X
Community building, public	7.7.1(21)	One/400 sq. ft. floor area		X	X	X	X	X	X	X	X	X
Concessions stand within park, playground or play field.		None		X	X	X	X	X	X	X	X	X
Construction building and/or yard temporary, accessory.	7.7.2(3)	None	X	X	X	X	X	X	X	X	X	X
Construction equipment sales, service rental or repair. 2/		1/900 sq. ft.					X			X	X	X
Contractor or construction offices and shops (air conditioning, building, cement, electrical, heating, masonry, painting, plumbing, refrigeration, roofing and ventilation.)		One/400 sq. ft. floor area				X	X			X	X	X
Contractor's yard. 2/		None								X	X	X
Dance hall, commercial. 2/	7.7.1(11)	One/100 sq. ft. floor area				X	X	X				
Day Care Center, Commercial (Child or Adult)	7.3	One/1.5 employee	X	X	X	X	X	X	X	X	X	X
Drive-in theater: See "Theater, Drive-in"												
Dump, private or public. 2/	10.5	none									S	S
Earth moving and excavation; depositing of construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground.	7.7.1(17) 10.5	None	S	S	S	S	S	S	S	S	S	X
Electrical substation.	10.5	One/400 sq. ft. floor area	S	S	S	S	S	S	S	S	S	S
Exterminator, pest.		One/400 sq. ft. floor area				X	X		X	X	X	X
Extraction of clay, gravel, sand; quarrying of rock or stone. 2/		none									X	X
Farm equipment sales, service, and repairs. 2/		One/400 sq. ft. floor area					X		X	X	X	X
Feed and fertilizer sales. 2/		One/400 sq. ft. floor area				X	X			X	X	X

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Floor covering sales, retail.		One/300 sq. ft. floor area				X	X	X				
Florist's shop, retail.		One/200 sq. ft. floor area		X	X	X	X					
Food locker plant: for consumer use.		One/400 sq. ft. floor area			X	X	X			X	X	X
Freight depot: railroad and/or truck. 2/		One/1,000 aq. Ft. floor area or One/1.5 employee					X		X	X	X	X
Funeral home, mortuary, or undertaking establishment.		One/4 seats in chapel		X	X	X	X					
Garage or parking for commercial or public utility vehicles.		None			X	X	X			X	X	X
Garden supply sales, including nursery stock.		One/300 sq. ft. floor area			X	X	X			X	X	X
Gas regulator station.	10.5	None	S	S	S	S	S	S	S	S	S	S
Gasses, flammable, storage of.		One/1.5 employee									X	X
Glass sales and cutting shop.		One/300 sq. ft. floor area				X	X			X	X	X
Go-cart track. 2/	7.7.1(5)							X			X	X
Golf course, but not including commercially operated driving range, pitch and putt course or miniature golf course.	7.7.1(14)							X		X	X	X
Golf "pitch and putt" course; miniature golf course; commercially operated driving range	7.4.2.4 7.7.1(13)	One/500 sq. ft. lot area						X	X	X	X	X
Grain elevator. 2/		One/1.5 employee									X	X
Hardware, industrial, sales. 2/		One/400 sq. ft. floor area								X	X	X
Hatchery. 2/		One/1.5 employee								X	X	X
Hat blocking and repair.		One/300 sq. ft. floor area			X	X	X					
Health Club: "See physical culture & health services."												
Heliport	7.7.1(1)		X	X	X	X	X	X		X	X	
Hospital, animal: See "Animal hospital."												
Hospital, general, not including animal.	7.7.1(15)	One/3 beds excluding bassinets			X	X	X			X	X	X
Hotel/Motel		One/guest room				X	X		X			
Ice vending establishment		None		X	X	X	X	X	X	X	X	X
Ice plant. 2/		One/1.5 employee									X	X
Incinerator, accessory. 2/		None		X	X	X	X	X	X	X	X	X
Incinerator, public. 2/	10.5	None									S	S
Institution, non-residential.		One/400 sq. ft. floor area			X	X	X					
Interior decorating shop		One/300 sq. ft. floor area			X	X	X					

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Junkyard; including salvage yard and auto Wrecking, assembling of iron, rags and similar materials. 2/	7.7.1(16) 10.5	One/1,000 sq. ft. floor area or One/1.5 employee										S
Kennel: See "Animal hospital, pound or shelter."												
Kindergarten, private.	7.3	One/1.5 employee		X	X	X	X					
Laboratory, medical or dental.		One/500 sq. ft. floor area or One/ 1.5 employee	X	X	X	X	X			X		
Laboratory, research or testing.		One/500 sq. ft. floor area or One/1.5 employee				X	X			X	X	X
Laundry/dry-cleaning pick-up station.		One/200 sq. ft. floor area		X	X	X	X		X			
Laundry/dry-cleaning plant, including carpet cleaning. 2/		One/500 sq. ft. floor area or One/1.5 employee			X	X	X			X	X	X
Laundromat, self service.		One/100 sq. ft. floor area		X	X	X	X		X			
Library or reading room, private.		One/200 sq. ft. floor area		X	X	X	X					
Library or museum: public or private, open to public without charge.		One/400 sq. ft. floor area			X	X	X	X	X	X		
Linen supply, diaper service, or uniform supply.		One/500 sq. ft. floor area or one/1.5 employee				X	X			X	X	X
Liquids, flammable; storage of.		One/1.5 employee									X	X
Liquor, wine and beer sales, for consumption off the premises.		One/100 sq. ft. floor area		X	X	X	X		X			
Livestock: auction sales, pens with barns, loading and unloading and shipping facilities. 2/		One/100 sq. ft. of sales floor area									X	X
Live/Work Unit	7.7.1(30)		X	X	X	X	X	X	X	X	X	X
Livestock feeding yards and pens. 2/		None									X	X
Loan office, other than pawn shop		One/500 sq. ft. floor area			X	X	X					
Locksmith, key shop		One/300 sq. ft. floor area			X	X	X			X		
Lumberyards: retail (parking requirement does not apply to lumber sheds.) 2/		One/300 sq. ft. floor area					X			X	X	X
Machine tools: sales, service, rental and repair. 2/		One/400 sq. ft. floor area				X	X			X	X	X
Machine Shop. 2/		1/employee				X	X			X	X	X
Mail order agency.		One/200 sq. ft. floor area				X	X			X	X	X
Manufacturing, Low Impact. 2/	7.7.1(29)	One/500 sq. ft. floor area or One/1.5 employee maximum				X	X		X	X	X	X

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Manufacturing. Light 2/	6.1	One/500 sq. ft. floor area or One/1.5 employee maximum								X	X	X
Manufacturing. Medium. 2/	6.1	one/500 sq. ft. floor area or One/1.5 employee maximum									X	X
Manufacturing. Heavy. 2/	6.1	One/500 sq. ft. floor area or One/1.5 employee maximum										X
Mobile home sales (new and used).		One/4,000 sq. ft. lot area					X			X	X	X
Monastery, convent or similar institution of religious training.	7.7.1(18)	One/3 beds			X	X	X					
Monument sales, including incidental processing		One/1,000 sq. ft. floor area or One/1.5 Employee					X			X	X	X
Mortuary: See "Funeral Home."												
Motorcycle sales and service. 2/		One/300 sq. ft. floor area				X	X		X		X	X
Moving: See "Cartage, etc."												
Museum, public or private: See "Library or museum, etc."												
News stand		One/200 sq. ft. floor area		X	X	X	X	X	X			
Newspaper publishing facility.	<del>40.5</del>	One/300 sq. ft. floor area				<del>S</del> X	<del>S</del> X		X	X	X	X
Night club: dancing and live entertainment. 2/		One/100 sq. ft. floor area				X	X	X	X			
Night club: dancing and sale of food and drink. 2/		One/100 sq. ft. floor area				X	X	X	X			
Nursery, plant, non-retail: See "Agriculture: field crops, etc."												
Nursery or greenhouse, retail sales.		One/300 sq. ft. floor area			X	X	X		X	X	X	X
Nursing home or rest home.	7.7.1(15)	One/3 beds			X	X	X					
Office: architectural, engineering, legal or other professional; real estate, insurance.		One/300 sq. ft. floor area	X	X	X	X	X			X	X	X
Office for building contractor, not including yard or shop		One/300 sq. ft. floor area	X		X	X	X			X	X	X
Office equipment and supplies, retail sales, service, rental and repair.		One/300 sq. ft. floor area			X	X	X					
Office: medical, dental, osteopathic		One/200 sq. ft. floor area	X	X	X	X	X					
Office: any other type.		One/300 sq. ft. floor area			X	X	X			X	X	X
Off-street loading.	7.4.1	None	X	X	X	X	X	X	X	X	X	X
Off-street parking.	7.4.2	None	X	X	X	X	X	X	X	X	X	X
Oil well supplies and machinery sales. 2/		One/1.5 employee				X	X			X	X	X

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Optician; optometrist.		One/200 sq. ft. floor area		X	X	X	X					
Orthopedic or medical appliance store.		One/200 sq. ft. floor area			X	X	X					
Orthopedic shoe repair (prescription work only).		One/400 sq. ft. floor area			X	X	X					
Parish house, nunnery, rectory, etc.		One/2 dwelling units			X	X	X					
Park, playground, play field, public		None	X	X	X	X	X	X	X	X	X	X
Petroleum storage, wholesale.		One/1.5 employee									X	X
Photographic processing for other agencies.		One/400 sq. ft. floor area				X	X			X	X	X
Photographic studio		One/200 sq. ft. floor area	X		X	X	X	X				
Physical culture & health services (commercial gymnasium, reducing sales, masseur, public baths).		One/200 sq. ft. floor area			X	X	X	X		X		
Picture framing.		One/200 sq. ft. floor area			X	X	X			X	X	X
Pipe storage. 2/	6.1	One/1.5 employee									X	X
Post office		One/200 sq. ft. floor area		X	X	X	X	X	X	X		
Printing or publishing, including engraving or photo engraving.	6.1	One/500 sq. ft. floor area or One/1.5 employee maximum			X	X	X		X	X	X	X
Print or copy shop, photostating		One/200 sq. ft. floor area			X	X	X		X	X	X	X
Radio broadcasting studio		One/400 sq. ft. floor area				X	X	X		X	X	X
Radio broadcasting transmitter or tower (See Wireless Communication Towers and Antenna)												
Railway company facilities, all types. 2/		None		X	X	X	X	X	X	X	X	X
Recording studio		One/500 sq. ft. floor area				X	X			X		
Recreation building, public: See "Community building, public."												
Recreational Vehicle Park	7.5.4 10.5	1.25/unit						S	S	S	S	S
Rehabilitation center for handicapped persons.	7.7.1(15)	One/1.5 employee			X	X	X			X	X	X
Residential use above first floor only.		Two/Dwelling unit	X	X	X	X						
Restaurant, enclosed, with dancing and/or entertainment. 2/		One/100 sq. ft. floor area				X	X	X	X			
Restaurant, enclosed, without dancing or entertainment.		One/100 sq. ft. floor area			X	X	X	X	X	X	X	X
Restaurant providing service in automobiles		None				X	X	X	X	X	X	X
Rest home: See "Nursing home or rest home."												
Riding academy: "See "Stables."												
Roller rink: See "Skating rink, commercial."												

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Rummage shop: See "Secondhand store, rummage shop" under Retail Sales, etc.												
Salvage of bus, car or truck: See "Automobile, bus, car or truck dismantling, salvage or wrecking."												
Savings and loan association: See "Bank, savings and loan association, trust company."												
School, commercial or trade, when not involving any danger of fire or explosion nor of offensive noise, vibration, dust, odor, glare, heat or other objectionable noise.		One/300 sq. ft. floor area				X	X			X	X	X
School, commercial or trade; other.		One/300 sq. ft. floor area				X	X				X	X
Seamstress/Tailor shop		One/200 sq. ft. floor area			X	X	X					
Secretarial Service		One/300 sq. ft. floor area				X	X			X	X	X
Service station: See "Automobile service station."												
Sewage disposal plant, private.	10.5	None								S	S	S
Sexually Oriented Businesses	7.7.3	One/300 sq. ft. floor area					X			X	X	X
Shelter/Rescue Mission, Temporary housing for homeless, indigent.	7.7.1(26) 10.5	One/1.5 employee				S	S					
Shoe repair shop.		One/200 sq. ft. floor area			X	X	X			X		
Sign, accessory.	7.11	None	X	X	X	X	X	X	X	X	X	X
Sign, advertising, commercial, including billboards.	7.11	None					X	X	X		X	X
Sign, bulletin	7.11	None		X	X	X	X	X	X	X	X	X
Sign business, illuminated, flashing.	7.11	None			X	X	X	X	X	X	X	X
Sign, business, illuminated, non-flashing.	7.11	None		X	X	X	X	X	X	X	X	X
Sign, business, non-illuminated.	7.11	None	X	X	X	X	X	X	X	X	X	X
Sign, for sale, lease or rent.	7.11	None	X	X	X	X	X	X	X	X	X	X
Sign shop.		One/400 sq. ft. floor area				X	X			X	X	X
Skating rink, commercial. 2/		One/200 sq. ft. floor area			X	X	X	X				
Stable, commercial. 2/		One/200 sq. ft. floor area									X	X
Stadium.	7.7.1(20) 7.7.1(21)	One/3 seats				X		X		X	X	X
State garage, yard or similar facility. 2/		None					X			X	X	X
Stockyard: See "Livestock."												

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Storage of goods indoor, accessory to a commercial or industrial use, unless such storage is prohibited in the specific district.		None		X	X	X	X	X	X	X	X	X
Storage, enclosed mini-storage, travel trailer, boat and trailer storage.		None			X	X	X		X	X	X	X
Storage or Warehousing (enclosed), other than accessory to permitted commercial or industrial use. 2/		One/1,000 sq. ft. floor area or one/1.5 employee					X			X	X	X
Storage or Warehousing (unenclosed), other than accessory to permitted commercial or industrial use. 2/		One/1.5 employee								X	X	X
Studio/school for professional work or for the teaching of any form of fine arts, photography, music, drama, etc. (See also: "Home occupation")		One/300 sq. ft. floor area		X	X	X	X			X		
Surgical and dental supplies store.		One/200 sq. ft. floor area			X	X	X					
Swimming pool, commercial. 2/	7.7.1(22)	One/100 sq. ft. water area						X				
Taxicab Service		1.5/commercial vehicle			X	X	X			X	X	X
Taxidermist		One/400 sq. ft. floor area				X	X			X	X	X
Telephone answering service/Telecommunications Facility		One/200 sq. ft. floor area				X	X			X	X	X
Telephone shop, garage or service facilities		One/1.5 employee					X			X	X	X
Television broadcasting facility, cable television facility.		One/400 sq. ft. floor area				X	X			X	X	X
Terminal company facilities, all types.		None		X	X	X	X	X	X	X	X	X
Theater, drive-in.	7.7.1(20)	None						X			X	X
Theater, enclosed or indoor, commercial.	7.7.1(20) 7.7.1(21)	One/4 seats			X	X	X					
Track for miniature auto, midget auto, and go-cart racing or driving. 2/	7.7.1(5)	One/500 sq. ft. floor area						X			X	X
Tract office, temporary.	7.7.2(5) 10.5	None		S	S	S	S	S	S	S	S	S
Trade school: See "School"												
Trailer sales or rental (other than house trailer).		1/3,000 open sales lot area			X	X	X			X	X	X
Transit vehicle storage and servicing.		1/3,000 open sales lot area				X	X		X	X	X	X
Truck repair or service.		4/repair bay				X	X		X		X	X
Truck sales		1/3,000 open sales lot area				X	X		X	X	X	X
Uniform supply: See "Linen supply."												

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Veterinarian: animals on premises. 2/		None								X	X	X
Veterinarian, office only.		None			X	X	X			X	X	X
Vulcanizing shop. 2/		One/400 sq. ft. floor area				X	X			X	X	X
Water filtration plant, pumping station, elevated storage reservoir.	10.5	One/1.5 employee			S	S	S	S	S	S	S	S
Welding service, minor: providing service to the general public. 2/		One/500 sq. ft. floor area					X				X	X
Well drilling contractor, yard or shop. 2/		None					X				X	X
Wholesale establishment, including storage. 2/		One/200 sq. ft. floor area				X	X			X	X	X
Wireless Communication Towers and Antenna	7.8 10.5	None	S	S	X	X	X	X	X	X	X	X
<b>RETAIL SALES, CONSUMER CONVENIENCE-TYPE GOODS:</b>												
Bakery; for retail sales on the premises of baked goods, candy, ice cream and delicatessen foods.		One/400 sq. ft. floor area or One/1.5 employee maximum			X	X	X		X	X	X	X
Body piercing and painting, permanent cosmetics, and tattoo facilities.		2/chair			X		X		X			
Candy, nut or confectionery store.		One/200 sq. ft. floor area		X	X	X	X		X			
Drug store, including pharmacy.		One/100 sq. ft. floor area		X	X	X	X		X			
Grocery store, including produce stand.		One/100 sq. ft. floor area		X	X	X	X		X			
Gun and knife sales		One/200 sq. ft. floor area			X		X		X			
Hardware & small tool rental, but not including sales of lumber or industrial hardware.		One/200 sq. ft. floor area		X	X	X	X		X			
Liquor, wine and beer sales, for consumption off the premises.		One/100 sq. ft. floor area		X	X	X	X		X			
Notions and novelty store.		One/200 sq. ft. floor area		X	X	X	X		X			
School supply store.		One/200 sq. ft. floor area		X	X	X	X		X			
Variety store.		One/200 sq. ft. floor area		X	X	X	X		X			
<b>RETAIL SALES, CONSUMER, SHOPPING-TYPE GOODS:</b>												
Antique store.		One/300 sq. ft. floor area			X	X	X		X			
Apparel and accessory store.		One/200 sq. ft. floor area			X	X	X		X			
Appliance (household) store.		One/300 sq. ft. floor area			X	X	X		X			
Art gallery, commercial (retail sale of art objects).		One/300 sq. ft. floor area			X	X	X		X			
Book store.		One/200 sq. ft. floor area			X	X	X		X			
Camera or photographic supplies store.		One/200 sq. ft. floor area			X	X	X		X			
Clothing store: See "Apparel."												
Coin or stamp store.		One/200 sq. ft. floor area			X	X	X		X			
Department store.		One/200 sq. ft. floor area			X	X	X		X			

**TABLE 6.2-PERMITTED USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

PERMITTED USES	SPECIAL PROVISIONS		COMMERCIAL DISTRICTS 5/							INDUSTRIAL DISTRICTS		
	SPECIAL CONDITIONS (In addition to Section 7)	PARKING SPACES REQUIRED 1/ (See Sec. 7.4.2)	0 6/ 7/	C-2 7/	C-3	C-4 8/	C-5	C-6	C-7	M-1	M-2	M-3
Furniture and home furnishings: retail sales, rental, repair, custom upholstery.		One/300 sq. ft. floor area			X	X	X		X			
Furrier shop, custom, including the incidental storage and conditioning of furs.		One/300 sq. ft. floor area			X	X	X		X			
Gift, novelty or souvenir store.		One/200 sq. ft. floor area			X	X	X		X			
Hobby supply store, art supply store.		One/200 sq. ft. floor area			X	X	X		X			
Jewelry store, including watch repair.		One/300 sq. ft. floor area			X	X	X		X			
Leather goods store.		One/200 sq. ft. floor area			X	X	X		X			
Music, musical instrument, and phonograph record store.		One/300 sq. ft. floor area			X	X	X		X			
Optical goods, retail sales.		One/300 sq. ft. floor area			X	X	X		X			
Paint and wallpaper store.		One/300 sq. ft. floor area			X	X	X		X			
Pawn shop		One/200 sq. ft. floor area			X	X	X		X			
Pet store.		One/200 sq. ft. floor			X	X	X		X			
Photographic equipment and supplies store.		One/300 sq. ft. floor area			X	X	X		X			
Second-hand store, rummage shop.		One/200 sq. ft. floor area				X	X		X			
Sewing machine sales, retail.		One/300 sq. ft. floor area			X	X	X		X			
Shoe store.		One/200 sq. ft. floor area			X	X	X		X			
Sporting goods store.		One/200 sq. ft. floor area			X	X	X		X			
Stationery store/Letter shop		One/300 sq. ft. floor area			X	X	X		X			
Television, Radio, Computer, Telephone; Sales, Service, Repair, Rental.		One/200 sq. ft. floor area		X	X	X	X		X			

**FOOTNOTES:**

1. Off street parking is not required in the C-4 District.
2. This use shall not be permitted if it is to be located within 200 feet of any residentially zoned area, with an exception to allow uses within 200' of an RA district if those uses are allowed within the RA District.
3. Special Use Permit shall be required for such use where located in an M-2 District.
4. In the O (Office) District, each zoning lot is permitted one freestanding sign not exceeding ten square feet of display surface area located no closer than ten (10) feet to any right-of-way line, and no closer than 25 feet to any residential district boundary.
5. A Supplemental Designation PUD is required when requesting an Office, Commercial or Industrial Zoning District Designation (see Section 7.6)
6. See additional regulations on Site Development Plans for Office Zoning District in Section 5.1.1.
7. No outdoor storage or display of materials or goods. See Section 7.4.3.5
8. See additional regulations on development within the C-4, Downtown Commercial Zoning District in Section 5.1.4.

**TABLE 6.3 – INDUSTRIAL DISTRICT BULK REGULATIONS**

**Table 6.3 – Industrial District Bulk Regulations:** No lot or yard shall be established in any industrial district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged in any industrial district that does not meet the minimum requirements for such district as set forth in the following table.

ZONING DISTRICTS	LOT AREA MINIMUM (Sq. Ft.)	LOT WIDTH AT FRONT BUILDING LINE, MINIMUM (FEET)	MAXIMUM HEIGHT 1/		MAXIMUM LOT COVERAGE %	YARDS, MINIMUM (FEET)			
			STORIES	FEET		WHEN ABUTTING A STREET RIGHT OF WAY		WHEN ABUTTING OTHER PROPERTY LINES 1/	
						WHEN ACROSS STREET FROM RESIDENTIAL DISTRICT	WHEN ACROSS STREET FROM A NONRESIDENTIAL DISTRICT	WHEN ABUTTING PROPERTY IN A RESIDENTIAL DISTRICT	WHEN ABUTTING PROPERTY IN A NONRESIDENTIAL DISTRICT
M-1 Limited (Light) Industrial	10,000	100	2.5	35	40%	50	25	50	10
M-2 General (Medium) Industrial	15,000	100	2.5	35	50%	50	25	50	10
M-3 Intensive (Heavy) Industrial	25,000	100	6	75	60%	50	25	50	10
IP Industrial Park	SEE SECTION 6.14								

**FOOTNOTE:**  
1/ Where a building or structure exceeds the district maximum height regulations, there shall be two (2) feet of additional interior side yard required for each one (1) foot of additional height.

## SECTION 7 - SPECIAL CONDITIONS

- 7.1**     **General.** Subsections 7.2 through 7.11 describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said subsections in the "Special Conditions" column in the tables of permitted uses. Where special conditions are widely applicable reference should be made to subsequent subsections.

### **7.2**     **Home Occupations**

#### *7.2.1 General Provisions*

- A. Statement of Intent. The purpose and intent of the Home Occupation provisions contained herein is to permit and regulate the conduct of business in residentially zoned areas within the jurisdictional boundary of the Bartlesville Metropolitan Planning Area, but to do so with the overriding need to:

1. Ensure the compatibility of Home Occupations with other uses permitted in residential districts; Maintain and preserve the character of residential neighborhoods; and
3. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed.

- B. Definitions.

1. Home Occupation: Any business or commercial activity conducted within a residential dwelling unit or an approved accessory building located within any residential zoning district which is approved and permitted pursuant to the provisions of this Section. Said Home Occupation shall be located on the same parcel as the primary residential dwelling unit and shall be clearly incidental and secondary to the primary residential use of the parcel.

Accessory Building: A subordinate building, located on the same parcel as the main building, the use of which is clearly incidental to the residential use of the parcel.

3. Parcel: A contiguous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons. For the purposes of the regulations contained in this Section, a parcel of land may include more than one legal lot of record which adjoins continuously along the side or rear property line for a minimum length which is at least 50 percent of the length of said side or rear property line. Any adjoining parcel which does not meet this minimum length requirement shall be considered a separate parcel for the purposes of these regulations.

- C. Classification and Permitting.

1. A Home Occupation shall be classified as either a Minor Home Occupation or a Major Home Occupation as defined below. The distinction between these two classes of Home Occupations is based primarily upon the degree of impact the Home Occupation will have upon the residential neighborhood. The Performance Standards for the operation of the Home Occupation shall determine whether the proposed Home Occupation is a minor or major Home Occupation. Separate permitting procedures shall apply for each of these two types of Home Occupations.

a. Minor Home Occupation: A Home Occupation which is permitted by right in any residential zoning district.

b. Major Home Occupation: A Home Occupation which is permitted conditionally with approval by the Board of Adjustment, after a public hearing, whereupon the Board may elect to impose reasonable conditions which are necessary to ensure the purpose and intent of this Section.

No Home Occupation shall be permitted without the prior issuance of either a Minor Home Occupation Permit or a Major Home Occupation Permit. Said permit shall be granted through an application and approval procedure as defined in this Section.

- 7.2.2 Performance Standards.* Home Occupations shall be permitted as accessory uses within any residential zoning district provided they meet the Performance Standards contained in this Section in addition to all of the requirements of the district in which located.

- A. *Criteria for a Minor Home Occupation.* A Home Occupation shall be classified as a Minor Home Occupation if it complies with all of the following performance criteria:

1. A Minor Home Occupation shall not change the exterior character of the dwelling. No external alterations inconsistent with the residential use of the property shall be permitted, with the exception of external signage as discussed herein.  
A Minor Home Occupation is permitted one (1) non-illuminated wall mounted sign not to exceed three (3) square feet in area. Signage permitted for the operation of a Minor Home Occupation shall be used solely for the purpose of identification (limited to the name and/or occupation and address) and shall not be used for advertising of the home occupation.
  3. A Minor Home Occupation may employ any number of family members who reside on the parcel and may employ up to one (1) additional person who does not reside on the parcel.
  4. Approved hours of operation for a Minor Home Occupation shall be between the hours of 8 o'clock a.m. to 8 o'clock p.m. Traffic associated with pickup and deliveries shall also be limited to these hours of operation.
  5. A Minor Home Occupation shall not generate traffic exceeding an average of one (1) vehicle per hour during approved hours of operation. This includes traffic associated with pickup and deliveries to the parcel. Traffic associated with a Minor Home Occupation, including pickups and deliveries, is allowed only during approved hours of operation (8 a.m. to 8 p.m.) and shall not impede traffic circulation within the neighborhood.
  6. A Minor Home Occupation shall not utilize, park and/or store at the parcel more than one (1) private commercial vehicle not to exceed a capacity of two (2) tons. This weight limit of vehicles shall also apply to the pickup and delivery of materials to and from the parcel.
  7. One (1) off-street parking space is required for a Minor Home Occupation if a non-resident employee is utilized in the operation of the Minor Home Occupation. This required parking space shall be in addition to the number of off-street parking spaces required for the residential dwelling use. In addition, a maximum of two (2) on-street parking spaces shall be allowed for a Minor Home Occupation.
  8. There shall be no outdoor storage of materials or products associated with a Minor Home Occupation on the parcel. The indoor storage of materials or products shall not exceed the limitations imposed by any applicable regulations of any authority having jurisdiction, including, but not limited to the fire code, building code, and electrical code.
  9. All business activities associated with a Minor Home Occupation shall take place within an enclosed structure, either within the primary dwelling unit or an accessory building located on the same parcel. If an accessory building is used, said structure shall conform to all applicable Home Occupation regulations contained in this Section.
  10. A Minor Home Occupation shall not generate sewerage or water usage in excess of what is normal in the residential neighborhood.
  11. No equipment or process shall be used in a Minor Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable residential zoning district.
  12. The primary use of the parcel upon which the Minor Home Occupation is situated shall clearly be the applicant's private residence.
  13. A Minor Home Occupation shall have an approved occupational license and any other licensee(s) as mandated by applicable local, state, and/or federal laws.
- B. *Criteria for a Major Home Occupation.* A Home Occupation shall be classified as a Major Home Occupation if its operational characteristics exceed the Performance Standards for a Minor Home Occupation. A Major Home Occupation shall be permitted only with approval from the Board of Adjustment, after a public hearing, and in accordance with any special conditions imposed upon the issuance of the Major Home Occupation Permit by the Board.

It should be noted that the Board, in reviewing and approving each individual Major Home Occupation Permit, shall establish upper limits on the operational characteristics of the Home Occupation. These upper limits shall be considered the maximum operating limits for that particular Home Occupation. When the Major Home Occupation matures and exceeds these operating limitations, the business shall be considered a non-residential use and shall be required to relocate to a properly zoned commercial/industrial site. To this extent, the following Performance Standards shall apply to the review and issuance of a Major Home Occupation Permit:

1. A Major Home Occupation shall not change the exterior character of the dwelling. No external alternations inconsistent with the residential use of the property shall be permitted, with the exception of external signage as discussed herein.  
The location, size, number, and illumination of allowed signs for a Major Home Occupation shall be as declared in the approved permit. Signage permitted for the operation of a Major Home Occupation shall be used solely for the purpose of identification (limited to the name and/or occupation and address) and shall not be used for advertising of the home occupation.
3. A Major Home Occupation may employ any number of family members who reside on the parcel and may employ one (1) or more additional employees not residing on the parcel. The maximum number of employees allowed for a Major Home Occupation shall be as declared in the approved permit.
4. A Major Home Occupation may operate outside the typical operating hours of 8 o'clock a.m. to 8 o'clock p.m. This shall include traffic associated with pickup and deliveries. Approved hours of operation for a Major Home Occupation shall be as declared in the approved permit.
5. A Major Home Occupation may generate traffic in excess of an average of one (1) vehicle per hour during approved hours of operation. This includes traffic associated with pickup and deliveries to the parcel. Limitations on traffic for a Major Home Occupation shall be as declared in the approved permit. However, traffic associated with a Major Home Occupation, including pickups and deliveries, shall not impede traffic circulation within the neighborhood.
6. A Major Home Occupation may utilize, park and/or store at the parcel one (1) or more private commercial vehicles in excess of a two (2) tons capacity. Commercial vehicles used for the pickup and delivery of materials to and from the parcel may also exceed two (2) tons capacity. The number and size of vehicles permitted in the operation of a Major Home Occupation shall be as declared in the approved permit.
7. One (1) off-street parking space is required for a Major Home Occupation if a non-resident employee is utilized in the operation of the Major Home Occupation. This required parking space shall be in addition to the number of off-street parking spaces required for the residential dwelling use. In addition, the number of on-street parking spaces allowed shall be as declared in the approved permit.
9. Outdoor storage of materials or products on the parcel may be permitted in accordance with the approved permit. It should be noted that in reviewing the request for outdoor storage in conjunction with an application for a Major Home Occupation, the Board may require screening of stored materials. The indoor storage of materials or products shall not exceed the limitations imposed by any applicable regulations of any authority having jurisdiction, including, but not limited to the fire code, building code, and electrical code.
10. All business activities associated with a Major Home Occupation shall take place within an enclosed structure, either within the primary dwelling unit or an accessory building located on the same parcel. If an accessory building is used, said structure shall conform to all applicable Home Occupation regulations contained in this Section.
10. A Major Home Occupation shall not generate sewerage or water usage in excess of what is normal in the residential neighborhood.
11. No equipment or process shall be used in a Major Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable residential zoning district.
12. The primary use of the parcel upon which the Major Home Occupation is situated shall clearly be the applicant's private residence.
13. A Major Home Occupation shall have an approved occupational license and any other licensees) as mandated by applicable local, state, and/or federal laws.

### *7.2.3 Approval Procedure*

- A. *Application.* An application for either a Minor or a Major Home Occupation shall be made to the Community Development Director on a form provided by the Planning Department. Separate approval procedures are required for the two (2) types of Home Occupations:

1. *Minor Home Occupation.* A permit for a Minor Home Occupation shall be issued by the Community Development Director provided that said Minor Home Occupation is conducted in accordance with all applicable regulations as contained within this Section. An annual permit fee of five dollars (\$5.00) for a Minor Home Occupation shall be assessed at the time of issuance and annual renewal. The applicant or any resident located within 300 feet of the Minor Home Occupation may appeal the decision of the Community Development Director to the Board of Adjustment. Appeals to the Board shall be made, in writing, to the Community Development Director for transmittal to the Board. Decisions of the Board of Adjustment may be appealed as provided for in Section 10.4.8.

*Major Home Occupation.* A permit for a Major Home Occupation shall be issued only by the Board of Adjustment. A public hearing will be conducted by the Board given proper notification as prescribed under Section 10.5 of this Ordinance. The Board will consider the application in light of all applicable City regulations and, in keeping with the Statement of Intent of these regulations, shall approve or deny the application. An annual permit fee of ten dollars (\$10.00) for a Major Home Occupation shall be assessed at the time of issuance and annual renewal. Decisions of the Board of Adjustment may be appealed as provided for in Section 10.4.8.

- B. *Conditions on Major Home Occupation.* In order to ensure that a Major Home Occupation will not become a nuisance to the neighbors or otherwise violate these guidelines, the Board of Adjustment may impose on the issuance of a Major Home Occupation permit reasonable conditions necessary to ensure the purpose and intent of these regulations.
- C. *Existing Home Occupations.* Home Occupations which have been approved prior to the adoption of these regulations which would be nonconforming under the provisions of this Section shall be grandfathered (to that person at that address) as of the date of this Ordinance.
- D. *Time Limit and Renewal.* Permits for either a Minor or Major Home Occupation shall be valid for a period of one (1) year from initial date of approval. Notice and renewal of the Home Occupation permit shall be concurrent with the notice and renewal of the required occupational license for the City of Bartlesville. Home Occupation permits for both Minor and Major Home Occupations may be renewed annually by the Community Development Director provided there has not been any violation of the provisions of this Section. Permit fees as stated above shall be assessed at the time of annual renewal. If a Home Occupation permit has not been renewed within thirty (30) days of expiration, the Home Occupation permit shall be determined to be null and void.

#### 7.2.4 Permit Limitations

- A. *Transfer of Permit.* Once a permit for either a Minor or Major Home Occupation has been approved, it shall not be transferred to another person or to a location other than that stated on the permit.
- B. *Inspections.* To ensure safety and compliance with these regulations, the Community Development Director may conduct an annual inspection of the parcel covered by said permit. In addition, the Community Development Director shall have the right at additional times, upon reasonable request, to enter and inspect the premises. Any complaint received by the Community Development Director regarding the operation of a Home Occupation will automatically result in a review of the Home Occupation permit by the Community Development Director to ensure compliance with all requirements of this Section.
- C. *Violations.* If the Community Development Director determines that a violation is occurring or has occurred for any Home Occupation, the Community Development Director shall notify the owner that a violation has occurred and establish an action and time for compliance. If the violation is not abated within a time frame established by the Community Development Director, the Community Development Director may revoke the Home Occupation permit for noncompliance with the criteria set forth within this Section.

D. *Revocation.* Revocation of a Home Occupation permit, due to noncompliance with the criteria set forth within this Section or any additional criteria or Performance Standards imposed on the permit by the Board, may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and said use shall be terminated.

E. *Exceeding Performance Standards.*

1. Minor Home Occupation. If, after a Minor Home Occupation has been established, it is discovered that the operation of the Home Occupation exceeds the Performance Standards permitted for a Minor Home Occupation, then the operator of said Home Occupation shall:

- a.) cease any activities which exceed the Performance Standards permitted for a Minor Home Occupation; or
- b) make application for a Major Home Occupation in accordance with the aforementioned procedure for same within ten (10) days of notice by the Community Development Director.

Major Home Occupation. If, after a Major Home Occupation has been established, it is discovered that the operation of the Home Occupation exceeds the Performance Standards as declared in the approved permit, then the operator of said Home Occupation shall:

- a) cease any activities which exceed the identified Performance Standards; or
- b) reapply through the application procedures for a Major Home Occupation requesting a change in the maximum operating limits for the particular Major Home Occupation. This will be treated as a new application for a Major Home Occupation and a permit fee will be assessed; or
- c.) relocate the operation to a properly zoned commercial/industrial site.

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### **7.3 Child Care and Adult Care Facilities**

7.3.1 *Residentially-Based Child or Adult Care Facilities.* Where child or adult care facilities are provided as an accessory use in a residential structure occupied principally as a residential use, said facilities shall be approved pursuant to the Home Occupation Regulations contained in Section 7.2 and as modified herein. The State of Oklahoma Licensing Requirements for Family Child Care Homes and Large Child Care Homes, and any amendments thereto, are hereby adopted, except as modified herein.

7.3.1.1 *Family Child Care Home.* A Family Child Care Home is a family home which provides care and protection for seven or fewer children for part of the 24-hour day. The total number of children in a family child care home includes children under five years of age who live in the home and are present in the home while children are in care, foster children twelve years of age and younger who live in the home and are present in the home while children are in care; and the children of any substitute or assistant caregiver.

A Family Child Care Home shall be a permitted use in all residential zoning districts as a Minor Home Occupation subject to compliance with the performance criteria for a Minor Home Occupation, except as modified by the following conditions:

1. Approved hours of operation for a Family Child Care Home shall be between the hours of 7:00 a.m. and 7:00 p.m. Traffic associated with pickup and delivery of children to this family child care home shall also be limited to these hours of operation. Traffic associated with the Family Child Care Home shall not exceed an average of one (1) vehicle per hour during approved hours of operation. Sufficient off-street parking area must be provided by on-site to accommodate all traffic coming to and from the Family Child Care Home for the pick-up and delivery of children. If such off-street parking is not available on site due to the size or location of the site, such off-street parking can be provided on other property not more than four hundred (400) feet distant from the site with the written consent of the property owner. On-street parking shall not be utilized in conjunction with the operation of a Family Child Care Home.
3. All outdoor play areas for the Family Child Care Home shall be permitted only in an approved rear or side yard and shall be enclosed with a cyclone or comparable fencing at least 4 feet high.
4. The performance criteria for a Minor Home Occupation concerning sewerage and water usage (Section 7.2.2.A.10), or noise, vibration, glare, fumes, odors, or electrical interference (Section 7.2.2.A.11) shall not apply to a Family Child Care Home, except to the extent that such is determined to be remarkable for a Family Child Care Home by the Community Development Director or his/her designee.
5. Signage for a Family Child Care Home shall be limited to that permitted by the Minor Home Occupation performance criteria.
6. A Family Child Care Home shall comply with all applicable Federal, State and Local regulations, codes, and requirements.
7. A copy of the approved license issued by the State of Oklahoma, Department of Human Services, Washington County, shall be provided with the application for a Minor Home Occupation for a Family Child Care Home.

Modifications to these conditions shall be permitted only with approval from the Board of Adjustment as a Major Home Occupation.

7.3.1.2 *Large Child Care Home.* A Large Child Care Home is a residential family home that provides care and supervision for eight to twelve children for part of the 24-hour day. The total number of children in a family child care home includes children under five years of age who live in the home and are present in the home while children are in care, foster children twelve years of age and younger who live in the home and are present in the home while children are in care; and the children of any substitute or assistant caregiver.

A Large Child Care Home shall be permitted in all residential zoning districts subject to the granting of a Special Zoning Permit by the Board of Adjustment as a Major Home Occupation subject to compliance with the performance criteria for a Major Home Occupation, except as modified by the following conditions:

1. Approved hours of operation for a Family Child Care Home may include any part, but not all, of the 24-hour day, as declared in the approved Major Home Occupation Permit. Traffic associated with

pickup and delivery of children to this Large Child Care Home shall also be limited to these approved hours of operation. Traffic associated with the Large Child Care Home shall not exceed an average of one (1) vehicle per hour during approved hours of operation.

Sufficient off-street parking area must be provided by on-site to accommodate all traffic coming to and from the Large Child Care Home for the pick-up and delivery of children. If such off-street parking is not available on site due to the size or location of the site, such off-street parking can be provided on other property not more than four hundred (400) feet distant from the site with the written consent of the property owner. On-street parking shall not be utilized in conjunction with the operation of a Large Child Care Home.

3. All outdoor play areas for the Large Child Care Home shall be permitted only in an approved rear or side yard and shall be enclosed with an opaque fence at least six (6) feet high.
4. The performance criteria for a Major Home Occupation concerning sewerage and water usage (Section 7.2.2.B.10), or noise, vibration, glare, fumes, odors, or electrical interference (Section 7.2.2.B.11) shall not apply to a Large Child Care Home, except to the extent that such is determined to be remarkable for a Large Child Care Home by the Community Development Director or his/her designee.
5. Signage for a Family Child Care Home shall be limited to that declared in the approved Major Home Occupation Permit.
6. A Large Child Care Home shall comply with all applicable Federal, State and Local regulations, codes, and requirements.
7. A copy of the approved license issued by the State of Oklahoma, Department of Human Services, Washington County, shall be provided with the application for a Major Home Occupation for a Large Child Care Home.

*7.3.1.3 Adult Care Facilities.* Residentially-based care facilities that provide care for adults for part of the 24 hour day shall be treated as family home facilities that provide care for children as set forth in Sections A and B above.

*7.3.2 Commercial Child or Adult Care Facilities.* Where child or adult care facilities are provided as the principal use of a structure, said facilities shall be located where permitted in Tables 4.2 and 6.2. Such facilities shall be approved pursuant to any applicable State of Oklahoma Licensing Requirements, and any amendments thereto, except as modified herein.

*7.3.2.1 Commercial Child or Adult Care Facilities* may be permitted in a residential district as shown in Table 4.2 with approval of a Special Zoning Permit subject to the following conditions:

1. The site must be at least 10,000 square feet in area.  
A solid wall or fence at least six (6) feet high shall be provided and maintained between any outdoor play area on the site and any contiguous property line in a residential district.
3. The site shall have its main ingress and egress on a major thoroughfare, or on a collector street not more than 2,640 feet (1/2 mile) distant (by the shortest route) from a major thoroughfare.

*7.3.2.2 Commercial child or adult care facilities* shall be permitted in any non-residential zoning district as shown in Table 6.2 without additional conditions.

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## 7.4 General Development Standards

### 7.4.1 *Off-Street Loading Requirements*

**7.4.1.1 Requirement.** Every building or structure hereafter constructed in any district, for nonresidential purposes requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building, at least one (1) off-street loading space.

**7.4.1.2 Location.** Such space may occupy all or any part of any required yard, or court space, but no such space may be located closer than fifty (50) feet to any residential district unless wholly within a completely enclosed building or unless enclosed on all sides abutting the residential district by a wall of not less than eight (8) feet in height.

### 7.4.2 *Off-Street Parking Requirements*

**7.4.2.1 Requirement.** In all zoning districts, except the C-4 District, in connection with every industrial, commercial, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, or any other use is established, off-street parking spaces for automobiles in accordance with the requirements in the "Parking Spaces Required" column in the tables of permitted uses. All such parking spaces shall be accessed by a curb cut or driveway which conforms with all applicable City Codes. Parking space used in connection with an existing and continuing use or building on the effective date of these regulations up to the number required by these regulations, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space.

Any parking area which is to serve a new use of land shall satisfy the requirements of these regulations. Further, existing parking lots not meeting the requirements of these regulations shall be brought into full compliance if an existing use is improved or remodeled to a value of 25 percent or more of the valuation of the existing principal structure as reflected on the county property appraiser's current records.

#### *7.4.2.2 Size, Surface, Striping, and Drainage and Perimeter Curbing.*

1. *Size.* Each off-street parking space shall have an area with minimum dimensions as set forth in the following table.

#### **STANDARD PARKING SPECIFICATIONS**

Parking Angle In Degrees	Stall Width (ft.)	Aisle Length Per Stall (ft.)	Depth of Stall* Perpendicular to Aisle (ft.)	Aisle Width (ft.)	
				One-Way	Two-Way
0 (parallel)	8.5	23.0	8.5	12.0	24.0
30	9.0	18.0	17.3	11.0	22.0
45	9.0	12.7	19.8	13.0	22.0
60	9.0	10.4	21.0	18.0	23.0
75	9.0	9.3	20.7	20.5	24.0
90	9.0	9.0	19.0	24.0	24.0
* The actual paved depth of the stall may be less if it is designed to otherwise accommodate a maximum two-foot vehicle front overhang.					

2. *Surface.*

- a. Nonresidential Uses. All nonresidential parking areas shall be paved with an all-weather surface, to include but not limited to, asphalt, concrete or chip and seal.

- b. Residential Uses of Four or Less Units. All residential parking areas shall be paved with gravel or an all-weather surface, to include but not limited to, asphalt, concrete, or chip and

seal. If rock, gravel, or similar inorganic material is used, said area shall be enclosed with a permanent border or frame, shall be a minimum of two (2) inches in thickness, and shall be maintained in this manner.

It shall be unlawful and an offense for any person to park or any property owner or occupant to permit any person to park any vehicle on grass, dirt, or similar unpaved surface. Such parking areas shall be maintained in such a manner that no dust will result from continued use. Exceptions or variances to this all-weather surface requirement may be granted by the Board of Adjustment for nonresidential parking areas within the three-mile unincorporated area of the Bartlesville Metropolitan Planning Area where clear evidence of practical difficulty or unnecessary hardship can be shown by the developer.

3. *Striping.* Except for all residential units of four or less units and townhomes, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide. Such striping shall delineate parking stall dimensions consistent with the stall number and size requirements set forth herein.
4. *Drainage and Perimeter Curbing.* Except for all residential units of four or less units and townhomes, all open, off-street parking shall be graded according to an approved drainage plan and shall have a perimeter curb barrier around the entire parking lot; said curb barrier, not be closer than five (5) feet to any lot line. Grass, plantings, or screening shall be provided in all areas bordering the parking area.

7.4.2.3 *Floor Area Defined.* For the purpose of applying the requirements for off-street loading and parking, the term "floor area", in the cases of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing, or packaging of merchandise, for offices incidental to the management or maintenance of stores or buildings, for rest rooms, utilities, or for fitting or dressing rooms.

7.4.2.4 *Lot Area Defined.* For the purpose of applying the requirements for off-street loading and parking; the term "lot area" in the case of:

1. Golf driving range, commercial, shall mean the tee area only.  
Retail sales of agricultural products raised on the premises, shall mean the lot area used for display and sale of the products only.

7.4.2.5 *Location.* Such off-street parking space may occupy all or any part of any required yard or court space; except in an interior side or rear yard which abuts a lesser zoning district, in which case, such off-street parking space may occupy no more than the furthest 50% of said required yard area. For any new use, structure, or building, required off-street parking, which because of the size or location of the parcel cannot be provided on the premises, may be provided on other property not more than four hundred (400) feet distant from the building site. Such parking space shall be deemed to be required parking space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Off-street parking spaces shall be arranged so that no vehicle will back directly onto a street. All private parking areas and circulation drives shall be located off of the street right-of-way. Divisional islands and curbs shall be constructed where necessary to provide such protection.

7.4.2.6 *Number of Off-Street Parking Spaces Required.* The number of off-street parking spaces required for each use is set forth in the "Parking Spaces Required" column in the tables of permitted uses. It is the intent of these requirements to result in the minimum amount of required parking as excessive amounts of parking yields only result in larger impervious surface areas. If for any reason the classification of any use for the purpose of determining the amount of off-street parking space to be provided by each use is not readily determinable there under; the classification of the use shall be determined by the Community Development Director. All uses, except for single family detached, attached and duplex units, shall provide handicapped accessible parking in accordance with the latest edition of the International Building Code

(IBC) as adopted by the City of Bartlesville and the most current Americans with Disabilities Act Accessibility Guidelines (ASAAG). Such spaces shall be considered part of, rather than an addition to the required number of spaces.

*7.4.2.7 Shared Parking.* Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved and if the shared parking complies with all of the following standards.

1. Location. Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.  
Zoning District Classification. Shared parking areas require the same or a more intensive zoning classification than that required for the use served.
3. Shared Parking Analysis: Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis that clearly demonstrates the feasibility of the shared parking arrangement. The analysis must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
4. Agreement for Shared Parking: A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be approved by the Community Development Director and recorded of record at the County Courthouse prior to the issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with Section 7.4.2.

*7.4.2.8 Development and Maintenance of Parking Areas.* Every parcel of land, hereafter used as a public or private parking area, including a commercial lot, shall be developed and maintained in accordance with the following requirements:

- A. *Screening and Landscaping.* It is the policy of the City of Bartlesville to promote attractive and pleasing shopping environments and to mitigate the adverse effects of commercial land use with its attendant vehicle storage requirements on adjacent residential uses. The following landscaping and screening requirement are therefore imposed.
  1. All areas utilized for off-street parking shall provide a 5-foot wide landscaped strip between the parking area and the abutting right-of-way. An overhang from abutting parking areas shall not impeded upon this 5-foot landscape strip. Such landscape strips shall be continuous except where driveway openings are required. Three trees per 100 feet of street frontage shall be planted within the landscape strip. Said street trees may be planted on center or may be clustered if approved by the Community Development Director.  
Any proposed parking areas adjacent to a residential use shall provide a landscape strip at least five feet in width. Such strip shall be landscaped with trees, shrubs, earthen berms, fencing material or a combination of the above which will provide an effective screen from the direct glare of automobile headlights.
  3. All parking areas containing less than 10 spaces shall not be required to provide landscaping.
  4. All parking lots containing 10 to 47 spaces shall be required to provide landscaping covering an area equal to 10 percent of the area of the parking lot with one tree for each 300 square feet of required landscape area. Perimeter plantings around the parking area may be counted for up to 50% of this required landscape area with the remaining landscape area to be within the interior of the parking lot in landscaped islands or medians.
  5. All parking lots containing 48 or more spaces shall provide landscaping as follows:
    - a. A minimum of 10 percent of the paved area shall be landscaped. This landscaping shall be in the form of planted medians and islands. Perimeter planting shall not count toward this requirement.
    - b. A continuous bay of parking spaces shall be no longer than 20 spaces without separation by a landscaped island or median. An island at the end of a row or abutting a drive aisle shall be at least 10 feet in width.
    - c. A minimum of one tree for each 300 square feet of required landscape area shall be planted in the parking lot islands.

- d. A median between rows of cars is optional, but may be required in order to meet the minimum landscape requirement. If such a median is provided, it shall be at least 8 feet in width.
6. All such required trees shall have a minimum three-inch (3") caliper as measured six inches (6") up from the base at the time of planting. Fractions of trees above 0.5 shall be rounded up to the nearest whole tree.
7. All landscape areas shall be irrigated by one of the following methods: an underground sprinkler system; a hose attachment within 150 feet of all landscaping; or a directed drainage system across the landscape area, provided that the same is designed so as to not result in erosion.

Street Frontage	5-foot landscape strip and 3 trees for every 100 feet of frontage
Perimeters	5-foot landscape strip where abutting a residential use with effective Screening
Interiors	<ul style="list-style-type: none"> <li>• Less than 10 spaces: none required</li> <li>• 10 to 47 spaces: 10% of paved area with 1 tree for each 300 square feet of landscaped area; perimeter plantings may count toward 50% of this required area</li> <li>• 48 spaces or more: 10% of paved area with 1 tree for each 300 square feet of landscaped area; perimeter plantings may not count toward this required area; landscaped island required for each continuous bay of 20 parking spaces</li> </ul>

8. The Board of Adjustment may grant a variance from the above requirements in the case of narrow or unusually shaped lots where its application would result in an unreasonable hardship. However, in order that the intent of the regulation not be impaired, the Board may require additional planting units proportional to the permitted reduction in the width of the landscape strip or area of interior landscaping.

*B. Maintenance Responsibility.* The owners and their agencies shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing conditions, replacing it when necessary, and keeping it free of refuse and debris.

#### 7.4.3 *Site Requirements.*

*7.4.3.1 Street Trees.* All developments, other than single-family and duplex developments, shall provide three (3) street trees for every one hundred (100) feet of street frontage at the time of development along any public street frontage. Said street trees shall be planted within a minimum five (5) foot landscape strip abutting said street frontage or within the right-of-way as authorized by applicable City ordinances and shall have a minimum three-inch (3") caliper as measured six inches (6") up from the base at the time of planting. Fractions of trees above 0.5 shall be rounded up to the nearest whole tree.

*7.4.3.2 Drainage and On-Site Detention.* All sites, including parking areas, shall be properly graded to provide for adequate storm drainage and on-site detention of stormwater. The proposed method of providing for storm water drainage, both surface and subsurface, shall conform with the requirements contained in the Subdivision Regulations pertaining to design standards for storm drainage facilities.

*7.4.3.3 Sidewalks.* All sites shall provide public sidewalks as required in the Subdivision Regulations where such sidewalks have not been previously installed.

*7.4.3.4 Lighting.* Whenever exterior lighting is provided on the site, the lighting facilities shall be arranged so that illumination is directed away from adjacent properties and rights-of-way and will not interfere with traffic. 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 City of Bartlesville, as a part of a street lighting project. 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. Planning staff may approve an outdoor lighting plan as directed by the MAPC as a condition of site plan approval.

The submitted lighting plan shall include the following:

1. A scale drawing of the site with all outdoor lighting locations shown; Pole type and height of fixture from base of the pole;
3. Lamp type and size; and
4. Fixture mounting and orientation.

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 sixteen (16) feet if located within fifty (50) feet of agricultural/residential zoned districts or any public right-of-way;  
Maximum height of twenty (20) feet if located within fifty-one (51) feet to two hundred fifty (250) feet of an agricultural/residential zoned district or any public right-of-way;
3. Maximum height of thirty-five (35) feet if located a minimum of two hundred fifty-one (251) feet of an agricultural/residential zoned district or any public right-of-way;
4. Maximum fixture height shall not exceed thirty-five (35) feet.

Searchlights shall require a special permit. If granted, such permit shall not be valid for duration longer than forty-eight (48) hours on a specific property, and such permit shall not be granted more than two times in one year. Searchlights shall not be permitted inside residential areas.

*7.4.3.5 Outdoor Storage and/or Display of Materials or Goods.* The outdoor storage or display of materials or goods is prohibited in an Office (O) and Neighborhood Shopping (C-2) Zoning District.

*7.4.3.6 Visual Screening of Dumpsters.* Dumpsters located on property subject to view from any residential use, any RS or RE zoning district or any public street shall be completely screened from view by buildings, fences, walls, berms or landscape buffers that are at least as tall as the dumpster. An opening shall be provided for access for refuse collectors, provided however that the container is not visible from any street or protected property. This provision shall apply to all dumpsters, including those used for the collection and storage or recyclable materials, whether public or private. This provision shall also expressly apply to either the expansion of a use or a significant change in location of the dumpster.

*7.4.3.7 Soil Erosion and Sediment Control.* Soil erosion and sediment control-related measures are required for any regulated land disturbance activity, in accordance with the standards of this Section. All temporary measures and permanent erosion control and sediment control shall be maintained continuously in an effective working condition.

*A. General*

1. Soil disturbance shall be conducted in such a manner as to minimize erosion. Soil stabilization shall consider the time of year, site conditions, and the use of temporary and permanent measures. Properties and channels located downstream from development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a site, stable downstream facilities are required.
3. Soil erosion and sediment control features shall be constructed prior to the commencement of upland disturbance.
4. If de-watering devices are used, adjacent properties shall be protected. Discharges shall enter an effective sediment and erosion control measure.
5. For detached single-family residential development occurring one lot at a time, alternatives to the standards of this Section may be approved by the City Engineer.

*B. Soil Stabilization*

1. Temporary soil stabilization shall be applied to disturbed areas within 14 days of the end of soil disturbance to all areas that will not be final graded and stabilized within 45 days. Permanent stabilization shall be done within 14 days of final grading of the soil. Permanent soil stabilization measures shall be applied to channels (including bed and banks) within 14 days of the end of primary disturbance of the channel.

3. Permanent or temporary vegetation shall not be considered established until sufficient ground cover is mature enough to control erosion.
4. Earthen embankments shall be constructed with side slopes with a vertical to horizontal ratio no steeper than 1:3.

*C. Disturbed Areas*

1. Disturbed areas draining less than 1 acre shall be protected by a filter barrier (including filter fences, straw bales, or equivalent measures) to control all off-site runoff. Vegetated filter strips with a minimum width of 25 feet may be used as an alternative only here runoff if sheet flow is expected.  
Disturbed areas draining more than 1 but fewer than 5 acres shall be protected by a sediment trap or equivalent control measure at a point down slope of the disturbed area.
3. Disturbed areas draining more than 5 acres shall be protected by a sediment basin or equivalent control measure at a point down slope of the disturbed area.

*D. Sediment Control*

1. All storm sewer facilities that are or will be functioning during construction shall be protected, filtered, or otherwise treated to remove sediment.
2. A stabilized mat or aggregate underlain with filter cloth shall be located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, or parking area.

*E. Removal of Temporary Measures*

1. All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization is achieved or after temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized.

*7.4.3.8 Residential Protection Standards.* The residential protection standards of this section are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent multi-family dwellings and nonresidential development, whether public or private.

*A. Applicability and Exemptions.* The standards of this section shall apply to all multi-family uses of three (3) or more units per structure and nonresidential development when such development occurs on a site located within 150 feet of any lot within an RS or RE district. Any lot so situated shall be considered a "protected" lot for the purposes of this section. The only exemption from these requirements that shall be considered by the Community Development Director shall be at the request of the owner or owners of the affected property or properties when stated in writing a preference for a standard which is less stringent than that which these standards would require.

*B. Residential Protection Screen.* Whenever a development regulated by this Section adjoins or faces property subject to these residential protection standards, the following screening shall be required:

1. An opaque ornamental fence, masonry or rock wall or dense evergreen hedge or effective equivalent as approved by the Community Development Director, having a height not less than six (6) feet and not more than eight (8) feet, shall be constructed and maintained in good condition along the side and/or rear lot line up to, but not beyond the abutting residential setback building line. Where a regulated development faces any protected property with an intervening public right-of-way, an ornamental fence, masonry or rock wall or dense evergreen hedge or effective equivalent as approved by the Community Development Director, having a height not less than three (3) feet and not more than four (4) feet shall be constructed and maintained in good condition along the lot line.
2. In addition, a landscaped buffer, a minimum of twenty (20) feet in width shall be provided along the protected property's side and/or rear lot line. Within this buffer, one tree shall be planted for each 30 linear feet. Trees may be grouped together or evenly spaced along this buffer area. No off-street parking area, drive aisle or other physical land improvement shall occupy any part of this required landscaped buffer.

- C. *Loading Operations.* No use subject to Residential Protection Standards may conduct loading or unloading operations between the hours of 10:00 p.m. and 6:00 a.m.

7.4.3.8 *Tree Preservation and Protection.* The following measures establish incentives for the preservation of existing trees and provide guidelines for the protection of trees during construction, development, or redevelopment.

- A. *Tree Preservation Credits.* For every large, mature tree (8" caliper or larger as measured one foot up from the base) preserved in an area where landscaping is required by this ordinance, the developer shall be given credit for two trees as required by this ordinance. Only trees in good condition as determined by the City Planner shall be considered for credit. The landscape plan that is required to be submitted with the site plan shall include the approximate location, size (caliper and height), condition and common name of each tree to be preserved for which the applicant is requesting tree credits.
- B. *Replacement of Trees.* Replacement trees will be required when any tree that was shown on a landscape plan is removed or dies. Any tree with a caliper of less than three inches shall be replaced by the same caliper of tree. Trees that are larger than three inches in caliper shall be replaced with a tree with a minimum caliper of three inches.

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**7.5      Mobile Homes/Manufactured Homes, Recreation Vehicles, Recreational & Other Equipment & Commercial Vehicles**

*7.5.1      Parking of a mobile home in any district for residential purposes shall be prohibited, except as follows:*

7.5.1.1    A mobile home may be parked in a mobile home park as provided by these regulations.

7.5.1.2    Where a residential structure has been built on a lot in an RA, RS or RM District, the Board of Adjustment may, on application of the owner of such lot, permit the parking of one mobile home in the rear yard of such lot, provided the Board makes a finding to the effect that the occupant or proposed occupant of the mobile home would suffer a material hardship, other than a financial hardship, if the mobile home were to be located in a mobile home park rather than on said lot. Such use shall be permitted only subject to the following conditions:

- A.    That the mobile home be located not less than 10 feet from any lot line or residential structure, and
- B.    That no rent or other compensation be paid for the privilege of parking said mobile home on said lot.

A permit granted under this provision shall be for a period of no more than 180 days, after which it may be renewed by the Board of Adjustment.

7.5.1.3    One freestanding mobile home shall be permissible on an individual parcel of land in the Bartlesville rural area in the Residence Agriculture zoning district subject to compliance with the requirements of Table 4.3. Permits for such freestanding mobile homes shall be issued by the Building Official.

7.5.1.4    Individual mobile homes may be permitted to occupy a zoning lot in RM or RS Residential Districts upon approval of the Board of Adjustment as a Special Zoning Permit with requirements as prescribed at the discretion of the Board, provided:

- A.    The mobile home is compatible with the other residential improvements in the neighborhood as to both value and exterior appearance (such as: type of roof, color and gloss of paint, etc.).
- B.    The mobile home has skirting made of durable materials suitable for exterior exposures, is installed in accordance with the manufacturer's installation instructions, and is secured to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. If combustion air for heat-producing appliance(s) is taken from within the under-floor area, ventilation shall be adequate to assure proper operation of the appliance(s). Use of combustible material (such as hay, straw, cardboard, etc.) shall be prohibited.
- C.    Tie-downs for all mobile homes shall be provided in accordance with the State Fire Marshal's regulations and applicable Oklahoma Statutes and regulations.
- D.    The mobile home is accessible in both the front and back with exterior stairways or steps and handrails as required by the building codes.

7.5.1.5    Individual mobile homes may be permitted in nonresidential zones upon approval of the Board of Adjustment with requirements as prescribed at the discretion of the Board, provided:

- A.    If for residential purposes, only if related to another use which is the major activity on the parcel.
- B.    If for nonresidential purposes, only for use directly related to the major activity on the parcel.
- C.    Such mobile home shall be enclosed with an approved fence or planted hedge, not less than 7 feet in height with no openings to adjoining property other than the required entrances and exits to streets or public places.

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### 7.5.2 *Storage of Large Recreational Vehicles, Recreational Equipment and Certain Other Equipment*

It is the purpose of these regulations to restrict the storage, in residential districts, of certain types of large recreational vehicles, recreational equipment and certain other equipment. Large recreational vehicles, recreational equipment and other types of equipment which include motor homes, travel trailers, slide-in pickup campers, utility trailers and haulers, watercraft and cattle trailers may not be stored on a vacant parcel in a residential district, and may not be stored nearer a public street than the front or exterior side building line in residential districts other than RA.

However, up to two regulated vehicles and/or pieces of equipment may be stored within a required front or exterior side yard upon determination by the Zoning Administrator that there is not reasonable access to the rear or interior side yard for such storage. In determining reasonable access the administrator shall take into consideration the width of the side yard and the extent to which access may be obstructed by existing improvements to the property. Approval of the Zoning Administrator shall be subject to the following conditions:

- A. Any regulated vehicle or piece of equipment, when stored within a required front or exterior side yard shall be on a surface suitable to prevent ruts and an unkept appearance. The surface must be a suitable replacement for any grass removed, such as pavement, gravel, crushed stone, or brick. Dirt and wood surfaces are prohibited.
- B. No regulated vehicle or piece of equipment shall be stored: closer than 10 feet from the edge of an abutting street pavement; within 2 feet of a sidewalk; so as to create a visibility barrier at an intersection; or be stored so as to violate any other ordinance of the City pertaining to traffic and vehicles.
- C. When stored in a required front yard all regulated vehicles and equipment shall be parked perpendicular to the abutting street (or radially if the abutting street is curved) unless on a circular drive.

*7.5.2.1 Regulated Vehicles and Equipment.* The above restrictions shall apply to the following types of vehicles and equipment:

- A. Any self-propelled recreational vehicle with an overall length greater than twenty-four feet or more than eight feet in height unless such vehicle is used daily as the owner's principal means of transportation.
- B. Any vehicle constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- C. Any structure designed to be mounted on a pick-up or truck chassis when stored on the ground.
- D. Any type of watercraft either mounted on a trailer or unmounted.

*7.5.2.2 Temporary Parking.* This ordinance shall not be construed to prohibit parking a regulated recreational vehicle or other equipment in a front or exterior side yard on a temporary basis for the purpose of loading or unloading, performance of maintenance or accommodating a temporary visitor. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for temporary living purposes for visitors.

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### 7.5.3 Mobile Home Park Regulations

Mobile home parks are intended to accommodate mobile homes for long-term occupancy. Consequently, mobile home parks are viewed as residential areas where environmental amenities are to be provided comparable to those normally found in subdivisions for fixed residences. Every mobile home park shall comply with all other pertinent City and/or State Regulations together with all amendments thereto subsequently adopted.

7.5.3.1 *Districts.* There shall be two mobile home park zoning districts (RT-1 and RT-2).

7.5.3.2 *Criteria.* The following table illustrates the criteria for mobile home park zoning districts.

<b>CRITERIA FOR MOBILE HOME PARKS</b>	<b>RT-1</b>	<b>RT-2</b>
Minimum Area	2 acres	8 acres
Maximum Coverage – Unit/Space	25 percent	25 percent
Minimum Space Width	30 feet **	40 feet **
Minimum Area Per Unit	3,000 sq. ft.	4,000 sq. ft.
Distance Between Units	20 feet	20 feet
Distance Between Units and Lot Lines:		
Interior	5 feet	5 feet
Exterior	20 feet	25 feet
Off-Street Parking	2 per unit **	2 per unit **
*Minimum widths of odd shaped spaces to be determined by averaging dimensions of front and rear lot lines.		
**One and one-half (1½) off-street parking spaces may be provided for each space with one additional parking space for each 4 spaces to accommodate guests, such additional parking to be in locations convenient to individual units or groups of units.		

7.5.3.3 *Utilities Required.* Municipal or other State Health Department approved water system capable of supplying fire hydrants installed in accordance with specifications of Oklahoma Inspection Bureau, and the American Insurance Association. Public sewer system or other disposal system which has been approved for requested number of units by the State Health Department. All mobile homes must be connected to sanitary sewer system within 72 hours of arrival in park. An individual electric service outlet shall be provided for each unit.

7.5.3.4 *Wheels and Foundations.* The wheels or other transporting devices of any mobile home located in a mobile home park may be removed. Any mobile home located in a mobile home park for more than 72 hours shall be securely anchored to the ground so as to attain the same resistance to wind as a fixed residence of comparable size, and park operators shall require tenants to skirt units so as to enclose the underneath area.

7.5.3.5 *Concrete Slab.* Each space shall be provided with a concrete slab of sufficient size to support wheels and front parking jack of the mobile home unit parked on the space.

7.5.3.6 *Interior Streets.* The following shall be minimum dimensions for interior streets:

One-way without parking	12'
One-way with parking on one side	21'
Two-way without parking	22'
Two-way with parking on one side	30'

7.5.3.7 *Perimeter screen.* Mobile home parks shall be enclosed with an approved fence or planted hedge not less than 7 feet in height with no openings to adjoining property other than the required entrances and exits to streets or public places, unless a finding is made by the Board of Adjustment that this is unnecessary due to the nature of the site.

7.5.3.8 *Storm Shelter.* Any mobile home park which can accommodate 5 or more mobile homes shall provide a storm shelter. There shall be provided within the shelter a minimum 1,500 sq. ft. with no less than

25 sq. ft. per mobile home parking space. If such shelter is constructed more than one-half (1/2) story above finished grade, a minimum of 400 cu. ft. shall be provided per mobile home space. The structure shall be capable of withstanding 90 m.p.h. wind loads. Adequate ventilation providing a complete change of air once each half (1/2) hour shall be required.

*7.5.3.9 Additional Requirements.* In addition to the foregoing, the Metropolitan Area Planning Commission and governing body may prescribe at the time of rezoning, such other conditions, requirements or limitations concerning the design, development, and operation of mobile home parks as it may deem necessary.

*7.5.4 Recreational Vehicle Parks.* Recreational vehicle parks are intended to accommodate recreational vehicles, campers, tent-trailers, etc., used for short-term occupancy, usually in connection with recreation trips, but also for certain business purposes. Such parks normally will require convenient highway access and proximity of other pertinent City and/or State Regulations together with all amendments thereto subsequently adopted.

*7.5.4.1 Permitted Districts.* Parks for recreational vehicles shall be permitted as follows:

- A. Parks for accommodation of transient or residential use recreational vehicles shall be permitted in RA, RT-1, RT-2, C-6, C-7, or M zoning districts upon review and approval of the Board of Adjustment as a Special Zoning Permit.
- B. Parks for the storage of unoccupied recreational vehicles may be permitted in any C-6, C-7, or M zoning district upon review and approval of the Board of Adjustment.

*7.5.4.2 Criteria.* The following chart illustrates the criteria for recreational vehicle parks:

MINIMUM PARK AREA	18,000 sq. ft.
MINIMUM SITE PER UNIT (NET)	1,200 sq. ft.
MINIMUM SPACE WIDTH	22 feet
MAXIMUM UNITS (GROSS AREA)	20
DISTANCE BETWEEN UNITS	12 feet
OFF-STREET PARKING (PER UNIT)	1 ¼
RECREATION AREA (SQ. FT. PER UNIT)	3,000 sq. ft. base figure + 300 for each unit over 10 units
STREET WIDTH	12 feet to 30 feet as per Section 7.5.3.6
UTILITIES	
WATER	See Section 7.5.4.4
ELECTRIC	See Section 7.5.4.5
SEWER	See Section 7.5.4.3

*7.5.4.3 Sewer.* In recreational vehicle parks sanitary sewerage facilities may be provided collectively for temporary park occupants. Such sanitary disposal stations shall be provided for each 100 spaces (or fraction thereof) which are not served with individual sanitary sewer connections. A service building shall be provided for each 25 spaces which shall be furnished with flush toilets, showers, and lavatories.

*7.5.4.4 Water.* An adequate supply of pure and wholesome water for domestic purposes under sufficient pressure to keep all fixtures sanitary, and from a source approved by the State Health Department shall be provided.

*7.5.4.5 Lighting and Electrical Connections.*

- A. Adequate night lighting of walks and service buildings shall be provided.
- B. Forty percent (40%) of the camping sites shall be provided with electrical connections which are individually fused and of at least 20 amperes each.

7.5.4.6 *Siting.* Recreational vehicles and campers located in a recreational vehicle park shall not be permanently fixed to the ground in a manner that would prevent ready removal, nor shall the wheels or similar transporting devices of such vehicles be removed except for repairs.

7.5.4.7 *Perimeter Screen.* Recreational vehicle parks shall be enclosed with an approved fence or planted hedge not less than 7 feet in height with no openings to any adjoining property in a residential district other than the required entrances and exits to streets or public places, unless a finding is made by the Board of Adjustment that this is unnecessary due to the nature of the site.

7.5.4.8 *Other uses.* Other uses which may be permitted as a part of a recreational vehicle park development are:

- A. A convenience grocery primarily designed for convenience of campground users.
- B. Commercial laundry equipment primarily designed for convenience of campground users.

7.5.4.9 *Additional Requirements.* In addition to the foregoing, the Board of Adjustment may prescribe such other conditions, requirements or limitations concerning the design, development, or operation of recreational vehicle parks as it may deem necessary.

- 7.5.5 *Commercial Vehicles and Trucks.* One commercial vehicle per family living on the premises shall be permitted to be parked overnight on a residential lot. However, such vehicle shall not be permitted if it exceeds a gross vehicle weight (GVW) of 11,000 pounds rated capacity or if it is transporting any material or residue of material that if released from its container would accelerate the propagation of flame or contaminate the earth, groundwater, or atmosphere.

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## 7.6 Planned Unit Development

This section provides regulations that apply to Planned Unit Developments, also referred to in this section as PUD; as provided for in Title 11 O.S. Section 43-110 et al as revised. PUDs shall be created pursuant to the regulations provided herein and as further limited, expanded, or modified by the approval of a PUD site development plan through the application, review, and approval process identified herein.

PLANNED UNIT DEVELOPMENT	
7.6.1	General Provisions
7.6.2	Uses Permitted
7.6.3	Site Design Standards
7.6.4	Phased Development
7.6.5	Administration
7.6.6	Appeals

### 7.6.1 *General Provisions:*

**7.6.1.1 Purpose.** PUD sites are intended to be developed as integrated project units giving special consideration of their impacts upon the community and therefore, special attention for their development and expansion. These PUD regulations are aimed at providing this special attention, yet still to encourage the flexibility and innovation in the development of land.

The general purposes of a planned unit development are:

1. To encourage a more creative approach to the development of land and variety in design, layout and type of structures constructed that will result in a more efficient use of land and open area, the conservation of natural resources and energy, and provide for efficient use of public services, utilities, facilities, and improvements; and

To permit flexibility in design, placement of buildings, and use of open spaces, circulation facilities, and off-street parking areas and to best utilize the potential of sites characterized by special features of geography, topography, size or shape; and

3. To insure compatibility in the development of land with adjacent land uses and in a manner which promotes a socially and economically desirable development pattern and an attractive and safe living environment; and

4. To provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the community.

**7.6.1.2 Location.** Planned Unit Developments are required on tracts located within a district or districts having the supplemental district designation PUD as identified on the official zoning map for the Bartlesville Metropolitan Area.

Additionally, a supplemental district designation PUD is **required** when requesting a rezoning of land to an office, commercial (including RM or RT), or industrial zoning district designation, (Note: Governing body approval of the site development plan is also required as part of the rezoning request in this case.)

**7.6.1.3 Size.** There shall be no minimum or maximum size limitation for the development of a PUD.

**7.6.1.4 Underlying Zoning District Standards.** In every instance, the PUD is to be reviewed as to the proposed location, character of the uses, and the treatment of the development of the tract with surrounding land uses. The regulations of the underlying zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this section and by the approval of the PUD site development plan.

7.6.1.5 *Subdivision of Land.* Platting of land in accordance with the Subdivision Regulations for the Bartlesville Metropolitan Area shall be required for any PUD which proposes:

- A. the division or re-division of land into two or more tracts, lots, sites, parcels, units, plots or interests for the purpose of sale, lease or development, anyone of which when subdivided shall contain less than ten (10) acres in area; or
- B. the dedication of any street, alley, easement, public improvement or other public right-of-way or facility.

7.6.2 *Uses Permitted in Planned Unit Developments:* Land uses permitted in a PUD shall be those as established herein and as further modified by the approval of the PUD site development plan.

7.6.2.1 *Principal Uses.* The principal land uses in a Planned Unit Development shall be those permitted in the underlying zoning district(s) involved or those uses permitted in more restrictive zoning districts (i.e., in a commercial district, a Planned Unit Development could be dominated by shopping facilities or dwelling units, but in a multifamily residential district, the predominant land use shall be dwelling units). The principal uses, other than dwellings, which are permitted by right or exception in the RS districts maybe included within a PUD, if such uses do not occupy more than 10% of the gross area of the PUD, and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties.

7.6.2.2 *Accessory Uses.* Accessory uses which are customarily incidental to the principal uses of the PUD are permitted. Accessory signs shall comply with the provisions of the underlying zoning district(s) except as hereinafter provided for accessory commercial uses. Within a PUD in a residential district, accessory commercial uses may be included in accordance with the following provisions:

- A. In developments proposing commercial uses as a part of a PUD within a residential district, the following factors shall be considered:
  - 1. The relationship of the proposed commercial use to:
    - a. The land parcel (both as to boundary, shape, and topographic and other physical features),
    - b. Surrounding land and land uses which are impacted by the proposed development, and
    - c. The overall arrangement of the proposed development.
  - 2. The nature of the commercial use as it applies to providing service, convenience and benefit to the residents of the PUD.
- B. In developments proposing more than one business, the aggregate floor area of the commercial uses shall not exceed 50 square feet per dwelling unit nor a total of 30,000 square feet.
- C. Each commercial establishment shall be limited to a maximum of 3,500 square feet of floor area.
- D. Commercial signs shall be limited to one nameplate of not more than 16 square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.
- E. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, however, a commercial establishment may be permitted which is designed to serve patrons both inside and outside the development if it is determined that a land use problem is not likely upon consideration of the items listed in 7.6.2.2A above.

7.6.3 *Site Design Standards.* Whereas it is the intent of these regulations to allow flexibility in the regulation of land development and the design of all PUDs, it is deemed necessary to establish standards by which to evaluate good design. To satisfy this necessity, the following design standards are set forth for general application in all PUD projects. These site design standards may be further modified by the approval of the PUD site development plan.

7.6.3.1 *Bulk and Area Requirements.* The bulk and area requirements for a Planned Unit Development project (including lot area, area per unit, and percent of lot coverage, exclusive of the area of public or private streets, and building setbacks) shall meet the requirements of the underlying zoning district(s) wherein the project is located (as set forth in Tables 4.3, 5.2, and 6.3), except as further modified in Section 7.6. If the project area falls in two or more zoning districts in which Planned Unit Developments are permitted, the area requirements of the project shall be established by calculating the requirements of the

various districts as applied to the amount of area in each district. **In** a PUD, all area used for development purposes, including recreation areas, open space areas, parking lots, and similar spaces, may be counted as part of the aggregate development area for computation of minimum area requirements. The area of Planned Unit Development shall be considered as one parcel regardless of the extent to which the area may be divided by interior streets or other features.

**7.6.3.2 Height Requirements.** The height of buildings shall not be more than 1-1/2 times the distance between the building line and the edge of pavement of the nearest street. The building measurement shall be from the ground floor level to the eave or top of the vertical wall should there be no eave. Buildings of greater height than otherwise permitted in the underlying zoning district(s) may be permitted through the site development plan review process.

**7.6.3.3 Perimeter Requirements.** In order to complement development on adjacent properties, at all peripheral lot lines, the building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the underlying zoning district(s) in which it is located, unless such perimeter setback requirements is modified or waived when approved by the MAPC. Such modification or waiver shall be based upon findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards.

Perimeter screening shall be required for any non-residential structure along exterior boundaries of the PUD which are adjacent to any residentially zoned area. Such screening may be accomplished through the provision of landscaped berms, a compact hedge, fence, wall or a combination of any of these methods and shall be at least five feet in height. This screening shall serve to protect the residents of adjoining residential districts from undesirable views, lighting, noise or similar adverse influences within the PUD project.

**7.6.3.4 Off-Street Parking and Loading.** Off-street parking and loading spaces shall be provided as specified for the applicable use (as set forth in Tables 4.3, 5.2, and 6.3). Alternate designs providing for reasonable sharing of parking spaces by land uses may be considered through the site development plan review process. Required spaces may be provided on the lot containing the units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the units it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in a subdivision plat, if required, or through recorded private deed restrictions.

Unenclosed off-street parking areas for non-residential uses, containing 5 or more spaces, and unenclosed off-street loading areas shall be screened from adjacent residential zoned areas by the erection of screening wall, fence, or hedge of acceptable design along the lot line or lines in common with the residential district provided that if the parking area is located more than 50 feet from the residential district, screening requirements may be waived through the site development plan review process.

**7.6.3.5 Service Facilities.** Service facilities, to include but not limited to streets, water supply facilities, sanitary sewers, fire protection services, and storm water and groundwater detention facilities, both on and off-site, shall be provided as is necessary for the proper functioning of the PUD. These services shall be provided at no cost to the public unless allowed by the governing body. The provision of such facilities shall be as regulated by the standards contained in the Subdivision Regulations for the Bartlesville Metropolitan Area and other applicable codes and ordinances of the City of Bartlesville.

**7.6.4 Phased Development.** An applicant may submit a PUD phased development plan in lieu of a site development plan for the entire PUD which proposes the overall phased development of the project with the submittal of site development plans for each phase as development occurs. This PUD phased development plan shall be reviewed by the MAPC following the procedures and approval criteria as stated in Section 7.6.5.

A phased development plan for the entire PUD will be treated as a preliminary site development plan for each phase. It must contain the information required in Section 7.6.5.2 and include a description of the phases, showing the approximate area, timing, and sequencing of each phase. Approval of a phased development plan may not exceed 10 years between the first and last phases. In reviewing and approving a

PUD phased development plan, the MAPC may require the sequencing of the phases and intervals of time between the scheduled phases as a condition of plan approval.

Thereafter, as development is to occur, final site development plans for each phase shall be submitted to and approved by the MAPC following the procedures and approval criteria contained in Section 7.6.5. If development of the PUD exceeds 10 years, approval of undeveloped phases expires unless extended by the MAPC pursuant to Section 7.6.5. Once expired, further development of the PUD shall be considered as new development and processed pursuant to the steps set forth in this Section.

7.6.5 *Administration of Planned Unit Development.* A PUD is reviewed in a two-step process: pre-application conference and staff level review of the site development plan, and site development plan review by the Metropolitan Area Planning Commission also referred to in this section as MAPC.

PROCEDURAL STEPS
• Pre-application Conference - City Staff
• Site Development Plan Review - MAPC
• Subdivision Plat (If Required)

7.6.5.1 *General.* Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract may make application for the supplemental district designation PUD. Such application shall be accompanied by a site development plan processed in the manner set forth herein.

A supplemental district designation PUD is required when seeking to rezone a tract of land to an office, commercial or industrial district. Note: The rezoning of a tract of land requires governing body review and approval pursuant to Section 12 of this ordinance and at the time of consideration of such rezoning request by the governing body, the PUD site development plan shall also be reviewed and approved by the governing body as part of the rezoning procedure. The MAPC will have final review of a PUD site development plan only in the instance where the zoning of the site is already in place.

7.6.5.2 *Application and Site Development Plan.* An application for a PUD shall be filed with the Secretary of the MAPC. The application shall be accompanied by the payment of a processing fee, as identified in Appendix A, which shall include advertising and sign costs. The application shall be in such form and content as the MAPC may by resolution establish, provided that three copies of a preliminary site development plan shall accompany the filing of the application. The site development plan shall provide the following information either on the site development plan itself or in written text that accompanies such plan:

- A. Existing topographic character of the land including floodplain areas.
- B. A specific list of proposed land uses for this PUD, including public uses, park land and open space.
- C. The location of all proposed and/or existing buildings and other structures, including height, setback, and size and usage of all such buildings in square footage, off-street parking and loading areas, and external lighting and signage.
- D. A description of the character of the development and the proposed density of the development. Density shall be expressed in numbers of dwelling units for residential area and in floor area ratio for area of each identifiable segment of the development.
- E. The location of thoroughfares which provide access to the development, proposed ingress and egress, anticipated traffic flows to and from the site based upon actual traffic counts for the proposed user or, in the absence of such, rates contained in the ITE publication Trip Generation.
- F. The location of all existing and proposed public service facilities and related existing and proposed easements, including but not limited to water supply facilities, sanitary sewers, fire protection services, and stormwater and groundwater detention facilities, both on and off-site.
- G. Sufficient surrounding area to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
- H. A detailed landscape plan, including proposed screening and buffering of the development from adjoining residential areas.

- I. The expected schedule of development, including information on any proposed multi-phasing of the development.
- J. In addition, the Community Development Director may require the applicant to provide elevations and perspective drawings of proposed buildings as part of a Site Development Plan.

*7.6.5.3 Pre-application Conference and Staff Level Review.* The Secretary to the MAPC shall then set a pre-application conference with the applicant and the appropriate city staff or review of the proposed site development plan. This meeting shall be scheduled within fourteen (14) days of the receipt of the application. The purpose of this conference is to discuss and resolve conflicts with the proposed site development plan and to provide suggestions for improvement. Comments received from this staff level review of the proposed site development plan will be included in the staff report to the MAPC.

*7.6.5.4 Citizen Participation Activities.* In order to encourage public participation in the development review process, the applicant of every application for zoning map amendment or other such application which requires a public hearing (such as a Planned Unit Development application) shall provide for citizen participation activities prior to the first public hearing as required by Section 12.1.4 of these regulations.

*7.6.5.5 Public Hearing and MAPC Action.* The Metropolitan Area Planning Commission Secretary, upon the filing of an application for the supplemental district designation PUD, shall set the matter for public hearing and give 15 days notice thereof by publication in a newspaper of general circulation. Additional notice shall be given by the posting of a sign or signs on the property and by the mailing of a notice to all owners of property within 300 feet of the exterior boundary of the property 20 days prior to the public hearing.

Within 60 days after the filing of an application, the MAPC shall conduct the public hearing and review the site development plan. In its review, the MAPC shall determine the following factors and may, at its discretion, require additional conditions to the PUD which are related to land use and development:

- A. Whether the proposal is consistent with, and promotes the intent and purpose of the Comprehensive Plan.
- B. Whether the proposal is compatible with and harmonizes with existing and expected development of surrounding areas, the natural environment, and the planned capacities of public services and facilities affected by the proposed land use.
- C. Whether the proposal is a unified treatment of the development possibilities of the project site.
- D. Whether the proposal would benefit orderly and proper development of the metropolitan area.
- E. Whether the sidewalks and streets provide a traffic flow compatible with the development and surrounding street pattern.
- F. Whether the proposal is consistent with the public health, safety, and welfare of the community.

Following its review of the site development plan, the MAPC may vote to approve, disapprove, modify, or return the final site development plan to the staff for further consideration.

Upon approval of the site development plan, the Official Zoning Map for the Bartlesville Metropolitan Area shall be amended to reflect the case number of the PUD, which number shall be placed on the location of the subject property on said map. The applicant shall then be authorized to process a subdivision plat for this PUD if such platting of land is required pursuant to the Subdivision Regulations for the Bartlesville Metropolitan Area (refer to Section 7.6.1E).

If the PUD site development plan is a part of a rezoning request, the MAPC shall forward the application along with its recommendation on the rezoning request and the site development plan to the City Councilor Board of County Commissioners for further hearing as provided in Section 12 of this ordinance. Upon final approval by the governing body of the rezoning request, the PUD site development plan and the appropriate ordinance of rezoning, these documents shall become a part of the official records of the City of Bartlesville. The ordinance of rezoning shall adopt the PUD site development plan by reference, and both the legal description and the final site development plan, signed and dated, shall be attached to said ordinance and become a part of the official records of the City of Bartlesville.

*7.6.5.6 Time Limitation.* A site development plan automatically expires and is void if the applicant fails to

file for a building permit or other necessary development permit(s) within three years of the effective date of approval of the site development plan unless:

- A. The applicant has received a time extension for the final site development plan from the MAPC, subject to the following conditions:
  - 1. The MAPC may extend a final site development plan, for a period of time not to exceed one year, if: (a) unforeseen circumstances or conditions necessitate the extension of the final site development plan, and (b) termination of the approval of the final site development plan would result in unreasonable hardship to the applicant and the applicant is not responsible for the delay, and (c) an extension of the final site development plan will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole.

The MAPC may grant no more than two extensions, a second extension being granted if: (a) the criteria listed in paragraph 1 above are met, and (b) the applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed, and c) conditions in the immediate vicinity of the subject property have not changed substantially since the final site development plan was first approved by the governing body.
- B. The site development plan approval provides for a time period greater than three years.

*7.6.5.7 Issuance of Building Permits.* After approval of a site development plan by the MAPC, the Building Official is authorized to issue building permits on lands within said PUD in accordance with the approved site development plan. Said site development plan and other required drawings and/or documents detailing the specifics of the development as are necessary to insure full compliance with the approved PUD shall be submitted to the Building Official for review and approval. No work shall commence on the site of a PUD project prior to the receipt of a building permit for such work, provided, however, that subject to the approval of the City Engineer, excavation, grading, and clearing operations may proceed at any time following approval of the PUD site development plan.

Building permits may be issued on said site development plan prior to the approval of a final subdivision plat by the governing body, if such is required, provided that appropriate financial guarantees for the completion of all public improvements required for the PUD have been provided and accepted by the governing body.

If the PUD is to be developed in phases, all public improvements necessary to assure the proper operation and functioning of each phase shall be constructed and installed prior to the issuance of any building permit for said phase, or appropriate financial guarantees shall be provided to insure the construction of such improvements.

For PUDs proposing commercial uses as a part of a PUD within a residential district, no building permit shall be issued for a freestanding or separate commercial structure until significant progress has been made on other aspects of the proposed development, as follows:

- A. Completion of one-third (1/3) of the noncommercial features in a project of less than ten (10) acres,
- B. Completion of one-half (1/2) of the noncommercial features in a project of more than ten (10) acres, and
- C. The MAPC has received a satisfactory progress report on such construction activity.

*7.6.5.8 Amendments.*

- A. Minor amendments. Amendments to an approved PUD which are minor in nature may be authorized by the Community Development Director upon a review of a proposed amended site development plan, incorporating such changes, so long as substantial compliance is maintained with the original approved site development plan and the purposes and standards of the PUD provisions hereof. A change which would represent a minor amendment to an approved PUD site development plan would include:

1. One which is necessary because of natural features of the subject property not foreseen by the applicant or the City prior to the approval of the preliminary site development plan; and One which will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
  - C. One which will not have the effect of increasing the density or significantly increasing the total amount of floor area of the Planned Unit Development; and
  - D. One which will not result in any structure, circulation or parking area being moved significantly in any direction; and
  - E. One which will not reduce any setback approved as part of the preliminary site development plan by more than 10% and the required minimum setback is met; and
  - F. One which will not result in a significant increase in the height of any structure as approved in the preliminary site development plan; and
  - G. One which will not increase or create any adverse impacts or undesirable effects of the PUD on the surrounding neighborhood.
- B. Major amendments. Amendments which would represent a significant departure from the approved site development plan shall require compliance with the notice and procedural requirements as set forth in Section 7.6.5 and the subsequent approval of the amendment by the MAPC. Changes which would represent a major amendment to an approved PUD site development plan would include:
1. An increase in the density, including the number of housing units;  
In residential districts, a change in the mix of houses and multi-dwelling structures and increases in the amount of land for nonresidential uses;
  3. A reduction in the amount of approved open area;
  4. Changes to the vehicular system which result in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
  5. Changes within 50 feet of the perimeter of the PUD where it abuts a residentially zoned area;
  6. Other changes of similar scale that do not meet the seven requirements of a minor PUD amendment as stated above.

7.6.5.9 *Abandonment.* Where a PUD has been processed pursuant to the supplemental district designation PUD, its abandonment shall require approval of the MAPC.

7.6.6 *Appeals.* Appeals to the Governing Body from Actions of the MAPC. Any person aggrieved by the final action or decision of the MAPC on a proposed site development plan may appeal such action to the governing body by filing with the Secretary to the MAPC within 10 days of the action appealed from a written notice of appeal stating the grounds thereof.

Appeals to the District Court from Actions of the City Council and/or Board of County Commissioners. Any person aggrieved by the final action or decision of the City Council or the Board of County Commissioners on a proposed site development plan may appeal such action to the District Court by filing with the City Clerk within 10 days of the action appealed from a written notice of appeal stating the grounds thereof. There shall be no right of appeal from any act of the MAPC taken in its advisory capacity to the City Council or the Board of County Commissioners.

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**7.7 Miscellaneous Uses.** This subsection sets forth special provisions applying to certain miscellaneous uses in certain zoning districts. In all instances where a special zoning permit from the Board of Adjustment is required as set forth in Section 10.5 and where the meeting of special conditions is required, such permit shall not be granted before the Board of Adjustment has made a finding to the effect that the proposed use, as described in applications, plans, or other documents submitted by the applicant for such permit, will meet such conditions.

*7.7.1 General Uses.*

1) *Airport, aircraft landing strip, or heliport* shall be located no nearer than 600 feet to any other property in a residential district; shall provide runways or other landing spaces only so located and oriented that aircraft landing and taking off do not normally pass directly over residential district below 200 feet; and shall be so located that air or land traffic shall not constitute a nuisance to neighboring uses. Proponents shall also show that adequate measures will be taken to prevent offensive dust, noise, vibrations, and bright lights; and that the field in question meets the standards of the Federal Aviation Agency for the particular class of field proposed to be developed.

2) *Animal hospital, pound, or shelter; commercial kennel for cats or dogs; livestock sales or feeding facilities; riding academy; public stable; veterinarian's office with animals on the premises;* shall be located no nearer than 200 feet minimum to an RS, RM, or RT District subject to review by the Board of Adjustment, and no nearer to a zoning lot line than 100 feet. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties. Incineration of animal refuse shall be permitted, provided that the incineration facility is smokeless, odorless and meets all environmental regulations. Further, an approved system of biosolid disposal shall be required.

3) *Animal hospital, small animal treatment.* Restricted small animal hospitals may be located in the C-5, C-7, or M districts, or within the RA district with approval of a SZP, provided the following conditions are met:

- A. These facilities shall not be permitted within 200 feet of RS, RM, or RT districts.
- B. Plans and specifications for proposed facilities shall detail provisions for soundproofing, avoidance of odors, and satisfactory sanitary services. These plans shall be submitted to the Community Development Department for review.
- C. Such facilities shall be restricted to treatment of common household pets.
- D. Animals shall be kept on the premises only for purposes of medical treatment to the exclusion of boarding.

4) *Automobile laundry* shall provide space on the zoning lot for not less than ten automobiles per washing lane.

5) *Automobile, go-cart, miniature auto, racing or driving tracks* shall be located not less than one thousand (1,000) feet from any residential district unless enclosed by a solid fence or wall at least six (6) feet high, but in no case shall a track be located less than five hundred (500) feet from any residential district.

6) *Cemetery, columbarium, crematory, or mausoleum* shall have its principal entrance or entrances on a major thoroughfare, with ingress and egress so designed as to minimize traffic congestion and shall provide a wall at least six feet high or an evergreen hedge at least six feet high and three feet thick, along all property lines except those adjacent to a street.

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7) *Church or other place of worship* shall be permitted in the following districts, subject to the indicated site standards, unless more restrictive standards are provided elsewhere in these regulations:

SITE STANDARDS		MINIMUM YARDS	
DISTRICT	MINIMUM SITE AREA (ACRES)	SIDE	REAR
RA, RS-12	5	50	50
RS-10	4	50	50
RS-7	2	50	50
RS-5	2	50	50

8) *Club or lodge*, where permitted in residential districts, shall observe the site standards required for churches in Subparagraph 7.7.1(7) and shall be so located that no ingress or egress (other than a service entrance on an alley) is from any street other than a major thoroughfare. No swimming pool, tennis court, or other recreational facility which is accessory to a private club or lodge shall be located nearer to other property in a residential district than one-half the required yard, and wherever any such facility is located within any part of a required side or rear yard, adjoining property in a residential district shall be effectively protected by a wall, hedge, and/or heavy screen planting, at least six feet high.

9) *College or university* shall be located adjacent to a major thoroughfare and shall observe the site standards required for churches in Subparagraph 7.7.1(7).

10) *College dormitory, fraternity or sorority house* in an RS district shall have a site area of at least 1 acre and side and rear yards of at least 25 feet each, or in an RM or RT district shall have a site area of at least 10,000 square feet and side and rear yards of at least 10 feet each. Further, such facilities shall have its main ingress and egress on a major thoroughfare.

11) *Dance hall, commercial*, shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall be not less than 20 feet from any property line, shall provide a minimum six foot high solid board fence or masonry wall separating the entire area from any abutting property in an R district, and shall show that adequate controls or measures will be taken to prevent offensive noise, light, and vibration.

12) *Earth moving and excavation; depositing of construction materials on the ground*: shall be subject to regulations set forth in Subparagraph 7.7.1(17).

13) *Golf driving range, commercial*, shall be located only on major thoroughfares. Lights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than 200 feet from any RS, RM, and RT district. A special zoning permit may be granted by the Board of Adjustment to be in force for one year only, which permit may be renewed for a period of one year at the expiration of such permit, provided all requirements of these regulations have been and can continue to be complied with. See also Section 7.4.2.4.

14) *Golf course or country club* shall be subject to regulations set forth in Subparagraph 7.7.1(8), "Club or lodge."

15) *Institution for human care and similar establishments*, including health center; hospital, general (not including animal); institution for correctional, detention, penal, or similar purposes or care of insane, feeble-minded, or narcotic patients; institution for children or the aged; nursing home or rest home; rehabilitation center for handicapped persons; or sanatorium, shall meet the following requirements:

- A. Minimum site standards set forth for churches in Subparagraph 7.7.1 (7) shall be complied with.
- B. The site shall have its main ingress and egress on a major thoroughfare, or on a collector street not more than 2,640 feet (1/2 mile) distant (by shortest street route) from a major thoroughfare.

16) *Junk yard, including salvage and auto wrecking*, shall be permitted, provided that all exterior storage and processing areas are screened by solid walls or fences of such height and location as to prevent visibility of stored materials or of materials in process from any point six feet above the ground on any thoroughfare in any

residential, commercial, or M-1 district, provided such point is not more than 300 feet distant from the nearest part of the fence.

17) *Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rock, sand, or stone, on the ground* shall not be construed to be a permitted use in any district, except the M-3 district, unless and until a special zoning permit shall first have been secured from the Board of Adjustment, as provided in Subsection 10.5 hereof, except for the following defined extractions and deposits:

- A. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposit on the earth of any building or construction materials to be used in a structure for which a building permit has been issued.
- B. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 4 feet in vertical height and a slope of less than 3: 1, or when less than 25 cubic yards of earth is removed from or hauled to the premises.
- C. Grading in a subdivision which has been approved by the City in accordance with the Bartlesville Metropolitan Area Subdivision Regulations and any amendments thereto.
- D. Any extractive operation existing and operating as such on the effective date of this section; such operation shall conform to the provisions of these regulations within one year of adoption of these regulations.

The Board of Adjustment shall have the power to grant special zoning permits, revocable and valid for specified periods of time, to permit mining or extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials, as set forth in Subsection 10.5 of these regulations. The Building Official shall make such inspections as he deems necessary or as are required by the Board of Adjustment to ensure that all work is in accordance with the special zoning permit.

18) *Monastery, convent, or similar institution of religious training* shall have a site area of at least 10,000 square feet.

19) *Newspaper distribution station* shall be maintained in a slightly condition with newspaper, wrappers, and waste materials stored and handled within a completely enclosed structure until removed from the premises.

20) *Place of public assembly, major*, including arena, auditorium, coliseum, stadium, or theater, or enclosed or indoor commercial theater with seating capacity of 1,000 or over and drive-in theater, shall meet the following requirements:

- A. Have ingress and egress from a major thoroughfare or from a collector street not more than 300 feet distant (by shortest street route) from a major thoroughfare.
- B. Have ingress and egress so designated as to minimize traffic congestion and hazards.
- C. Meet the site standards required for churches in Subparagraph 7.7.1(7).

A drive-in theater shall be located not less than 200 feet from any RS, RM, or RT district, and no projection screen thereof shall be so located as to be visible from any major thoroughfare within 1,000 feet thereof.

21) *Place of public assembly, minor*, including art gallery; auditorium, arena, coliseum, stadium, or theater, or enclosed or indoor commercial theater with seating capacity of less than 1,000; community building; library; and museum, shall meet the same requirements as set forth for major places of public assembly in Subsection 7.7.1(20), except that ingress from and egress to a collector street need not be within 300 feet of a major thoroughfare.

22) *Swimming pool*. Any swimming pool, 24 inches or greater in depth, in any district shall:

- A. Be located at least 10 feet from the nearest property line, unless a greater separation is required by Subparagraph 7.7.1(8).
- B. Be enclosed with a fence at least four (4) feet in height having no opening or space greater than four (4) inches, and be equipped with spring or automatic closing and latching gates with the latch being

- located at the top of the fence so as to prevent uncontrolled access by children from the street or any adjacent property.
- C. Be screened by a masonry wall or solid fence at least six feet high on any side facing the property line of any property in a residential district, unless the pool is more than 30 feet distant from such line.
- D. Require the issuance of a building permit.

No swimming pool shall be permitted in any residential district unless such pool:

- A. is owned and operated by a public agency or a residential group from within the subdivision in which the pool is to be located,
- B. is accessory to a residential use, or
- C. is accessory to a nonresidential use which is permitted in such district.

Except for a pool owned and operated by a public agency or a residential group from within the subdivision in which the pool is to be located, no pool shall be permitted in any residential district unless the pool is intended for the use of, and is used by, only the occupants of the principal use of the property on which the pool is located.

23) *Nursery, Garden Center* shall be defined as land or greenhouses used to raise or stock imported flowers shrubs, trees and plants for sale. Accessory sales of nursery-related items may also be included. Examples of such items shall include, but not be limited to: fertilizers, plant food, peat, landscape materials and manually operated hand garden tools, but shall not include hardware, patio furniture, lawn mowers, root-tillers, weed trimmers and the like. Such use may be permitted in an RA Zoning District upon approval of a Special Zoning Permit by the Board of Adjustment. A site development plan shall be drawn to an appropriate scale and indicate existing and proposed structures, drives and parking areas, provisions for site screening and landscaping, site drainage and utilities. One freestanding business sign with a display surface area not exceeding fifty square feet in area per sign face and not exceeding eight feet in height shall be permitted. Provided, however, that for every four feet of frontage exceeding 200 feet an additional one square foot of display surface area may be allowed up to a maximum of 100 square feet. If the property frontage exceeds 200 feet on anyone side an additional changeable copy sign, not to exceed 80 square feet per sign face will be permitted. Illumination of signs, if any, shall be by indirect lighting.

In considering such applications, the Board of Adjustment shall take into account the appropriateness of the proposed site for such use with particular attention to the effect such use will have on traffic ways and adjacent land uses. In approving such use the Board of Adjustment may impose such conditions or requirements as it deems necessary to substantially preserve the property rights of adjoining owners and the public interest.

Any substantial modification or deviation from the approved site development plan must be submitted to the Board of Adjustment for review. A substantial modification shall be any change resulting in an increase in the floor area ratio or impervious surface area of the site; a reduction in the screening or buffer area adjacent to residential properties or public right-of-way; or grading changes which result in the alteration of the drainage pattern.

24) *Bed and Breakfast*. For the purpose of these regulations a Bed and Breakfast shall be defined as a use carried on in a structure designed for a single family residence which provides to the general public overnight accommodations and breakfast. Such uses may be permitted in any residential district with approval of a Special Zoning Permit subject to the following conditions:

- A. The operator or host family must reside on the premises.
- B. The bed and breakfast home may have no more than four guest rooms or host more than eight overnight guests at one time.
- C. Guest quarters must be within the principal structure. If guest quarters are to be located within a detached accessory structure (i.e., a garage apartment) approval must be granted by the Board of Adjustment.
- D. One off-street parking space for each guest room is required in addition to the spaces normally required for the dwelling. However, it is not the intent to encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. The Board of

Adjustment may, upon appeal, waive such additional required parking when it is determined that sufficient parking exists within the neighborhood.

- E. One freestanding or wall-mounted sign with a maximum size of six square feet may be displayed. Its size, color, text and location shall be identified on the permit application. The words "hotel" or "motel" shall not be allowed. Illumination, if any, shall be by general or indirect lighting.
- F. Overnight guests may be provided no more than two (2) meals in a 24-hour period provided that cooking facilities are approved, if necessary, by the County Health Department. Such approval, if needed, is to be secured prior to approval by the Board of Adjustment of a bed and breakfast use.
- G. The Board of Adjustment may grant approval for limited accessory uses which may be determined to be ancillary or supplemental to the bed and breakfast use (i.e., use of facility for wedding receptions, social gatherings and clubs, limited food service, etc.). Such approval shall be granted by the Board of Adjustment based upon a review of specific site considerations (i.e., site area, ingress and egress, off-street parking, buffering, etc.) to insure that the purpose and intent of the Home Occupation Regulations are fulfilled. If such additional accessory uses are approved by the Board of Adjustment, such uses may be further limited by the stipulation of additional operational conditions.
- H. Modifications or variations to the above-stated conditions may be considered and permitted, subject to Board of Adjustment approval.

25) *Public Land Uses Not Included Elsewhere.* Uses of public lands in residential districts that are not specifically identified elsewhere in the zoning ordinance may be approved by the Board of Adjustment as a Special Zoning Permit.

The Board of Adjustment shall recommend approval upon finding that the proposed use is consistent with the objectives and policies of the Comprehensive Plan and compatible with the adjacent zoning and land use patterns. Applications for special use permits shall include a detailed description of the nature of the proposed use; a site plan of the property identifying existing and proposed improvements; and sufficient information to enable the Board of Adjustment to determine the impact of the proposed use on adjacent properties, utilities, and rights-of-way.

26) *Shelter/Rescue Mission, Temporary Housing for Homeless, Indigent.* A shelter rescue mission may be permitted in such district specified in Section 6.2 after approval of a Special Zoning Permit by the Board of Adjustment. Each application for a permit shall be evaluated as to its probable affect on the adjacent property (ies) and the public safety and welfare, and may be approved or denied as the findings indicate appropriate.

The Board of Adjustment may, in the interest of the public safety and welfare, and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

27) *Group Homes for Handicapped.* Pursuant to Oklahoma Statute, Title 60, Section 863, group homes for not more than six (6) developmentally or physically disabled persons as defined therein shall be a permitted use in all residential districts. Additionally, between any two group homes or similar community residential facilities serving persons in drug, alcohol, juvenile, child, parole, or other programs of treatment, care, supervision, or rehabilitation in a community setting, there shall be maintained a minimum separation requirement of 1,200 feet in distance as measured in a straight line between lots at the closest points, without regard to intervening structures. In addition, the establishment of a group home as defined in said law shall be approved by the Director of Community Development in accordance with Ordinance No. 2619 which requires notification of property owners within 300 feet of the exterior boundary of the property on which the group home is to be located.

28) *Group Home for Children.* Based upon the provisions of the Child Care Facilities Licensing Act (O.S.A. Title 10, Section 401, et al), group homes providing full-time care and community-based services for more than five children but less than thirteen children may be permitted in such district specified in Section 4.2 after approval of a Special Zoning Permit by the Board of Adjustment. Said group home shall provide proof of licensure from the State of Oklahoma. Each application for a permit shall be evaluated as to its probable affect on the adjacent property (ies) and the public safety and welfare, and may be approved or denied as the findings indicate appropriate.

The Board of Adjustment may, in the interest of the public safety and welfare, and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

29) *Low-Impact Manufacturing and Processing Uses.* Low-impact manufacturing and processing uses engaged in the manufacturing, assembly, research or processing of products and goods shall be permitted in any C-4 or C-5 District and in any M-1 District subject to the following conditions:

- A. All operations must occur entirely within an enclosed structure;
- B. No outdoor industrial wastewater treatment system will be permitted;
- C. Such use shall not produce any airborne emissions, objectionable noise, glare, odor, vibration, dust, or smoke associated with the industrial operation detectable outside a building; and
- D. No outdoor storage of materials or products shall be permitted.

Such uses shall be permitted in any M-2 or M-3 District in accordance with the use conditions for each of these districts as imposed in Section 6 of these regulations.

30) *Live-Work Units.* Live-Work Units are established to permit and promote shared occupancy by residential uses in combination with work activities and are a permitted use by right in any commercial or industrial district subject to the following conditions:

- A. A live-work unit is a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.
- B. Within each live/work unit, the living area shall not exceed 40% of the total floor area of the unit.
- C. Live/work units shall be occupied and used only by the business operator, or a family of which at least one member shall be the business operator, of the commercial activity or industry which occupies the work space of the live/work unit. The living space shall not be rented, leased, or sold separately from the working space.
- D. The living space of the live/work unit shall meet basic habitability requirements in compliance with all applicable codes and regulations.
- E. The non-residential component of a live/work unit shall be a use allowed within the applicable zoning district with the following exceptions.
- F. The live/work unit must be in compliance with all applicable City codes and regulations.
- G. In the Downtown Commercial C-4 Zoning District, the living space of a live/work unit shall be located in the rear ground level or second floor and above so that it does not interrupt the appearance of the commercial frontage.

7.7.2 *Temporary Uses.* It is the purpose of this section to provide for certain temporary uses and to ensure that such uses are compatible with adjacent land uses and consistent with the city's goals and objectives. Refer also to definition of temporary use in Section 12. The following temporary uses are permitted with approval of a temporary use permit and subject to the following provisions and any additional conditions as set out herein.

All such temporary uses shall obtain a temporary use permit and shall comply with the following additional standards:

- a) The temporary use shall not create hazardous vehicular or pedestrian traffic conditions,
- b) The design and installation of all practicable temporary traffic control devices including signage will be used to minimize traffic congestion,
- c) Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services shall be available to serve employees, patrons, or participants,
- d) Where a tent or similar structure is to be used, the applicant shall comply with the requirements of the fire marshal and demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with flame retarder and has been maintained as such,
- e) Signage for the temporary use shall not exceed 24 square feet per face and no more than one sign per street frontage shall be permitted. Signs shall be made of treated wood or other durable material. Sign copy shall not be spray painted.

1) *Carnival, circus, or similar temporary amusement enterprise* shall have no facilities located nearer to an RS, RM, R T district than 200 feet and no nearer to any occupied residential structure than 500 feet and shall have access drives so located as to minimize traffic hazards. The proponent shall show that adequate measures will be taken to prevent odor, dust, noise, lights and traffic from becoming a nuisance to uses on other properties. A permit for such enterprise shall be valid for a period of not more than seven (7) days and shall not be granted for more than three (3) such periods for the same location within any ninety (90) day period.

2) *Christmas tree and wreath sales, pumpkins or other seasonal materials, temporary* shall have its principal entrance or entrances on an arterial street and shall be so located as to minimize traffic hazards. Such sales operations shall be valid for a period of time not to exceed sixty (60) days.

3) *Construction facilities, accessory.* A temporary building or yard for construction materials and/or equipment shall be permitted in any zoning district provided it is located on the construction site. If not located on the construction site, a temporary building or yard for construction materials and/or equipment or a temporary batching plant for portland cement concrete shall be permitted in any zoning district upon obtaining a special zoning permit from the Board of Adjustment after the Board of Adjustment finds that such batching plant, yard, or building is both incidental to and necessary for construction within two miles of the plant, yard, or building. Each permit for such plant, yard, or building shall specify the location of the proposed facility and the area to be served thereby. Each such permit shall be granted for a period of not more than 180 days, and such permit shall not be granted for the same location for more than four such periods during any 30-month period. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, drainage, and traffic from becoming a nuisance to uses on other properties. Ingress to and egress from such facilities shall be only from major thoroughfares, provided, however, that the Board of Adjustment may approve a location on a minor thoroughfare if the Board finds that such location would give rise to less traffic on residential thoroughfares than would a feasible location on a major thoroughfare.

4) *Off-street parking and loading; temporary, incidental, or for a special event* of a noncommercial nature may be permitted provided, however, that each permit shall be valid only for the duration of the designated special event, and provided further that if the designated special event is a seasonal activity, the permit may be granted for the entire season but restricted in use to designated dates and times in which the event is to occur.

5) *Tract office, temporary*, both incidental and necessary for the sale or rental of newly-platted or newly constructed property, shall be located within a subdivision to which it is appurtenant and within one-half mile of all property to be serviced from such office. Each such permit shall be valid for a period of twelve (12) calendar months and shall not be granted for periods totaling more than twenty-four (24) months during any thirty (30) month period at the same location.

6) *Outdoor bazaars, cookouts, special fund raising sales and/or similar activities* may be permitted in any nonresidential district, or in a residential district if associated with a permitted institutional use, such as a church or school, for a maximum period of two (2) days.

7) *Evangelical and religious revivals and assemblies* are permitted in any district as an accessory use on an existing church site for a maximum period of seven (7) days.

8) *Temporary recreational or entertainment related events or activities*, such as fairs, concerts, or festivals may be permitted in any nonresidential district, or in a residential district if associated with a permitted institutional use, such as a church or school, for a maximum period of seven (7) days.

9) *Sidewalk sales, temporary retail special sales and displays* in parking lots may be permitted in any non residential district for a maximum period of fourteen (14) days not more than six times per year at anyone site.

10) *Block and neighborhood parties* are permitted in any residential district for a maximum period of two (2) days.

11) *Portable On-Demand Storage Unit.* A portable on-demand storage unit shall be defined to be any container, storage unit, shed-like container or other portable structure not exceeding outside dimensions of sixteen (16) feet in length, eight (8) feet in width, and nine (9) feet in height, that can or is used for the storage of personal property of any kind and which is located for such purposes outside of an enclosed building other

than an accessory building or shed which complies with all applicable building and land use requirements. Such unit may be utilized as a temporary structure when in compliance with the following standards:

1. Portable on-demand storage units shall be in compliance at all times with all sign regulations;  
In residentially zoned areas, one (1) portable on-demand storage unit may be located for a period of time not to exceed seven (7) consecutive days in duration from the time of delivery to the time of removal, up to three (3) times per calendar year, provided it is placed on a paved surface and does not obstruct sight visibility. Further, said unit shall be located in a manner which does not hinder access to the site and/or off-street parking spaces
3. In commercially and industrially zoned areas, one (1) portable on-demand storage unit may be located for a period of time not to exceed thirty (30) consecutive days in duration from the time of delivery to the time of removal, up to four (4) times per calendar year, provided it is placed on a paved surface and does not obstruct sight visibility. Further, said unit shall be located in a manner which does not hinder access to the site and/or off-street parking spaces.
4. Said portable on-demand storage units are not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited.
5. The Community Development Director may extend the length of time a portable on-demand storage unit can be located on a site in emergency situations.

(12) *Temporary building or structure.* A temporary building or structure without any foundation or footing may be permitted for a period not to exceed 90 consecutive days within a calendar year. Said temporary building or structure shall be removed when the designated time period has ended.

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### 7.7.3 *Sexually Oriented Businesses*

#### 7.7.3.1 *Purpose and Findings:*

A. On the basis of research conducted on a national, regional, state, and local level, the City Council and Board of County Commissioners, hereafter referred to as Governing Body, have found that:

1. Sexually oriented businesses require special supervision from the public safety agencies and community development agencies of the City/County in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the City/County.  
Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature. The concern over sexually transmitted diseases is also a legitimate health concern of the City/County that demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens.
3. Licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
4. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values. It is recognized that sexually oriented businesses, due to their nature, have serious and objectionable operational characteristics that contribute to urban blight and downgrade the quality of life in the adjacent area.
5. The Governing Body desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry. This is done to protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight.
6. Locational criteria alone will not adequately protect the health, safety, and general welfare of the people of this City/County.
7. It is not the intent of this ordinance to suppress any Constitutionally protected speech activities as interpreted under either the Federal or the State Constitutions, but it is our intent to enact a content neutral ordinance which addresses the secondary effects of sexually oriented businesses.
8. Sexually oriented businesses across the country have lent themselves to ancillary unlawful and unhealthy activities that are frequently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of this establishment responsible for the activities that occur on their premises.
9. Significant numbers of employees of sexually oriented businesses defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
10. Significant numbers of patrons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
11. Sexual acts, including but not limited to masturbation, oral sex and anal sex, historically have occurred at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows; and the offering and providing such space encourages such activities, which creates unhealthy conditions. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV - AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections. There have been an increasing cumulative number of reported cases of sexually transmitted diseases, many of which either have no cure or have developed treatment resistant strains in the United States. Historically, sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities. Further, there has been a high incidence of bodily fluids being found in some areas of sexually oriented businesses.

B. The Governing Body does not condone or legitimize the distribution of obscene material. The Governing Body recognizes that state and federal law prohibits the distribution of obscene materials, and therefore expects and encourages all law enforcement officials to enforce state obscenity statutes against any such illegal activities within the City/County.

C. Based on the foregoing findings, it is the intent of the Governing Body to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City/County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City/County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this ordinance to restrict or deny access by adults to sexually oriented materials that are protected by the Federal or the State Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended adult market.

D. Basis of Findings. The City Council and Board of County Commissioners and their staff have received evidence concerning the adverse secondary effects of sexually oriented commercial uses on the community presented in hearings and in reports made available to the Governing Body and staff, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. (1986), *Young v. American Mini Theatres*, 427 U. S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U. S. 560 (1991), *City of Erie v. Pap's A.M.*, 529 U. S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 532 U.S. 902 (2001). The Governing Body and staff have access to and rely on studies (dated from 1977 to date) in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Tucson, Arizona; Adams County, Colorado; Manatee County, Florida; St. Paul, Minnesota; State of Minnesota; New Hannover County, North Carolina; Las Vegas, Nevada; Callarangees County, New York; Islip, New York; New York City, New York; Times Square, New York; Cleburne, Texas; Dallas, Texas; El Paso, Texas; Newport News, Virginia; Bellevue, Washington; Des Moines, Washington; St. Croix, Washington; and Beaumont, Texas. The Governing Body also relies on findings from the Report of the Attorney General's Working Group On The Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota). The Governing Body further expressly relies on *Z. J. Gifts D-2, L.L. C. v. City of Aurora*, 136 F3d 683 (10th Cir 2003), *American Target Advertising, Inc. v. Giani*, 199 F3d 1241 (10th Cir 2000), and *Heideman v. South Salt Lake City*, 348 F3d (10th Cir 2003). City and County law enforcement officials have access to and rely upon criminal statistics from a wide variety and diversity of cities and counties across the nation. Also considered are papers and reports including *Exposing Workplace Sexual Violence (Parts I, 2 and 3)* by Holsopple, Program Director for the Freedom and Justice Center for Prostitution Resources, *Sexually Oriented Businesses: An Insider's View* by Shennan, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; and the International Municipal Lawyers Association Event papers for 1999, August 2000, September 2001 and October 2002 (various presentations in each.)

E. The findings and purposes set forth above raise substantial governmental concerns, but do not constitute an exhaustive list of the problems and concerns associated with these businesses. Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect these substantial governmental concerns. Sexually oriented businesses have a more significant offsite effect on neighboring properties than do other businesses. These offsite effects are most pronounced within five hundred (500) feet of the business, and have significant impact for up to one thousand (1,000) feet. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore, nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City/County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

7.7.3.2. *Definitions.* The following terms are defined as set forth for use in this ordinance:

1) **SEXUALLY ORIENTED ARCADE** means any place to which the public is permitted or invited wherein coinoperated, token-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

2) **SEXUALLY ORIENTED BOOKSTORE, NOVELTY STORE OR VIDEO STORE** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as **SEXUALLY ORIENTED BOOKSTORE, NOVELTY STORE, or VIDEO STORE**. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an **SEXUALLY ORIENTED BOOKSTORE, NOVELTY STORE or VIDEO STORE** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." Provided that if such materials are rented for use on site, the business shall be considered either a sexually oriented arcade or a sexually oriented theater.

3) **SEXUALLY ORIENTED CABARET** means a nightclub, bar, restaurant, auditorium, concert hall, or similar commercial establishment which regularly features:

(a) persons who appear in a state of nudity or semi-nudity; or

(b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". Provided that the provision of films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", in addition to live entertainment shall not change this classification of business.

4) **SEXUALLY ORIENTED MOTEL** means a hotel, motel or similar commercial establishment which:

(a) offers accommodations to the public for any form of consideration, and 1) provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and 2) has a sign visible from the public right of way which advertises the availability of this adult type of graphic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

5) **SEXUALLY ORIENTED THEATER** means a commercial establishment designed to accommodate audiences of more than five persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

6) **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Whether or not said person is paid salary, wages, tips or other compensation by the operator or by the customers of said business shall not change the defined status as an "employee". Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to or the removal of waste from the premises.

- 7) ESCORT means a person who, for wage, fee, tip or other consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 8) ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 9) ESTABLISHMENT means and includes any of the following:
- (a) the opening or commencement of any sexually oriented business as a new business;
  - (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (c) the addition of any sexually oriented business to any other existing sexually oriented business as defined under this ordinance; or
  - (d) the relocation of any sexually oriented business.
- 10) LICENSEE means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
- 11) NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or semi-nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include: (a) a proprietary school licensed by the State of Oklahoma or a college, junior college or university supported entirely or in part by public taxation; (b) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (c) in a structure:
- (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - (2) where in order to participate in a class, a student must enroll at least three days in advance of the class; and
  - (3) where no more than one nude or semi-nude model is on the premises at anyone time.
- 12) NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances shall not be considered opaque covering.
- 13) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- 14) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (b) contact activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- 15) SEXUALLY ORIENTED BUSINESS means any arcade, bookstore, novelty store, video store, cabaret, motel, theater, escort agency, nude model studio, sexual encounter center, or other business where live performances or recorded media in any form, or various devices are used or made available, for any consideration, to patrons for use in or viewing of specified criminal activity or specified sexual activity.
- 16) SPECIFIED ANATOMICAL AREAS means:
- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - (b) less than completely or opaquely covered human genitals, pubic area, vulva, anus or anal cleft.

- 17) SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:
- (a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; regardless of how denominated, any offense for which a convicted person must register as a sex offender; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other cities, states or countries;
  - (b) for which:
    - 1) less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor or an offense;
    - 2) less than ten years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
    - 3) less than ten years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of A) two or more misdemeanors or B) any offenses or combination of misdemeanor offenses occurring within any 24-month period.
  - (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.
- 18) SPECIFIED SEXUAL ACTIVITIES means any of the following:
- (a) the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, vulva or female breasts;
  - (b) sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, masturbation, or anal copulation;
  - (c) excretory functions as part of or in connection with any of the activities set forth in (a) or (b) above; or
  - (d) physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities set forth in (a), (b), or (c) above.
- 19) SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect or the date of the most recent permit.
- 20) TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:
- (a) the sale, lease, or sublease of the business;
  - (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
  - (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

*7.7.3.3. Locational, Development and Operational Standards for the Operation of a Sexually Oriented Business.*

*A. Location of sexually oriented businesses.*

1. A person commits an offense if that person operates or causes to be operated a sexually oriented business in any zoning district other than those identified in Table 6.2 of this Ordinance.
2. A person commits an offense if that person operates or causes to be operated a sexually oriented business within five hundred (500) feet of:
  - (a) A place of public religious worship;
  - (b) A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools,

continuation schools, special education schools, junior colleges, and universities; a school include the school grounds, but does not include facilities used primarily for another purpose such as offices and vehicle maintenance facilities and only incidentally used by students;

(c) A boundary of any RE, Residential Estate, RS, Single-Family Residential, RM, Multi-Family Residential, or RT, Mobile Home Residential zoning district;

(d) A public park or recreational area which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trail, bicycle or pedestrian paths, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, wilderness area, or other similar public land within the City or County which is under the control, operation, or management of the City of Bartlesville, Washington County, or any Public Trusts, provided that a recreation area as used in this ordinance shall not be interpreted as including turnpikes and highways that also contain jogging or bicycle paths;

(e) The property line of a lot, regardless of zoning, actually devoted to a residential use;

(f) An entertainment business which is oriented primarily towards children or family entertainment. The distance between a sexually oriented business and any use named above shall be measured in a straight line, without regard to the intervening structures, objects or political boundaries, from the nearest exterior boundary of the parcel or the premises where a sexually oriented business is conducted, to the nearest property boundary of the premises of a listed use.

3. A person commits an offense if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of:

(a) another sexually oriented business, or

(b) a business licensed pursuant to the alcoholic beverage control regulations of the State where any beverage containing alcohol is sold, distributed or served. The distance between any sexually oriented business and either of the two uses named above shall be measured in a straight line, without regard to the intervening structures, objects or political boundaries, from the nearest exterior walls of the structures in which each business is located.

4. A person commits an offense if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of any residential structure located within any RA, Residential Agriculture zoning district, as measured in a straight line, without regard to intervening buildings, from the nearest exterior wall of the residential structure to the nearest point of the property parcel upon which the sexually oriented business is located.

5. A person commits an offense if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

6. The provisions of Oklahoma State Statute Title 11, Section 22-109.1 concerning the location of adult novelty shops are hereby adopted in addition to the regulations set forth in this ordinance.

7. The site shall have its main ingress and egress on a major thoroughfare or on a collector street not more than 2,640 feet (1/2 mile) distance (by shortest street route) from a major thoroughfare.

*B. Development Standards.* The development standards for sexually oriented businesses are the same as the applicable zoning regulations for the zoning district in which they are to be located, except as follows:

1. No merchandise or pictures of the products or entertainment on the premises may be displayed in window areas or any area where they can be viewed from a public sidewalk, street, or right-of-way.

2. All windows, doors, opening, entrances, etc. shall be located, covered, screened, or otherwise treated so the views of the interior of the establishment are not possible from any public or semi-public area, street, or way.

- C. *Operational Standards.* It shall be the operator's responsibility to insure compliance of the sexually oriented business, its employees, and its patrons with all standards and obligations contained within this Ordinance as well as the provisions.

1. No sexually oriented business, except for a sexually oriented motel, may remain open at any time between the hours of eleven o'clock (11:00) p.m. and nine o'clock (9:00) a.m. on weekdays and Saturdays. No sexually oriented business, except a sexually oriented motel, may remain open at any time on Sundays.
2. No employee or patron under eighteen (18) years of age shall be allowed on the premises of a sexually oriented business.
3. The operator shall maintain the premises in a clean and sanitary manner at all times. Further, the property and structure shall be maintained in such a manner as to be in full compliance with the International Property Maintenance Code and all other applicable City/County, County, State, and Federal codes and regulations.
4. The operator shall at all times open every portion of any sexually oriented business for inspection by the Police Department, Sheriff's Department or other City and County departments for the purposes of enforcing any of the provisions of this Ordinance.
5. Granting of a certificate of occupancy for the location of a sexually oriented business under these provisions shall be contingent upon the applicant obtaining or maintaining a Sexually Oriented Business License as required by Ordinance No. 3137 and fully complying with all applicable codes and regulations of the City of Bartlesville and Washington County, including, but not limited to building, plumbing, mechanical, electrical, fire, life safety, and property maintenance codes. Failure to comply and maintain full compliance with all applicable codes and regulations may cause the certificate of occupancy for this use to be suspended or revoked. No charge need be brought for suspension or revocation of the certificate of occupancy to occur. Code violations referenced in this subsection may be shown to have occurred by a preponderance of the evidence.

*7.7.3.4. Non-Conforming Sexually Oriented Businesses.*

- A. Any sexually oriented business already in operation on the effective date of this Ordinance, which does not meet all of the requirements of this ordinance at the time of adoption, shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered, or rebuilt except that such use may be changed to comply with the provisions of this Ordinance. Such uses that are deemed non-conforming pursuant to the terms of this Ordinance shall be permitted to continue for one (1) year following the adoption of the Ordinance, unless such use is terminated for any reason whatsoever prior thereto for a period of thirty (30) days or more. Thereafter, such non-conforming use shall terminate or come into compliance with the terms of this Ordinance. It is provided, however, that notwithstanding the term of the lease, upon the expiration of any lease for a non-conforming sexually oriented business, the sexually oriented business shall no longer be permitted to continue at the same location thereafter. It is further provided that after the effective date of this Ordinance, leases for non-conforming sexually oriented businesses shall not be extended or amended in any way that delays the expiration of the term of the lease. Failure to comply shall render the business illegal and subject to enforcement action.
- B. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established by verification of a lawfully issued business license and continually operated at this particular location shall be considered the conforming use and the later-established business(es) shall be considered non-conforming.
- C. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of any land use identified in Section 7.7.3.3(A) of this ordinance within the locational boundary established therein. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after a business license has expired or has been revoked.

## **7.8 Wireless Communications Towers**

**7.8.1 Purpose.** The general purpose of this Section is to establish requirements for the location of wireless communications towers, antennas, and related equipment.

Specifically, the purposes of this Section are:

1. To protect residential areas and land uses from potentially adverse impacts of towers and antennas;  
To encourage the location of towers in non-residential areas;
3. To minimize the total number of towers throughout the community;
4. To strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. To encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. To encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. To consider the public health and safety of communication towers; and
9. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

**7.8.2 Exemptions.** The following activities shall be exempt from these regulations:

1. Wireless communication towers and antennas which do not exceed 50 feet in height above the mean elevation of the ground of the lot or parcel on which it is built;  
Antennas and equipment completely located inside of buildings;
3. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document;
4. Towers located on property owned, leased, or otherwise controlled by the governing authority of any City, County, public school district, state, or by any agency of the United States of America, will be exempt from the remaining requirements of this ordinance if in compliance with all Performance Standards contained in Section 7.8.5; provided that such exemption will only be available if a commercial lease or license authorizing such antenna or tower has been approved by the applicable governing body; and
5. Wireless communication towers and antennas which lawfully existed on or before April 12, 1999, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. Routine maintenance, including antenna replacement, shall be permitted on such existing tower. New construction other than routine maintenance shall require compliance with the requirements of this section.

**7.8.3 Definitions.** The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) Antenna means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals.
- b) Antenna Support Structure means any building or structure other than a tower which can be used for location of telecommunications facilities.
- c) Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.
- d) Stealth means any tower of telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as flag poles, light poles, power poles, and trees.

- e) Telecommunications Facilities means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.
- f) Tower means any structure more than fifty (50) feet in height that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any support thereto.

#### 7.8.4 General Requirements for Towers and Antennas

1. Towers are exempt from the maximum height restrictions of the districts where located, however, no tower shall hereafter be constructed in excess of fifty (50) feet in height above mean ground elevation on any property without approval of a building permit. Towers shall be permitted to a height of two hundred (200) feet. Towers in excess of two hundred (200) feet may be permitted with approval of a Special Zoning Permit from the Board of Adjustment.  
Towers may be located in a residential (R) district, including the RA, Residential Agricultural district (where approved as a Special Zoning Permit by the Board of Adjustment), only if the site is vacant and unplatted. However, the site may be occupied with a non-residential land use which is a legal use.
3. Towers and Antennas Permitted by Administrative Approval:
  - a. When located within any C-3, C-4, C-5, C-6, C-7, or M District if such tower does not exceed 200 feet in height above the mean elevation of the ground of the lot or parcel on which it is built and if such tower complies with all Performance Standards contained in Section 7.8.5;
  - b. When installing an antenna on an existing structure other than a tower (such as a building, sign, power pole, water tower, or other freestanding, non-residential structure) which is less than 50 feet in height, provided the addition of said antennae does not add more than 20 feet to the height of the existing structure;
  - c. When installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided the addition of said antenna does not add more than 20 feet to the height of the existing tower and further provided the total height of the tower and the antenna does not exceed two hundred (200) feet;
  - d. When installing an antenna and associated equipment as a co-location on an existing tower or supporting structures.
4. In zoning districts where a tower, antenna, or related equipment may not be permitted administratively as identified above, then the construction of any such tower, antenna or related equipment may be permitted only with approval of a Special Zoning Permit from the Board of Adjustment pursuant to Section 10.5 of these regulations. In addition to any other requirement of this Section, the following factors shall be considered in the determination to grant or deny a Special Zoning Permit for a tower or antenna:
  - a) height of the proposed tower or antenna,
  - b) proximity of the tower or antenna to residential structures and adjacent residential lot boundaries,
  - c) nature of uses on adjacent and nearby properties,
  - d) surrounding topography,
  - e) surrounding tree coverage and foliage,
  - f) design of the tower or antenna, with particular reference to those design characteristic which have the effect of reducing or eliminating visual obtrusiveness,
  - g) proposed routes of ingress and egress to the site,
  - h) the total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location requirements,
  - i) architectural design of utility building and accessory structures to blend with the surrounding environment,
  - j) whether or not there are suitable, existing towers or other supporting structures capable of meeting the technological needs of the applicant, and
  - k) the size of the tract and the most likely future development indicated by the Comprehensive Land Use Plan, planned infrastructure, topography, and other physical factors.

7.8.5 *Performance Standards.* The siting of all wireless communications towers, antennas, and related equipment shall comply with the following Performance Standards unless otherwise noted or unless otherwise modified by the Board of Adjustment as a Special Zoning Permit pursuant to Section 10.5 of these regulations.

1. All towers must be of monopole type construction. Lattice and guyed towers are prohibited.  
All towers over a height of one hundred (100) feet shall be designed and constructed to allow for co-location of at least two other carriers.
3. The tower shall either maintain a galvanized steel finish, or be painted a neutral color in compliance with any applicable standards of Federal Aviation Administration, so as to reduce visual intrusiveness. The design and maintenance of the equipment, buildings, cabinets, or related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting or the built environment of the primary use.
4. If an antenna or series of antennas are installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.
5. Towers shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration or other applicable authority.
6. All towers, antennas, and related equipment shall meet or exceed current standards and regulations of the Federal Aviation Administration and the Federal Communications Commission, together with the regulations of any other governmental agency with the authority to regulate towers and antennas. Applicant shall provide proof of licensure from the Federal Aviation Administration and/or the Federal Communications Commission as well as any other regulatory governmental agency.
7. All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with all applicable building codes, and any other standards outlined in this Section.
8. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
9. All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district, including minimum building setback requirements.
10. Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any right-of-way or any adjoining lot line of a residential use, excluding rights-of-way. Setback requirements for towers shall be measured from the base of the tower to the right-of-way line or property line of the parcel of land on which such residential use is located.
11. Tower facilities shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used for residential purposes. The standard buffer shall consist of a landscaped strip of a least five (5) feet wide outside the perimeter of the compound. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. **In** some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
12. Towers shall be enclosed by security fencing not less than six (6) feet in height with access through a locked gate. As an alternate to #11 above, a sight proof fence not less than eight (8) feet in height, from finished grade, shall be installed around the tower site with access through a locked gate.
13. New towers which are less than 200 feet in height shall be a minimum distance of at least one-quarter (1/4) mile from another tower. New towers which are 200 feet in height or greater shall be a minimum distance of at least one-half (1/2) mile from another tower.
14. Stealth towers shall be exempt from the following requirements: co-location and separation of towers.

7.8.6 *Maintenance.*

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, and nuisances to the public.  
Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of property of any person.
3. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

4. In the event that the use of the tower is discontinued by the tower owner, the tower owner shall provide written notice to the City of Bartlesville of its intent to discontinue use and the date when the use shall be discontinued.

7.8.7 *Removal of Abandoned Antenna and Towers.* Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Bartlesville notifying the owner of such abandonment. Notice shall be given to the applicant and to the owner of the real estate on which the tower is located if different from the applicant. Abandoned antennas and towers are hereby declared a public nuisance, removable by the City of Bartlesville in accordance with nuisance abatement procedures.

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## **7.9 Town House Dwelling Units in Residential Multifamily Districts**

- 7.9.1 *The land coverage ratio shall not exceed* that established for the multifamily zoning districts in which the development is to be located.

MINIMUM REQUIREMENTS	
Aggregate Lot Area	20,000 square feet
There shall be no less per unit than:	Ten percent (10%) of gross lot area, or 2,000 square feet, whichever is the lesser, but not less than five times the ground floor building area exclusive of accessory buildings.
Living Area	800 square feet
Lot Width	20 feet
Front Yard Setbacks	
Dwelling Units	25 feet
Accessory Buildings	0*
Rear Yard	20 Feet **
Side Yard Setbacks	
Between Dwellings	0
Exterior	20 feet
On-Site Parking (per dwelling)	1.5 spaces
*The Board of Adjustment may approve construction of accessory buildings for the storage of automobiles and other items to be built to the property line, provided: (1) That they are screened to a height of not less than five feet by a vision-proof fence along the exterior perimeter boundaries; and (2) Construction may be extended to the lot line on no more than 65% of any single street frontage.	
**Provided that the Board of Adjustment may reduce this requirement to 10 feet if the design proposal otherwise provides for private outdoor area of at least 250 square feet in conjunction with each dwelling unit.	

- 7.9.2 *Building structural design shall be two stories in height and be compatible* with the design of single-family residences within 200 feet of the proposed apartments, and in no event shall the height of any town house apartment exceed thirty-five (35) feet and not more than twenty-five (25) feet to the eave line.
- 7.9.3 *Off-street parking should be provided/acing the interior of the lot.* In the event any parking faces the exterior of the lot or driveways are installed closer than twenty-five (25) feet to any side or rear property line, a vision proof fence shall be required not less than five (5) feet in height along the exterior perimeter boundaries of said parking or driveway area.
- 7.9.4 *All City of Bartlesville codes shall be observed* in all construction, and in addition, a full fire wall shall be required between each four (4) units.
- 7.9.5 *All units adjacent to exterior property lines shall have a presentable exterior* with screening and planters as necessary to preserve the aesthetics of the neighborhood.
- 7.9.6 *Complete plans and specifications* including a plot plan, landscape plan, foundation plan, floor plan, elevations, details of construction, cabinet work, plumbing, heating, electrical plans, and related specifications for materials and workmanship quality, together with location of all driveways, driveway widths and location of driveway entrances and exits to all public streets, shall be approved prior to issuance of a building permit. The required plot plan shall show lot lines in relation to each unit and the boundaries of all common areas. The developer must furnish a statement as to the proposed ownership and maintenance of all common areas.
- 7.9.7 *All town house developments must be connected to public sewer and water facilities*, and if adjacent to city limits must be annexed to the City of Bartlesville.

**7.10 Highway 75 Overlay District.** This section provides regulations that shall apply within the area to be known as the Highway 75 Overlay District, also referred to as HY75-O in these regulations, a land use area analyzed separately by the U.S. Highway 75 Corridor Study, incorporated herein by reference and hereby made a part of these regulations, adopted by the Bartlesville City Council and Washington County Board of Commissioners on September 15, 2003. This area is comprised of those properties lying within a one-mile wide area centered along U.S. Highway 75 (one-half mile on either side of the highway) from the Bartlesville city limits (as of September 15, 2003) to County Road 3100, excluding the Prairie View Acres subdivision on County Road 2900.

*7.10.1 General Provisions:*

A. Purpose. The purpose of the Highway 75 Overlay District (HY75-O) is to implement the 2003 Highway 75 Corridor Study by guiding development within the Highway 75 Corridor. The goal is to provide a safe and convenient roadway serving the economic and transportation needs of all residents in the City of Bartlesville and Washington County. The HY75-ODistrict overlays the existing zoning district(s) and establishes regulations in addition to those of the underlying district(s). Further, development within the HY75-ODistrict also required compliance with all applicable regulations contained within the Planned Unit Development regulations contained within Section 7.6 of this Ordinance.

B. Objectives. These regulations are designed to accomplish this purpose by requiring that development proposals meet or exceed US Highway 75 development design standards set forth in Section 7.103 and by permitting deviations from and modifications to the underlying zoning district regulations in appropriate circumstances. The following are specific objectives of the HY75-ODistrict:

1. Improve safety along US Highway 75 for motorists, pedestrians and bicyclists;  
Provide a safe, efficient and convenient roadway by applying access management principles along US Highway 75;
3. Enhance the business climate along US Highway 75 by promoting quality design,
4. Improve the appearance of US Highway 75 through minimizing visual clutter by providing a continuous open space or landscaping that separates the roadway from residential and business uses by improving lighting and sign age, incorporating gateway and parkway or boulevard features;
5. Provide a well-planned and well-maintained quality entry into the City of Bartlesville that facilitates development and improvement of individual sites by encouraging compatible and appropriate land uses and improvements;
6. Protect property values and value of City public infrastructure investments along the Highway 75 Corridor;
7. Implement the US Highway 75 Corridor Study with reasonable consideration to the character of the district and its suitability for particular uses; and
8. Secure more business development within the Bartlesville Metropolitan Planning Area.

C. Location. The HY75-ODistrict shall be applied to all tracts of land within the area covered by the U.S. Highway 75 Corridor Study. All tracts of land within the HY75-ODistrict shall be identified on the Zoning Map by the letters "HY75-O."

D. Effect of HY75-O District on Underlying Zoning District Regulations. The HY75-O District regulations shall apply in addition to the underlying zoning district regulations to impose different or additional development requirements and standards for properties within the HY75-O District. In case of conflict between the HY75-O District regulations of this Section and other regulations in this Ordinance, the HY75-O regulations of this Section shall control. Where no special HY75-O District regulation is stated, the regulations of the underlying zoning district shall control.

E. Relationship to Subdivision Design and Improvement Standards. Except as otherwise provided, the processing and consideration of a development application for land within the HY75-O District shall be separate from the platting procedures contained within the Subdivision Regulations for the Bartlesville Metropolitan Area, and the site development plan required by the HY75-O District regulations shall not be construed as a plat. Flag lots (a property with minimal frontage where access to a public road is provided by a narrow strip of land, often between 15 to 30 feet in width, providing enough room for one private driveway) shall be expressly prohibited within the HY75-O District.

#### 7.10.2 *Uses Permitted in the HY75-ODistrict:*

A. *Allowed Uses.* Within the HY75-O District, unless otherwise restricted, any use permitted in the underlying zoning district shall be permitted.

B. *Exemptions.* Within the HY75-O District, the following uses are exempted:

1. Agricultural or ranch uses;
2. Rural residences on lots equal or greater than 5-acres;
3. Rural residences which existed as of the date of these regulations on lots less than 5-acres, recognized as non-conforming uses subject to compliance with the following Section.

C. *Non-Conforming Uses.* New developments shall conform to the regulations contained within this Section. Existing, but non-conforming properties, which existed as of the date of these regulations, shall be allowed to continue in the same manner after the adoption of these regulations. However, such non-conforming properties must be brought into compliance with these regulations when:

1. A property is annexed into the City;
2. A property owner requests any zoning change;
3. The principle use on the property is discontinued for a period of six calendar months;
4. The property is destroyed or significantly altered (60% or greater);
5. Existing access connections are altered or new access connections are requested;
6. Enlargements or improvements are made to the property that increase the gross square footage by 25%; or
7. An increase in trip generation by 25% and/or 100 trips per day.

When any change as identified above occurs, the property owner must demonstrate that the change to the property shall not significantly impair the safe and efficient flow of traffic within the study area. The Community Development Director or his/her designee may require the property owner to provide a site specific traffic study to determine the potential impacts of the proposed changes as part of the site development plan.

#### 7.10.3 *Development Design Standards.* To further the objectives as identified in Section 7.10.1(B), the following design standards shall be required for all development that occurs within the HY75-O District.

A. *Bulk and Area Requirements.* The bulk and area requirements for a development within the HY75-O District (including lot area, area per unit, lot width, percent of lot coverage, minimum yard area and maximum height) shall meet the requirements of the underlying zoning district(s), except as further modified in this Section.

B. *Height Requirements.* Regardless of the maximum height permitted for the underlying zoning district no new structure within the HY75-ODistrict shall exceed 3 stories in height, or a maximum of 45-feet, as determined by the definition of building height contained in Section 13 of these regulations.

C. *General Development Standards.* All general development standards (including off-street loading and parking, site standards, soil erosion and sediment control, and residential protection standards) as required by Section 7.4 shall apply within the HY75-O District, except as further modified in this Section.

D. *Service Facilities.* Service facilities, to include but not limited to streets, water supply facilities, sanitary sewers, fire protection services, storm water and groundwater detention facilities, both on and off-site, shall be provided as is necessary for the proper service of the development. These services shall be provided at no cost to the public unless allowed by the governing body. The provision of such facilities shall be regulated by the standards contained in the Subdivision Regulations and other codes and ordinances as adopted for the Bartlesville Metropolitan Area.

E. *Streetscape and Landscape Requirements.* All new developments within the HY75-O District shall comply with the following streetscape and landscape requirements.

- l. *Street Frontage Improvements.* Each street shall be designed to include a landscaped grass area along the curb of at least twenty (20) feet in width north of the Caney River and forty (40) feet in width south of the Caney River.

Three (3) street trees shall be planted for each 100 lineal feet of street frontage within this landscaped area adjacent to the street right-of-way. However, for any lot having a street frontage of 100 lineal feet or greater, three (3) street trees shall be required for every sixty (60) feet of street frontage.

Trees shall be planted within the landscaped area and may be clustered at entrances, clustered at corners, planted in a line or other creative ways within the landscaped area as approved by the Community Development Director. Fractions of trees above 0.5 shall be rounded up to the nearest whole number. Said street trees shall be at least 2½ inch caliper as measured three feet up from the base at the time of planting and shall be approved by the MAPC as part of the site development plan approval.

Public sidewalks shall be constructed on all streets as required in the Subdivision Regulations, except along divided highway sections with speed limits greater than 50 miles an hour.

*Parking Lot Improvements.* In addition to the requirements of Section 7.4.2.8, off-street parking lots located between a non-residential building and the street right-of-way for US Highway 75 and/or any section line, arterial, or collector road shall provide a 90 percent linear landscape buffer between the edge of the parking lot and the adjoining right-of-way. Said landscape buffer shall include both an earthen berm and landscaping and shall have a height not less than three (3) feet and not more than four (4) feet.

*F. Architectural and Aesthetic Standards.* All new development within the HY75-ODistrict shall comply with the following architectural and aesthetic requirements.

1. *Building Facade.* The front building facade of any building fronting or facing US Highway 75 shall have relief and be articulated with windows, doors, and other design elements. Architectural materials of the front building facade shall blend with the natural environment, and shall include stone, brick, block masonry, and non-reflective glass.
2. *Lighting.* Natural and artificial sources of illumination, particularly pedestrian level lighting, lighting of signs and architectural features shall be incorporated into all non-residential developments. These lighting sources shall be so designed to enable people within a development or passing by to see well enough to find their destinations and increase the sense of security without negatively impacting surrounding residences. All lighting fixtures shall be ornamental or decorative where appropriate.
3. *Pedestrian Linkages.* Internal sidewalks and designated pedestrian walkways connecting structures and developments shall be incorporated into the site design and identified on the site development plan. Additionally, where feasible, every effort should be made to tie new developments into the Pathfinder Parkway trail system.

*G. Signage Requirements.* Freestanding signs shall be restricted to monument type signs within the HY75-O District. Pole signs, billboards, and roof-mounted signs are expressly prohibited. The following regulations shall apply to all signage improvements within the HY75-O District.

1. *Signs in Residential Zones.* Residential developments and subdivisions and permitted institutional uses within the HY75-ODistrict are allowed monument-type identification signs as follows. Each development may locate a monument sign(s) at major entrances to identify the overall development. Monument signs shall be set back from the property line such a distance as is necessary to avoid location within the required sight triangle as defined in Section 9.53 of this Ordinance. Monument signs shall not exceed six (6) feet in height. Light fixtures that are on top of the monument sign are permitted above the maximum height limit of six (6) feet. Walls attached to monument signs or within several feet of a monument sign are allowed and may include the name of the project, however, said wall shall not exceed four (4) feet in height. The name of the development shall be in individually applied lettering and may not be internally lit. Residential subdivisions may include a monument sign within a median area at an entry if such monument

signs are located within a platted public right-of-way within a signage easement as identified on the recorded plat thereof, and if the Homeowners Association for said subdivision assumes, in writing, all costs and responsibilities for the maintenance of said monument sign.

2. *Signs in Non-Residential Zones.* Non-residential developments and subdivisions within the HY75-O District are allowed one monument-type identification, professional, or business sign per parcel as follows:
  - a. Parcels of less than one (1) acre: shall not exceed 6-feet in height with a maximum sign area of 20 feet per face;
  - b. Parcels of one (1) to four (4) acres: shall not exceed 12-feet in height with a maximum sign area of 40 square feet per face;
  - c. Parcels greater than four (4) acres: shall not exceed 20-feet in height with a maximum sign area of 60 square feet per face.

*Bonus Provisions for Sign Area:* Bonus provisions for an increase in sign area may be approved by the MAPC in accordance with the following guidelines. Bonus provisions may be cumulative, however, in no case shall a sign exceed one hundred (100) square feet in area per face.

- a. Landscaping: a 10% bonus in the size of the sign face may be granted when any monument sign is erected in a landscaped area. The landscaped area must contain a minimum of two (2) square feet for each square foot of the sign area. The landscape design must be approved by the MAPC or its designee.
- b. Setback: a 10% bonus in the size of the sign face may be granted when any monument sign is set back from the right-of-way as follows:
  - 10 feet from the right-of-way = 10% bonus
  - 20 feet from the right-of-way = 20% bonus
  - 30 feet from the right-of-way = 30% bonus
  - 40 feet from the right-of-way = 40% bonus
  - 50 feet from the right-of-way = 50% bonus
- c. Design: a 20% bonus in the size of the sign face may be granted if at least fifty percent (50%) of the total sign structure is comprised of brick, stone, or architectural block.

In addition to the one monument sign permitted per parcel, non-residential developments are allowed wall-mounted signage on the face of the building. Said wall-mounted signage may not exceed five (5) percent of the total wall area of a building.

*H. Residential Open Space.* All residential subdivisions of three lots or more within the HY75-O District shall provide open space that is centrally located and accessible to all of the residents of the subdivision. The following criteria shall be used to determine the amount of open space required for each subdivision.

1. Residential subdivisions with lot size that average one-acre or greater shall preserve five percent (5%) of the total lot area as open space.

All other single-family detached residential subdivisions shall be required to preserve ten percent (10%) of the total lot area as open space.
3. All attached residential units and multifamily residential developments shall be required to preserve fifteen percent (15%) of the total lot area as open space.
4. In no case shall the landscaped area required in Section 7.10 .3(E) be counted toward meeting this open space requirement.

*I. Transportation Access.* Maintaining and improving safety along US Highway 75 is of critical importance in the HY75-O District. The following regulations shall apply to all developments abutting or accessing the U.S. Highway 75 right-of-way.

1. The location and quantity of new driveways onto US Highway 75 shall be strictly regulated within the HY75-O District and shall only be granted with approval from the Local Government Engineer with final approval from the Oklahoma Department of Transportation. New developments shall improve and share existing driveways which access US Highway 75 or shall provide alternate ingress/egress from any intersecting section line, arterial or collector road. Where possible, all

traffic from a new development should be directed to a signalized intersection where access can be consolidated on adjacent roadways.

Front and rear access roads along US Highway 75 shall be integrated into the Site Development Plan to ensure a safe and efficient flow of traffic along the corridor and to adjacent properties.

3. When the physical constraints of the property do not allow for incorporating front or rear access road, the property owner shall provide alternate access strategies which may include the following options:
  - (a) Cross access agreements or easements between adjacent property owners or developments to allow local traffic to access adjacent developments without utilizing US Highway 75.
  - (b) Joint access, a single point of access to one or more properties, to provide one or more points of entry and access between adjacent developments. At a minimum, property owners shall be required to provide joint access between all adjacent developments.
  - (c) New subdivisions, including minor subdivisions, shall share existing access drives where feasible.
4. Residential developments shall have consolidated access to US Highway 75 and/or adjacent section line, arterial or collector roads when possible. Residential structures shall face internally away from U.S. Highway 75. Roadway connections within residential developments shall be utilized to tie external developments together into a cohesive roadway system. Cul-de-sacs are expressly discouraged within the HY75-ODistrict.

#### *7.10.4 Site Development Plan Approval*

*A. Review and Approval.* A site development plan shall be submitted, reviewed, and approved for all developments proposed on a tract of land within the HY75-O District as required by the Planned Unit Development regulations contained in Section 7.6 of these Regulations.

In reviewing the site development plan, the MAPC may consider other factors which may be relevant to a particular application which may include the following:

1. The relationship to neighboring properties;  
The zoning and the uses of nearby properties;
3. The extent to which the proposed use would substantially harm the value of nearby properties;
4. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property;
5. The extent to which utilities and services, including, but not limited to, sewer, water service, police and fire protection, and are available and adequate to serve the proposed use;
6. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to these regulations;
7. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application;
8. The conformance of the proposed use to the Highway 75 Corridor Plan, the Comprehensive Land Use Plan, and other adopted planning policies; and
9. The recommendation of professional staff.

*B. Modification of Underlying District Regulations.* An applicant may propose a site development plan that modifies one or more of the restrictions or regulations of the underlying zoning district. However, this may not include a proposed amendment of allowed uses in the underlying zoning district. Any site plan proposing a modification of any underlying zoning district regulation shall be accompanied by a typewritten letter outlining the proposed modification(s) and the reason(s) therefore. No separate vote shall be required on a proposed modification(s) by the MAPC. It is the intent of this Subsection that the MAPC evaluate the proposed site development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of this Section.

*C. Time Limitation and Issuance of Building Permits.* As provided for in Sections 7.6.5.6 and 7.6.5.7 of these Regulations.

*D. Amendments.* Once a site development plan has been approved, changes or amendments shall be made through the following procedures:

1. When an application for an amended site development plan is filed, the Community Development Director shall determine whether the amended plan involves substantial changes, minor changes, or reconfiguration of building locations, and shall notify the applicant within seven (7) working days of the nature of the requested changes and of the procedure that applies to consideration of the application for an amended site development plan. The determination of the Community Development Director may be appealed to the Planning Commission, whose decision shall be final.
  - a. Substantial changes to the approved site development plan, as defined below, may be approved only by the MAPC after compliance with the notice, public hearing, and procedural requirements of Section 7.6.5. Approval of substantial changes to the approved site development plan shall follow the procedure for original approval of the site development plan set forth herein. Substantial change means:
    - (1) Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
    - (2) Modification or removal of conditions attached to the site development plan approval.
    - (3) Other changes that do not fit the definition of minor changes, as defined below.
  - b. Minor changes to the approved site development plan, as defined below, may be approved by the MAPC without a public hearing. Minor change means:
    - (1) A change in the phases as specified in the approved site development plan.
    - (2) A maximum five percent (5%) increase in the number of lots.
    - (3) A maximum five percent (5%) increases in lot coverage.
    - (4) A maximum ten percent (10%) increase in the height of any building.
    - (5) A maximum five percent (5%) decrease of any setback.
    - (6) A maximum five percent (5%) decreases in areas devoted to open space.
  - c. If the application for an amended site development plan involves only reconfiguration of building locations and does not involve either minor changes or substantial changes, as defined in this Section, then the Community Development Director shall review and approve the application if the reconfiguration of building locations complies with the following standards:
    - (1) The amended plan does not increase the building coverage, increase the height of any buildings, change the architectural style of the project or buildings, change ownership patterns or stages of construction, decrease the setbacks, reduce pedestrian and bicycle access, decrease the open space of the development, alter the approved streetscape or modify or remove conditions of the approved site development plan; and
    - (2) The amended plan does not alter the internal circulation patterns or the ingress and egress to and from the property.
  - d. No more than two (2) amended site development plans may be approved that involve either minor changes or a reconfiguration of the building locations as defined in this Section. Any further amendments to the site development plan may only be approved in accordance with the procedure for original approval of site development plans as set forth in this Section.

In determining whether to approve an application for an amended site development plan, the MAPC shall apply the criteria set forth in Section 7.10.4(A). In the event that the application for the amended site development plan is denied, the previously-approved site development plan shall remain in effect.

## **7.11. Signs and Sign Structures, Including Billboards**

### **7.11.1 General Provisions.**

- A. No person except a public officer or employee **in** performance of public duty shall paste, post, paint, print, nail, tack, erect, place, project, or otherwise fasten any sign, pennant, or notice of any kind, or cause the same to be done, facing or visible from any public street in the City of Bartlesville, except as provided herein and elsewhere in these regulations.
- B. No sign shall be erected in such a manner as to create a traffic hazard by obstructing vision, or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal.

**7.11.2 Signs in Office, Commercial and Industrial Zones.** Identification, business or bulletin signs are allowed as follows in office, commercial, and industrial zones unless otherwise further restricted by an approved Planned Unit Development (PUD):

- A. All signs shall be erected in accordance with the provisions of the International Codes, the Bartlesville Municipal Code and all other applicable regulations of the City of Bartlesville and Washington County.
- B. Signs shall not exceed the maximum height limits identified for each zoning district. Where a maximum height limit is not identified, the maximum height of a sign in an office, commercial, or industrial district shall be limited to twenty (20) feet unless otherwise approved by the Board of Adjustment.
- C. No sign or sign structure shall be permitted which faces the front, side or rear lot lines of any lot in any RS, RM, or RT district within 100 feet of such lot line or which faces the entrance to any public park, public school, public library, or similar public institution, within 100 feet thereof. No flashing sign shall be permitted within 200 feet of an RS, RM, or RT district in such a location as to be visible from said district.
- D. Maximum Sign Area. As used herein, aggregate display area is computed as the combined area of all sign faces counting one side of a double-sided sign.
  - 1) Freestanding Signs. Lots with one freestanding sign, including directional and incidental freestanding signs, shall not exceed an aggregate display area of one-half (.5) square feet per lot frontage. Lots with two or more freestanding signs, including directional and incidental freestanding signs, shall not exceed an aggregate display area of one (1) square foot per lot frontage.
  - 2) Wall Signs. Wall signs and projecting signs may utilize an aggregate display area of a maximum of one (1) square feet per lot frontage.
  - 3) For signage on a corner lot, the linear footage of only one street may be used to calculate the permitted display area.



### **7.11.3 Prohibited Signs.** The following devices and locations are specifically prohibited:

- A. Signs encroaching upon or overhanging public right-of-way; signs attached to any utility pole, light standard, street tree or any other public facility located with the public right-of-way, unless otherwise approved by the appropriate jurisdiction.
- B. Signs which may be confused with or construed as a traffic control device.
- C. Signs, including their structure, which advertise any activity, business, or service that has not been conducted on the premises on which the sign is located for a period of six (6) months or more.
- D. Signs located within the sight triangle on any corner lot as defined in Section 9.5.3 of these regulations.
- E. Vehicle-mounted signs or any motorized vehicle or trailer parked upon public or private property for the obvious purpose of advertising.
- F. Balloons and inflatable devices or images, other than those permitted as a temporary sign, for the purpose of advertising or directing attention to the location from which the device is attached.

7.11.4 *Real Estate Signs.* One single or double faced, non-illuminated real estate sign advertising the sale, rental, or lease of the premises on which it is maintained and not exceeding five square feet in area per sign face shall be permitted on any lot. Such sign may remain on the property for a continuous period not to exceed 10 days following the sale of the property. In addition, one "Open House" sign may be placed on the property on the day of the open house only. Directional signs may be utilized within the Bartlesville city limits on the day of an open house for a period of eight hours or less. However, directional signs may be utilized outside the Bartlesville city limits during the sale of the property with removal of such signs within 10 days following the sale of the property. No setback requirement shall be imposed for such signs with a display surface area less than five (5) square feet per face. For each ten (10) feet by which the width of the lot, or two or more contiguous lots in single ownership, exceeds 50 feet, one square foot may be added to the above area of five (5) square feet, but in no case shall the total display surface area exceed 30 square feet. All such signs with a display surface area greater than five (5) square feet per face shall be set back from every street lot line at least one-half the depth of the required yard in which it is located; if the actual yard has less depth than the required yard, the sign shall be set back one-half the depth of the actual yard.

A subdivision sign not exceeding sixty (60) square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four and shall be removed upon completion of the development. A temporary sign or signs, each not exceeding three hundred (300) square feet in area, advertising a subdivision, may be placed in said subdivision during initial sales and development, provided the sign or signs are removed within ninety (90) days after completion of the last house or sale of the last lot in the subdivision.

7.11.5 *Signs in Residential Zones.* Identification or professional signs are allowed as follows in residential zones:

- A. All non-regulated signs or signs less than two square feet in area.
- B. One subdivision identification sign per entrance to a neighborhood, subdivision, or development, not to exceed 30 square feet in sign area.
- C. One freestanding identification sign per apartment or condominium complex containing ten or more units, not to exceed 30 square feet in area.
- D. For permitted institutional uses, including churches and synagogues, one freestanding sign per street frontage not to exceed 1 square foot of sign area for every five feet of street frontage to which the sign abuts, and one wall sign with a display area not to exceed 3 percent of the area of the wall to which it is attached.
- E. For uses requiring special permits, including day care centers and non-conforming uses, one freestanding sign not to exceed six (6) square feet in area or one wall-mounted sign not to exceed twelve (12) square feet in area.
- F. Freestanding signs in residential zones shall have a maximum height limit of five feet; however, signs for institutional uses may be increased one foot in height for every two feet of setback from the public right-of-way up to a maximum height of twenty feet.
- G. Lighting shall be by general or indirect illumination other than signs for institutional uses which may also use back lighting or internal illumination.

7.11.6 *Advertising signs, including billboards.*

- A. A billboard is a sign, including the supporting sign structure, which directs attention to and/or advertises a business, commodity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which the sign is located. The following shall not be considered a billboard for the purposes of these regulations: a) directional or official signs authorized by law; and b) temporary event signs and political signs as permitted by Section 7.11 of these regulations.
- B. Billboards may be permitted in any of the following zoning districts: C-5 General Commercial, C-6 Commercial Amusement District, C-7 Highway Commercial District, M-2 General Industrial District (Medium), or M-3 Intensive Industrial District (Heavy), except where expressly prohibited by location within the Highway 75 Overlay District as provided in Section 7.10.3 (G) of these regulations. In addition, billboards are specifically prohibited within the original boundaries of the Bartlesville Downtown Redevelopment District as adopted by the City Council by Ordinance No. 3150 on December 20, 2004.
- C. *General Standards:*

1. No billboard shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.  
Billboards shall be constructed in accordance with all State and Local regulations, including building and electrical codes. Stamped structural engineering plans shall accompany sign permit applications and shall be subject to wind speed requirements as set forth in the latest edition of the International Building Code.
3. All billboards shall be regularly maintained in good and safe structural condition. The painted portions shall be periodically repainted and kept in good condition. The general area in the vicinity of any billboard shall be kept free and clear of sign materials, weeds, debris, trash, and refuse.
4. Billboards displayed on parked or stationery vehicles, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity are specifically prohibited.

*D. Size, Height, and Location Standards:*

1. Only (1) one billboard structure may be permitted on a lot. A billboard shall not be permitted on a lot that already has a freestanding on-premise sign. Further, an on-premise sign shall not be combined in any manner with a billboard.  
Billboards which are erected or painted on a roof are prohibited. Billboards which extend above the roofline of any building on which a sign is erected are prohibited.
3. The maximum area shall be three hundred (300) square feet per face.
4. Billboards must set back at least twenty-five (25) feet from the street edge of pavement and/or at least ten (10) feet from all property lines, whichever is greater.
5. Billboards shall be oriented to be primarily visible from the adjacent roadway.
6. No billboard shall be erected closer than five hundred (500) feet in any direction to another billboard.
7. Billboards shall be located a minimum of one hundred (100) feet from any existing residence and two hundred (200) feet from any residential district.
8. The maximum height of a billboard shall be forty (40) feet except in the case of an elevated roadbed, the allowable height shall be no more than twenty (20) feet above the roadbed at the edge of the pavement, or forty (40) feet, whichever is greater.
9. All billboards shall maintain a minimum clearance of twelve (12) feet as measured from the ground level at the base of the sign to the bottom of the sign face or to the bottom of the deck, whichever is lower.

*E. Design and Construction Standards:*

1. Double-faced signs, V-type signs, and tri-vision signage shall be allowed, however stacked signs or signs in a vertical position with one structure atop the other are prohibited. Side-by-side signage shall be permitted only on parcels abutting U.S. Highway 75 when such signage complies with all other provisions of these regulations.  
No billboards shall be constructed by more than two steel posts or columns. Wood posts are specifically prohibited.
3. Illumination of billboards shall be by constant light, either direct or indirect. No billboard shall contain flashing, intermittent, moving, blinking, or traveling lights, bare bulb illumination, or reflective glitter, except for time, temperature, and date messages. Neither shall a billboard be permitted to have beams or rays directed at any portion of the traveled ways and are of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle.
4. The use of LED digital display and digital video on billboards, except as permitted above, is specifically prohibited.
5. Cut-outs or extensions shall be permitted in addition to the maximum 300 square foot display surface area permitted herein, so long as the cutouts or extensions do not exceed 15% of the display surface area or a maximum of 45 square feet. This shall include approval of three dimensional shapes.

- F. Nonconforming Billboards:* Any billboard lawfully erected and in existence on the effective date of the adoption of this section or located in an area annexed into the City thereafter, which does not conform with the requirements of this section shall be considered as a legal nonconforming billboard and is

permitted to remain. Such billboard shall be maintained in a good condition and shall be allowed to remain in existence provided such sign is not:

1. abandoned or the sign face left vacant or blank for a period of six months; or damaged or dilapidated to 50% or more of its physical structure or the estimated replacement value.

Said billboard may be rebuilt on the same property provided that:

1. the size of the sign face does not increase in square footage; and the sign structure and/or face does not change in its configuration; and
3. the billboard is made to conform to all other requirements set forth in these regulations.

**7.11.7 Temporary Signs, including banners, mobile or portable signs, or promotional business signs.** A temporary sign shall be defined as sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. The display of such signs is subject to compliance with the following standards:

- A. No more than one temporary sign per street frontage may be displayed at anyone time on any single property and such sign shall be located upon the property of the business, product, service, or activity it is advertising;
- B. No temporary sign may be placed in the public right-of-way or within thirty-five (35) feet of a street intersection;
- C. A temporary sign may be displayed within the required front or exterior side yard of any zoning district except in the C-4, O, or any residential district;
- D. A temporary sign may be displayed on any single property a maximum of sixty (60) consecutive days, and not more than one hundred twenty (120) days in the same calendar year. A permit shall be required for each temporary sign displayed and shall be valid for a period of thirty (30) days after which it may be renewed one time for an additional thirty (30) days.
- E. A temporary sign shall not exceed forty (40) square feet of display area. Further, a temporary sign shall be designed and constructed to withstand wind pressures as required by the International Codes and shall be anchored as required by the Building Official. The fee for said permits shall be as identified in Appendix A.
- F. Temporary signs may be displayed only in accordance with the structural and electrical requirements of all applicable codes, and only upon receipt of a sign permit.

Any person responsible for the display of a temporary sign not in conformity with the above requirements may be cited for violation of this ordinance. Such violation shall constitute a misdemeanor offense and each day's violation shall constitute a separate offense.

#### **7.11.8 Miscellaneous Signs.**

**7.11.8.1 Temporary Event Signs.** Temporary event signs announcing a campaign, drive, activity, or event of a civic philanthropic, educational, or religious organization for noncommercial purposes shall be subject to the following:

- A. Number, Area, Height, and Location.
  1. The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Community Development Director with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose.  
Any temporary event sign which is permitted by the Community Development Director to extend over or onto a public right-of-way shall be erected and maintained in such manner as to not interfere or obstruct access, activity, or vision along any such right-of-way.
- B. Special Conditions.
  1. Timing. Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event which the sign promotes.  
Limit on Number of Permits. There shall be no limit on the number of permits which may be issued. However, the aggregate number of days in the same calendar year in which temporary signs may be displayed on the same lot or parcel shall not exceed sixty (60).

7.11.9 *Political Signs.* Political signs for any local, county, state or federal election shall be permitted without fee subject to the following:

- A. All political signs must be at least 10 feet from the edge of the road pavement or 10 feet from the curb, where present.
- B. There is no limit to the number of political signs that may be posted on a property; however, all political sign may be posted only with the permission of the property owner.
- C. Political signs may be posted no earlier than ninety (90) days before an election and must be removed by no later than ten (10) days after the election.

7.11.10 *Additional Sign Regulations.* Additional regulations pertaining to the erection, installation, placement, location, and maintenance of signs and sign structures within the City of Bartlesville is contained in Section 16 of the Bartlesville Municipal Code. Where Section 16 of the Bartlesville Municipal Code specifies a different requirement than this Section of the Zoning Code, the more restrictive shall govern.

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## **7.12 Bartlesville Municipal Airport Zoning and Height Restrictions**

7.12.1 *Purpose.* This Section is adopted pursuant to the authority conferred by the Airport Zoning Act, Title 3, Oklahoma Statutes 1991, Section 101 et. seq. It is hereby found that an airport hazard endangers the lives and property of users of Bartlesville Municipal Airport, and property or occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of Bartlesville Municipal Airport and the public investment therein. Accordingly, it is hereby declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the Bartlesville Municipal Airport;
- (2) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- (3) that the prevention of these airport hazards or obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or the marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

7.12.2 *Definitions.* As used in this Section, the following terms have the meanings as ascribed to them, unless the context otherwise requires:

- (1) Airport. Bartlesville Municipal Airport (also known as Frank Phillips Field), Bartlesville, Oklahoma.
- (2) Airport Elevation. The highest point of an airport's usable landing area measured in feet from sea level. Bartlesville Municipal Airport has an elevation of seven hundred thirteen (713) feet above mean sea level (MSL).
- (3) Airport Hazard. Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at Bartlesville Municipal Airport or is otherwise hazardous to such landing or taking off of aircraft.
- (4) Airport Hazard Area. Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Section.
- (5) Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 7.12.4. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (6) Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 7.12.3.
- (7) Board of Adjustment. A board consisting of five (5) members appointed by the City Council of the City of Bartlesville as provided by the laws of the State of Oklahoma; also known as the City of Bartlesville Board of Adjustment.
- (8) Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
- (9) Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (10) Height. For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(11) **Horizontal Surface.** A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(12) **Larger than Utility Runway.** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

(13) **Nonconforming Use.** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this section or an amendment thereto.

(14) **Nonprecision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(15) **Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 7.12.4.

(16) **Person.** An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

(17) **Primary Surface.** A surface longitudinally centered on a runway. When the runway has specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 7.12.3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(18) **Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

(19) **Structure.** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

(20) **Transitional Surfaces.** These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

(21) **Tree.** Any object of natural growth.

(22) **Zoning Administrator.** The Bartlesville Planning Director or such other city employee(s) as may be so designated by the Bartlesville City Council.

**7.12.3 Airport Zones.** In order to carry out the provisions of this Section, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Bartlesville Municipal Airport. Such zones are shown on the Bartlesville Municipal Airport zoning map consisting of one (1) sheet, prepared by Leard Bice Reeder, Inc., and dated June 1996, which is attached to Ordinance No. 2948 and hereby expressly incorporated herein and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) **Runway Larger Than Utility With A Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to

a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (2) **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.
- (3) **Horizontal Zone.** The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (4) **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

**7.12.4 Airport Zone Height Limitations.** Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) **Runway Larger Than Utility With a Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone.** Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- (2) **Transitional Zones.** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is seven hundred thirteen (713) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot toward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
- (3) **Horizontal Zone.** Established at one hundred fifty (150) feet above the airport elevation or at a height of eight hundred sixty-three (863) feet above mean sea level.
- (4) **Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (5) **Excepted Height Limitations.** Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

**7.12.5 Use Restriction.** Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**7.12.6 Nonconforming Uses.**

- (1) **Regulations Not Retroactive.** The regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration,

or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.

- (2) **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Bartlesville.

#### *7.12.7 Permits and Fees.*

- (1) **Future Uses.** Except as specifically provided in a), (b) and c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted upon the prior payment of the appropriate permit fees to be established from time to time. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section 14 shall be granted unless a variance has been approved in accordance with Section 7.12.7(4).
  - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - (b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Section except as set forth in Section 7.12.4(5).

- (2) **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) **Nonconforming Uses Abandoned or Destroyed.** Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (4) **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the

proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not be an airport hazard or create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. Additionally, no application for variance to the requirements of this Section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Bartlesville Planning Director for advice as to the aeronautical effects of the variance. If the Bartlesville Planning Director does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

- (5) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the City of Bartlesville at its own expense to install, operate, and maintain the necessary markings and lights.

7.12.8 *Enforcement.* The Bartlesville Planning Director is hereby designated the Zoning Administrator. It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form created for that purpose. Applications required by this Section to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

7.12.9 *Board of Adjustment.*

- (1) A Board of Adjustment, has been created to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Section; (2) to hear and decide special exceptions to the terms of this Section upon which such board of adjustment under such regulations may be required to pass under this Section; (3) to authorize in specific cases such variances from the terms of this Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Section will result in unnecessary hardship and so that the spirit of this Section shall be observed and substantial justice done; and (4) exceptions and/or variances may only be allowed by the Board of Adjustment only after notice and hearing as provided in Title 11, O.S. 1991, Section 44-108, as amended.
- (3) The Board of Adjustment shall comply with all regulations of Title 11, Oklahoma State Statutes, and Section 10-4 of this Zoning Code.
- (4) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which properly comes before it under the provisions of this Section.
- (5) The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or decide in favor of the applicant on any matter upon which it is required to pass under this Section, or to effect any variation to this Section.

7.12.10 *Appeals to the Board of Adjustment.*

- (1) Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of the Section, may appeal to the Board of Adjustment.
- (2) All appeals hereunder must be taken within thirty (30) days from the date of the decision as provided by the rules of the Board of Adjustment, by filing with the Zoning Administrator a notice of appeal

specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- (3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Zoning Administrator and on due cause shown.
- (4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (5) The Board of Adjustment may, in conformity with the provisions of this Section, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision as may be appropriate under the circumstances.

*7.12.11 Judicial Review of Decisions of Board of Adjustment.* Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment who is of the opinion that a decision of the Board of Adjustment is illegal may appeal to the appropriate District Court in the manner as provided in Title 3, Oklahoma Statutes 1991, Section 111, as amended.

(This section adopted previously by the City Council of the City of Bartlesville, Ordinance Number 2948, on May 19, 1997.)

## SECTION 8 - GENERAL PROVISIONS

### 8.1 Nonconforming Uses.

8.1.1 *Continuing Existing Nonconforming Uses.* Except as hereinafter specified, any use, building, or structure, existing at the time of the enactment of these regulations may be continued, even though such use, building or structure may not conform with provisions hereof for the district in which it is located; provided, however, that this section does not apply to any use, building, or structure established in violation of any zoning regulations previously in effect in Bartlesville unless said use, building, or structure now conforms with these regulations. It shall be the responsibility of the party interested in continuing the nonconforming status of a structure or use to prove that the structure or use is in active operation. Such proof could include, but not be limited to, the following: active building permits; judicial proceedings, including probate; rental receipts; utility records showing service periods and levels of consumption consistent with the active operation of the use or structure; or records documenting efforts to actively rent, market, or sell the use or structure. The burden of proof shall be met only if the following findings can be made: 1) the use or structure was permitted when established; 2) no conditions have occurred since the legal establishment that would require its abatement; and 3) no unauthorized expansion, enlargement, or intensification of the use or structure has occurred and currently exists.

#### 8.1.2 *Limitations on Nonconforming Uses*

8.1.2.1 No nonconforming use of a building or land shall be enlarged, extended, reconstructed, substituted or structurally altered, unless:

- A. Such change is required by law or order, or
- B. The use thereof is changed to a use permitted in the district in which such building or land is located, or
- C. Authority is granted by the Board of Adjustment to extend a nonconforming use or substitute another nonconforming use for a nonconforming use, or
- D. Authority is granted by the Board of Adjustment to enlarge or complete a building devoted to a nonconforming use upon a lot occupied by such building where such extension is necessary and incidental to the existing use of such building, or
- E. Authority has been granted by the Board of Adjustment to extend a nonconforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use or building became nonconforming, if no structural alterations, except those required by law, are made therein.

8.1.2.2 Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

#### 8.1.3 *Cessation of Use of Building or Land*

8.1.3.1 A lawful nonconforming use of a building or structure that has been voluntarily discontinued for a period of six calendar months shall not thereafter be resumed.

8.1.3.2 A nonconforming commercial or industrial use of land shall be discontinued within one year, unless on the effective date of these regulations the assessed value of buildings located on the property was in excess of one thousand dollars (\$1,000.00). Any such nonconforming use of land which becomes nonconforming by reason of subsequent amendments to these regulations shall also be discontinued within one year from the date of such amendment.

8.1.4 *Discontinuance of Nonconforming Signs.* All nonconforming signs, billboards, or commercial advertising structures shall be discontinued within three years from the effective date hereof except that nonconforming signs specifically describing the business or nature of a lawful nonconforming building, structure or use on the same premises may be maintained during the lawful lifetime of the building, structure, or use.

8.1.5 *Construction Approved Prior to These Regulations.* Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, where official approvals and required building permits have been granted before the enactment

of these regulations, or any amendment thereof, the construction of which, conforming with such plans, shall have been started prior to the effective date hereof and completion thereof carried on in a normal manner within the subsequent six months period, and not discontinued until completion, except for reasons beyond the builder's control.

8.1.6 *Replacement of Damaged or Destroyed Nonconforming Uses.* Any nonconforming building or structure damaged more than 60 percent of its then appraised value for tax purposes, exclusive of foundations, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than 60 percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that restoration or reconstruction be completed within 12 months of such happening.

8.1.7 *Repairs to Nonconforming Uses, Limitation.* Such repairs and maintenance work as are required to keep it in sound condition may be made to a nonconforming building or structure, provided that no structural alterations shall be made except such as are required by law or ordinance. Except as otherwise provided elsewhere herein, the total structural repairs and alterations that may be made in a nonconforming building or structure shall not, during its life subsequent to the date of its becoming nonconforming use, exceed 50 percent of its then appraised value for tax purposes at such time, unless such building or structure is changed to a conforming use.

## **8.2 Reserved.**

## **8.3 Accessory Buildings.**

8.3.1 *An accessory building may be erected detached* from the principal building, may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure.

8.3.2 *An accessory building attached to the main building shall be* made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements of these regulations applicable to the main building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot and at least ten feet from any dwelling existing or under construction on the same lot or any adjacent lot. Any accessory building shall not be located within five (5) feet of an interior or rear property line or five (5) feet of an alley, where such alley abuts on the rear line of the lot; and, in the case of a corner lot, said accessory building shall not project beyond the front line required or existing on the adjacent lot. Further, an accessory building shall not be located on any public utility or drainage easement. These provisions relating to accessory buildings shall be effective with respect to such buildings, even though other provisions hereof require wider or deeper yards for main buildings.

8.3.3 *Accessory buildings shall not exceed* 30 percent of the area of the required rear yard. Garden shelters, storage shelters, and covered patios shall be permitted as accessory buildings provided that these uses are not equipped for use as living quarters and provided they meet the setback requirements of Section 8.32 for accessory buildings.

8.3.4 *Accessory Dwelling Units:* For the purpose of creating new housing units while respecting the look and scale of the existing neighborhood, increasing the housing stock of existing neighborhoods in a manner that is less intense than alternatives, and providing a mix of housing that responds to changing family needs and smaller households, accessory dwelling units are a permitted use in all residential districts subject to the granting of a Special Zoning Permit in accordance with the provisions of Section 10.5 and in accordance with the standards as provided herein. An accessory dwelling unit, also referred to as a guest house or in-law apartment, is a small self-contained residential unit built on the same lot of an existing single-family home.

A. *Occupancy, Location and Number.* One (1) accessory dwelling unit (ADD) may be allowed within or attached to a single-family dwelling (considered the primary residential unit) where the primary residential unit is occupied by the property owner, subject to specific standards as set forth herein. For the purposes of interpretation, a guest house shall be considered as an accessory dwelling unit. Any ADD shall meet the same development standards and setbacks as required for the primary residential unit, whether attached or detached.

- B. Creation.* An accessory dwelling unit (ADD) may only be created through one of the following methods:
1. Converting existing living area, basement, attic, or garage;  
Adding floor area to an existing detached single-family dwelling;
  3. Constructing a detached accessory dwelling unit on a site with an existing detached single-family dwelling; or
  4. Constructing a new single-family residential dwelling with an internal or detached accessory dwelling unit.
- C. Parking.* A single-family dwelling with an ADD shall provide at least three (3) off-street parking spaces conforming to Section 7.4.2.
- D. Utility Metering.* No separate utility metering for the ADD shall be allowed, and the utility service shall be in the property owner's name.
- E. Maximum Size of Accessory Dwelling Unit.* The size of the ADD may be no more than 33% of the living area of the primary residential unit to which it is accessory or 800 square feet, whichever is less. Additionally, the ADD, together with all other structures on the lot, shall not exceed the maximum lot coverage for the zoning district in which it is located.
- F. Building Entrances.* An ADD that is added onto an existing single-family dwelling or is part of an approved new single-family dwelling unit may have a separate entrance but such entrance shall face the interior of the lot. The building entrance for an ADD that is built as a separate detached structure shall not be located on the street side (a front or exterior side yard) of the site. When an ADD is adjacent to an alley, the ADD shall be oriented toward the alley with the front access door and windows facing the alley or the interior of the lot.
- G. Architecture.* The exterior architectural design and materials of an ADD shall be compatible with and relate to the design of the primary residential unit through architectural building forms, roof pitch and materials, exterior finish materials, color, trim, doors, windows, eaves, height, landscaping, and other methods that conform to acceptable construction practices.
- H. Compensation.* The property owner shall not charge any rent or other form of compensation for the use of the ADD by any occupant thereof. Further, said ADD shall not be used as an income-producing property.

**8.4 Reduction of Required Area or Space.** No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by these regulations; and, if already less than the minimum required herein, said area or dimension shall not be further reduced. However, this section shall not apply when a portion of a lot is acquired for public purpose.

**8.5 Unsafe Buildings.** Nothing herein shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by any proper authority.

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## SECTION 9 - EXCEPTIONS AND MODIFICATIONS

The requirements and regulations specified hereinbefore shall be subject to the following exceptions, modifications, and interpretations:

### **9.1 Existing Lots of Record.**

- 9.1.1 Any lot or parcel of land in any district that was under separate ownership and of record on the date of adoption of these regulations, or amendment thereof, where no adjoining undeveloped land fronting on the same street was under the same ownership on said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the district. With respect to such lots, yard dimensions and other requirements not involving lot area or width shall be complied with, subject to Paragraphs 9.1.2 and 9.1.3.
- 9.1.2 On any such lot or parcel the side yard requirements of these regulations shall not operate to reduce the net buildable width of such lot below 38 feet, provided, however, that the application of this exception shall not be permitted to reduce:
- A. any interior side yard below 10 percent of the width of the lot, or
  - B. any exterior side yard below 20 percent of the width of the lot or 8 feet, whichever is greater.
- 9.1.3 On any such lot or parcel no combination of the following requirements shall operate to reduce the net buildable depth of such lot below 70 feet:
- A. front and rear yard,
  - B. front and/or rear building setback,

provided, however, that the application of this exception shall not be permitted to reduce:

- 1. any front yard below 10 percent of the depth of the lot, or
- 2. any rear yard below 15 percent of the depth of the lot, or 10 feet, whichever is greater.

- 9.2 Front Yard Exceptions and Modifications.** The front setback requirement shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but no less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

- 9.3 Administrative Adjustment.** Administrative adjustments are specified deviants from otherwise applicable development standards where development is proposed that would be compatible with surrounding land uses, in keeping with the public interest, and consistent with the purposes of these regulations.

The Community Development Director shall have the authority to authorize administrative adjustments in the following situations provided the specific criteria are met:

- 1) A yard setback requirement where the deviation is for ten percent (10%) or less of that required;
- 2) Any dimensional requirement that does not exceed one (1) foot;
- 3) Building height requirements where the deviation is for ten percent (10%) or less of the maximum building height;
- 4) Minimum lot area requirements where the deviation is for an individual lot and is for five percent (5%) or less of the required lot area;
- 5) Maximum building coverage requirements where the variance is for five percent (5%) or less of the maximum building coverage;
- 6) Lot frontage where the deviation is ten percent (10%) or less than the required lot frontage;
- 7) A nonconforming single family residence may expand the primary use (not the accessory use) provided there is no detriment to surrounding properties, no public health or safety issue is created, the expansion does not exceed the larger of 50% or 800 square feet of the existing primary use footprint, and the expansion is subject to reasonable conditions imposed by the Community Development Director including a limitation on future expansions of the building, the filing of a covenant declaring the property to be a nonconforming use subject to conditions imposed by the Community Development Director and that the expansion does not violate any setback, height, or lot area requirements;

- 8) To acknowledge an existing setback encroachment on structures built under a building permit more than five (5) years old as of the date of the application provided said encroachment does not interfere with any utility easement, create a traffic hazard, or negative impact adjacent properties.
- 9) An off-street parking requirement where the deviation is for ten percent (10%) or less of that required.

In granting an administrative adjustment, the Community Development Director shall make an affirmative finding that the following criteria are met:

- A. That granting the administrative adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- C. That granting the administrative adjustment will not adversely affect property values in any material way; and
- D. That granting the administrative adjustment will be generally consistent with the purposes and intent of these regulations.

#### **9.4 Reserved.**

#### **9.5 Projections into Required Yards.**

##### **9.5.1 *Certain architectural features* may project into required yards or courts as follows:**

- A. Cornices, canopies, eaves, or other architectural features, may project a distance not exceeding 2.5 feet.
- B. Fire escapes may project a distance not exceeding 4.5 feet.
- C. An uncovered stair and necessary landings may project a distance not to exceed three feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
- D. Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

##### **9.5.2 *Uncovered Patios* may be located in side and rear yards provided that they are not closer than three feet to any adjacent property line.**

##### **9.5.3 *Fences, walls and hedges* may be:**

- A. Erected to a height of eight feet (8') in all required yard areas, except that fences, walls and hedges erected in required front yards shall not exceed four feet (4') in height. For corner lots, fences may be erected to a height of eight feet (8') in exterior side or rear yards which abut a public right-of-way. However, no such fence shall be located within the sight triangle as defined herein. No fences may be constructed in the street right-of-way, whether such right-of-way is held as an easement or is in fee.
- B. On any corner lot, no fence, wall, hedge or other structure or planting more than four feet in height above curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards (sight triangle). No fences or vegetation having a screening effect may be permitted or allowed by the owner to grow on any corner lot within the sight triangle as defined herein.
- C. Screening and fencing requirements may be imposed by the Community Development Director, Board of Adjustment or governing body at the time of site plan review which differ from the requirements set forth herein. Such screening and fencing requirements will be based upon the type and intensity of the use with the intent to screen commercial and industrial uses as required by these regulations. However, no such screen or fence shall be located within the sight triangle as defined herein.
- D. Fence Standards.
  1. Permitted Materials. A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material approved by the Director of Community Development.  
Prohibited Materials. Fencing materials prohibited include, but are not limited to, the following:
    - a. Cast-off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

- b. Plywood less than 5/8 inch thick, plywood not of a grade approved by the Building Official, particle board, paper, and visqueen plastic, plastic tarp, or similar material.
  - c. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury, except as permitted by the Bartlesville Municipal Code.
3. Maintenance. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.

9.5.4 *Open carports* shall be permitted to extend beyond the minimum front yard or exterior side yard setback requirement in residential districts upon approval of a Special Zoning Permit by the Board of Adjustment as provided for in Section 10.5 and subject to the following conditions:

- A. The area of the carport, combined with all other structures on the lot, shall not exceed the maximum lot coverage established for the zoning district in which it is located.
- B. No part of the carport canopy or appurtenance may extend beyond the front property line or onto the public right-of-way.
- C. Said open carport shall not be used for the outside storage of materials, equipment or goods or the parking and/or storage of inoperable vehicles.
- D. The carport is compatible with other residential improvements in the neighborhood as to both value and exterior appearance (such as type of roof, color, structural design, etc.).
- E. A building permit shall be required prior to construction and the structure shall comply with all applicable building, zoning and development codes.
- F. The carport shall not be enclosed or the building permit shall be revoked and the owner cited for noncompliance.

All open carports existing as of the date of adoption of this regulation shall be grandfathered and considered a nonconforming use, subject to the restrictions concerning nonconforming uses as set forth in Section 8.1 of these regulations.

**9.6 Planting in Parkways.** No hedge, tree, shrub, or other growth shall be placed in the area between the street curb and the front property line, said area being known as the “parkway,” when such planting would create a traffic hazard by obstructing the view or when such planting would obstruct or hinder future development or use of said parkway.

**9.7 Obstructions Around Fire Hydrants.** No person shall place or cause to be placed upon or about any fire hydrant any rubbish, plants, building material, fence or other obstruction of any character whatsoever, nor shall any person fasten to a fire hydrant any guy rope, cable, or brace, nor park any vehicle nearer than fifteen (15) feet to a fire hydrant.

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## SECTION 10 - ADMINISTRATIVE PROCEDURE, REQUIRED PERMITS AND FEES

### 10.1 **Building Permit.**

10.1.1 *It shall be unlawful to commence the construction or the excavation for the construction of any building, or structure, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Official has issued a building permit for such work. Except upon written authorization of the Board of Adjustment as provided in Section 9 and Subsection 10.4 no such building permit shall be issued for any building where said construction, moving, alteration, or use thereof would be in violation of any provisions of these regulations.*

10.1.2 *Application.* There shall be submitted with each application for a building permit two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of any existing buildings or structures, if any, and the size and location of the building or structure to be constructed, altered, or moved. The applicant shall also state the existing or intended use of each such building or part of building and supply such other information with regard to the lot and neighboring lots that may be necessary to determine compliance with and provide for the enforcement of these regulations. One copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked, shall be retained by the Building Official. The application for a building permit shall be made by the owner of the property concerned or a certified agent thereof.

10.1.3 *Fees.* The fee for a building permit and related permits (such as electrical, mechanical and plumbing) shall be as identified in Appendix A. No part of the permit fee shall be refundable. Further, all applicable fees as required by the County, State or Federal government which are imposed upon the municipal building permit process, and any City administrative fee authorized by the County, State or Federal government, shall be included which are over and above those fees identified in Appendix A.

The fee for a building permit and related fees, specifically limited to electrical, mechanical, plumbing, sign and right-of-way permits, may be waived administratively for federal, state, and local units of government, including public school districts, which are funded by ad-valorem taxes. No other fees shall be waived.

10.1.4 *Expiration of Building Permit.* If the work described in a building permit has not begun within 6 months from the date of issuance thereof, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected.

10.1.5 *Building types requiring Seal of an Architect.* All building permits issued shall be in compliance with O.S.A. Titles 55 and 59 concerning those building types which are required to be designed, and plans and specifications to be issued, by a licensed Oklahoma architect.

### 10.2 **Certificate of Occupancy.**

10.2.1 Except for any property of any railway company or terminal company, no land shall be occupied or used, and no building hereafter erected, altered, or extended shall be used, and no use of land or building shall be changed until a certificate of occupancy shall have been issued by the Building Official, stating that the building or proposed use complies with the provisions of these regulations.

10.2.2 The application fee for a certificate of occupancy shall be as identified in Appendix A.

10.2.3 Pending the issuance of a permanent certificate of occupancy, a temporary certificate may be issued. The temporary certificate shall be valid for a period established by the Building Official, pending completion of an addition, or during partial occupancy of a structure.

10.3 **Platting Requirement.** For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established

as follows: For any land which has been rezoned upon application of a private party, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, approved in accordance with the regulations pertaining to the subdivision of land, and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission may remove the platting requirements upon determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

#### **10.4 Board of Adjustment**

*10.4.1 Appointment.* There is hereby created a Board of Adjustment (BOA) of the City of Bartlesville (hereinafter referred to as City Board of Adjustment) consisting of five members, each to be appointed by the Mayor with the approval of the City Council, for a term of three years. It is specifically provided, however, that on the effective date of these regulations such Board of Adjustment as was legally in existence immediately prior to such date shall be constituted as the Board of Adjustment thereby created, and the terms of the then members of said Board shall expire on the same dates as were established at the times of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three years. Vacancies shall be filled by appointment by the Mayor with the approval of the City Commission to serve out the unexpired term.

There is hereby created a Board of Adjustment (BOA) of Washington County (hereinafter referred to as County Board of Adjustment) consisting of five members, each to be appointed by the Board of County Commissioners of Washington County. All members appointed to the Board of Adjustment shall be residents of Washington County, two of whom shall reside outside the corporate limits of Bartlesville. All members shall be appointed for a term of three years, except that when the first appointment is made hereunder, the term of office of two of said members shall be one year, the term of two members shall be two years, and term of office of one of said members shall be three years.

*10.4.2* A member of such City Board of Adjustment, once qualified, can be removed therefrom during his term of office only for cause by the City Council, upon written charges and after public hearing. A member of such County Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after hearing held before the Board of County Commissioners. In the event of the death, resignation or removal of any member before the expiration of his term, a successor shall be appointed by the appropriate governing body (City Council or County Commission, in accordance with the procedure set forth in 10.4.1) to serve his unexpired term.

As to the City Board of Adjustment, in the event any member dies, removes his residence from the City, resigns, or for any reason is absent from three consecutive regular monthly meetings of the Board, his position on the Board shall be automatically determined vacant and a new member appointed to serve out his unexpired term.

##### *10.4.3 Organization*

*10.4.3.1 Officers.* A Chairman and Vice-Chairman shall be elected annually by each Board from among its membership.

*10.4.3.2 Duties of Officers.* The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

*10.4.3.3 Rules and Meetings.* Each Board may adopt rules to govern its proceedings, provided, however, such rules are not inconsistent with these regulations. Meetings of the Boards shall be held at the call of the Chairman and at such other times as the Boards may determine. All meetings of the Boards shall be open to the public. Each Board shall keep minutes of its own proceedings, showing the vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

*10.4.4 Powers and Duties.* Each Board of Adjustment shall have all the powers and duties prescribed by Oklahoma State Statute and by these regulations, which are more particularly specified as follows:

*10.4.4.1 Interpretation.* Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of these regulations, including determination of the exact location of any district boundary, if there is uncertainty with respect thereto.

*10.4.4.2 Special Exceptions.* To hear and decide special exceptions to the terms of these regulations upon which such Board is required to pass under these regulations by granting special zoning permits at evidence thereof as provided for in Section 10.5.

*10.4.4.3 Variances.* To vary or adapt the strict application of any of the requirements hereunder that pertain to an allowed use in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, where such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

A. No variance shall be granted to permit in any district a use that is not a permitted use in such district. In granting any variance the Board of Adjustment shall prescribe any conditions that it deems necessary or desirable.

B. The Board of Adjustment may grant a variance only upon a finding that:

1. The application of the regulation to the particular piece of property would create an unnecessary hardship;  
Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

*10.4.4.4 Appeals.* To hear and decide appeals where it is alleged that there is an error of law in any order, requirements, decision, or determination made by an administrative official in the enforcement of these regulations.

A. *Procedure.* The Board shall act in strict accordance with the procedure specified by law and by these regulations. Appeals to the applicable Board can be taken by any person aggrieved or by any officer, department, or Board of the City or County affected by any decision of the Building Official or other administrative officer. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board, within 10 days after the decision has been rendered by the Building Official or other administrative officer.

Every appeal or application shall refer to the specific provision of these regulations involved and shall exactly set forth:

1. the interpretation that is claimed,  
the use for which the permit is sought, or
3. the details of the variance that is applied for and the grounds on which it is claimed the variance should be granted, as the case may be.

The appeal or application shall be filed with the officer from whom appeal is taken and with the Board. The officer from whom appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. *Effect of Appeal.* An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his 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 Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

*10.4.5 Hearing and Notice.* The Board of Adjustment shall hear all applications or appeals within forty-five (45) days from the filing thereof, giving public notice thereof in a newspaper of general circulation, as well as

mailing notice to the parties in interest as set forth herein at least ten (10) days prior to the date set for hearing, and decide the same within a reasonable time. Upon the hearing, any person may appear in person or by his agent or by his attorney.

In accordance with O.S.A. Title 11, Section 44-108 and the statement of policy adopted by the Board of Adjustment on August 26, 1976, all requests for variances shall be considered minor variances except in cases where such would permit the entire tract of land owned by the applicant to be used in a manner completely different than that allowed by its present zoning. For public hearings involving minor variances public notice shall be given by mailing written notice to all owners of property adjacent to the subject property at least ten (10) days prior to the hearing. Public notice on hearings for variances which are deemed to be other than a minor variance and all special exceptions and special zoning permits, appeals and interpretations shall be given by mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property at least ten (10) days prior to the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

#### *10.4.6 Decisions and Records*

*10.4.6.1* In exercising its powers the Board may, in conformity with the provisions set forth in the Statutes of the State of Oklahoma governing said Board, revise or refonn, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and shall have all the powers of the office from whom appeal is taken.

#### *10.4.6.2 Quorums.*

A. Three members of the City Board of Adjustment shall constitute a quorum. The concurring vote of three members shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations or to effect any variance in said regulations.

B. Four members of the County Board of Adjustment shall constitute a quorum. The concurring vote of four members of the Board shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations or to effect any variance in said regulations.

*10.4.6.3* Every decision of the Board on an appeal or application shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the Board's office, by case number, under one or another of the following headings:

- A. interpretations,
- B. special exceptions and Special Zoning Permits as provided for in Section 10.5
- C. variances, and
- D. appeals, together with all documents pertaining thereto.

*10.4.6.4* Time Limit on Implementation. A zoning variance or special zoning permit must be activated by application for a building permit (if required) and/or zoning compliance permit within one year (1) of the date of approval by the Board of Adjustment or within one (1) year after a final court order is issued if the decision of the Board is appealed. After the building permit and/or zoning compliance permit is issued and utilized, the variance or special zoning permit, subject to conditions imposed by the Board of Adjustment, is official. If a building permit and/or zoning compliance permit are applied for within the required one year period but not approved or utilized, the approval of the Board of Adjustment is deemed to have expired and shall be considered void.

*10.4.6.5* Effect of Denial of Application. In case an application to the Board of Adjustment is denied, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, as determined by the Board of Adjustment, to be eligible for reconsideration within less than one year of the denial of the original application.

- 10.4.7 *Fee.* The fee for any appeal or application to the Board shall be as identified in Appendix A, no part of which shall be refundable.
- 10.4.8 *Appeals to Court.* Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, department, or Board of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within fifteen (15) days after the date of the decision of the Board and not thereafter.
- 10.4.9 Insofar as appropriate these regulations pertaining to the Board of Adjustment are to be read and interpreted so as to be in accordance with and supplemented by Section 17.04 of the Bartlesville Municipal Code.

## **10.5 Special Zoning Permit**

- 10.5.1 In addition to the required building permit and certificate of occupancy called for in Section 10.1 and 10.2, a special zoning permit shall be required for certain uses identified by the letter "S" in the tables of permitted uses and when reference is made to this Section (10.5) in the "Special Conditions" column opposite the named use before a building permit may be obtained.
- 10.5.2 Application shall be made by the property owner or certified agent thereof to the Board of Adjustment on a form prescribed for this purpose by the City of Bartlesville or Washington County, whichever is applicable. Special zoning permits, revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of these regulations. Granting of a special zoning permit does not exempt the applicant from complying with requirements of any other regulations.
- 10.5.3 In considering an application for a special zoning permit, the Board of Adjustment shall give due regard to the nature and condition of all adjacent uses and structures. The Board of Adjustment may deny an application for a special zoning permit and, in granting a special zoning permit, the Board of Adjustment may impose such requirements and conditions with respect to location, construction, maintenance, and operations, in addition to those expressly stipulated in these regulations for the particular use, as they may deem necessary for the protection of adjacent properties and the public interest.
- 10.5.4 The fee for a special zoning permit shall be as identified in Appendix A, no part of which shall be refundable.
- 10.5.5 The applicant shall submit maps and drawings necessary to demonstrate that conditions set forth herein are fulfilled.
- 10.5.6 A public hearing shall be held by the Board of Adjustment on each request for a special zoning permit.
- 10.5.7 The Board of Adjustment shall publish notice of such hearing in a newspaper of general circulation not less than 10 days prior to date of said hearing. In addition, written notice of said public hearing shall be provided to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property not less than ten (10) days prior to the hearing date. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.
- 10.5.8 No such special zoning permit shall be granted by the Board of Adjustment unless it meets all of the following findings:
- A. That the use as described by the applicant will comply with all provisions and/or conditions established therefore by these regulations, and
  - B. That the use will not, in the circumstances of the particular case constitute a nuisance, be injurious to the neighborhood or otherwise detrimental to the public welfare, and
  - C. That the proposed structure or use conforms to the requirements and intent of these regulations, and
  - D. That any additional conditions stipulated by the Board of Adjustment as deemed necessary in the public interest have been met.

## SECTION 11- ADMINISTRATION AND ENFORCEMENT

- 11.1     Enforcement.** It shall be the duty of the Community Development Director or his designees to enforce the provisions of these regulations. If the Director or his designees shall find that any of the provisions of these regulations are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials and employees of the City of Bartlesville or Washington County vested with the duty or authority to issue permits or licenses shall comply with the provisions of these regulations, and shall issue no permits or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of these regulations.
- 11.2     Violation and Penalty.** A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine or by imprisonment or both, as now provided by law for misdemeanors. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein contained shall prevent the City of Bartlesville, Washington County, or its authorized officials from taking other action, authorized by law, to remedy violation.
- 11.3     Metropolitan Area Planning Commission.** The Metropolitan Area Planning Commission (MAPC), pursuant to the provisions set forth in O.S.S. Titles 11 and 19, shall be charged with the following duties and powers as it involves the administration and enforcement of these regulations:
1. Consider and investigate any subject matter affecting or relating to the development and improvement of the metropolitan area;  
Make recommendations, as the governing body may deem advisable, concerning the regulation of such developments and improvements;
  3. Investigate and report on the location, designs, or grades of any street or alley prior to any final action taken by the governing body;
  4. Investigate and report upon the location and design of any public building, statue, memorial, park, boulevard, playground, or bridge prior to any final action taken by the governing body;
  5. Initially approve or reject all plans, plats, or replats of land laid out in lots, streets, alleys, or other portions of the same intended to be dedicated to the public or private use within the metropolitan area;
  6. Review every five (5) years, all areas commercially zoned in excess of five (5) years which have not been developed, with the view to rezoning such areas to the original or prior classifications as set forth in Section 12.1.9;
  7. Hold public hearings on proposed amendments to these regulations and the zoning map thereto, and make specific recommendations concerning their modification or adoption;
  9. Review and hold public hearings on de-annexation and annexation petitions presented to the City Council and make specific recommendations concerning approval or disapproval of such.

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## SECTION 12 - AMENDMENTS, VALIDITY, ENACTMENT

### 12.1 Amendments

12.1.1 *General.* The regulations, restrictions, prohibitions and limitations imposed and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Metropolitan Area Planning Commission, after notice and public hearing, files with the Bartlesville City Council and/or the Washington County Board of Commissioners, as appropriate, a report and recommendation on the proposed change.

12.1.2 *Zoning Text Amendments.* The Metropolitan Area Planning Commission shall, upon its own motion, or at the direction of the governing body hold a public hearing giving at least fifteen (15) days notice of the date, time and place of the public hearing by publication in a newspaper of general circulation in the City of Bartlesville.

#### 12.1.3 *Zoning Map Amendments*

- A. Initiated by application. Any person, corporation, partnership, association, or agent thereof, having a legal right or equitable interest in or to real property, may file an application for a change in zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the Secretary to the Metropolitan Area Planning Commission, shall be in such form and content as the Planning Commission may require, and be accompanied by a fee as identified in Appendix A, no part of which shall be refundable.

An application shall be filed with the Secretary to the Metropolitan Area Planning Commission at least 30 days prior to the date of the public hearing. The Secretary shall set the application for hearing and cause notice to be given as provided in Section 12.1.4 below.

- B. Initiated by Planning Commission. In any instance the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the governing body(s) shall, hold public hearing, giving notice thereof, of a proposed map amendment.

#### 12.1.4 *Public Notice and Citizen Participation Activities Required.*

- A. Public Notice Required. The Planning Commission shall give fifteen (15) days notice of a public hearing on a proposed map amendment by publication in a newspaper of general circulation. In addition, twenty (20) days notice shall be given by mailing notice to all owners of property within a three hundred foot (300') radius of the exterior boundary of the property. The notice shall contain:
1. Date, time and place of public hearing.  
By whom the public hearing will be conducted.
  3. Present zoning classification and the classification proposed.
  4. Legal description of the property and street address or approximate location of the property.
  5. A street map showing approximate location of property.

In addition to the above requirements for notice a sign shall be posted on the property at least twenty (20) days before the public hearing. The sign will state by whom the public hearing will be conducted, the date, time and place of hearing, and the present and proposed zoning classification of the property.

Written notice shall not be required where zoning reclassifications are proposed in order to revise the Comprehensive Plan or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation and blighted areas.

- B. Citizen Participation Activities Required. In order to encourage public participation in the development review process, the applicant of every application for zoning map amendment or other such application which requires a public hearing (such as a Planned Unit Development application) shall provide for citizen participation activities prior to the first public hearing.

1. The purpose of such citizen participation activities is to:

- a. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- b. Ensure that the citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
- c. Facilitate direct and ongoing communication between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The requirement for citizen participation is not intended to produce complete consensus on all applications, but to facilitate direct communication between affected parties, to encourage applicants to be good neighbors and to allow for informed decision making.

3. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. Therefore, the target area for early notification and method of notification required for citizen participation activities will be determined by the Community Development Director after consultation with the applicant. The target area for early notification may include any or all of the following:
  - a. Property owners within 300 feet of the subject site as required by law;
  - b. Property owners within an extended area of the subject site but not to exceed 1000 feet of the subject site;
  - c. The head of any homeowners association or registered neighborhood within one-half mile of the subject site; and
  - d. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Community Development Department or as determined by the Community Development Director.

Further, required notification shall include information concerning the substance of the change, amendment or development proposed by the applicant and how affected or interested parties will be provided an opportunity to review and discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing. As determined by the Community Development Director, the method of notification and details of techniques the applicant may use to involve the public may include any or all of the following:

- a. Mailing of letter from applicant to those within the target area providing required information concerning the application;
  - b. Door-to-door distribution of required information concerning the application to those within the target area;
  - c. Hosting of a neighborhood meeting with those within the target area providing required information concerning the application.
4. These requirements shall apply in addition to any notice provisions required elsewhere in this ordinance.
5. The applicant shall complete citizen participation requirements as determined by the Community Development Director and provide documentation of compliance with such requirements at least one week prior to public review of their application. Such documentation shall consist, minimally, of a written summary prepared by the applicant describing the results of their citizen participation activities, including a summary of concerns, issues and problems expressed during the process. This summary will be attached to the staff report when presented for public review of the application.
6. Failure to comply with these citizen participation activity requirements may cause the automatic delay of an application for public review.

*12.1.5 Planning Commission Action on Zoning Map Amendments.* After notice and public hearing, the Planning Commission shall vote to:

- A. recommend to the appropriate governing body that the application be approved as submitted, or as amended, or be approved subject to modification or,
- B. recommend to the appropriate governing body that the application be denied. An application recommended for approval, or approval subject to modification shall be transmitted, with the report, summary of hearing and recommendations of the Planning Commission, to the governing body within twenty (20) days from the date of Planning Commission action.

The following paragraph pertains to Zoning Map Amendments within the city limits of the City of Bartlesville.

An application failing to be recommended for passage by a majority vote of the Planning Commission members present at the meeting shall not be considered further unless the applicant, within ten (10) days from the date of the Planning Commission action, files a written request with the Secretary for an appeal to the governing body. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the governing body.

The following paragraph pertains to Zoning Map Amendments in Washington County within the 3-mile jurisdiction from the city limits of the City of Bartlesville.

An application failing to be recommended for passage by a majority of the full membership of the Planning Commission shall not be considered further unless the applicant, within ten (10) days from the date of the Planning Commission action, files a written request with the Secretary for an appeal to the governing body. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the governing body.

- 12.1.6 *Governing Body Action on Zoning Amendments.* The governing body shall hold a public hearing on each application transmitted from the Planning Commission and on any proposed text amendment recommended by the Planning Commission. Notice of hearing shall be the same as provided in Section 12.1.4. The governing body may approve, approve with modification, deny or refer the proposed amendment back to the Planning Commission for further study. In the case of referral the governing body shall state their reasons for referring the matter back to the Planning Commission for further consideration. The Planning Commission shall submit its report within thirty (30) days after reference. Failure to do so shall not obligate the governing body to wait further for a recommendation.
- 12.1.7 *Protests Against Map Amendments.* Petitions protesting a change of zoning shall be filed at least three (3) days before the date of the public hearing by the governing body. If protests are filed by:
  - A. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
  - B. The owners offifty percent (50%) or more of the area of the lots within a three-hundred-foot (300') radius of the exterior boundary of the territory included in a proposed change, or
  - C. The owners of fifty percent (50%) or more of the total number of lots within a three-hundred-foot (300') radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by a favorable vote of four-fifths of all the members of the governing body.
- 12.1.8 *Effect of Denial of Application.* In case an application for amendment to the regulations is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning Commission, to be eligible for consideration within less than one year of the denial of the original application.
- 12.1.9 *Automatic Review of Commercially Zoned Lands.* The City Council of the City of Bartlesville, Oklahoma, and the Board of County Commissioners of Washington County shall review or cause to be reviewed by

the Metropolitan Area Planning Commission, which Planning Commission shall subsequently make recommendations to said governing body, all tracts, parcels, lots, or other lands zoned for commercial purposes after said land has been zoned for such commercial purposes a period of five years. Such review shall determine whether or not development has commenced in pursuance of or because of such commercial zoning; the intent of the owner of such property or of the original applicant with respect to the development thereof, if no such development has occurred within the next preceding five-year period, and to determine any other or all factors with respect to such land which will aid the governing body in determining whether or not to rezone such land to its original or prior zoning classification, provided however, the governing body shall not rezone any such land to any prior zoning classification until such time as all requirements of law with respect to notice and hearing have been satisfied.

**12.2     Validity.** Should any section, subsection, paragraph, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared to be invalid. The City Council of the City of Bartlesville and the Board of County Commissioners of Washington County do hereby declare that they and each of them would have passed these regulations and each section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that anyone or more sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid.

**12.3     Enactment.** These regulations shall be in full force and effect from and after final passage by the City Council of the City of Bartlesville, Oklahoma, and the Board of County Commissioners of Washington County, Oklahoma.

**PASSED by the City Council of Bartlesville, Oklahoma on its first reading this 1st day of August, 1966.**

**PASSED by the Board of County Commissioners of Washington County, Oklahoma on its first reading this 22<sup>nd</sup> day of August, 1966.**

## SECTION 13 - DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these regulations and words used in the present tense include the future; the singular number include the plural, and the plural the singular; the word "building" includes the word "structure," the word "used" includes arranged, designed, constructed, altered, converted, rented, leased or intended to be used, and the word "shall" is mandatory and not directory.

Abutting. For public notification purposes the term abutting shall be defined as any property or parcel of land touching the property line of the property in question; and, any property or parcel of land across a street, road, highway or alley right-of-way not exceeding 120 feet in width from the property in question. Property across the street, road, highway or alley shall be determined by the prolongation of the side lot lines of the property in question and be defined as being the area included within the prolongation of the side lot lines and properties touching those prolonged lot lines.

Accessory or Accessory Use. A use which is clearly incidental to, customarily found in connection with, and (except in the case of off-street parking spaces) located on the same zoning lot as, the principal use to which it is related.

Accessory Dwelling Unit. A small self-contained residential unit located on the same lot of a single-family residence which is occupied by the property owner (the primary residential unit) for which no rent or other form of compensation is paid. Also referred to as a guest house or in-law apartment. (See Section 8.4.3)

Agent of Owner. Any person who can show certified written proof that he is acting for the property owner.

Alley. A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.

Automobile Wrecking. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Basement. A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half story for purposes of side yard determination.

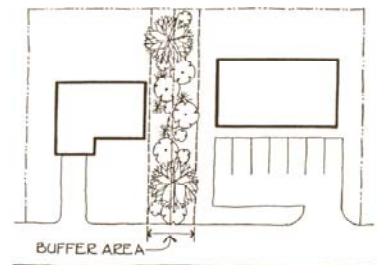
Billboard. See "Sign, Advertising."

Board of Adjustment, or Board (BOA). The Board of Adjustment of the City of Bartlesville and/or the Board of Adjustment of Washington County: an appointed administrative body clothed with quasi-judicial powers derived from Oklahoma State Statute.

Board of County Commissioners. The Board of Commissioners of Washington County; the legislative branch of the county government.

Boarding or Lodging Home. A dwelling or part thereof where meals and/or lodging are provided for compensation for two or more persons not transients.

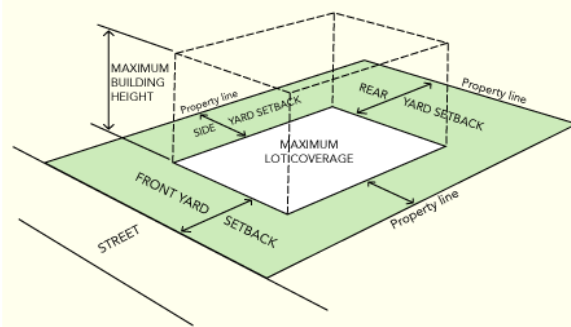
Buffer Area or Strip. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.



Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as herein provided.

**Building Envelope.** A three-dimensional space within which a structure is permitted to be built on a lot; it is defined by maximum building height regulations, minimum yard setbacks, and sky exposure plane regulations where applicable.

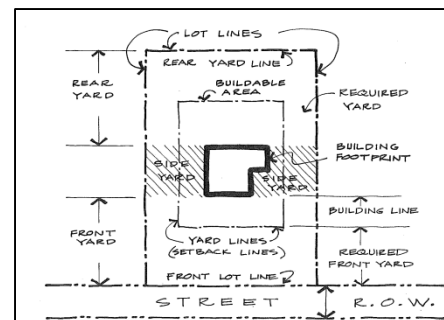
**Building Envelope**



**Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip or gambrel roofs. Chimneys, elevators, poles, spires, tanks, towers, and other projections (not including freestanding signs) not used for human occupancy may extend above the height limit.

**Building Footprint.** The area encompassed by a building's outer wall at ground level.

**Building Line.** A line parallel to the street right-of-way line or property line touching that part of a building closest to the street. A building line may be a setback line if a building is built up to a required setback line; however, a setback line is not always a building line. Where a building line lies behind a required setback line, requirements contained within this Code for required yard areas shall apply only to that portion of the lot lying between the property line and the required setback line.



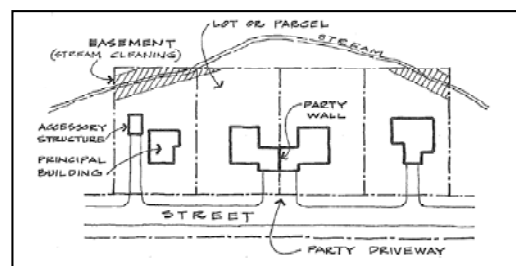
**Building, Principal.** A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the building site on which the same is located.

**Building, Accessory.** A subordinate building, located on the same parcel as the main building, the use of which is clearly incidental to the residential use of the parcel. Includes Accessory Dwelling Units (see Section 8.3.4).

**Building Official.** The Building Official of (a) the City of Bartlesville, and/or (b) Washington County.

**Carport.** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

**Cellar.** A story the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.



**Child and Adult Care Facilities.** As defined in Section 7.3.

**City Attorney, City Engineer.** The officials of the City of Bartlesville bearing these titles.

**City Council.** The City Council of the City of Bartlesville; the legislative branch of the city government.

**Condominium.** A building or group of buildings in which dwelling units, offices, or floors are owned individually and the structure, common areas, utilities, and facilities are owned by all the owners of a proportional, undivided basis with an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. The purchaser has title to his or her interior space in the buildings and an undivided interest in parts of the interior, the exterior, and other common elements, usually including the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

**County Attorney, County Engineer.** The officials of Washington County bearing these titles.

Court. An open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Coverage, Lot or Site. The percentage of the lot or site area covered by the building or buildings on the lot.

Distance Between Structures. The shortest horizontal distance measured between the vertical walls of two structures as herein defined perpendicular to an axis, all points along which are midway between said walls.

Department Store. A store or group of shops under unified management selling a variety of merchandise groups, normally including clothing, appliances, hardware, furniture, etc.

District. A portion of the territory of the City of Bartlesville or Washington County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of these regulations.

District, Combined. Two or more districts grouped together and treated as a single district. For example, an R district or a residence district is a combined district consisting of the RA, RS, RM, and RT districts, and the RM district is a combined district consisting of the RM-3, RM-2, and RM-1 districts.

District, Component. A district which, together with other component districts, forms a combined district.

Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer, or mobile home.

Dwelling, Multi-Family. A building or portion thereof designed for or used by two or more families or housekeeping units located on the same zoning lot. This may include a duplex (two attached units), tri-plex (three attached units), four-plex or quadplex (four attached units), or a building(s) containing units that are located one over another such as a high-rise or mid-rise apartment building, or garden apartments.

Dwelling, Single-Family. A building designed for or used exclusively for residence purposes by one family or housekeeping unit located on one zoning lot. This may include:

- 1) a single-family detached dwelling unit: a building on one zoning lot not attached to any other dwelling by any means and surrounded by open space or yards,
- 2) a single-family attached dwelling unit: a building attached to two or more single-family dwellings by common vertical walls without openings each located upon a separate zoning lot,
- 3) a patio home: a dwelling on a separate zoning lot with open space setbacks on three sides,
- 4) a town house: a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside and its own zoning lot, where no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls, or
- 5) a condominium: a building or group of buildings in which dwelling units are owned individually and the structure, common areas, utilities, and facilities are owned by all the owners of a proportional, undivided basis.



Dwelling Unit. One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Dwelling Group. A group of two or more detached dwellings located on a zoning lot and having any yard or court in common.

Family. A person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than four persons not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house, or

sorority house. This definition includes the definition of Foster Family Home (as set forth in O.S.A. Title 10, Section 401, et al) which means a family home, other than the home of a parent, stepparent, grandparent, brother, sister, uncle or aunt, which provides full-time care for six or fewer children, including the foster parents' biological or adopted children. However, the total number of foster children placed in any home cannot exceed five.

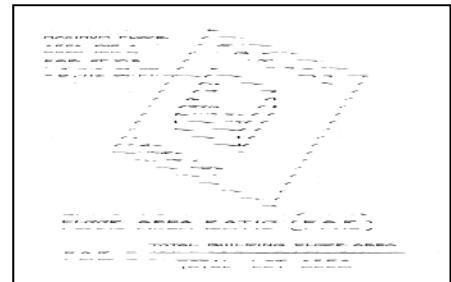
**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public. For ease of administration in calculating required off-street parking, net floor area may be defined as gross floor area minus 15 percent.

**Floor Area Ratio.** The numerical value obtained by dividing the gross floor area of all buildings and structures on a lot by the total lot area.

**Free-Standing Mobile Home.** Any mobile home not located in a mobile home park licensed by the Inspection Office in accordance with Section 7.5125.

**Governing Body.** The legislative branch of the government; the Board of County Commissioners is the governing body for Washington County; the City Council is the governing body for the City of Bartlesville.



**Group Home for Children.** As defined in Section 7.7.1(28).

**Group Home for Handicapped.** As defined in Section 7.7.1(27).

**Home Occupation.** As defined in Section 7.2.

**Hotel.** A building, or portion thereof, containing rooms occupied primarily by transients who are lodged with or without meals, in which provisions are not made for cooking in any individual apartment, and in which are provided such services as are incidental to the use thereof as a temporary residence.

**Incinerator, Accessory.** An incinerator, indoor or outdoor, for the burning of refuse produced on the premises, incidental to a use permitted on the premises.

**Institution for Children and Aged.** A 24-hour residential group care facility for: (1) thirteen or more unrelated children living together with adults other than their parent; (2) seven or more developmentally or disabled persons living together in a group care facility permitted by the State of Oklahoma; or (3) permanent living arrangement for six or more elderly persons (age 60 or older). Such institution shall provide living and sleeping facilities, meal preparation, laundry services and room cleaning, and may also provide other services such as transportation for routine social and medical appointments, and counseling.

**Junk Yard.** A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, sale of used cars in operating condition, or salvaged materials incidental to manufacturing operations.

**Kennel.** An establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

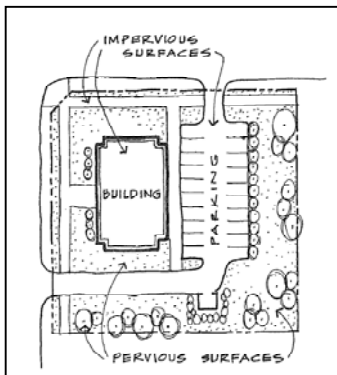
**Lot.** A zoning lot, as defined herein.

Lot Area. The total area within the lot lines of a lot, excluding any street rights-of-way.

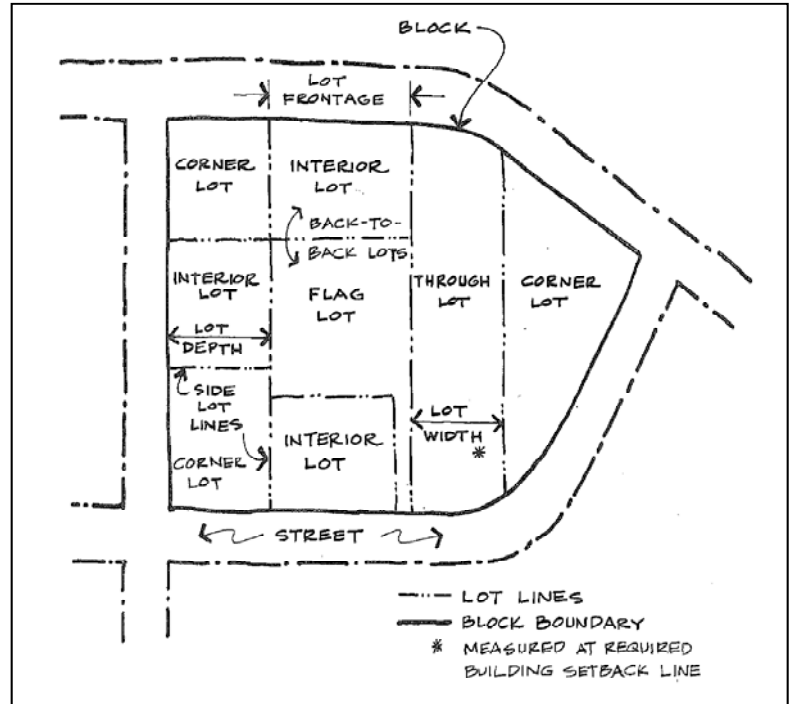
Lot Area, Minimum. The smallest lot area established by the zoning code on which a use or structure may be located in a particular district.

Lot, Through. An interior lot whose rear line abuts on a thoroughfare other than an alley. Also known as a double frontage lot.

Lot, Corner. A zoning lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or part of the same street, forming an angle of more than 45 degrees and of less than 135 degrees. The point of intersection of the street lines is the corner. Any portion of a corner lot which is more than 100 feet from the point of intersection of the two street lines or the two tangents of the same street shall be considered an interior lot.



Lot Coverage. That part of the lot that is covered by impervious surfaces (a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water).



Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway.

Lot Depth. The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

Lot, Interior. Any zoning lot which is not a corner lot.

Lot, Line. A boundary of a zoning lot.

Lot Line, Front. The street line at the front of a zoning lot. The owner, for the purpose of these regulations, may have the privilege of selecting any street lot line as the front lot line.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. A lot line which is not a front lot line or rear lot line. A side lot line separating a zoning lot from a street other than an alley is an exterior side lot line.

Lot Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot, Zoning. A piece, parcel, or tract of land which meets all of the following requirements at the date of adoption of these regulations, or amendment thereof:

- A. is located within a single block,
- B. has frontage on an improved and accepted public street which meets the standards of improvement specified by the City of Bartlesville and/or Washington County,

- C. is occupied or utilized or designated by its owner or developer to be occupied, developed, or utilized as a unit under single ownership or control for a principal use and uses accessory thereto, together with such open spaces as are required by these regulations.

A zoning lot may be subsequently divided into two or more zoning lots, provided each such new zoning lot complies fully with these regulations at the time of division. Conversely, a zoning lot may be two or more parcels, tracts, or lots combined under one ownership for the purposes of construction provided such zoning lot complies fully with these regulations and that such multiple parcels, tracts, or lots remain under one ownership. Therefore, a zoning lot may or may not coincide with a lot as shown on official tax maps or on any recorded subdivision or deed.

**Live-Work Unit.** A live-work unit is a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. (See Section 7.7.1(30))

**Metropolitan Area Planning Commission (MAPC).** An advisory, consultative and coordinating agency, established to oversee the development and preserve the integrity of the Comprehensive Plan and Zoning Regulations.

**Mobile Home, including manufactured home or factory-built home.** A mobile home means a single-family dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, for transportation on its own wheels or otherwise, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities, and similar operations. Unless otherwise indicated in the text of this regulation, the term "mobile home" shall refer to an "independent mobile home" which has a flush toilet and bath shower and is customarily connected to an external sewer treatment system.

For the purposes of these regulations, a mobile home shall also include any factory built manufactured, detached transportable structure that does not meet the International One and Two-Family Dwelling Code, but which is originally designed, constructed, and used for long-term occupancy as a complete single-family dwelling, and which is built on a permanent frame or base and is designed for use with or without a permanent foundation. This may include structures built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act, or a structure which meets the Federal Manufactured Home Construction and Safety Standards Act, commonly known as the HUD Code.

**Mobile Home Park.** Any lot upon which are located one or more mobile homes, occupied for dwelling purposes, regardless of whether or not a charge is made for each accommodation; but excluding any lot upon which the only mobile home is one permitted by the Board of Adjustment under Subparagraph 7.5.1.2.

**Modular Home.** A structure intended for single-family residential use and manufactured off-site in accordance with the International One and Two-Family Dwelling Code.

**Motel.** A building or group of buildings, including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy, and (2) providing one off-street parking space on the same zoning lot for each individual living or sleeping unit.

**Nonconforming Use.** Any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district in which it is located, either at the effective date of the regulations or as a result of a subsequent amendment thereto. No principal use shall, however, be deemed nonconforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves nonconforming uses.

**Nursing Home.** Any premises where more than three persons are lodged and furnished with meals and nursing care.

**Occupant.** The individual, individuals, or entity in actual possession of a premise.

**Owner.** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Open Carport. A roofed structure providing parking or storage of motor vehicles and enclosed on not more than three sides.

Open Space. Area included in any side, rear, or front yard or any other unoccupied space on a lot is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.

Parcel (for home occupation). As defined in Section 7.2.

Parking Space. A permanently surfaced area either within a structure or in the open, excluding paved area necessary for access under the provisions of these regulations for the parking of a motor vehicle. When a garage or carport is provided for the sole use of an occupant of a single-family or two-family residence, the driveway leading to said garage or carport may be considered an additional parking space if it is suitable for the purpose. (See Section 7.4.2)

Patio. A level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within three (3) feet of the finished grade and not covered by a permanent roof.

Planning Commission. The Bartlesville Metropolitan Area Planning Commission.

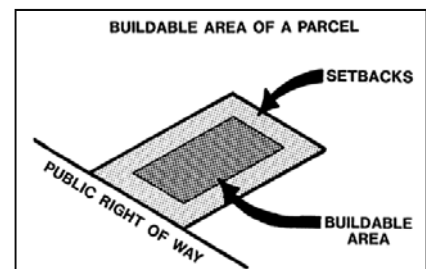
Porch or Portico. A roofed, open area, which may be sheltering an entrance or screened, attached to or part of a building, and with direct access to or from said building.

Principal Use. The primary or predominant use of any lot or parcel. A principal use must exist on a lot before an accessory use can be added as a use on a lot.

Recreational Vehicles. Recreational vehicles encompass all vehicles primarily designed or later converted as temporary living quarters for recreation, camping or travel--either with their own motive power or mounted on or towed by another powered vehicle. A pickup cover designed to provide a protective enclosure over the bed of a pickup truck whereby the cover does not increase the height, width or length of the pickup shall not be included in this definition.

Right-of-Way (ROW). The land opened, reserved, or dedicated for a street, sidewalk, sewer, water line, drainage course, or other public purpose.

Setback Line. The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way or property line, to the nearest vertical wall or other element of a building or structure, as defined herein. This line defines the required yard areas (front, rear, and side) and establishes the buildable area, or that area within which the principal structure may be erected or placed. Location points of measurement on buildings or structures are subject to the exceptions in Section 9.5.



Sexually Oriented Business. As defined in Section 7.7.3.

Shelter/Rescue Mission, Temporary Housing for Homeless, Indigent. A facility which provides room and board for a temporary period not to exceed 60 days for transient, indigent or displaced children or adults.

Sign, Area of. The total exterior surface computed in square feet of a sign having but one exposed exterior surface; the aggregate exposed exterior surface computed in square feet of a sign having more than one such surface.

Sign. Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Sign, Advertising (Billboard). A sign which directs attention to a business, commodity, service, or entertainment which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located.

Sign, Bulletin. An accessory board or sign erected by a church, school, community center, public agency or institution on its own premises for announcement purposes.

Sign, Business. An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold or offered upon the same zoning lot.

Sign, Flashing. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, Identification. A sign whose content is limited to the name and/or occupation of the occupant of the premises.

Sign, Illuminated. A sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

Story. That portion of a building included between the surface of any floor and the ceiling next above it.

Story, First. The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

Street. Any thoroughfare other than an alley.

Street, Collector. Any thoroughfare designated as a collector street in the Bartlesville Comprehensive Plan.

Structure. Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. By this definition, all buildings are structures, however, not all structures, such as fences and swimming pools, are buildings.

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

Temporary Use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period, which may include:

- 1) a temporary building or structure without any foundation or footing; or
- 2) a retail food establishment that operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, picnic, concert, public exhibition or similar transitory gathering, although temporary retail food establishments must be accessory to the principal permitted use, for instance, a fair or carnival;
- 3) Temporary outdoor activities that are carried out primarily out-of-doors for a fixed period of time, including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop market, racing meets, circuses, carnival, concerts, and parades;
- 4) Temporary uses usually do not involve the construction or alteration of any permanent building or structure, although the authorization of the temporary use does not necessarily preclude such construction.

Thoroughfare. Any public right-of-way which provides a public means of access to abutting property.

Thoroughfare, Major. Any thoroughfare designated as primary thoroughfare or secondary thoroughfare in the Bartlesville Comprehensive Plan.

Thoroughfare, Minor. Any thoroughfare other than a major thoroughfare.

Thoroughfare, Primary. Any thoroughfare so designated in the Bartlesville Comprehensive Plan.

Thoroughfare, Secondary. Any thoroughfare so designated in the Bartlesville Comprehensive Plan.

Use, Conditional. A use which is permitted in a district, subject to meeting certain conditions set forth herein.

Wireless Communications Towers/Antenna. As defined in Section 7.8.

Yard, Front. An open space extending the full width of a lot between a building and the front lot line.

Yard, Rear. An open space extending the full width of the lot between a building and the rear lot line.

Yard, Required. The minimum open space between a lot line and a required setback line within which no structure is permitted to be located except as specified elsewhere in these regulations.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the nearest side lot line.

Yard, Side, Exterior. On a corner lot, a side yard abutting on a street.

Yard, Side, Interior. A side yard other than an exterior side yard.

Zoning Lot. See Lot, Zoning.

Zoning Map. The Zoning Map or Maps of the City of Bartlesville and County of Washington incorporated into these regulations as a part thereof.

Zoning Permit, Special. A permit for certain uses, issued by the proper Board of Adjustment in accordance with Section 10.5.

**APPENDIX A  
FEE SCHEDULE**

**Notes:** In addition to the fees identified below, the following fees shall be collected by the City of Bartlesville on each construction permit issued or renewed:

- 1) Fees required by the County, State or Federal government; and
- 2) City administrative fees authorized by the County, State or Federal government.

**The following fees do not include the cost of publication notice(s) which shall be billed to and paid by the applicant.**

<b>TYPE</b>	<b>FEE</b>
Certificate of Zoning Compliance	\$20.00
Home Occupation:	
Minor	\$5.00
Major	\$10.00
Planned Unit Development (PUD)	\$100.00
Portable Sign Permit	\$10.00 per sign
Certificate of Occupancy without a Building Permit	\$20.00
Board of Adjustment applications	\$50.00
- Variance, Special Zoning Permit, Appeal, Non-conforming Uses, Special Exceptions	
Zoning Map Amendment	\$100.00

**BUILDING PERMIT AND BUILDING RELATED FEES:**

<b>BUILDING PERMIT FEES</b>	<b>FEE</b>
Residential	
New Construction:	8 cents per sq. ft., minimum \$100, includes initial plan review and floodplain determination fees and certificate of occupancy; No upfront plan review fee
Remodel	\$50.00 flat fee, includes initial plan review and floodplain determination fees and certificate of occupancy; No upfront plan review fee
Commercial	
New Construction	25 cents per sq. ft. for first 5,000 sq. ft. of gross floor area; 4 cents per sq. ft. for second 5,000 sq. ft. of gross floor area; 2 cents per sq. ft. for anything over first 10,000 sq. ft. of gross floor area; minimum \$130 fee. Includes initial plan review and floodplain determination fees and certificate of occupancy; Upfront plan review fee of \$250 applied to the total cost of the building permit
Remodel	20 cents per sq. ft. for first 5,000 sq. ft. of gross floor area; 4 cents per sq. ft. for second 5,000 sq. ft. of gross floor area; 2 cents per sq. ft. for anything over first 10,000 sq. ft. of gross floor area; minimum \$130 fee. Includes initial plan review and floodplain determination fees and certificate of occupancy; Upfront plan review fee of \$250 applied to the total cost of the building permit
Storage, Warehouse, Garages, and Additions that Contain No Plumbing	4 cents per sq. ft. with minimum \$20 fee, includes initial plan review and floodplain determination fees and certificate of occupancy; No upfront plan review fee
Mobile Home	\$85 outside mobile home park; \$65 inside mobile home park; Includes initial plan review and floodplain determination fees and certificate of occupancy; No upfront plan review fee. Note: Factory-Built housing in compliance with all applicable building codes will be charged as new residential.

<b>BUILDING RELATED FEES: RESIDENTIAL</b>	<b>FEE</b>
Plumbing Permits Electrical Permits Mechanical Permits	2 cents per sq. ft.; Minimum \$20 fee
Fire Suppression Sprinkler System	\$25
Sewer Line Inspection	\$20 inside city limits; \$35 outside city limits
Gas Line Inspection	\$20 inside city limits; \$35 outside city limits
Meter Loop	\$20 inside city limits; \$35 outside city limits
<b>BUILDING RELATED FEES: COMMERCIAL</b>	<b>FEE</b>
Plumbing Permits Electrical Permits Mechanical Permits	2 cents per sq. ft. for first 5,000 sq. ft. of gross floor area; 1 cents per sq. ft. for second 5,000 sq. ft. of gross floor area; .5 cents per sq. ft. for anything over first 10,000 sq. ft. of gross floor area; Minimum \$20 fee. Includes initial plan review and floodplain determination fees and certificate of occupancy
Fire Suppression Sprinkler System	\$100 for first 100 heads; \$25 for each 100 heads thereafter (or portion thereof)
Sewer Line Inspection	\$20 inside city limits; \$35 outside city limits
Gas Line Inspection	\$20 inside city limits; \$35 outside city limits
Meter Loop	\$20 inside city limits; \$35 outside city limits
<b>MISCELLANEOUS BUILDING FEES</b>	<b>FEE</b>
Parking Lots	\$20
Moving Structures	\$20
Demolitions	\$20
Accessory Structures	\$20 for Tents/Awnings, Storm Shelters and Carports; Note: Garages and Storage Buildings will be assessed as a regular commercial or residential building depending upon use
Swimming Pool	\$20
Sign Permit	\$20 plus 2 cents per sq. ft.
Lawn Sprinklers	\$20
Certificate of Occupancy without a Building Permit	\$20
Right-of-Way Permits (driveways, sidewalks, construction in right-of-way)	\$25
<b>Floodplain Management Fees</b>	
Minor Development Projects, requiring minimal technical review, including at-grade parking, repaving, fences, billboards, and accessory buildings, additions and structure less than 500 square feet	\$10
Moderate development projects requiring moderate technical review, including structures greater than 500 square feet	\$50
Floodway development and major development projects requiring extensive technical review	\$300
Appeals and variances	\$50

<b>INSPECTION FEES AND PENALTIES</b>	<b>FEE</b>
Inspections outside of normal business hours	\$30/hour with minimum 2 hours charge
Re-inspection fees assessed under the International Building Code	\$20/hour with minimum 1 hour charge
Inspections for which no fee is specifically indicated	\$20/hour with minimum 1 hour charge; \$35/hour for inspections outside city limits, minimum 1 hour charge
Additional plan review required by changes, additions, or revisions to approved plans	\$50/hour with minimum 1 hour charge
Penalty for starting work without required permits	100 percent of the usual permit fee in addition to the required permit fee

**APPENDIX B**  
**LIST OF ZONING TEXT AMENDMENTS**  
For the time period from April 1999

CASE NUMBER AND SECTIONS AMENDED	BRIEF SUMMARY OF AMENDMENTS	DATE APPROVED OR DENIED BY MAPC	DATE APPROVED OR DENIED BY CITY COUNCIL	DATE APPROVED OR DENIED BY COUNTY COMMISSION
<u>No case number</u> 5, 6.2, & 7.6	Planned Unit Development	Approved 3-17-1992	Approved 4-20-1992 Ord. #2769	Approved 6-15-1992 Res. #92-25
<u>Case #PC-93-01-TA</u> 4.2, 7.2, 7.7266 & 13	Operation of Home-Based Businesses (Home Occupations)	Approved 1-26-1993	Approved 2-17-1993 Ord. #2795	Approved 3-22-1993
<u>CASE #PC-93-04-TA</u> 7.662, 7.7268, 7.733, 7.733, 10.13, 10.21, 10.455, 10.54, 12.13	Creating Appendix A to consolidate and reference all fees	Approved 3-23-93	Approved 4-19-1993 Ord. #2801	Approved 5-17-1993
<u>CASE #PC-93-05-TA</u> 6.14	Industrial Park (IP) Zoning District	Approved 7-27-1993	Approved 9-7-1993 Ord. #2810	Approved 8-30-1993 Res. #93-38
<u>CASE #PC-93-34-TA</u> 2.1, 4.2, 4.3, 6.1, 6.2, 7.2, 7.4, 7.7, 8.2, 8.3, 9.5, 10.2, 10.4 & 13	Comprehensive Text Amendments	Approved 1-25-1994	Approved 2-22-1994 Ord. #2827	Approved 3-17-1994 Res. #94-11
<u>CASE #PC-94-23-TA</u> 6.2, 7.724, 7.725, 7.726, & 13	Comprehensive Text Amendments	Approved 7-26-1994	Approved 8-15-1994 Ord. #2845	Approved 8-29-1994 Res. #94-79
<u>CASE #PC-94-23-TA</u> 12.15	Repealing the requirement of a minimum of six votes for passage of a zoning map amendment by the MAPC	Approved 8-9-1994	Approved 9-6-1994 Ord. #2848	Denied 9-26-1994
<u>CASE #PC-95-13-TA</u> 4.2, 6.2, 7.6, 7.7 and 9.5	Comprehensive Text Amendments, including but not limited to Planned Unit Development	Approved 4-25-1995	Approved 6-5-1996 Ord. #2903	Approved 2-5-1996 Res. #96-17
<u>CASE #PC-95-33-TA</u> 10.13 and Appendix A	Pertaining to fee schedule for building permits and related fees and zoning ordinance fees	Approved 11-28-1995	Approved 1-15-1996 Ord. #2769	Approved 6-15-1992 Res. #92-25
<u>CASE #PC-96-04-TA</u> 2.1, 4.2, 5. 1, 6. 2, 7.2, 7.4, 7.5, 7.6, 7.7, 7.9, 9.5, 10, 11, 12, & 13, & Tables 4.2, 4.3, 5.2 & 6.3	Comprehensive Text Amendments; including but not limited to regulations governing the Board of Adjustment and the processing and review of Special Zoning Permits; Children's Day Nurseries, Adult Day Care Centers, Off-street Parking, Parks for Recreational Vehicles, Planned Unit Development, Home Day Care Centers, Grading and Excavation of Materials, Maximum Height Limit for Signs	Approved 2-27-1996	Approved 4-15-1996 Ord. #2915	Approved 4-1-1996 Res. #96-24
<u>CASE #PC-96-15-TA</u> Appendix A-Fee Schedule Zoning Ordinance Fees	Modified fee structure establishing a graduated scale for commercial permits for mechanical, electrical, and plumbing work	Approved 7-2-1996	Approved 8-5-1996 Ord. #2928	Approved 8-12-1996 Res. #96-53
<u>CASE #PC-96-21-TA</u> 9.5, 10.48, 13 & Tables 4.3, 5.2, & 6.3	Permitting open carports to extend beyond front building line upon approval of the Board of Adjustment; defining carports and open carports; changing number of days to appeal Board of Adjustment decision to District Court; and amending Tables 4.3, 5.2, and 6.3 pertaining to minimum development requirements	Approved 10-22-1996	Approved 11-18-1996 Ord. #2936	Approved 11-25-1996 Res. #96-82

CASE NUMBER AND SECTIONS AMENDED	BRIEF SUMMARY OF AMENDMENTS	DATE APPROVED OR DENIED BY MAPC	DATE APPROVED OR DENIED BY CITY COUNCIL	DATE APPROVED OR DENIED BY COUNTY COMMISSION
<u>CASE #PC-98-09-TA</u> Sections 7.4, 7.7, 9.2, 10.2 and 13 and Tables 4.2 and 5.2	Pertaining to Animal Pounds and Shelters in RA Districts by Special Permit; Requirements for Off- Street Parking in Residential Areas; Requirements for Main Ingress and Egress; Deletion of Residential Front Yard Requirements; Requirements for Certificate of Occupancy; Definition of Kennel; Various Amendments to Table 5.2.	Approved 4-28-1998	Approved 6-1-1998 Ord. #2977	Approved 11-9-1998 Res. #98-87
<u>CASE #PC-98-09-TA</u> Section 7.6	Amend PUD procedures to shorten the process for review and approval of PUD Site Development Plans	Approved 4-28-1998	Approved 9-21-1998 Ord. #2984	Approved 11-9-1998 Res. #98-87
<u>CASE #PC-98-43-TA</u> Section 7.8 and Tables 4.2 and 6.2	Regulating Wireless Communication Towers and Antennas	Approved 2-23-1999	Approved 4-5-1999 Ord. #3002	Approved 4-12-1999 Res. #99-20
<u>CASE #PC-00-13-TA</u> Table 4.2, Table 5.2, Table 6.2, Section 7.41, 7.42, 7.430-7.436, 7.51, 8.32, 9.2, 9.3, 9.53, 10.23, & 12.13	Comprehensive Zoning Text Amendments	Approved 6-27-2000	Approved 8-21-2000 Ord. #3045	Approved 10-2-2000 Res. #00-91
<u>No case number</u> Section 7.10	Highway 75 Overlay District, in conjunction with extension of MAPC boundary along U.S. Highway 75 as provided in Section 7.10	Approved 1-27-2004	NA	Approved 2-23-2004 Res. #04-11
<u>CASE #PC-04-00-TA</u> Table 6.2, Section 7.737	Sexually Oriented Businesses	Approved 2-24-2004	Approved 7-6-2004 Ord. #3138	Approved 7-26-2004 Res. #04-78
<u>CASE #PC-04-01-TA</u> Table 4.2, Table 6.2, Section 7.3, 7.722, 13	Child Care and Adult Care Facilities	Approved 3-23-2004	Approved 4-19-2004 Ord. #3132	Approved 4-26-2004 Res. #04-20
<u>CASE #PC-06-32-TA</u> Table 6.2, Sections 7, 8, 10,13, and Appendix A	Billboards and Comprehensive Zoning Text Amendments	Approved 6-26-2006	Approved 8-7-2006 and 8-21-2006 Ord. #3219 and 3223	Approved 8-14-2006 Res. #06-149
<u>CASE #PC-09-06-TA</u> Section 10.13 and Appendix A	Incorporation of State fees to be collected by the City on the issuance and renewal of all construction permits; Oklahoma Uniform Building Code Commission; Oklahoma Statutes Title 59, Section 1000.25	Approved 11-17-2009	Approved 12-7-2009 Ord. #3311	Approved 12-7-2009 Res. #09-152
<u>CASE #PC-10-17-TA</u> Sections 1, 5, 6, 7, 9 and 12 and Tables 4.2 and 6.2	Comprehensive Zoning Text Amendments	Approved 11-30-2010	Approved 12-6-2010 Ord. #3345	Approved 12-6-2010 Res. #10-96