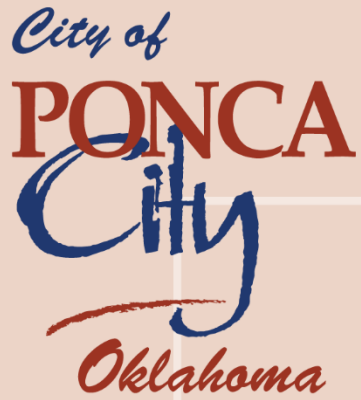




TITLE 13: UNIFIED DEVELOPMENT CODE

Draft Date: March 11, 2026

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Chapter 1: General Provisions

Section 13-1-1: Generally

1-1-1: Title

- A. This document, pursuant to the authority granted by the statutes of the state, shall be known as “The Ponca City Unified Development Ordinance” and may be cited as such.
- B. This document may also be cited as the “Unified Development Code,” or the “UDC.”
- C. This document may also be referred to herein as “the Chapter,” “this Chapter,” “the Title,” or “this Title”, “the Code”, or “this Code,” and shall mean Title 13 of the City Code of Ponca City or “Ponca City, OK Code of Ordinances.”

1-1-2: Purpose

A. Generally

This UDC classifies and regulates the use of land, buildings, and structures, establishes procedures, and provides minimum standards for land development within the City limits of Ponca City, Oklahoma. The regulations in this UDC are necessary to:

1. Promote the health, safety, and general welfare;
2. Implement the policies found in the current version of the comprehensive plan;
3. Encourage the most appropriate uses of land by dividing the City into zones and regulating therein the use of the land;
4. Create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewage, stormwater, parks, public utilities, and other facilities;
5. Protect the manmade and natural environment and to encourage, in the development of land, the minimum adverse effect thereto; and
6. Provides for efficient and effective processing of zoning and land development applications.

B. Establishment

In interpreting and applying the provisions of this UDC, they shall be held to the minimum requirements to promote public health, safety, and general welfare. Consistent interpretation and application of this UDC supports development that advances the goals and vision of the City’s Comprehensive Plan.

1-1-3: Authority

A. Oklahoma State Law

The following titles and sections of the laws of the State of Oklahoma authorizing the exercise of authority in this UDC include, but are not limited to:

1. 11 O.S. § 14-101 (Municipal Ordinances – Authority)
2. 11 O.S. § 22-109.1 (Location of Adult Novelty Shops)
3. 11 O.S. § 36-101 (Power of Municipalities)
4. 11 O.S. § 36-509 (Zoning, Land Use, Planning and Permitting Authority – Exclusions)

Chapter 1: General Provisions

Section 13-1-1: Generally | 1-1-4:

5. 11 O.S. § 41-101 (Survey and Plat for Subdivisions or Proposed Municipality)
6. 11 O.S. § 41-102 (Lots to be Numbered and Described in Plat)
7. 11 O.S. § 41-106 (Approval by Municipal Governing Body Before Plat is Recorded)
8. 11 O.S. § 42-106 (Vacation of Plat by Written Agreement of Owners)
9. 11 O.S. § 43-101 (General Power of Municipalities)
10. 11 O.S. § 43-102 (Establishing Districts Within Municipality)
11. 11 O.S. § 43-103 (Purpose of Regulations – Comprehensive Plan)
12. 11 O.S. § 43-104 (Notice and Public Hearing of Proposed Regulations)
13. 11 O.S. § 43-105 (Amendments or Changes of Regulations, Restrictions, and Boundaries – Protests)
14. 11 O.S. § 43-106 (Additional Notice Requirements for Proposed Zoning Changes and Reclassifications)
15. 11 O.S. § 43-107 (Injunction for Violations of Regulations)
16. 11 O.S. § 43-110 (Planned Unit Developments)
17. 11 O.S. § 44-101 (Board of Adjustment)
18. 11 O.S. § 47-113 (Scope of Control of Subdivisions—Review of Plats)
19. 11 O.S. § 47-114 (Subdivision Regulations)
20. 11 O.S. § 47-115 (Procedure for Approval Plats)
21. 11 O.S. § 47-116 (Unapproved Plats not Entitled to Record)

B. Exercise of Powers.

This UDC is adopted in the exercise of the power granted by municipalities by these statutes and the City of Ponca City Charter.

1-1-4: Applicability

A. Generally

This UDC applies to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, and infrastructure, and they relate to the purpose and intent of this UDC and are enumerated below.

B. Zoning Regulations

Zoning regulations, including zoning districts, land uses, and development standards, as outlined in this UDC, apply to all areas within Ponca City's corporate limits.

C. Subdivision Regulations

1. Subdivision and platting regulations in this UDC apply to all areas within Ponca City's corporate limits.
2. Standards for the design, dedication, and construction of public improvements, including streets, sidewalks, and other infrastructure for transportation, stormwater, sanitary sewer, and water infrastructure, and parks, recreation, and other open space facilities.

D. Building permits

1. Any reference to the issuance of building permits by the City applies only to Ponca City's corporate limits, unless the property owner has contracted through subdivision plat restrictions, or another legal instrument, to extend the City's authority to issue building permits for construction on its property.

2. Any reference to the authority of the City to inspect the construction of necessary subdivision improvements applies within Ponca City's corporate limits unless the property owner has contracted with the City through subdivision plat restrictions or another legal instrument.

E. Easements, Covenants, and Private Agreements

This UDC does not interfere with, abrogate, or annul any easements, covenants, or other legal agreements between parties.

1-1-5: Consistency with the Comprehensive Plan

The City finds that this UDC is consistent with its Comprehensive Plan. The Comprehensive Plan policies provide guidance in the evaluation of future decisions relevant to municipal planning.

1-1-6: Conflicting Provisions

A. Generally

If the provisions of this UDC are inconsistent with one another or conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated.

B. Fire Prevention, Health, Sanitation, and Safety

Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the City.

C. Conflict with State or Federal Regulations

If any restriction, prohibition, or provision of this UDC conflicts with those provisions or any laws of the State of Oklahoma, or with regulations of State or Federal regulatory bodies having jurisdiction:

1. If the provision of this UDC is not preempted, the more restrictive regulation, prohibition, or provision applies, or
2. If the state or federal law preempts a provision of this UDC, the state or federal law applies.

D. Conflict with Other City Regulations

If the provisions of this UDC are inconsistent with one another or conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

E. Conflict with Plat Restrictions

1. Nothing in this UDC invalidates any plat restriction authorized by the Planning Commission or City Commission, nor any provision of adopted building codes.
2. Building setback lines included on a recorded subdivision plat approved by the Planning Commission shall control when they are more restrictive than the applicable zoning district setbacks. Where a conflict exists, the more restrictive setback requirement shall apply.

F. Conflict with Building Code Requirements

1. Building setback lines included on a recorded subdivision plat approved by the Planning Commission shall control when they are more restrictive than the applicable zoning district setbacks. Where a conflict exists, the more restrictive setback requirement shall apply.
2. The Board of Adjustment has no authority to reduce any building setback required under adopted building codes.

1-1-7: Private Restrictions

The City does not enforce private restrictions. This UDC does not abrogate any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, if the provisions of this UDC are more restrictive than any private restriction, the requirements of this UDC control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDC, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions.

1-1-8: Severability

If any chapter, section, paragraph, subdivision, clause, phrase, or provision of this UDC is, for any reason, adjudged invalid or held to be unconstitutional, the invalidity or unconstitutionality of that particular chapter, section, paragraph, subdivision, clause, phrase or provision so declared does not affect the validity or constitutionality of the remaining provisions of this UDC, but the same, and each of them, remain in full force and effect.

1-1-9: Repeal of Existing Ordinances

Any ordinance inconsistent with the terms and provisions of this UDC is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this UDC is cumulative of other ordinances regulating the same subject matter.

1-1-10: Effective Date

- A. This UDC shall become effective and be in full force and effect on [REDACTED] with approval by the City Commission, as duly attested by the Mayor and City Clerk.
- B. The provisions of this UDC supersede all other development regulations governing the development of land within the City. All development applications and proposals filed on or after the effective date of the ordinance from which this UDC is derived, whether for new developments or for additions or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this UDC.

Chapter 2: Zoning Districts

Section 13-2-1: Generally

The City is hereby divided into the following zoning districts geographically. Each zoning district includes permitted uses, limited uses, special uses, and dimensional standards.

A. A. Compliance Required

The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this chapter for the zoning district in which the building, structure, or land is located.

B. B. Dimensional Standards

Section 13-4-2: establishes the rules for applying dimensional standards in the zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Nothing in this Chapter authorizes an encroachment within any easements or plat restrictions, unless otherwise specified.

2-1-2: Zoning Map

The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the City of Ponca City, Oklahoma. The Zoning Map includes all notations, references, data, district boundaries, and other associated information, and is adopted as part of this UDC. The Zoning Map, properly attested, is on file in the office of the City Clerk and displayed on a publicly available website. The Zoning Map may be amended as provided in this Chapter.

Section 13-2-2: Base Districts

A. Generally

The City is geographically divided into the following districts, which are established by this Chapter and summarized in Table 3.2: Use Table. Each district includes permitted uses and dimensional standards.

B. Zoning Equivalency

See Table 2.1: Zoning Equivalency.

Chapter 2: Zoning Districts

Section 13-2-2: Base Districts | 2-1-2:

Table 2.1: Zoning Equivalency

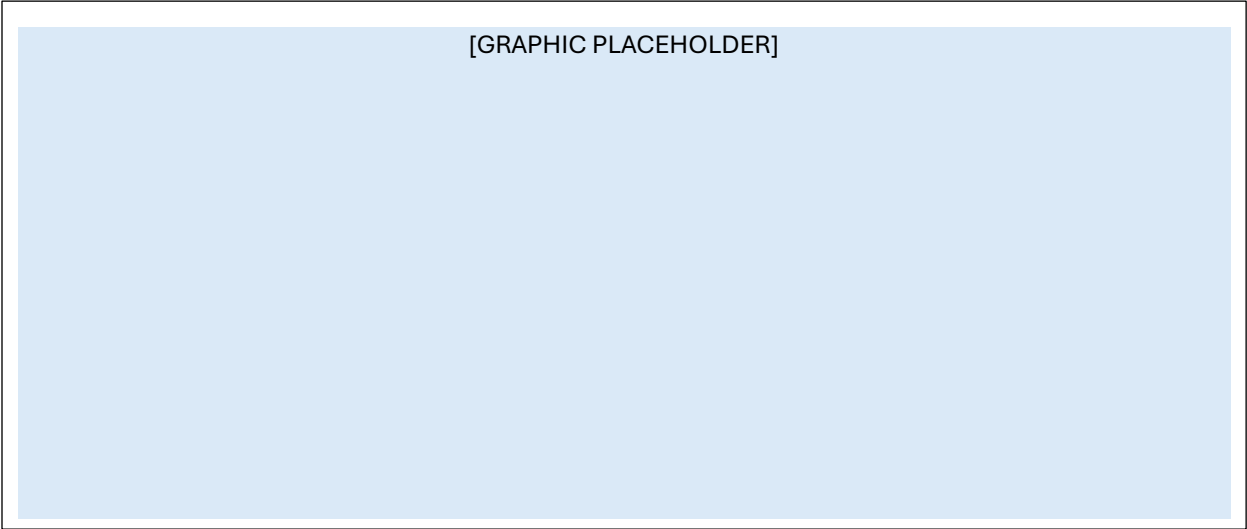
Zoning Category	Applicable Zoning District	Previous Zoning Equivalent
Residential	Rural Residential	Agricultural
		Rural Acreage Dwelling
		Single-Family Dwelling (Parcels more than 1 acre in size)
	Middle-Density Residential	Single-Family Dwelling (Parcels under 1 acre in size)
		Two-Family Dwelling
		Medium-Density Dwelling
	High-Density Residential	Multi-Family Dwelling
		Mobile Home Park Dwelling
		Mobile Home Subdivision Dwelling
Mixed-Use	Mixed-Use	-
	Downtown	Central Business
Commercial	Local Commercial	Local Commercial
	Regional Commercial	General Commercial
Industrial	Flex Industrial	Industrial Park
		Light Industrial
	Manufacturing Industrial	Moderate Industrial
		Heavy Industrial
Special	-	Public
	Planned Unit Development	Planned Unit Development
Overlay	-	Hospital-Medical Complex
	Historic District	Historic Preservation
	Airport Height	Airport Hazard

2-2-2: Rural Residential District (RR)

[GRAPHIC PLACEHOLDER]

Description and Purpose		
The Rural Residential (RR) District accommodates areas where large-lot, low-intensity residential development is the predominant pattern, complemented by traditional agricultural uses.		
Lot Requirements		
A	Lot Area (min.)	1 acres
B	Lot Width (min.)	100 feet
C	Impervious Surface Coverage (max.)	20%
Setback Requirements		
D	Front Yard (min.)	40 feet
E	Rear Yard (min.)	20 feet
F	Side Yard (min.)	15 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		
H	Building Height (max.)	N/A
I	Building Footprint (max.)	15,000 square feet
Special Requirements		
The minimum district size is 5 acres.		
Conservation subdivision development may be approved as provided in Chapter CROSS REFERENCE .		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

2-2-3: Middle-Density Residential District (RM)

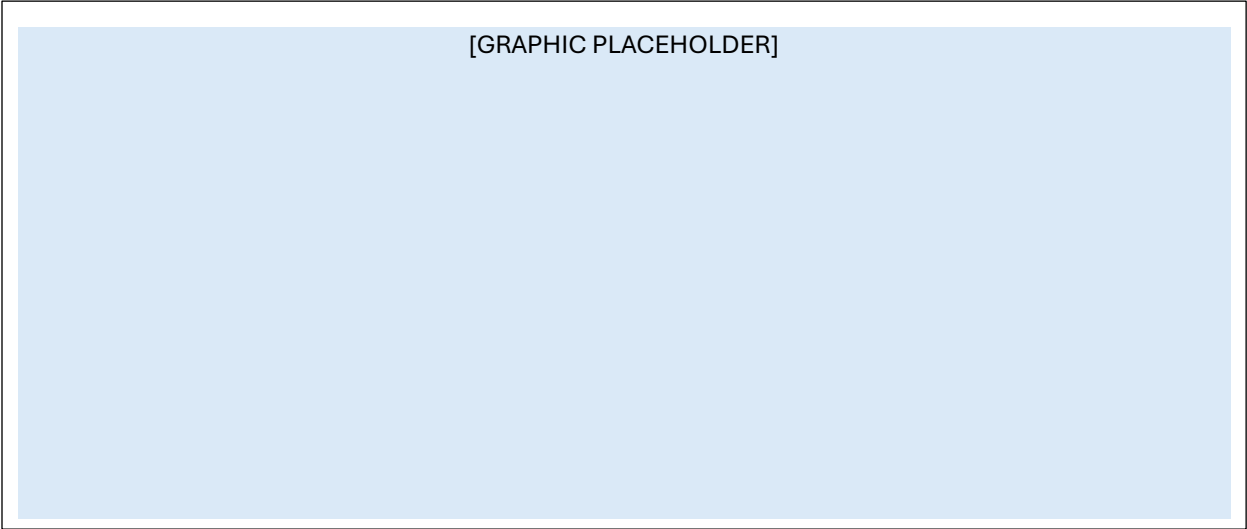


Description and Purpose		
The Middle-Density Residential (RM) District provides for traditional neighborhood design where a mix of housing types are complemented by supporting amenities such as parks and open space.		
Lot Requirements		
A	Lot Area (min.)	3,500 square feet
B	Lot Width (min.)	30 feet
C	Impervious Surface Coverage (max.)	50%
Setback Requirements		
D	Front Yard (min.)	15 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet
Building Requirements		
H	Building Height (max.)	45 feet
I	Building Footprint (max.)	N/A
Special Requirements		
Conservation subdivision development may be approved as provided in Chapter XXXX.		
The minimum side-yard setback shall not apply to attached-unit developments, such as townhomes, rowhomes, duplexes, triplexes, and quadplexes.		
Off-street parking located between the front property line and the principal structure shall have a minimum setback of 20 feet.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE – infill standards		CROSS REFERENCEError! Reference source not found.

2-2-4: High-Density Residential District (RH)

[GRAPHIC PLACEHOLDER]		
Description and Purpose		
The High-Density Residential (RH) District prioritizes higher-density residential living while accommodating some office uses. This district supports a variety of housing to create welcoming and diverse neighborhoods. The district supports convenient access to amenities, essential services, and businesses while maintaining a residential character.		
Lot Requirements		
A	Lot Area (min.)	4,500 square feet
B	Lot Width (min.)	35 feet
C	Impervious Surface Coverage (max.)	50%
Setback Requirements		
D	Front Yard (min.)	5 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	10 feet
G	Corner Side Yard (min.)	5 feet
Building Requirements		
H	Building Height (max.)	55 feet
I	Building Footprint (max.)	20,000 square feet
Special Requirements		
The minimum side yard setback shall not apply to attached unit developments such as townhomes, rowhomes, duplexes, triplexes, and quadplexes (see XX for additional details).		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE	CROSS REFERENCE	Error! Reference source not found.

2-2-5: Mixed-Use District (MU)



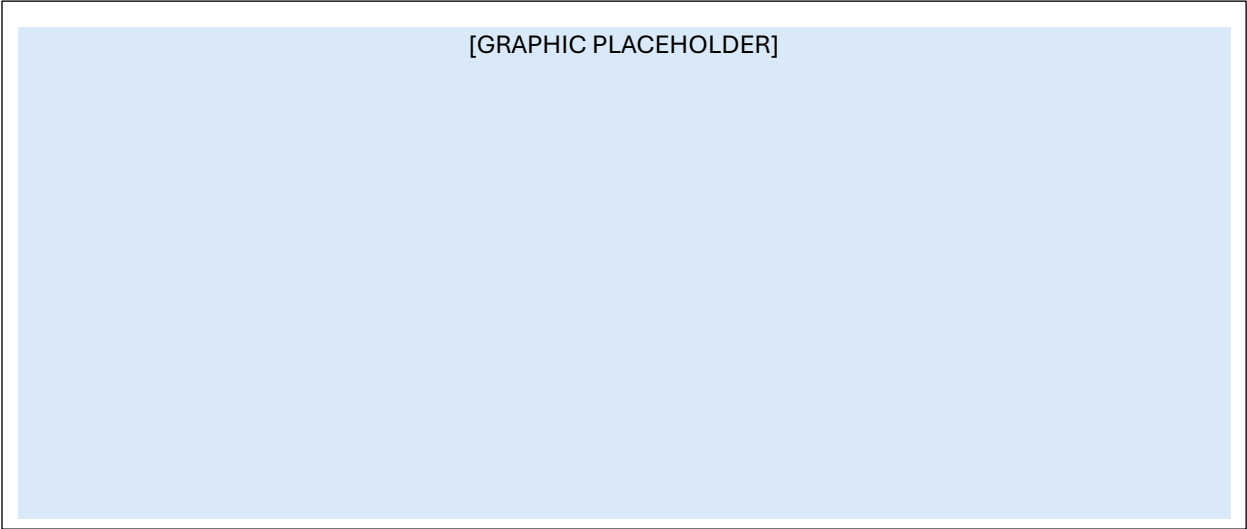
Description and Purpose		
The Mixed-Use (MU) District provides for a pedestrian-scaled, harmonious mix of residential and nonresidential uses near downtown and commercial developments. This District supports a balanced environment that bridges the Downtown, or similar pedestrian-centric nodes, with nearby neighborhoods. This district is a blend of land uses, including shopping, dining, and a variety of residential options.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	30 feet
C	Impervious Surface Coverage (max.)	N/A
Setback Requirements		
D	Front Yard (min.)	10 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	10 feet
G	Corner Side Yard (min.)	5 feet
Building Requirements		
H	Building Height (max.)	55 feet
I	Building Footprint (max.)	20,000 square feet
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

2-2-6: Downtown District (DT)

[GRAPHIC PLACEHOLDER]

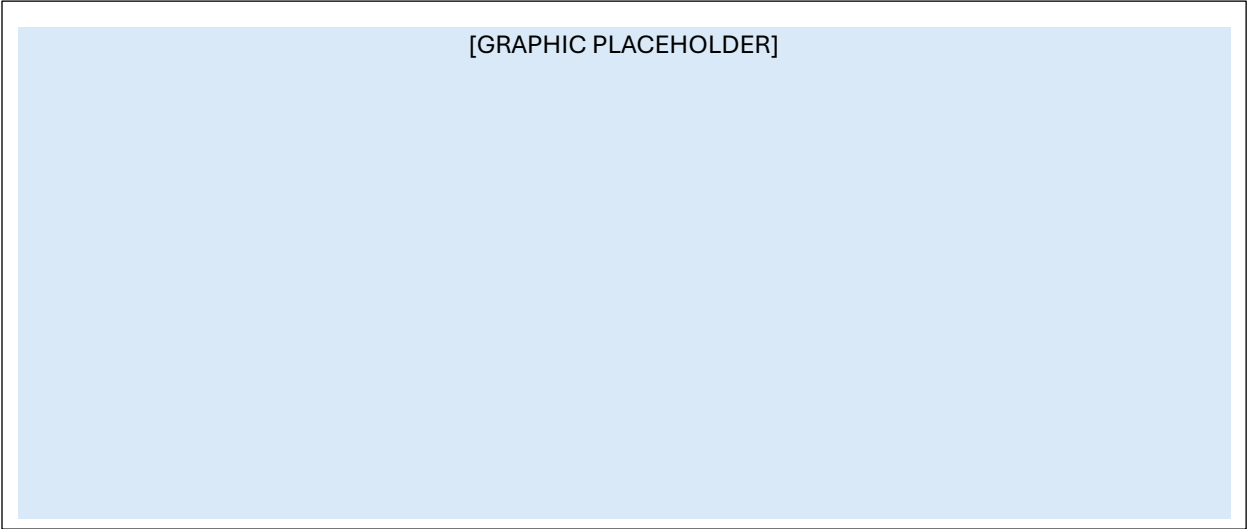
Description and Purpose		
The Downtown (DT) District fosters a vibrant environment centered on urban form, with buildings situated near the street and emphasizing the pedestrian realm. This district is designed to be a destination and an employment center, complemented by urban living options. By prioritizing walkability and mixed-use development, this district is a dynamic and attractive hub for residents and visitors alike. It is intended for the Downtown core to facilitate the adaptation of existing buildings to a more vibrant mixture of uses while conserving the exterior quality and historic significance of the era.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	25 feet
C	Impervious Surface Coverage (max.)	100%
Setback Requirements		
D	Front Yard (max.)	10 feet
E	Rear Yard (max.)	N/A
F	Side Yard (min.)	N/A
G	Corner Side Yard (min.)	N/A
Building Requirements		
H	Building Height (max.)	10 stories
I	Building Footprint (max.)	N/A
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

2-2-7: Local Commercial District (CL)



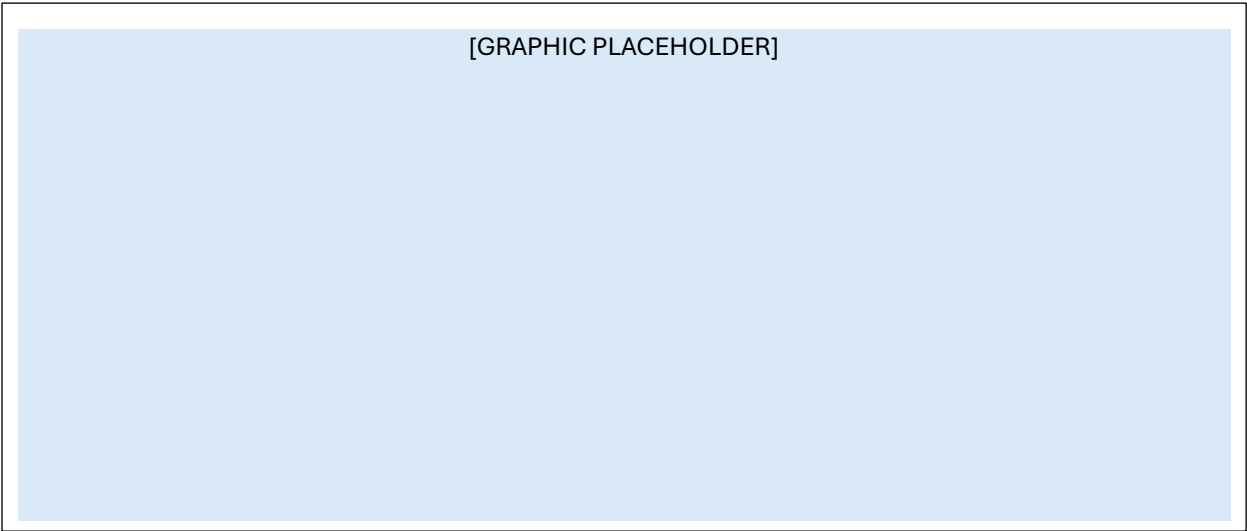
Description and Purpose		
The Local Commercial (CL) District provides a range of nonresidential uses that support nearby residential uses.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	25 feet
C	Impervious Surface Coverage (max.)	60%
Setback Requirements		
D	Front Yard (min.)	25 feet
E	Rear Yard (min.)	N/A
F	Side Yard (min.)	N/A
G	Corner Side Yard (min.)	N/A
Building Requirements		
H	Building Height (max.)	45 feet
I	Building Footprint (max.)	20,000 square feet
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

2-2-8: Regional Commercial District (CR)



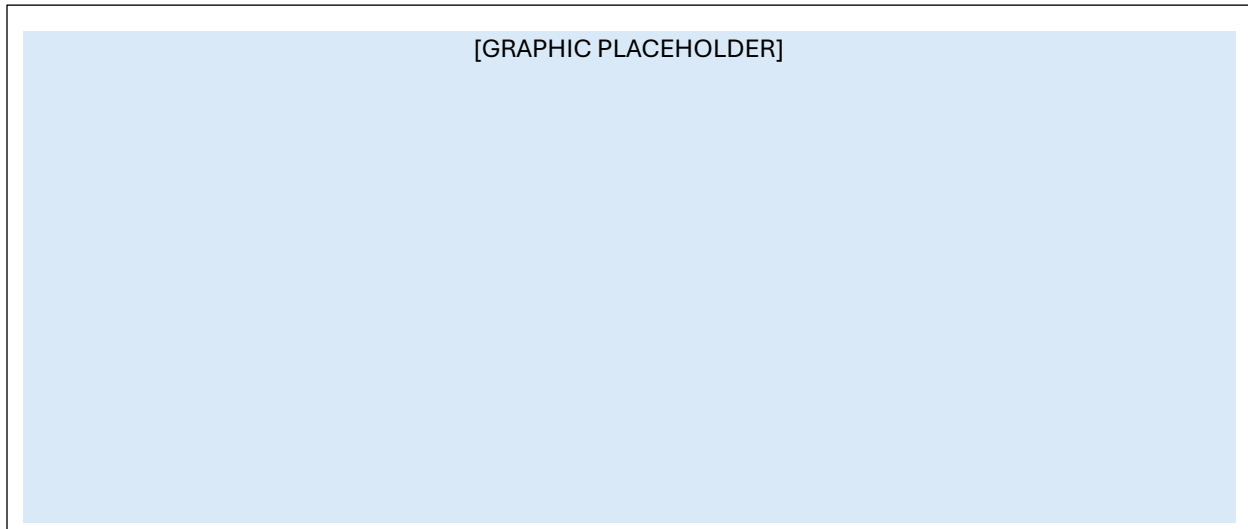
Description and Purpose		
The Regional Commercial (CR) District provides for shopping and commercial activities that offer a full range of consumer retail opportunities, employment services, and tourist attractions on a regional scale.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	25 feet
C	Impervious Surface Coverage (max.)	60%
Setback Requirements		
D	Front Yard (min.)	50 feet
E	Rear Yard (min.)	N/A
F	Side Yard (min.)	N/A
G	Corner Side Yard (min.)	N/A
Building Requirements		
H	Building Height (max.)	N/A
I	Building Footprint (max.)	N/A
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

2-2-9: Flex Industrial District (IF)



Description and Purpose		
The Flex Industrial (IF) District accommodates lower-intensity manufacturing, wholesaling, warehousing, research facilities, and similar types of industrial uses and employers. These uses often cause effects such as smoke, odor, noise, or other impacts. These areas will require higher-than-average utility access and should have clear access to major roadways. This district is most appropriately located adjacent to commercial uses and heavy industrial uses.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	50 feet
C	Impervious Surface Coverage (max.)	75%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	15 feet
F	Side Yard (min.)	15 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		
H	Building Height (max.)	80 feet
I	Building Footprint (max.)	N/A
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE	CROSS REFERENCE	Error! Reference source not found.

2-2-10: Manufacturing Industrial District (IM)



Description and Purpose		
The Manufacturing Industrial (IM) District accommodates higher-intensity manufacturing, wholesaling, warehousing, research facilities, and similar types of industrial uses and employers. These uses often cause effects such as smoke, odor, noise, or other impacts. These areas will require higher-than-average utility access and should have clear access to major roadways. This district is most appropriately located adjacent to Flex Industrial uses.		
Lot Requirements		
A	Lot Area (min.)	N/A
B	Lot Width (min.)	50 feet
C	Impervious Surface Coverage (max.)	75%
Setback Requirements		
D	Front Yard (min.)	25 feet
E	Rear Yard (min.)	25 feet
F	Side Yard (min.)	25 feet
G	Corner Side Yard (min.)	25 feet
Building Requirements		
H	Building Height (max.)	N/A
I	Building Footprint (max.)	N/A
Special Requirements		
Update, as needed.		
Additional Applicable Requirements within the UDC		
CROSS REFERENCE		CROSS REFERENCE

Section 13-2-3: Special Districts

2-3-1: Planned Unit Developments

Description and Purpose
The Planned Unit Development (PUD) District supports the combining and mixing of uses allowed in various districts with appropriate regulations providing flexibility in the use and design of land and buildings, where modification of specific provisions of this UDC is consistent with the planning on which it is based and will not be harmful to the community. A PUD District may be used to permit new and innovative land-use concepts. Procedures are established to prevent misuse of the increased flexibility of this district while allowing development that is not otherwise permitted.
Special Requirements
A. Required Elements A PUD shall provide a statement of purpose articulating, in general, its intended development types, relationship to the natural environment, relationship to existing development, and unique characteristics warranting its establishment as a new district. B. A PUD shall provide standard minimum and/or maximum values for, or indicate the non-applicability of, the following dimensions: 1. Lot Area 2. Lot Width 3. Lot Depth 4. Lot Coverage 5. Front Setback 6. Rear Setback 7. Side Setback 8. Corner Side Setback 9. Building Height 10. Nonresidential Building Footprint C. A PUD shall provide a list of permitted land uses, including permanent principal uses and accessory uses, derived from those uses defined and established in Article IV of this Chapter. This shall be accompanied by an acknowledgement of the sustained applicability of all use-specific standards regulating the district's permitted uses, unless a specific exemption is sought by the applicant. D. A PUD shall provide by reference applicable development standards addressing all components of development established in Article V of this UDC, indicating specific deviations or exemptions from these standards. E. See 6-2-4: Zoning Map Amendment (Planned Unit Development) for more information regarding the procedures and requirements related to PUDs.

Section 13-2-4: Overlay Districts

2-4-1: Generally

A. Generally

1. Overlay districts are created to facilitate specific development outcomes through special standards and provisions that apply to a geographic area due to unique characteristics.
2. Overlay districts shall not replace base zoning. A property within an overlay district may be rezoned, with the overlay district modifications applying to the new base zoning.
3. The regulations of a base zoning district shall remain applicable to all development within the district unless explicitly altered or nullified by the overlay district's regulations, in which case the regulations of the overlay district shall control.

B. Procedures

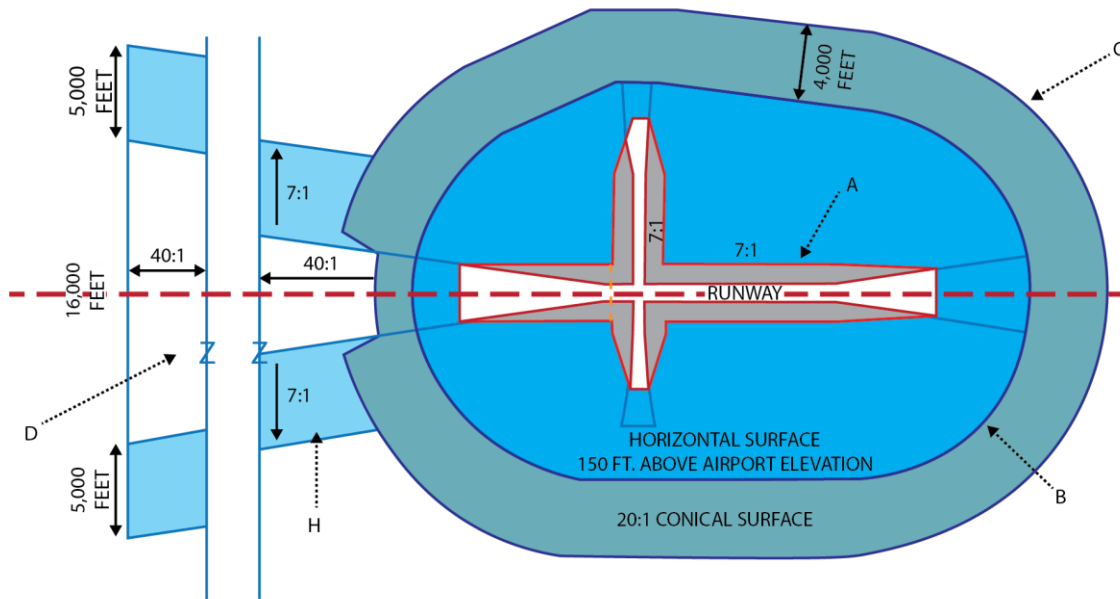
1. Establishment or modification of boundaries of an overlay district shall follow the procedures for Rezoning established in 6-2-3: Zoning Map Amendment (Rezoning).
2. Establishment of new overlay districts shall demonstrate the capacity to implement adopted plans or policies.

2-4-2: Airport Height (AH) Overlay

Description and Purpose
The Airport Height (AH) Overlay establishes development standards for areas near the Ponca City regional airport, aiming to prevent obstructions, aircraft accidents, and excessive noise that could endanger or harm the lives and property of users and occupants.
Special Requirements

Figure 2.1: Federal Aviation Requirement 77.25

Federal Aviation Requirement 77.25



A = PRIMARY SURFACE B = HORIZONTAL SURFACE C = CONICAL SURFACE D = APPROACH SURFACE E = TRANSITIONAL SURFACE

- No structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any approach, transitional, horizontal, and conical zones as follows:
 - Approach:
 - Within 4,200 feet of each runway end, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, such tree or structure would extend above the height limits prescribed for such zones.
 - Transitional:
 - Outside of the Horizontal Zone, no permit shall be required for any tree or structure less than 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.
 - Horizontal:
 - No permit shall be required for any tree or structure less than 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.
 - Conical:
 - No permit shall be required for any tree or structure less than 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.

Additional Applicable Requirements within the UDC

CROSS REFERENCE

CROSS REFERENCE

2-4-3: Historic Preservation (HP) Overlay

Description and Purpose	
The Historic Preservation (HP) Overlay is intended to: - Promote the creation of historic districts and landmarks for the educational, cultural, economic and general welfare of the public; - Preserve, protect and regulate buildings, sites, monuments, structures and areas of historic interest or importance within the City; - Safeguard the heritage of the City by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, economic, political and architectural history; and - Strengthen the City's economic base by stimulating conservation and reuse.	
Special Requirements	
- The erection, moving, demolition, reconstruction, restoration or alteration of any structure is prohibited unless a Certificate of Appropriateness (COA) or Demolition is granted by the Ponca City Historic Preservation Advisory Panel (HPAP). See 6-4-2: Certificate of Appropriateness (COA) and 6-4-3: Demolitions. - All structures and grounds shall be kept in good repair and in keeping with the historical nature of the site. - Parking and storage of motor vehicles and recreational vehicles must be in a garage, carport, or uncovered, within the rear yard. - Parking in the front yard may be permitted by the HPAP, only if: - The vehicle is parked on a permanent, hard-surfaced area that is contiguous to an existing driveway. - No part of the vehicle extends into the public right-of-way. - No required sight triangle is encroached upon.	
Additional Applicable Requirements within the UDC	
CROSS REFERENCE	CROSS REFERENCE

Chapter 3: Uses

Section 13-3-1: Generally

3-1-1: Purpose and Applicability

Table 3.2: Use Table lists the uses permitted within all zoning districts. All uses are defined in 10-2-2: Uses. Approval of a use listed in this Chapter, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this Chapter and approved under the appropriate process is prohibited.

3-1-2: Organization

The uses allowed in each of the zoning districts established in Table 3.2: Use Table are defined as follows:

A. Table Symbolology

Table 3.2: Use Table is arranged according to the following symbols established in Table 3.1: Use Table Symbolology.

Table 3.1: Use Table Symbolology

Symbol	Meaning	Description
P	Permitted By-Right	A “P” in a zoning district column indicates that a use is permitted by right. These uses are subject to all other applicable regulations of this UDC.
L	Limited Use	An “L” in a zoning district column indicates that a use is permitted by right, provided that it meets any applicable use-specific regulations. These uses are subject to all other applicable regulations of this UDC.
S	Special Use Permit	An “S” in a zoning district column indicates that a use requires a Specific Use Permit. See 6-2-5: Special Use Permit for requirements.
	Not Permitted	A blank cell in a zoning district column indicates that a use is not permitted in the zoning district.

B. Use-Specific Regulations Column

The "Use-Specific Regulations" column provides a reference to associated standards for certain uses allowed by right and for limited uses. Where a blank space is in the column, there is no associated standard. Where information is present in the column, there are corresponding use-specific regulations.

C. Multiple Uses on a Site

- When multiple principal uses are included on a single site, each individual use must be permitted on that site. For example, if a Retail Store includes a Restaurant, both uses must be allowed; or if a Funeral Home includes a Crematorium, both uses must be allowed.
 - Exception: Customarily incidental or accessory uses (as determined by the Director) are included in the primary use. For example, if a Hospital includes a gift shop, a Retail Store use is not required; or if a Warehouse includes an office area, a Professional Office use is not required.
- Functional uses with a significant impact on a site's operation or character have been identified separately. If a noted functional use is included, both uses must be allowed. For example, if a Restaurant includes a Drive-Thru, both the Restaurant use and Drive-Thru functional use must be allowed.

3-1-3: Unlisted Uses

If a proposed use is not specifically listed in Table 3.2: Use Table, the Director shall determine whether the use is allowed or not allowed after the applicant provides a detailed summary of the proposed project, use(s), and their associated impacts as outlined below in 0. This determination shall be based upon the similarity in nature and character to one or more uses that are listed Table 3.2: Use Table; however, the applicant shall bear the burden of proof for providing the necessary information for the Director's determination.

- A. In making this determination, the Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.
- B. The Director may also refer to empirical studies or generally accepted planning or engineering sources (e.g., North American Industry Classification System (NAICS)) in making this determination.
- C. If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as an allowed, accessory, conditional, or temporary use, then the use is a prohibited use.
- D. The Director's determination may be appealed pursuant to Section 13-6-1:M. Appeals.

3-1-4: Use Table

A. Applicability

This Chapter shall follow the requirements established in Table 3.2: Use Table.

B. Use-Specific Standards

Use-specific standards are established in Section 13-3-2:.

C. Use Table

Uses are established in Table 3.2: Use Table.

Chapter 3: Uses

Section 13-3-1: Generally | 3-1-4:

Table 3.2: Use Table

District → P = Permitted L = Limited; permitted with use-specific regulations S = Special Use Permit required Blank = Prohibited	RR – Rural Residential	RM – Middle-Density Residential	RH – High-Density Residential	MU - Mixed-Use	DT - Downtown	CL – Local Commercial	CR – Regional Commercial	IF – Flex Industrial	IM – Manufacturing Industrial	Use-Specific Regulations	Recommended Parking Spaces
Residential Uses											
Housing Types											
Single-Family Dwelling	P	P		L						3-2-1:A	1/du
Manufactured Home	L		L							3-2-1:B	2/du
Manufactured Home Park or ROC	S		S							3-2-1:B	2/du
Modular Home	P	P									1/du
Live-Work Unit			P	P	P						2/du
Tiny Home	P	P		L						3-2-1:C	1/du
Townhouse/Rowhouse		P	P	P	P						1/du
Duplex		P									1/du
Triplex		P	P								1/du
Quadplex		P	P	L						3-2-1:D	1/du
Apartment		L	P	P	P	P	P			3-2-1:E	0.75/du
Cottage Court		L	L	L						3-2-1:F	1/du
Cluster Subdivision	L	L									1/du
Group Living											
Extended Care or Skilled Nursing Facility		L	L			L	P			3-2-1:G	2/1,000 sf
Group Home	L	L	L							3-2-1:H	--
Transitional Housing			S			S	S			3-2-1:I	0.5/guest room
Emergency Shelter			S			S	S			3-2-1:J	3/site
Protective Shelter			L			L	L			3-2-1:K	0.5/guest room
All Other Group Living Facilities			S			S	S			3-2-1:L	0.5/guest room
Residential Functional Uses											
Accessory Dwelling Unit	L	L	L	L	L					3-2-1:M	--

Section 13-3-1: Generally | 3-1-4: Use Table

District → P = Permitted L = Limited; permitted with use-specific regulations S = Special Use Permit required Blank = Prohibited	RR – Rural Residential	RM – Middle-Density Residential	RH – High-Density Residential	MU – Mixed-Use	DT – Downtown	CL – Local Commercial	CR – Regional Commercial	IF – Flex Industrial	IM – Manufacturing Industrial	Use-Specific Regulations	Recommended Parking Spaces
Home Occupation	L	L	L	L	L	L	L			3-2-1:N	--
In-Home Daycare	L	L	L	L	L					3-2-1:O	--
Short Term Rental	L	L	L	L	L					3-2-1:P	
Public and Civic Uses											
Community Service											
Library/Museum		L	P	P	P	P	P			3-2-2:A	2.5/1,000 sf
Public Facilities	P	P	P	P	P	P	P	P	P	3-2-2:B	2/1,000 sf
Educational Facilities											
College/University	L		L	L	L	L	L			3-2-2:C	--
School	L	L	L	L	L	L	L			3-2-2:D	1.5/classroom
Technical School	L					L	L	L		3-2-2:E	2.5/1,000 sf
Medical Facilities											
Medical Office				P	S	P	P			3-2-2:F	2.5/1,000 sf
Clinic				P		P	P				2/1,000 sf
Hospital Error! Reference source not found.				L		L	L				4/1,000 sf
Parks and Open Spaces											
Park	P	P	P	P	P	P	P				--
Afterlife Care											
Religious Land Use/Place of Worship	P	P	P	P	P	P	P			3-2-2:G	4/1,000 sf
Cemetery	P										4/acre
Crematorium							L	L		3-2-2:H	1/1,000 sf
Funeral Services			L			P	P			3-2-2:I	2/1,000 sf
Commercial Uses											
Entertainment and Recreation											
Golf Course or Country Club	P	P					P				2.5/1,000 sf

Chapter 3: Uses

Section 13-3-1: Generally | 3-1-4:

District → P = Permitted L = Limited; permitted with use-specific regulations S = Special Use Permit required Blank = Prohibited	RR – Rural Residential	RM – Middle-Density Residential	RH – High-Density Residential	MU – Mixed-Use	DT – Downtown	CL – Local Commercial	CR – Regional Commercial	IF – Flex Industrial	IM – Manufacturing Industrial	Use-Specific Regulations	Recommended Parking Spaces
Outdoor Entertainment and Amusement Venue	S		S				S			3-2-3:A	5/acre
Indoor Entertainment and Amusement Venue				P	P	P	P				4/1,000 sf
Indoor Shooting Range							L	L		3-2-3:B	4/1,000 sf
Office and Professional Services											
Financial Institution			P	P	P	P	P				2/1,000 sf
Professional Office			P	P	P	P	P	P			2.5/1,000 sf
Recording/Production Studio				L	P	P	P	P		3-2-3:C	1/1,000 sf
Overnight Accommodation											
Bed and Breakfast		S	S	P		P					1 + 0.5/guest room
Campground	L									3-2-3:D	4 + 0.75/guest room
Hotel				L	L	P	P			3-2-3:E	1/camp site
Recreational Vehicle Park	L									3-2-3:F	2/du
Retail Sales and Service											
Fitness Center				L	L	P	P	L		3-2-3:G	3/1,000 sf
Personal Services				P	P	P	P				1.5/1,000 sf
Restaurant				P	P	P	P				4/1,000 sf
Retail Store				P	P	P	P				3/1,000 sf
Tavern/Bar				L	P	P	P			3-2-3:H	4/1,000 sf
Animal Services											
Animal Boarding	S					S	P	S		3-2-3:I	2/1,000 sf
Animal Grooming, or Veterinarian	L			S	S	S	P	L		3-2-3:I	2/1,000 sf
Vehicle and Equipment Sales and Service											
Car Wash							P	L		3-2-3:J	2/site
Heavy Auto Repair							L	L	L	3-2-3:K	1.5/1,000 sf + 1/bay

Section 13-3-1: Generally | 3-1-4: Use Table

District → P = Permitted L = Limited; permitted with use-specific regulations S = Special Use Permit required Blank = Prohibited	RR – Rural Residential	RM – Middle-Density Residential	RH – High-Density Residential	MU – Mixed-Use	DT – Downtown	CL – Local Commercial	CR – Regional Commercial	IF – Flex Industrial	IM – Manufacturing Industrial	Use-Specific Regulations	Recommended Parking Spaces
Light Auto Repair						P	P	L		3-2-3:L	1.5/1,000 sf + 1/bay
Vehicle And Equipment Sales, Rental, and Service	L					L	P	P		3-2-3:M	1.5/1,000 sf
Marijuana Uses											
All Marijuana-Related Uses						L	P	L	L	3-2-3:N	--
Adult Entertainment											
Sexually Oriented Businesses							P			3-2-3:O	3/1,000 sf
Care Facilities											
Adult Care Center		L	L			L				3-2-3:P	2/1,000 sf
Child Care Center	L		L	L	L	L	L			3-2-3:Q	2/1,000 sf
Commercial Functional Uses											
Alcohol Sales				L	L	L	L			3-2-3:R	--
Drive-In						L	L			3-2-3:S	--
Drive-Thru						L	L			3-2-3:T	--
Fuel Pump						L	L			3-2-3:U	--
Outdoor Storage							L	L	P	3-2-3:V	--
Industrial Uses											
Light Industrial Service											
Building and Contractor Services						L	L	L	L	3-2-4:A	
Freight Terminal								L	L	3-2-4:B	--
Low-Intensity Industrial and Manufacturing								L	P	3-2-4:C	1.25/1,000 sf
Self-Storage Facility								L		3-2-4:D	3/site
Warehouse								L	L	3-2-4:E	0.5/1,000 sf
Artisan Industry											
High-Intensity Artisan Manufacturing				S	S			L	P	3-2-4:F	1/1,000 sf
Low-Intensity Artisan Manufacturing				S	S			P	P	3-2-4:G	1/1,000 sf

Chapter 3: Uses

Section 13-3-1: Generally | 3-1-4:

District → P = Permitted L = Limited; permitted with use-specific regulations S = Special Use Permit required Blank = Prohibited	RR – Rural Residential	RM – Middle-Density Residential	RH – High-Density Residential	MU - Mixed-Use	DT - Downtown	CL – Local Commercial	CR – Regional Commercial	IF – Flex Industrial	IM – Manufacturing Industrial	Use-Specific Regulations	Recommended Parking Spaces
Heavy Industrial Uses											
Data Center									S	3-2-4:H	
High-Intensity Industrial and Manufacturing									P	3-2-4:I	1/1,000 sf
Towing and Impound Lots								L	L	3-2-4:J	3/site
Power Plat									P		--
Salvage Yard									L	3-2-4:K	3/site
Waste/Recycling Center									P		3/site
Industrial Functional Uses											
Placeholder											
Placeholder											
Agricultural Uses											
Agriculture											
Agricultural Operations	P										--
Agritainment	P										5/acre
Commercial Stable	P										--
Feed and Farm Supply	P						P				2/1,000 sf
Feedlot										3-2-5:A	--
Sale Barn/Livestock Auction	L									3-2-5:B	--
Small Farm Winery	P										--
Agricultural Functional Uses											
Placeholder											
Placeholder											

Section 13-3-2: Use-Specific Regulations

3-2-1: Residential Uses

A. Single-Family Dwelling

1. In an MU district:

- a. Townhomes are the only type of single-family residential allowed in this district.

B. Manufactured Home

1. In an RR district:

a. For Manufactured Homes on a single lot:

A Manufactured Home shall meet all building code requirements, including those for site placement, foundation design, and installation.

- (1) A Manufactured Home shall have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the dwelling is proposed to be located.

- (2) If a Manufactured Home is to be located within 500 feet of another single-family dwelling, the Manufactured Home shall be fixed to a permanent foundation.

- (3) If Sec. 3-2-1.B.1(a)(4) does not apply; a Manufactured Home shall be set on a reinforced concrete slab designed to withstand the weight of the Manufactured Home.

b. For Manufactured Homes in Park or Resident-Owned Community (ROC) articulations:

- (1) A Manufactured Home shall meet all applicable building code requirements, including those for site placement, foundation design, and installation.

- (2) The new or expanded manufactured home park shall meet the minimum standards of Sec. **Error! Reference source not found.**

2. In an RH or PUD district:

a. For Manufactured Homes on a single lot:

- (1) A Manufactured Home on a single lot are not permitted.

b. For Manufactured Homes in Park or Resident-Owned Community (ROC) articulations:

- (1) A Manufactured Home shall meet all building code requirements, including those for site placement, foundation design, and installation.

- (2) A Manufactured Home shall conform to all applicable zoning regulations for its respective zoning district.

- (3) Manufactured Home shall be set on a reinforced concrete slab designed to withstand the weight of the Manufactured Home.

- (4) Amenities, including mailboxes and a dedicated green space, shall be provided.

- (5) Storm shelters, capable of serving all lots, shall be provided. Shelters may be individual or group spaces and shall meet all criteria set forth in Section 13-3-3:E.10.

- (6) Streets and utilities shall be provided as set forth in **Error! Reference source not found..**

- (7) Within or immediately abutting an RR or RM district, the park or subdivision must be screened by a masonry wall with trees meeting the minimum requirements for Type A screening (see Section 13-4-7:).

C. Tiny Home

Chapter 3: Uses

Section 13-3-2: Use-Specific Regulations | 3-2-1:

1. In all districts where permitted:
 - a. A Tiny Home shall meet or exceed all **International Residential Code Appendix Q** requirements and building code requirements that apply to tiny home construction and installation.
 - b. A Tiny Home shall conform to all applicable zoning regulations for its respective zoning district.
 - c. A Tiny Home shall comply with municipal aesthetic standards, setbacks, subdivision control, landscaping, square footage, and other site requirements applicable to single-family dwellings
 - d. A Tiny Home shall be securely fixed to a permanent foundation.
 - e. A Tiny Home shall be set on a solid slab structure.
- D. Quadplex
 1. In a MU district:
 - a. Building articulation shall be urban in nature, with all entrances facing the street. Interior entrances shall be articulated such that the main entrance faces the frontage.
- E. Apartment
 1. In an RM district:
 - a. Buildings shall contain no more than 10 units, with no more than 40 du/acre.
- F. Cottage Court
 1. In all districts where permitted:
 - a. Each dwelling unit must be on a separate platted lot.
 - b. The common area must be a separate platted lot, owned and maintained by a homeowners'/ property owners' association.
 - c. Front façades and main entrances of each dwelling of the cottage court must be oriented to the common area.
 - d. Vehicle access, loading, and parking for each dwelling shall be at the rear of the buildings.
 - e. Frontage on the common area is considered to meet the requirement for frontage on a public or private street.
 - f. The zoning district standards apply to each individual dwelling within the cottage court, with the following exceptions:
 - (1) Dwellings shall have a maximum building height of 35 feet.
 - (2) The minimum front setback required is 10 feet.
 - (3) The minimum interior side setback required is five feet.
 - g. Common areas must meet the following standards:
 - (1) The minimum area of the common area is 2,000 square feet or 500 square feet per dwelling unit, whichever is greater.
 - (2) At no point shall the required common area be narrower than 12 feet across.
 - (3) Of the required amount of common area space, 75% must be the centrally located common space around which dwellings are arranged and onto which they front.
 - (4) All common area space must be accessible to all residents.
 - (5) Private yards associated with dwellings are not counted toward the required amount of common area.
 - h. All lots must provide sufficient access for emergency services (see **CROSS REFERENCE**).
- G. Extended Care or Skilled Nursing Facility
 1. In a RM district:

- a. The use must have access to a Collector or higher classification roadway.
 - b. Facilities shall accommodate no more than 20 residents/patients.
2. In a CL district:
- a. The use must have access to a Collector or higher classification roadway.
 - b. Facilities shall accommodate no more than 50 residents/patients.

H. Group Home

Group Homes shall be established in accordance with [60 OK Stat § 863](#) and all applicable regulations.

I. Transitional Housing

1. In all districts where permitted:
- a. Generally
 - (1) Transitional Housing shall be established in accordance with all state and national standards.
 - (2) No more than 12 occupants (including any resident staff and family) shall occupy any Transitional Housing facility at one time.
 - (3) A Transitional Housing facility shall not be located within 200 feet of any other Traditional Housing facility.
 - (4) Any Transitional Housing facility proposing more than 12 bedrooms shall require discretionary review to ensure:
 - (a) *Sufficient parking*. Sufficient Parking means one parking space for each room and two spaces for staff. Parking shall be located behind the principal structure and shall not be visible from the street.
 - (i) Parking for rooms may be reduced by 50%, provided those spaces are replaced with bicycle parking facilities meeting minimum standards (see Sec. **CROSS REFERENCE**
 - (b) *Adequate refuse facilities*. Group Living Facilities with more than 12 bedrooms shall be served by commercial waste management solutions and meet all commercial waste management regulations (see Sec. 13-4-9).
 - (c) *Screening*. Group Living Facilities with more than 6 bedrooms shall be screened by a fence meeting the minimum requirements for Type B screening (see Sec. 13-4-7).
 - b. Sober Living Facilities and Recovery Residences
 - (1) Sober Living Facilities shall be registered as an Oklahoma Alliance for Recovery Residences (OKARR) Level 2 or Level 3 facility.
2. Nothing herein shall be interpreted to impose operational requirements exceeding or conflicting with Oklahoma State Statutes §43A-3-417.1.

J. Emergency Shelter

In addition to filing for a Special Use Permit, an Emergency Shelter must also meet the following requirements in addition to any other conditions the City Commission may require:

1. In all districts where permitted:
- a. Ownership
 - (1) The Emergency Shelter shall be fully contained within a building owned and/or operated by a governmental agency or nonprofit organization.
 - b. Location
 - (1) Emergency Shelters shall not be located within one 1,000 feet of a City park, public school, or residential property.

- c. Supervision
 - (1) The operator of an Emergency Shelter shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation. Full-time security may be required as a condition of approval.
- d. Operations Plan
 - (1) Any organization proposing to establish an Emergency Shelter shall provide a detailed operations plan specifying their target clientele, proposed operation expenses, funding, and staffing levels.
 - (a) The Plan should clearly outline:
 - (i) Provisions for staff training, neighborhood outreach, and security,
 - (ii) Resident screening processes to ensure compatibility with services provided,
 - (iii) And training, counseling, and treatment programs for residents.
- e. Sales
 - (1) No retail sales shall take place on the property of an Emergency Shelter.
- f. Maximum Occupancy
 - (1) The City may set a maximum occupancy load for the Emergency Shelter based on documented need for Ponca City and the adopted building code.
- g. Inspection
 - (1) The Fire Marshal and Building Official shall inspect the site before occupation and provide a letter noting the number of residents to be permitted.
- h. Permit
 - (1) There shall be a permit from the health department on file at all times as applicable by state statute. In addition, the applicant is strongly encouraged to consult the health department and other pertinent health providers about measures that may be taken to prevent the spread of diseases like tuberculosis and other communicable diseases.
- i. Code of Conduct
 - (1) All Emergency Shelters shall create and adopt a code of conduct that shall be enforced at all times. The code of conduct shall include, at a minimum, the following language:
 - (a) Possession or use of illegal drugs is not permitted on the premises.
 - (b) Alcohol is not permitted on the premises.
 - (c) Weapons are not permitted on the premises.
 - (d) Violence is not permitted on the premises.
 - (e) Fires are not permitted on the premises.
 - (f) Loitering in the surrounding neighborhood is not permitted.
 - (g) Littering on the premises or the surrounding neighborhood is not permitted.
 - (2) A copy of this code of conduct shall be provided to the City at the time of the conditional use permit request.
- j. Lighting
 - (1) Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
- k. Laundry Facilities
 - (1) The development may provide laundry facilities or laundry services adequate for the number of residents.
- l. Screening

- (1) The development shall provide screening as required for multi-family developments in **Error!**
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m. Common Facilities

- (1) The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
- (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Child care facilities.
 - (e) Other support services.

n. Outdoor Activity

- (1) For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.

o. Staff Assistance

- (1) Staff and services shall be available to assist residents in obtaining permanent shelter and income.

p. Revocation

- (1) The City Commission may revoke a permit issued under this section if it determines that the shelter is not operating in accordance with the terms of the permit.

q. Exception

- (1) These regulations do not apply to a temporary emergency homeless shelter established immediately after a natural disaster that results in a local disaster proclamation by the City Commission.

K. Protective Shelter

A Protective Shelter must also meet the following requirements:

1. In all districts where permitted:

a. Ownership

- (1) The Protective Shelter shall be fully contained within a building owned and/or operated by a governmental agency or nonprofit organization.

b. Location

- (1) Protective Shelters shall not be located within one 1,000 feet of a City park, public school, or residential property.

c. Supervision

- (1) The operator of a Protective Shelter shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation. Operations Plan
- (2) Any organization proposing to establish a Protective Shelter shall provide a detailed operations plan specifying their target clientele, proposed operation expenses, funding, and staffing levels.
- (a) The Plan should clearly outline:
 - (i) Provisions for staff training, neighborhood outreach, and security,
 - (ii) Resident screening processes to ensure compatibility with services provided,
 - (iii) And training, counseling, and treatment programs for residents.

d. Maximum Occupancy

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- (1) The City may set a maximum occupancy load for the Protective Shelter based the adopted building code.
 - e. Inspection
 - (1) The Fire Marshal and Building Official shall inspect the site before occupation and provide a letter noting the number of residents to be permitted.
 - f. Permit
 - (1) There shall be a permit from the health department on file at all times as applicable by state statute. In addition, the applicant is strongly encouraged to consult the health department and other pertinent health providers about measures that may be taken to prevent the spread of diseases like tuberculosis and other communicable diseases.
 - g. Revocation
 - (1) The City Commission may revoke a permit issued under this section if it determines that the shelter is not operating in accordance with the terms of the permit.
- L. All Other Group Living Facilities
 - 1. In all districts where permitted:
 - a. No more than 12 occupants (including any resident staff and family) shall occupy any Group Living Facility at one time.
 - b. The maximum length of stay for any guest is 14 consecutive days in any one calendar month.
 - c. No meals shall be provided for guests on the premises.
 - d. A Group Living Facility shall not be located within 200 feet of any other Group Living Facility.
 - e. Any Group Living Facility proposing more than 12 bedrooms shall require discretionary review to ensure:
 - (1) *Sufficient parking*. Sufficient Parking means one parking space for each room and two spaces for staff. Parking shall be located behind the principal structure and shall not be visible from the street.
 - (a) Parking for rooms may be reduced by 50%, provided those spaces are replaced with bicycle parking facilities meeting minimum standards (see Sec **CROSS REFERENCE**).
 - (2) *Adequate refuse facilities*. Group Living Facilities with more than 12 bedrooms shall be served by commercial waste management solutions and meet all commercial waste management regulations (see Section 13-4-9:).
 - (3) *Screening*. Group Living Facilities with more than 12 bedrooms shall be screened by a fence meeting the minimum requirements for Type B screening (see Section 13-4-7:).
- M. Accessory Dwelling Unit
 - 1. In all districts where permitted:
 - a. The property owner must reside in either the principal structure or the ADU.
 - b. Only one ADU is allowed per lot in conjunction with a single-family house.
 - c. An instrument shall be recorded with the County Clerk's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under these expressed conditions.
 - d. An ADU shall be located behind the rear elevation of the primary dwelling unit.
 - e. An ADU shall not exceed 50% of the square footage of the primary dwelling unit, or 1,200 square feet, whichever is less.
 - f. Where the square footage of the primary dwelling unit is 800 square feet or fewer, an ADU may be equal to up to 100% of the square footage of the primary dwelling unit.

- g. ADUs must meet the height and setback requirements established by the zoning district for the principal dwelling.
- h. The ADU shall be of similar style, design, material, and color used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
- i. The ADU must provide at least one off-street parking space.
- j. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic, lot-specific circumstances exist which require approval from the Director.
- k. ADUs may have separate utility meters and/or accounts from the principal dwelling.
- l. ADUs shall have an assigned address separate from the principal dwelling.

N. Home Occupation

1. In all districts where permitted:
 - a. The occupation shall be conducted entirely within a dwelling, accessory structure, or integral part thereof and have no outside storage of any kind related to the home occupation;
 - b. The occupation shall be clearly incidental and secondary to the principal use of the dwelling; not more than 35% of the square footage of the dwelling area shall be used in the conduct of the Home Occupation(s);
 - c. Business shall be conducted only by persons residing on the premises, unless the occupation is an In-Home Daycare. In-Home Daycares are permitted to employ necessary personnel to meet Oklahoma Human Services classroom ratios;
 - d. The occupation shall not affect the residential character of the dwelling nor cause the dwelling to be extended;
 - e. One non-illuminated sign is permitted provided the sign is physically attached to the exterior wall of the dwelling and has a sign area no bigger than two square feet;
 - f. Delivery of materials to and from the premises shall not involve the use of vehicles over two-ton capacity, except U.S. Postal Service, United Parcel Service, or similar delivery trucks;
 - g. The occupation shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems;
 - h. The home occupation shall accommodate parking associated with their occupation on the property on which the home is located;
 - i. Employees of the home occupation shall not park longer than is necessary for loading purposes, unless the occupation is an In-Home Daycare;
 - j. The occupation shall not involve on-site retail sales or services.
2. Exclusions to Home Occupations
 - a. No home occupation with the following characteristics shall be permitted.
 - (1) Internal or external alterations are inconsistent with the residential use of the building.
 - (2) Evidence of the occupation (other than the home occupation sign permitted in 1.e above) is visible from the public right-of-way or adjacent properties.
 - (3) The occupation generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood.
 - (4) The occupation creates a hazard to persons or property;
 - (5) The occupation results in electrical interference;
 - (6) The occupation is a nuisance; or
 - (7) The occupation results in visible outdoor storage or display.

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- b. The following uses shall not be permitted as home occupation.
 - (1) Commercial stable or kennels.
 - (2) Metalworking, machine shops, or cabinetmaking.
 - (3) Welding.
 - (4) Automobile repair, automobile body repair, or automobile painting.
 - (5) Small engine repair.
 - (6) Salvage of any type.
 - (7) Retail sales of products on the premises to customers on the premises.
 - (8) Offices of doctors, physicians, chiropractors, nurses where clients are seen.
- O. In-Home Daycare
 - 1. In all districts where permitted:
 - a. All In-Home Daycares must meet all Oklahoma Human Services licensing and registration requirements.
- P. Short Term Rental
 - 1. Short-term rental; license required; compliance with applicable codes.
 - a. No person shall manage/operate a residential short-term rental without an annual license, as provided herein, issued by the Director.
 - b. Licenses for a short-term rental shall expire on January 31 each year or immediately upon change of ownership. Licenses may be renewed on an annual basis upon filing a renewal application with the Director.
 - c. Initial licensing and annual renewal fees for short-term rentals shall be established with the City's fee schedule.
 - d. No license shall be issued or renewed until the applicant produces sales tax permits issued by the State of Oklahoma or evidence that such collection is done by a third-party rental agent.
 - e. No license shall be issued or renewed wherein taxes levied pursuant to the Code of Ordinance are delinquent and are owed by the owner or operator of the property or if the property is in violation of any section of the Ponca City Code of Ordinance. No renewal shall be issued for a property deemed to be in violation of the Ponca City Code until such violation is resolved through final disposition of a prosecution filed in the Municipal or District Court or upon certification by the Building Official that the property is in compliance with applicable codes.
 - f. No person shall offer or engage in residential short-term rental in or on any part of the property not approved for residential occupancy, including but not limited to, a vehicle parked on the property, a storage shed, trailer or garage or any temporary structure such as a tent.
 - g. No person shall offer or engage in residential short-term rental without complying with applicable building or fire codes.
 - 2. Application form; process.
 - a. An application for a residential short-term rental license shall be filed with the Director, which shall contain the following information:
 - (1) The name, mailing address, and telephone number of the property owner and the street address of the subject property;
 - (2) Number of bedrooms being offered for rent;
 - (3) Verification that the dwelling has working smoke detectors as required by City Codes, a working carbon monoxide detector and a functioning fire extinguisher. This requirement is met by

submitting a signed and notarized affidavit form provided by the City and attaching a floor plan that depicts the location of (1) rooms provided for rent, (2) smoke detectors, (3) carbon monoxide detector, and (4) fire extinguishers;

- (4) Proof of ownership of the property;
- (5) The Uniform Resource Locator (URL), (i.e. the web site address) for any and all advertisements of the rental.
- b. The Director shall send notification that an application for a residential short-term license has been received to each property owner within 300 feet of the application site within 14 days from receiving the registration application.
- c. If no written objection to the issuance of the license is received from a property owner sent such notice within 30 days of the mailing, the Director may issue a license to the applicant provided all other requirements set forth in section have been met.
- d. If a written objection is received by the Director within 30 days of the mailing of notice, the application shall be placed on a Planning Commission agenda, as a Special Use Permit, per Sec. 6-2-5:.
- 3. Appeal shall be SPECIAL USE PERMIT.
- 4. Suspension or Revocation
 - a. A license issued pursuant to this section may be suspended or revoked by the City for failure to pay taxes due under Title 4 of the Code of Ordinance, for violation of any section of the Ponca City Code of Ordinance, or state law.
 - b. No license shall be suspended or revoked until the owner/operator has been provided written notice of the violation(s) and provided a public hearing before the Planning Commission.
 - c. The Planning Commission may order the suspension or revocation of a license upon a preponderance of the evidence that the violation has occurred.
 - d. The decision of the Planning Commission may be appealed to the City Commission by filing notice thereof with the City Clerk within 10 days of said action

3-2-2: Public and Civic Uses

A. Library/Museum

- 1. In a RM district:
 - a. The use must have access to a Collector or higher classification roadway.
 - b. The enclosed building area of an individual structure shall not exceed 15,000 square feet.

B. Public Facilities

- 1. In all districts where permitted:
 - a. The use shall be developed in a manner that best integrates with the surrounding neighborhood.
 - (1) In the event compatibility between the Public Facility use and the surrounding neighborhood is not possible due to external impacts such as, but not limited to, noise, odor, glare, and traffic, attenuation measures shall be utilized to minimize external impacts and retain enjoyment of the neighborhood.

C. College/University

- 1. In all districts where permitted:
 - a. The use must have access to an Arterial or higher classification roadway.

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- b. The use must be connected to existing or concurrently constructed public utilities including water, sanitary sewer, and storm sewer.

D. School

- 1. In all districts where permitted:
 - a. A traffic study is required to evaluate the impacts of additional traffic generated by drop-off and pick-up. Appropriate mitigation must be provided as determined by the Director and the City Engineer.
 - b. The use must be connected to existing or concurrently constructed public utilities, including water, sanitary sewer, and storm sewer.
 - c. The use must be connected to existing or concurrently constructed pedestrian and bicycle facilities enabling safe and convenient access to residential uses.
 - d. Within or immediately abutting an RR or RM district, designated play areas must be screened by a masonry wall with trees meeting the minimum requirements for Type A screening (see Section 13-4-7:).

E. Technical School

- 1. In all districts where permitted:
 - a. The use must have access to a Collector or higher classification roadway.
 - b. Any outdoor education activities must be screened from an adjacent or immediately abutting RR or RM district with Type B screening or greater (see Section 13-4-7:).

F. Hospital

- 1. In all districts where permitted:
 - a. The use must have access to a Minor Arterial or higher classification roadway.
 - b. Pedestrian or landscaped open space shall be provided in an amount equal to at least 25% of the total lot area.
 - c. There shall be no height limitation for hospital buildings.

G. Religious Land Use/Place of Worship

- 1. In all districts where permitted:
 - a. For Religious Land Uses/Places of Worship concurrently offering primary or secondary education curriculum, the use must meet all standards described in 3-2-2:D.

H. Crematorium

- 1. In all districts where permitted:
 - a. No point on a Crematorium's property lines shall be fewer than 500 feet from any RR or RM district.
 - b. The use shall install Type B or Type C screening according to the requirements in Section 13-4-7:.

I. Funeral Services

- 1. In all districts:
 - a. On any property abutting a RR, RM, RH, or MU district, queuing areas for funeral services must be screened by a masonry wall with trees meeting the minimum requirements for Type B screening (see Section 13-4-7:).
 - b. Funeral Services shall take direct access from a collector or arterial road.

3-2-3: Commercial Uses

A. Outdoor Entertainment and Amusement Venue

- 1. In all districts where permitted:

- a. Any Outdoor Entertainment and Amusement Venue shall be located no closer than 500 feet from an RM district.
 - b. Any Outdoor Entertainment and Amusement Venue shall close by 12:00 a.m.
- B. Indoor Shooting Range
 - 1. In all districts where permitted:
 - a. An Indoor Shooting Range shall meet all Federal and State regulations regulating firearms and any associated facilities.
 - b. An Indoor Shooting Range shall only be allowed in an enclosed building.
 - c. An Indoor Shooting Range shall be located:
 - (1) At least 500 feet from any use established in the Public and Civic use category unless the Shooting Range is exclusively for training government or US military personnel, as measured from the nearest property line.
 - (2) At least 1,000 feet from any residential use as measured from the nearest property line.
 - d. Shooting lanes shall be designed in an orientation where projectiles are fired away from public roadways.
 - e. Target backstops shall conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
- C. Recording/Production Studio
 - 1. In an MU district:
 - a. All recording activities are limited to the times between 8:00 a.m. and 8:00 p.m.
 - b. Noise attenuation measures shall be in place such that noise does not impact neighboring structures. Attenuation measures shall meet or exceed an NC-20 rating or reduce sounds by a minimum of 60db, whichever is greater.
- D. Campground
 - 1. In all districts where permitted:
 - a. All campgrounds and facilities must meet the requirements of Oklahoma. Admin. Code § 800:30-1-4 – Camping.
- E. Hotel
 - 1. In a DT district:
 - a. The use shall construct any provided off-street parking as structured or subterranean parking. Surface parking lots are prohibited.
 - b. The Hotel shall provide on the ground floor one or more of the following:
 - (1) Publicly accessible Retail Sales uses such as clothing stores, book stores, stationery stores, art galleries, shoe stores, antique shops, secondhand stores, record stores, or toy stores.
 - (2) Publicly accessible Personal Service uses such as portrait/photographic studios, beauty or barber shops, hair and nail salons, tanning services, massage spas, tailors, dressmakers, or shoe repair.
 - (3) A publicly accessible Restaurant.
 - (4) A publicly accessible Tavern/Bar.
 - c. The design of fenestration, ingress, signage, and outdoor accommodations for patrons of these uses shall engage with and activate the street and enhance the pedestrian experience.
- F. Recreational Vehicle Park

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1. In all districts where permitted:
 - a. The site shall not abut or be within 300 feet of a RM District as measured from the nearest property line.
 - b. The maximum density allowed shall be 10 recreational vehicle spaces per acre.
 - c. Landscaped open space shall be provided in the ratio of at least 400 square feet per recreational vehicle.
 - d. The space for each recreational vehicle shall be provided with a permanent all-weather surface.
 - e. Temporary accommodations for a transient unit, such as a recreational vehicle or camper, shall be defined as no more than 30 calendar days.

G. Fitness Center

1. In a MU district:
 - a. All activities shall occur within an enclosed space:
 - (1) Outdoor activities are permissible on rooftop areas, or within outdoor areas screened from public view, meeting the minimum requirements for Type A screening (see Section 13-4-7:).
 - b. The design of fenestration, ingress, signage, and outdoor accommodations for patrons of these uses shall engage with and activate the street and enhance the pedestrian experience
2. In a DT district:
 - a. All activities shall occur within an enclosed space:
 - (1) Outdoor activities are permissible on rooftop areas, or within outdoor areas screened from public view, meeting the minimum requirements for Type A screening (see Section 13-4-7:).
 - b. The use shall construct any provided off-street parking as structured or subterranean parking. Surface parking lots are prohibited.
 - c. The design of fenestration, ingress, signage, and outdoor accommodations for patrons of these uses shall engage with and activate the street and enhance the pedestrian experience.
3. In an IF district:
 - a. Fitness equipment of any type shall not be stored outdoors.

H. Tavern/Bar

1. In all districts where permitted:
 - a. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards and are areas screened from public view, meeting the minimum requirements for Type A screening (see Section 13-4-7:).
 - (1) Tavern/Bar uses in the DT district with an approved Special Use Permit for a Sidewalk Café or Parklet are exempt from this standard (see Secs. 6-2-5: Special Use Permit, **CROSS REFERENCE**: Sidewalk Café and **CROSS REFERENCE**: Parklet).

I. Animal Boarding, Grooming, or Veterinarian

1. In all districts where permitted:
 - a. Outside runs, play or exercise areas, or other outdoor animal pens shall not be located within 500 feet of an RM or RH District as measured from the nearest property line.
 - b. Animals may only be outdoors with an attendant present on the premises.
 - c. Where animals are unrestrained, a minimum 6-foot fence or wall shall be used to contain animals on-site.
 - (1) In the RR district, a 4-foot barbed wire fence may be used.

J. Car Wash

1. In all districts where permitted:
 - a. A Car Wash shall be located at least 300 feet from an RR or RM District as measured from the nearest property line.
 - b. Any outdoor speaker system associated with the car wash shall comply with the noise regulations outlined in **CROSS REFERENCE**.
 - c. All vehicle stacking shall occur on-site.

K. Heavy Auto Repair

1. In all districts where permitted:
 - a. A Heavy Auto Repair use shall be located at least 500 feet from an RR or RM District.

L. Light Auto Repair

1. In all districts where permitted:
 - a. All Light Auto Repair activities shall take place within an enclosed space.
 - b. A Light Auto Repair use shall be located at least 150 feet from an RR or RM District.

M. Vehicles and Equipment Sales, Rental, and Service

1. In all districts where permitted:
 - a. A Vehicle and Equipment Sales, Rental, and Service use shall be located at least 150 feet from an RR or RM District.

N. All Marijuana-Related Uses

1. In all districts where permitted:
 - a. Such uses shall be reviewed and approved in accordance with Oklahoma Statutes Title 63. Public Health and Safety.
 - b. Individual uses are permitted as the standard, typical use type.
 - (1) A dispensary is considered a Retail Store;
 - (2) Research or testing labs are considered Low-Intensity Industrial or Manufacturing.
 - c. All other uses, including growing or processing of marijuana and medical marijuana waste facilities, are not allowed within the corporate limits.
2. In the Downtown (DT) District:
 - a. Marijuana Related-Uses are not permitted within the DT district.

Nothing herein shall be interpreted to impose operational requirements exceeding or conflicting with Oklahoma State Department of Health rules under OAC 310:681.

O. Sexually Oriented Businesses

1. In all districts where permitted:
 - a. No Sexually Oriented Business shall be located within 1,200 feet of any other Sexually Oriented Business, measured from the closest property line.
 - b. Sexually Oriented Businesses shall not be permitted within 500 feet of any place of worship, school, or park, measured from the closest property line.
 - c. Sexually Oriented Businesses shall not be permitted within 500 feet of an RR, RM, or RH district, measured from the closest property line.

P. Adult Care Center

1. In all districts where permitted:

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- a. The use may operate as a day-service or as a long-term facility, but shall not conduct non-emergency patient intake or release between 10:00 p.m. and 6:00 a.m.
- b. The use shall not accept visitors between 10:00 p.m. and 6:00 a.m.

Q. Child Care Center

1. In all districts where permitted:
 - a. Sufficient parking and queuing shall be provided to prevent on-street parking during pick-up and drop-off peak times. Sufficient parking means meeting or exceeding the recommended number of parking spaces.
 - b. The use must be connected to existing or concurrently constructed public utilities including water, sanitary sewer, and storm sewer.
 - c. The use must be connected to existing or concurrently constructed pedestrian and bicycle facilities enabling safe and convenient access to residential uses.
 - d. Within or immediately abutting an RR or RM district, designated play areas must be screened by a masonry wall with trees meeting the minimum requirements for Type A screening (see Section 13-4-7:).

R. Alcohol Sales

1. In all districts where permitted:
 - a. Alcohol Sales shall comply with Oklahoma State Statutes and ABLE Commission requirements for licensure, hours of operation, separation from other land uses, and all other applicable development standards.

S. Drive-In

1. In all districts where permitted:
 - a. Drive-Ins with service speakers shall not be permitted within 150 feet of an RR or RM District unless the speaker is appropriately screened with sound abatement materials.

T. Drive-Thru

1. In all districts where permitted:
 - a. Drive-Thrus with service speakers shall not be permitted within 150 feet of an RR or RM District unless the speaker is appropriately screened with sound abatement materials

U. Fuel Pumps

1. In all districts where permitted:
 - a. Fuel Pumps shall be located at least 250 feet from an RM District.
 - b. Fuel Pumps do not have to meet the spacing requirement if a Major or Minor Arterial separates the Fuel Pumps from an RM District.

V. Outdoor Storage

1. In all districts where permitted:
 - a. Outdoor storage areas must be screened in accordance with a Type C screen type as defined in 13-**Error! Reference source not found..**
 - b. Outdoor Storage shall not be placed:
 - (1) Within any required setbacks.
 - (2) Within fire lanes, easements, maneuvering aisles, or loading areas.
 - (3) On the roof of any structure.
 - (4) To exceed the required screening height.

- (5) At the front of any primary building.
- c. Outdoor Storage is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.
- d. Outdoor Storage items shall be stored on a paved surface, and associated access and maneuvering drives shall be constructed of a paved surface, except in the FI and MI zoning districts, where items may be placed on a gravel surface or similar permeable surface.

3-2-4: Industrial Uses

A. Building and Contractor Services

- 1. In a CL or CR district:
 - a. Building and Contractor Services within the CL and CR districts are limited to office activities only.
 - b. No outside storage is permitted.
 - c. Fleet vehicles shall not occupy more than 2 spaces in any on-site off-street parking area, except for the purposes of loading or unloading.
 - d. Fleet vehicles shall not be left unattended for more than 24 hours, except on weekends.
- 2. In an IF or IM district:
 - a. Building and Contractor Services within the IF and IM districts shall meet all standards associated with Low-Intensity Industrial and Manufacturing Uses, as defined in 3-2-4:G.

B. Freight Terminal

- 1. In all districts where permitted:
 - a. Freight Terminals must be screened by a Type C fence, in accordance with Section 13-4-7:.
 - b. Access shall be limited to arterial and collector roads. Access shall not be taken from local roads.

C. Low-Intensity Industrial and Manufacturing

- 1. In all districts where permitted:
 - a. No Low-Intensity Industrial and Manufacturing use shall be located within 250 feet of any residential use or district, measured from the nearest property line.

D. Self-Storage Facility

- 1. In all districts where permitted:
 - a. Access.
 - (1) The self-service storage facility shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
 - (2) A self-service storage facility shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
 - (a) Provided drive aisles shall be consistent with requirements for off-street parking facilities in **Error! Reference source not found.** Parking Standards.
 - b. Storage.
 - (1) A self-service storage facility unit shall not be used for the storage of explosives, ammunition, or hazardous or flammable materials.
 - (2) Self-service storage facility units shall be used solely for the purpose of storage of goods and possessions and shall not be used for the operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.
 - (3) Accessory outdoor storage shall meet all standards described in 3-2-3:V.

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- (4) Outdoor storage for vehicles and recreational equipment may be covered by an awning or canopy structure that meets all other underlying district development standards.
 - (a) Accessory Structures serving this purpose may deviate from Section 13-4-12: in the following manner:
 - (i) Accessory Structures may reduce side setbacks to 10 feet, regardless of the location of the main building.
 - (ii) Accessory Structures may reduce the rear setback to 5 feet.
 - (b) Accessory Structures serving this purpose are permitted to affix signage which shall meet the standards described in Sec. **CROSS REFERENCE**.
 - (5) No storage unit shall be designed to, or shall act as a residence, whether permanent or transitory in nature.
- c. Accessory Office.
 - (1) The self-service storage facility may include accessory on-site offices and living quarters for up to one employee.
 - (2) These accessory spaces shall not exceed more than 3,000 square feet.
- E. Warehouse
 - 1. In all districts where permitted:
 - a. Accessory outdoor storage shall meet all standards described in 3-2-3:V.
 - b. Access shall be limited to arterial and collector roads. Access shall not be taken from local roads.
- F. High-Intensity Artisan Manufacturing
 - 1. In all districts where permitted:
 - a. No High-Intensity Artisan Manufacturing use shall be located within 300 feet of any residential use or district, measured from the closest property line.
 - b. Minimum property size is 1 acre.
- G. Low-Intensity Artisan Manufacturing
 - 1. In all districts where permitted:
 - a. No Low-Intensity Artisan Manufacturing use shall be located within 150 feet of any residential use or district, measured from the closest property line.
- H. Data Centers
 - 1. In all districts where permitted:
 - a. Data Centers shall enter into an agreement with the City detailing, at a minimum, the following:
 - (1) The Data Center shall comply with all mandatory curtailment orders issued by the City or applicable utility provider during declared drought conditions or electric grid emergencies.
 - (2) A limit on daily water use.
 - (3) Any increase in approved peak electrical load beyond the level established at initial approval shall require amendment of the approved site plan and utility capacity review.
 - (4) The Data Center use shall be responsible for upgrades to grid capacity, water systems, and wastewater infrastructure related to the expansion of any Data Center.
 - (5) The City retains all rights to a transparent process, including the ability to publicly report:
 - (a) Water, energy, and emissions data;
 - (b) The ramp schedule for the Data Center coming fully online;

- (c) Expectations and potential impacts for water, wastewater, energy, and environmental systems;
 - (d) Any potential community cost-sharing agreements.
- (6) A requirement for financial assurance in the event of decommission of the site.
- b. The agreement shall be executed prior to issuance of certificate of occupancy.
- c. Data Centers shall provide a management plan detailing, at a minimum, the following information:
 - (1) Water Use, Drought, and Long-Term Security
 - (a) What water sources will be used;
 - (b) If a closed-loop system is proposed, the frequency of water withdrawal; and
 - (c) Estimated water use efficiency (WUE), which shall be an annual average of 1.8 or lower.
 - (2) Cooling Systems and Wastewater
 - (a) What cooling technology is proposed;
 - (b) What source water quality parameters are required for the cooling system;
 - (c) What chemicals, if any, will be used in the cooling system;
 - (d) How treated water will be disposed;
 - (e) How waste heat is recovered; and
 - (f) How cooling performance will be maintained during extreme heat events.
 - (3) Electrical Demand and Grid Reliability
 - (a) How power will be delivered to the site;
 - (b) Expected load factors, both average and peak demand;
 - (c) Estimated power usage efficiency (PUE), which shall be an annual average of 1.55 or lower; and
 - (d) An uninterruptible power supply (UPS) plan describing:
 - (i) Fuel types,
 - (ii) Storage capacity,
 - (iii) Refueling logistics during extended outages,
 - (iv) The ability to handle a critical load and have generators on within 15 seconds, and
 - (v) The ability to supply power meeting 99.995% uptime, with a 20% safety margin.
 - (4) Decommissioning, Abandonment, and Liability
 - (a) The expected operational lifespan of the Data Center;
 - (b) The plan for decommissioning the facility, including site cleanup and e-waste disposal.
 - (5) Reporting
 - (a) Annual reports shall be provided to the City, which shall detail:
 - (i) Water, wastewater, and energy data, including WUE, PUE, total usage, and any measures taken during times of drought or grid emergencies; and
 - (ii) Emissions reports for the facility and any back-up power sources.
- d. Reclaimed water or treated wastewater shall be used as a water source, unless this requirement would place an undue burden on the project.
- e. Incentives
 - (1) Data Centers shall not qualify for bonuses or incentives established within this UDC, including, but not limited to:
 - (a) Setback Reductions for Self-Storage (see 3-2-4:D);
 - (b) Tree Planting in Lieu of Preservation (see **CROSS REFERENCE**);

- (c) Alternative Tree Preservation Agreements (see **CROSS REFERENCE**);
 - (2) High-performance centers, meeting an average annual WUE of less than 1 or an average annual PUE of less than 1.1, shall be exempt from this provision.
 - f. Data Centers shall provide on-site power back-up capable of supporting the site autonomously for a minimum of 24 hours.
 - (1) Back-up generators shall be shielded from view and enclosed with sound attenuation walls which may be no taller than the maximum height allowed by the underlying zoning district.
 - g. If a Data Center use is discontinued for a period of 12 months or more:
 - (1) A new Data Center use at the location shall not be permitted.
 - (2) The property owner shall maintain the property in good repair and remediate the property.
 - h. Expansions to existing data centers shall not be approved administratively.
- I. High-Intensity Industrial and Manufacturing
- 1. In all districts where permitted:
 - a. No High-Intensity Industrial and Manufacturing use shall be located within 500 feet of any residential use or district, measured from the closest property line.
 - b. Minimum property size is 2 acres.
 - c. Access shall be limited to arterial and collector roads. Access shall not be taken from local roads.
- J. Towing and Impound Lot
- 1. In all districts where permitted:
 - a. For all towing/impound lot uses not storing inoperable vehicles:
 - (1) The use must meet all standards set forth in 3-2-4:C: Low-Intensity Industrial and Manufacturing.
 - (2) All facilities, excluding the front office, must be screened in accordance with a Type B screen type as defined in 13-4-7-3.
 - b. For all towing/impound lot uses storing inoperable vehicles:
 - (1) The use shall meet all standards set forth in 3-2-4:J: Salvage Yard.
 - (2) All facilities, excluding the front office, must be screened in accordance with a Type C screen type as defined in Sec. 13-4-7-3.
- K. Salvage Yard
- 1. In all districts where permitted:
 - a. A salvage yard shall be located at least 500 feet from any residential use or district.
 - b. No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation.
 - c. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
 - d. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 7:00 a.m. and 9:00 p.m.
 - e. Screening for all disabled or damaged vehicles, tools, and equipment of Type C, as defined in Section 13-4-7:, shall be erected with a height of no less than 8 feet and no more than 12 feet tall.
 - f. In no instance shall any disabled or damaged vehicles, tools, or equipment be stacked higher than the required screening wall.

3-2-5: Agricultural Uses

A. Feedlot

1. Feedlots are not permitted within Ponca City's corporate limits.

B. Sale Barn/Livestock Auction

1. In all districts where permitted:

a. Operation

- (1) Public auction activities shall occur only between 7:00 a.m. and 9:00 p.m., unless otherwise approved.

b. Animal Operations

- (1) Livestock shall not be held on site for more than 72 hours, except as required for animal health or regulatory purposes.
- (2) A manure management plan shall be submitted and approved prior to operation. This Plan shall, at a minimum, adhere to the following:
 - (a) Manure shall be removed from pens and holding areas on a regular basis.
 - (b) Manure shall not be discharged into stormwater systems or water bodies.
- (3) All outdoor holding areas shall be designed to prevent runoff contamination.
- (4) The facility shall implement reasonable measures to minimize odor impacts on adjacent properties
- (5) All livestock areas shall be enclosed with fencing designed to prevent animal escape.

c. Access

- (1) Direct access to a paved arterial or collector roadway is required.
- (2) Adequate on-site turnaround space shall be provided for livestock trailers.

Section 13-3-3: Accessory Uses

A. Purpose

This Section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards established in this Section. All principal uses allowed in a zoning district shall be deemed to include those accessory activities typically associated with the use, unless specifically prohibited in this Section.

B. Approval Procedure

1. Generally

Any of the accessory uses identified in this Chapter may be allowed as an accessory to an authorized principal use provided that:

- a. The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
- b. The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this Section.

2. Simultaneously with a Principal Use

Accessory uses, or buildings, may be reviewed as part of the review of an associated principal use. In cases where the principal use is subject to a Special Use Permit, an accessory use may only be authorized in accordance with an approved Special Use Permit.

Chapter 3: Uses

Section 13-3-3: Accessory Uses | 3-2-5:

3. Subsequent to a Principle Use

- a. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.
- b. In cases where the principal use is subject to a Special Use Permit, an accessory use may only be authorized in accordance with the provisions in 6-2-5: Special Use Permit.

C. Interpretation of Unidentified Accessory Uses

The Director shall evaluate applications for accessory uses that are not identified in this Chapter on a case-by-case basis, based on the following standards:

1. The definition of "accessory use" in Division X, and the general accessory use standards and limitations established in this Section;
2. The purpose and intent of the base districts in which the accessory use is located;
3. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
4. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

D. General Standards for all Accessory Uses

All accessory uses and buildings shall be subject to the general standards in this Section, as well as any applicable supplemental standards in Subsection E. and all standards applicable to the associated principal use as set forth in Chapter 3:.

1. Size

- a. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
- b. Not violate the bulk, density, parking, landscaping, or open space standards of this UDC when taken together with the principal use or structure.
- c. All Accessory Buildings shall meet the requirements set forth in Section 13-4-12:.

2. Function

All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.

3. Timing

Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.

4. Height

All Accessory Buildings shall meet the requirements set forth in Section 13-4-12.

5. Location

- a. Accessory uses, or buildings, shall be located on the same lot as the principal use or building.
- b. Accessory buildings shall not be located within platted or recorded easements.
- c. All Accessory Buildings shall meet the requirements set forth in Section 13-4-12.
- d. The Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park.

E. Accessory Use-Specific Regulations

1. Accessory Dwelling Unit (ADU). See 3-2-1:M.
2. Cemetery
 - a. Religious Land Uses/Places of Worship may have an accessory Cemetery use.
 - (1) Mausoleums are exempt from the accessory structure setback requirements defined in Section 13-4-12: Accessory Buildings.
3. Donation or Collection Bin
 - a. A Donation and Collection Bin shall meet all required zoning district setbacks.
 - b. A Donation and Collection Bin may be located in parking spaces.
 - c. The maximum size for a Donation and Collection Bin is 40 square feet.
 - d. The maximum height for a Donation and Collection Bin is six feet.
4. Drive-Thru. See 3-2-3:T.
5. Fuel Pumps. See 3-2-3:U.
6. Home Occupation. See 3-2-1:N.
7. Outdoor Display
 - a. Outdoor Display shall be designated on an approved site plan.
 - b. Outdoor Display is limited to 5% of the total lot area or 20% of the primary building's gross floor area, whichever is more restrictive.
 - c. Outdoor Display shall be placed within ten feet of the front facade of the primary building and shall not exceed eight feet in height.
 - d. If the items are placed on a sidewalk or other pedestrian area, a 6-foot-wide pedestrian path must be maintained through and adjacent to the Outdoor Display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, easements, maneuvering aisles, customer pick-up lanes, and loading zones.
 - e. The temporary storage of merchandise for display and sale during a sidewalk sale shall not be prohibited. A 4-foot-wide clearance shall be provided along the public sidewalk.
8. Outdoor Storage. See 3-2-3:V.
9. Service Bays
 - a. All service bays within 100 feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.
 - b. Service bays shall orient away from street frontage.
10. Storm Shelter
 - a. Storm shelters shall not be constructed in any public utility, drainage, public right-of-way, or roadway easement or right-of-way, and shall comply with all applicable FEMA and ICC standards.
 - b. Storm shelters may be constructed in the rear or side yard.
 - c. Underground storm shelters may be constructed provided that a five-foot side yard is maintained from the side property lines.
 - d. Underground storm shelters shall not have any projection to include backfill, cover, hatches, stairs, or vent pipes exceeding twelve inches above grade in height, with measuring the point to be twelve inches from any side or radius of the constructed shelter.
 - e. Above-ground storm shelters, constructed in the rear or side yard, must comply with the requirements of this Section.

Section 13-3-4: Temporary Uses

A. Purpose

This Section authorizes the establishment of temporary uses of limited duration. A temporary use is considered permissible if it complies with the standards established in this Section and may be conducted as the principal use of land or as an accessory to a permanent principal use.

B. Approval Procedure

Any use listed in this Chapter may be permitted as a temporary use provided:

1. It is established in Table 3.3: Temporary Use Type Standards; and
2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this Section.

C. General Standards for all Temporary Uses

All temporary uses or structures shall meet the following general requirements unless otherwise specified in this Chapter:

1. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
2. Permanent alterations to the site are prohibited, and with the end of operation of the temporary use, the site on which it occurs shall be returned to the conditions existing prior to the initiation of the temporary use.
3. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends, or the permit expires, whichever occurs first.
4. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
5. If the property is developed, the temporary use shall be in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
6. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or fire marshal, including fire rating.
7. The temporary use shall comply with all applicable general and specific regulations of this chapter unless otherwise expressly stated.
8. Any use proposing to operate for a continuous period longer than 90 consecutive days, whether in a single application or cumulatively between multiple applications, shall be reviewed and subject to approval as a permanent use.

D. Temporary Use Types

Temporary uses are classified into three categories: Type A, Type B, and Type C. Temporary use types shall comply with the standards provided in Table 3.3: Temporary Use Type Standards.

1. Temporary Use Types

a. Type A.

- (1) Includes low-intensity uses that:
 - (a) Have no or minimal adverse impacts,
 - (b) Generate the same or lower rates of traffic than existing uses within the vicinity, and
 - (c) Are not required to provide refuse or sanitary facilities.
- (2) Type A uses shall not include uses that:
 - (a) Provide food for on-premises consumption, or
 - (b) Pertain to the care, display, or sale of animals, whether livestock or domesticated.
- (3) Type A temporary uses include activities of intensities such as pumpkin patches, Christmas tree lots, other seasonal roadside stands, and grand openings.

b. Type B.

- (1) Includes moderate-intensity uses that:
 - (a) Have minimal adverse impacts,
 - (b) Generate the same or slightly higher rates of traffic than existing uses within the vicinity, and
 - (c) Are not required under state law to provide sanitary facilities but are required to provide refuse facilities.
- (2) Type B uses shall not include uses that:
 - (a) Pertain to the care, display, or sale of animals, whether livestock or domesticated.
- (3) Examples of Type B temporary uses include activities of intensities such as farmers' and pop-up markets and construction staging areas.

c. Type C.

- (1) Includes high-intensity uses that:
 - (a) Have adverse impacts,
 - (b) Generate much higher rates of traffic than existing uses within the vicinity, and
 - (c) Are required under state law to provide refuse or sanitary facilities.
- (2) Examples of Type C temporary uses include activities of intensities such as county fairs, rodeos, petting zoos, and holiday light or skating rink installations.

2. Exclusions to Temporary Uses

a. No temporary use with the following characteristics shall be permitted:

- (1) The use creates a hazard to persons or property;
- (2) The use results in electrical interference; or
- (3) The use is a public nuisance.

b. The following uses shall not be permitted as temporary uses:

- (1) Commercial stable or kennels;
- (2) Welding; or
- (3) Salvage of any type.

3. Standards and Facilities

- a. "Adverse Impacts," in the context of Temporary Use Type Standards, shall indicate noise, odor, fumes, glare, or similar effects of a temporary use that may extend beyond the property line if not effectively mitigated or enclosed.
- b. "Mitigation Required," in the context of Temporary Use Type Standards, shall indicate that a temporary use must demonstrate the adequacy of existing screening, fencing, or other mitigation facilities to inhibit the extension of adverse impacts beyond the property line. If such facilities are

absent or inadequate, the use shall provide such facilities. Existence or provision of these facilities shall not enable a temporary use to generate more adverse impacts than it typically would for normal operations.

- c. “Parking Required,” in the context of Temporary Use Type Standards, shall indicate existing parking facilities on the property on which the temporary use will be located, or any available on-street parking within seven hundred fifty (750) feet. If the available parking is insufficient to meet the anticipated parking demand generated by the temporary use, the use shall utilize off-site parking facilities, as permitted by the owner of those facilities. Parking is determined as insufficient if it does not meet the minimum recommended parking ratio for that use for the duration of the temporary use.
 - d. “Refuse Facilities Required,” in the context of Temporary Use Type Standards, shall indicate that refuse facilities sufficient to support the existing use(s) and temporary use shall be present on the property on which the temporary use will be located. If the existing refuse facilities are not present or adequate for the anticipated volume, the temporary use shall provide such facilities before initiating the temporary use. Waste receptacles shall be emptied at least once per day while the temporary use is in operation.
 - e. “Sanitary Facilities Required,” in the context of Temporary Use Type Standards, shall indicate that sanitary facilities sufficient to support the existing use(s) and temporary use shall be present on the property where the temporary use will be located. If sanitary facilities are absent or not sufficient for the anticipated demand generated by the temporary use, the temporary use shall provide such facilities before initiating the temporary use. Sanitary facilities shall be cleaned at least once per day while the temporary use is in operation.
 - f. All temporary uses shall provide an access, circulation, and parking plan demonstrating adequate facilities for the safe and convenient traversal of vehicles, pedestrians, and cyclists.
4. Application of Standards
- a. Where a temporary use intends to operate for one of the three operational periods established in Table 3.3: Temporary Use Type Standards below, it shall be subject to review and approval as the Type indicated for that operational period.
 - b. Where a proposed temporary use requires mitigation, parking, refuse, or sanitary facilities as established in Table 3.3: Temporary Use Type Standards below, it shall be subject to review and approval as the highest applicable Type.
 - c. Where a proposed temporary use does not clearly fit into a Type category, the Director shall be responsible for making a Type determination on a case-by-case basis.
 - d. Provision of sanitary facilities may be met, with a written shared agreement, via an existing, permanent use on-site for the duration of the temporary use.
 - e. All temporary uses shall be conducted between 8:00 a.m. and 10:00 p.m.
 - f. The use of portable searchlights is prohibited.

Table 3.3: Temporary Use Type Standards

Temporary Use Type → ↓ Applicable Standards	A	B	C
Standards and Facilities			
Mitigation Required	No	Yes	Yes
Parking Required	No	Yes	Yes
Refuse Facilities Required	No	Yes	Yes

Sanitary Facilities Required	No	No	Yes
Activity Generation			
Traffic Impacts	Low	Moderate	High
On-Site Food Consumption	Not Permitted	Permitted	Permitted
Live Animals	Not Permitted	Not Permitted	Permitted

Chapter 4: Development Standards

Section 13-4-1: Generally

Section 13-4-2: Dimensional Standards

Section 13-4-3: Design and Form

Section 13-4-4: Parking

Section 13-4-5: Loading and Vehicle Stacking

Section 13-4-6: Landscaping

Section 13-4-7: Screening and Fencing

Section 13-4-8: Outdoor Lighting

Section 13-4-9: Refuse Containers and Enclosures

Section 13-4-10: Signs

Section 13-4-11: Infill Development Standards

Section 13-4-12: Accessory Buildings

Section 13-4-13: Storage, Shipping, and Roll-Off Trash Containers

Section 13-4-14: Performance Standards

Chapter 5: Subdivision Regulations

Section 13-5-1: Purpose, Applicability, and Policies

5-1-1: Purpose

5-1-2: Applicability

5-1-3: Policies

Section 13-5-2: Blocks, Lots, and Open Space Standards

5-2-1: Parkland Dedication

5-2-2: Tree Preservation

5-2-3: Transportation System Standards

5-2-4: General Requirements

5-2-5: Street Right-of-Way Specification

5-2-6: Street Layout and Design

5-2-7: Pedestrians and Bicycles

5-2-8: Travel Easements

5-2-9: Street Names

5-2-10: Alleys

5-2-11: Street Stubs

5-2-12: Cul-De-Sacs

5-2-13: Access Management

5-2-14: Intersection Sight Distance

Section 13-5-3: Standards for Public Improvement

5-3-1: Public Electric

5-3-2: Public Broadband Internet

Chapter 5: Subdivision Regulations

Section 13-5-4: Easements Standards | 5-3-3:

5-3-3: Public Water

5-3-4: Public Wastewater

5-3-5: Flood Damage Prevention

5-3-6: Drainage and Stormwater

5-3-7: Public Improvement Guarantees

5-3-8: Creation of Special Purpose Districts

Section 13-5-4: Easements Standards

Section 13-5-5: Other Standards

Chapter 6: Procedures

Section 13-6-1: General Procedures

A. The purpose of this Section is to:

1. Establish the appropriate workflows associated with each zoning process;
2. Ensure that processes comply with Oklahoma state law;
3. Assign decision-making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants; and
4. For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

B. General Procedure Requirements

1. Applicability

This section establishes rules and procedures for specific land use decisions under the jurisdiction of the City Commission, Planning Commission, Board of Adjustment, Director, and City staff (where applicable).

2. Procedures

This section establishes rules for procedures, including notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description, as outlined in Table 13-7-01.1: Procedural Components.

Component	Meaning
Applicability	This is the type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City determines that the application has sufficient information to be processed.
Notice and Public Hearings	This describes the type of notice, how it is provided, and the conditions for any applicable public hearings.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Standards	These are any standards that apply to the application. All applications are subject to the regulations of this UDC.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be resubmitted for the property.
Appeals	This provides a way to review an application that has been denied or has conditions with which the applicant disagrees.
Scope of Approval	This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal approval decision is maintained.

Table 13-07-01.1: Procedural Components

Chapter 6: Procedures

Section 13-6-1: General Procedures | 5-3-8:

3. Authority Table

Table 6.1: Authority Table summarizes the major review procedures for land use applications and development activity in the City's corporate limits and the individual(s) responsible for acting on those applications.

Table 6.1: Authority Table

UDC Section	Application Type	PAM	TRC	Notice	Approval Authority				
					DR	PC	HAPAP	CC	BA
6-2-1:	UDC Text Amendment	-	-	✓	R	R	-	D	-
6-2-2:	Annexation	✓	✓	✓	R	R	-	D	-
6-2-3:	Rezoning (Map Amendment)	✓	-	✓	R	R	-	D	-
6-2-4:	Planned Unit Development (PUD)	✓	-	✓	R	R	-	D	-
6-2-5:	Special Use Permit	✓	-	✓	R	R	-	D	-
6-2-6:	Temporary Use Permit (Type A/B/C)	-	-	X/X/✓	D/R/R	-/D/D	-	A	-
6-2-7:	Site Plan and Building Permits	-	-	X	D	-	-	-	A
6-2-8:	Certificate of Occupancy	-	-	X	D	-	-	-	-
6-2-9:	Sign Permit	-	-	X	D	-	-	-	A
6-3-1:	Sketch Plat	✓	✓	-	R	-	-	-	-
6-3-2:	Preliminary Plat	✓	✓	✓	R	D	-	-	-
6-3-3:	Final Plat	-	✓	X	R	D	-	D	-
6-3-4:	Construction Plans	-	✓	X	D	-	-	-	A
6-3-5:	Minor Subdivision	-	✓	X	D	-	-	-	A
6-3-6:	Plat Vacation	-	✓	✓	R	D	-	D	-
6-3-7:	Vacation of Street or Alley Right-of-Way or Easement	-	✓	✓	R	-	-	D	-
6-3-8:	Subdivision Waiver	-	✓		R	D	-	-	-
6-4-1:	Historic District Designation	✓	-	✓	R	R	R	D	-
6-4-2:	Certificate of Appropriateness	-	-	?	R	-	D	A	-
6-4-3:	Demolition of Historic District Structure	-	-	?	R	-	D	A	-
6-4-4:	Certificate of Economic Hardship	-	-	✓	R	-	D	A	-
6-5-1:	Appeals	-	-	✓	R	-	-	D	A
6-5-2:	Administrative Adjustment	✓	-	-	D	-	-	-	A
6-5-3:	Variance	-	-	✓	R	-	-	-	D
6-5-4:	Variance of Airport Height Overlay Standards	-	-	✓	R	-	-	-	D
6-5-5:	Special Exception	-	-	✓	R	-	-	-	D
Key	✓ = Required X = Not Required R = Review and Recommend D = Decision (a decision includes the review of the application) - = No Review A = Appeal Decision PAM = Pre-application Meeting TRC = Technical Review Committee DR = Director PC = Planning Commission CC = City Commission HPAP = Historic Preservation Advisory Panel BA = Board of Adjustment								

C. Pre-Application

Section 13-6-1: | 5-3-8: Creation of Special Purpose Districts

1. *Applicability.* These requirements apply to any application requiring a pre-application meeting or if the applicant elects to request a pre-application meeting with the City.
2. *Initiation.* Before filing an application subject to this section, the applicant shall request a meeting with the development review committee concerning the plans and data as specified in this UDC.
3. *Technical Review Committee.* The purpose of the Technical Review Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager and Director concerning planning and development issues.
 - a. The Technical Review Committee is composed of the following departments, members, or their representatives:
 - (1) The Director.
 - (2) The City Engineer.
 - (3) The City Building Official.
 - (4) The City Fire Marshal.
 - b. The Technical Review Committee may request the assistance of other staff members and agency representatives.
4. *Scheduling.* Any applicants wishing to discuss a development proposal with the Technical Review Committee shall advise the Director at least seven calendar days prior to the meeting.
5. *Pre-application meeting.*
 - a. The pre-application meeting shall include the following:
 - (1) A discussion of the general project consistency with this UDC and the Comprehensive Plan;
 - (2) A discussion of technical studies, plans, and other information deemed relevant to the specific application request; and
 - (3) Discussion of the anticipated level of citizen interest.
 - b. The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.
 - c. The Director will provide information and comments at the pre-application meeting but will not take formal action on the application. In addition to the provision of verbal information, the Director may provide a pre-application meeting checklist.
 - d. The applicant's and Technical Review Committee's comments are for informational purposes, and are not binding on either the City or the applicant.
6. *Documentation*
 - a. During the meeting, the Director may review and complete an informational checklist, based on the scope of the application.

- b. The Director will record in writing and provide the applicant with any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.

D. Submitting Applications

1. General Requirements

- a. Applications filed under this UDC must include the information required by any applicable checklist.
- b. The City Commission may, by resolution, establish fees for all applications required in this UDC.
- c. An applicant shall pay the fee designated by the City Commission at the time of application submittal.
- d. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2. Completeness

- a. The Director will not process incomplete applications.
- b. An application is not complete until all required items are submitted (see the applicable application checklist).
- c. When applications are submitted, the Director shall review them for completeness.
- d. The time period to process an application does not commence until the Director determines that the application is properly submitted, and the applicant has corrected any deficiencies in the application.
- e. The review for application completeness is solely to determine whether the information required for submission is sufficient to allow further processing.
- f. The Director shall determine whether the application is complete and transmit that determination to the applicant. If the Director determines that the application is not complete, the Director shall specify the parts of the application that are incomplete and indicate how they can be made complete, including a list and description of the information needed to complete the application. The Director or the approval authority is not obligated to further review the application until the required information is corrected.
- g. The Director may provide submittal deadlines for materials required in support of any application provided for in any checklist. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approval authority.

E. Noticing

1. Generally

- a. Upon receipt of a complete application requiring a public hearing, the City shall schedule the application for a public hearing before the Planning Commission and City Commission.
- b. Interested parties and residents shall have an opportunity to be heard at all public hearings.
- c. Notices shall be mailed by regular first-class mail. The City mails the required notice. The list of all owners of real property within the prescribed radius of the exterior boundary of the subject property shall be generated using current public property records. When the notice has been properly addressed and deposited in the mail, failure of a party to receive mailed notice will not invalidate such notice.

2. Noticing for the Planning Commission and City Commission

- a. Generally

Section 13-6-1: | 5-3-8: Creation of Special Purpose Districts

Any application requiring a public hearing and approval from the Planning Commission or City Commission shall follow the requirements established above, as well as the additional requirements specified below.

b. Text Amendments**(1) Published**

- (a) At least 20 days' notice of the text amendment proposed, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall contain the following:
 - (i) A summary of the proposed text amendment, with sufficient detail for citizens to understand the proposed text amendment; and
 - (ii) The information on where the full proposed text amendment can be reviewed.

c. Annexation**(1) Notice for a property owner-initiated annexation request**

- (a) At least 14 days' notice of the annexation requested, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The published notice must occur at least once each week for two successive weeks.
- (c) The notice shall include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Noticing for a City Commission-initiated annexation request shall follow the state statute requirements detailed in 11 O.S. § 21-103;**d. Rezoning****(1) Published**

- (a) At least 20 days' notice of the rezoning requested, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Mail

Notice of a public hearing on any proposed zoning change shall be given 20 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- (a) Legal description of the property and the street address or approximate location;
- (b) A brief description of the nature of the application(s) and action(s) to be considered, including the present zoning classification of the property and the zoning classification sought by the applicant;
- (c) Date, time, and place of the public hearing; and
- (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.

(3) Signage

Notice of a public hearing on any proposed zoning change shall be given by sign(s) as may be required, placed on the property affected by the proposed zoning reclassification. The sign(s) shall be posted on the affected property at least 20 days prior to the hearing date. Signs and associated lettering shall be of sufficient size to be clearly visible and legible from the public street or streets in which the property faces. It shall contain as follows:

- (a) The date, time, and place of the public hearing;

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- (b) Who will conduct the public hearing;
 - (c) The existing and proposed zoning classifications; and
 - (d) Other information or details deemed necessary to provide adequate and timely public notice.
- (4) Noticing for Special Uses
 - (a) Generally
 - (i) In accordance with state law, if the zoning change requested permits the use of treatment facilities, multiple-family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to State Statute 43A O.S. § 3-403, written notice shall be provided to all property owners within 1/4-mile of the area to be affected at least 30 days prior to the hearing.
 - (ii) The applicant is responsible for costs associated with the notice and shall provide proof of compliance.
 - (iii) The content of the notice shall meet the requirements of this UDC and state law.
 - (iv) The City will be responsible for posting the property and providing publication in the newspaper in accordance with the other provisions of the UDC and state law.
 - (b) Group Homes
 - (i) In accordance with state law (60 O.S. § 863), a group home, although a permitted use, shall only be established after notice is given to all affected real property owners within 300 feet of the exterior boundaries of the property on which the group home is to be located.
 - (ii) The notice shall contain a legal description of the property and the street address or approximate location of the group home.
- e. Special Use Permit
 - (1) Published
 - (a) At least 20 days' notice of the special use permit requested, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
 - (b) The notice shall also include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.
 - (2) Mail

Notice of a public hearing on any special use permit shall be given 20 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

 - (a) Legal description of the property and the street address or approximate location;
 - (b) A brief description of the nature of the application(s) and action(s) to be considered, including the present zoning classification of the property and the zoning classification sought by the applicant;
 - (c) Date, time, and place of the public hearing; and
 - (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.
- f. Preliminary Plat and Vacation Processes
 - (1) Published

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- (a) At least 20 days' notice of the preliminary plat or vacation requested, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall also include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Mail

Notice of a public hearing on any proposed preliminary plat or vacation shall be given 20 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- (a) Legal description of the property and the street address or approximate location;
- (b) A brief description of the nature of the application(s) and action(s) to be considered, including the present zoning classification of the property and the zoning classification sought by the applicant;
- (c) Date, time, and place of the public hearing; and
- (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.

(3) Signage

Notice of a public hearing on any proposed preliminary plat shall be given by sign(s) as may be required, placed on the property affected by the proposed subdivision. The sign(s) shall be posted on the affected property at least 20 days prior to the hearing date. Signs and associated lettering shall be of sufficient size to be clearly visible and legible from the public street or streets in which the property faces. It shall contain as follows:

- (a) The date, time, and place of the public hearing;
- (b) Who will conduct the public hearing;
- (c) The existing and proposed zoning classifications, if applicable; and
- (d) Other information or details deemed necessary to provide adequate and timely public notice.

3. Noticing of Historic Preservation Advisory Panel

(1) Published

- (a) At least 20 days' notice of the requested public hearing by the Historic Preservation Advisory Panel, the date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Mail

Notice of a public hearing on any proposed zoning change shall be given 20 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- (a) Legal description of the property and the street address or approximate location;
- (b) A brief description of the nature of the application(s) and action(s) to be considered, including the present zoning classification of the property and the zoning classification sought by the applicant;
- (c) Date, time, and place of the public hearing; and

- (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.

(3) Signage

Notice of a public hearing on any proposed zoning change shall be given by sign(s) as may be required, placed on the property affected by the proposed zoning reclassification. The sign(s) shall be posted on the affected property at least 20 days prior to the hearing date. Signs and associated lettering shall be of sufficient size to be clearly visible and legible from the public street or streets in which the property faces. It shall contain as follows:

- (a) The date, time, and place of the public hearing;
- (b) Who will conduct the public hearing;
- (c) The existing and proposed zoning classifications; and
- (d) Other information or details deemed necessary to provide adequate and timely public notice.

4. Noticing of the Board of Adjustment

a. Appeal

(1) Published

- (a) At least 10 days' notice of an appeal, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall also include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Mail

Notice of a public hearing of an appeal shall be given 10 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- (a) Legal description of the property and the street address or approximate location;
- (b) A brief description of the appeal and action(s) to be considered;
- (c) Date, time, and place of the public hearing; and
- (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.

b. Noticing of a Variance or Special Exception to the Board of Adjustment

(1) Published

- (a) At least 10 days' notice of the variance or special exception requested, date, time, and place of each hearing shall be published in a newspaper of general circulation in the City.
- (b) The notice shall also include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

(2) Mail

Notice of a public hearing on any variance or special exception shall be given 10 days prior to the hearing by the Director by mailing written notice to all owners of real property within a 300-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- (a) Legal description of the property and the street address or approximate location;
- (b) A brief description of the nature of the application(s) and action(s) to be considered, including the present zoning classification of the property and the zoning classification sought by the applicant;
- (c) Date, time, and place of the public hearing; and

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- (d) A map showing the location of the subject property with respect to surrounding lots and identifying abutting streets, railroads, and waterways, as applicable.

(3) Signage

Notice of a public hearing on any variance or special exception shall be given by sign(s) as may be required, placed on the property affected by the request. The sign(s) shall be posted on the affected property at least 10 days prior to the hearing date. Signs and associated lettering shall be of sufficient size to be clearly visible and legible from the public street or streets in which the property faces. It shall contain as follows:

- (a) The date, time, and place of the public hearing;
- (b) Who will conduct the public hearing;
- (c) The existing zoning classification and the application type (i.e., variance or special exception); and
- (d) Other information or details deemed necessary to provide adequate and timely public notice.

F. Staff Review

1. Review by Other Departments and Agencies

The Director may forward copies of the application to various local, state, and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

2. Staff Review

The Director shall review the application and supporting information. This review may occur in a meeting with the applicant and representatives of the Technical Review Committee, as described in Section 13-6-1:C After reviewing the information, the Director shall prepare a report summarizing the information for the approval authorities and provide a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the Department before the hearing at which the application is scheduled to be heard.

3. Staff Report

If an individual subsection of this Section (and where permitted by state law) delegates to the Director the authority to approve, approve with conditions, or deny/disapprove an application, the staff report may include a written decision to that effect.

G. Public Hearings and Decisions

1. Purpose

The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

2. Rules of Procedure

The City Commission, Planning Commission, Historic Preservation Advisory Panel, and Board of Adjustment may adopt rules of procedure for public hearings.

3. Action

Approval authorities shall hold regularly scheduled public hearings to receive and review public input on items required by this UDC. Decisions and recommendations shall be rendered in a timely manner,

based on specific requirements of this UDC and the following:

- a. Conformance with this UDC, the Comprehensive Plan, and other adopted plans, design guidelines, and policies;
 - b. Recommendation of staff, reviewing authorities and reviewing agency or department input;
 - c. Input of reviewing agencies and departments;
 - d. Public hearing comment and testimony; and
 - e. Effects of the proposal on the neighborhood, area, and community at large.
4. Authority for Condition Development Approvals
 - a. After application review, other pertinent information or documents, and any evidence made part of the public record, approval authorities may impose conditions that are necessary to ensure compliance with applicable general or specific standards expressed in this UDC.
 - b. The Director shall include a copy of the conditions with the record of the decision.
 - c. The applicant shall be notified of any conditions imposed on the application.

H. Tabling

1. Purpose

This Section allows for the tabling of applications, as needed, to collect additional information or to conduct further review.

2. Applicant Request

An applicant may request in writing to table any application for a future meeting date.

3. Director Request

The Director may request that any application be tabled for further review and consideration. The Director shall provide the applicant with written notice and explanation before the meeting at which the application is scheduled for a hearing. Notice of the tabling shall be given at the beginning of the scheduled meeting.

I. Application Withdrawal

1. Generally

An application may be withdrawn at any time prior to formal consideration by the approval authority.

2. Fees

Withdrawal of an application after the determination of completeness shall result in the forfeiture of fees.

3. No Public Hearing Required

If no public hearing is required, the applicant shall give notice of the withdrawal to the Director at the earliest possible time.

4. Public Hearing Required

If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to the opening of the public hearing. Once the public hearing is opened, the approval authority shall decide whether to approve the request and may instead act on the application.

J. Scope of Approval

1. Generally

Section 13-6-1: | 5-3-8: Creation of Special Purpose Districts

The approval authority may take any action on the application that is consistent with the notice given, including approval, conditional approval, or denial/disapproval of the application.

2. Amendments

- a. The approval authority may allow amendments to an application provided such changes reduce the proposed density, intensity, land area, or potential impacts from what was presented in the original application and public notice.
- b. The approval authority shall not permit any amendment that would result in an increase in development intensity, land area, or degree of variance beyond what was described in the public notice without requiring a new application and notice in accordance with this UDC.

K. Protest Against Change

1. A property owner that meets the requirements of State Statute 11 O.S. § 43-105 can protest against a proposed change in regulations, restrictions, or district boundaries.
2. All written protests against proposed changes shall be filed with the City Clerk's office at least three days before the public hearing date. A favorable vote by 3/4 of all members of the City Commission shall be required if protests are filed by:
 - a. The property owners of 20% or more of the area of the lots, parcels or tracts included in a proposed change; or
 - b. The property owners of 50% or more of the area of the lots, tracts, or parcels within a 300-foot radius of the exterior boundary of the territory included in a proposed change. In calculating the 300-foot radius, the alley width or street rights-of-way shall not be included.

L. Post-Decision**1. Minor Zoning Revisions**

- a. The Director may approve minor zoning revisions to the terms of an approved application. "Minor zoning revisions" are those that are necessary in light of technical considerations discovered after the decision on the development application, and that do not substantively change the character of the approval. Minor zoning revisions include, but are not limited to:
 - (1) An increase in building square footage not exceeding 5%;
 - (2) Substitution of landscape materials if the proposed materials are of a similar shape, size, and type;
 - (3) Location of trees; and
 - (4) Changes to building materials, parking lot design, screening, building location, or similar elements of site or building design that would improve the site or are needed because of circumstances not foreseen at the time of site plan approval.
- b. Minor zoning revisions must be authorized in writing.
- c. Minor zoning revisions are subject to Board of Adjustment appeal. On appeal, no further action shall be taken to process the application, and issued permits are stayed pending the Board of Adjustment's determination.

2. Major Zoning Revisions

- a. A major zoning revision is any revision that exceeds the conditions of a minor revision, and in which the Director determines is not a minor revision.
- b. A major zoning revision is approved by the original approval authority in accordance with the procedures established for original consideration of the application.
- c. In making a determination, the Director may seek the recommendation from any approval authority or personnel involved in the original application process.

M. Appeals

1. Generally
 - a. Any aggrieved party may appeal a decision.
 - b. Any aggrieved party with standing may seek judicial review at the applicable district court.
 - c. Certain decisions may be appealed to a specific approval authority as established in this Section.
 - d. An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the approval authority that, by reason of facts stated in the certificate, a stay would, in their opinion, cause immediate peril to life or property. In such a case, proceedings shall not be stayed other than by a restraining order, which may be granted by the approval authority or a court of record on application, and notice to the person from whom the appeal was taken.
2. The procedures to file and have an appeal heard by the Board of Adjustment or Kay County District Court can be found in Sec. 6-5-1:.

Section 13-6-2: Zoning Procedures

6-2-1: Unified Development Code Text Amendment

A. Applicability

This section applies to any action of the City Commission to amend or change the regulations of the Unified Development Code (UDC). This includes regulations, restrictions, classifications of property, or procedures contained within the UDC.

B. Initiation

A text amendment may be initiated by:

1. City Commission;
2. Planning Commission;
3. City Staff; or
4. Application of any resident, property owner, or business owner within the City.

C. Completeness. See Sec. Section 13-6-1:D.2.

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.b.
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the proposed text amendment and shall provide a recommendation to the Planning Commission to:

- a. Approve the text amendment;
- b. Approve the text amendment with modifications; or
- c. Deny the text amendment.

2. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the text amendment. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

- a. Approve the text amendment;
- b. Approve the text amendment with modifications; or
- c. Deny the text amendment.

3. City Commission Decision

The City Commission shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning Commission. After the conclusion of the public hearing, the City Commission shall act and by ordinance:

- a. Adopt the text amendment;
- b. Adopt the text amendment with modification;
- c. Deny the text amendment; or

- d. Remand the text amendment to the Planning Commission for further deliberation.

F. Standards

1. A text amendment of the UDC is a legislative decision subject to the City Commission's discretion. The City Commission may approve the text amendment if it:
 - a. Is consistent with the Comprehensive Plan; and
 - b. Promotes public health, safety, and general welfare.

G. Subsequent Applications. Not applicable.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions consistent with its standards and requirements.

J. Recordkeeping

The UDC's text amendment shall be codified and published as part of this Code by the City Clerk.

6-2-2: Annexation

A. Applicability.

1. This section applies to the annexation of territory of the City, consistent with the following state statutes:
 - a. 11 O.S. § 21-101;
 - b. 11 O.S. § 21-102;
 - c. 11 O.S. § 21-103;
 - d. 11 O.S. § 21-105;
 - e. 11 O.S. § 21-106;
 - f. 11 O.S. § 21-108;
 - g. 11 O.S. § 21-109;
 - h. 11 O.S. § 21-112;
 - i. 11 O.S. § 21-113;
 - j. 11 O.S. § 21-114; and
 - k. 11 O.S. § 21-203.

B. Initiation

1. City Commission; or
 - a. The process and procedures for the City Commission to initiate the annexation of land into the City are defined by state statutes.
2. Request by all owners or agents of all owners of the property to be annexed.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.c.
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G. The public hearing shall not occur earlier than 14 days, nor more than 30 days, following the published notice of the public hearing.

E. Decisions

1. Director Review
 - a. The Director shall review the proposed annexation request and shall provide a recommendation to the Planning Commission to:
 - (1) Approve the annexation request; or
 - (2) Deny the annexation request.
 2. Planning Commission Recommendation
 - a. The Planning Commission shall conduct a public hearing on the annexation request. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:
 - (1) Approve the annexation request; or
 - (2) Deny the annexation request.
 - b. City Commission Decision
 - (1) The City Commission shall consider the annexation request at a public hearing after a recommendation has been provided by the Planning Commission. After the conclusion of the public hearing, the City Commission shall act and by ordinance:
 - (a) Approve the annexation request; or
 - (b) Deny the annexation request.
- F. Standards
1. In its review of an application for annexation, the City Commission shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards.
 - a. The annexation request conforms to applicable state statutes.
 - b. The request to annex conforms to the land use policies of the City's Comprehensive Plan.
 - c. The subject site is within the water and sewer service area and contiguous to the City limits.
 - d. It is proven to be feasible for efficiently extending public infrastructure to the annexation site.
 - e. The annexation site can be adequately served by City-maintained public rights-of-way and services (i.e., police and fire).
 - f. All public improvements necessary to serve the site to be annexed will be constructed and financed in accordance with City standards and policies.
 - g. The actual financial impact for providing public services and infrastructure to the annexation site and maintenance of these services and infrastructure is favorable to the City and is offset by the necessary costs.
- G. Subsequent Applications
1. This Subsection applies if:
 - a. The applicant withdraws an application after notice of hearing is published, or
 - b. The City Commission denies an annexation application.
 2. If the above requirements apply, the applicant shall not submit an annexation application for the same property for at least 12 months.
 3. The above waiting period begins with the date of the City Commission's denial of the prior application.
- H. Appeals. See Sec. 6-5-1:.
- I. Scope of Approval
1. A rezoning of the annexation site shall occur at the time of the annexation request. The rezoning application shall follow the procedures outlined in Sec. 6-2-3: or Sec. 6-2-4:

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2. If the zoning map amendment involves changes to the existing zoning district boundaries, the form of the amendment ordinance shall contain a narrative description of the land to be reclassified or a reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.
3. The annexation request shall conform to all applicable state statutes.
4. Adjacent or Contiguous Definition
 - a. For the purposes of this section, and per state statutes, land to be adjacent or contiguous to the City's corporate limits. The state statute defines this as directly abutting the corporate limits or separated by a highway right-of-way, railway right-of-way, or an intervening strip of land less than four rods (66 feet) wide.
5. The annexation of land by a connecting strip serving no municipal purpose other than to establish statutory contiguity or adjacency, or to capture territory within the area to be annexed, is not permissible and is prohibited by state statute.

J. Recordkeeping

1. The annexation ordinance shall contain a narrative description of the land to be annexed or a reference to an accompanying plat of such land indicating its boundaries. The Director shall refer to the attested ordinance as a record of the annexation status until the zoning map is changed accordingly to signify the annexation and accompanying rezoning.
2. The annexation ordinance shall be filed with the Kay County Clerk within 30 days of the ordinance being approved.

6-2-3: Zoning Map Amendment (Rezoning)

A. Applicability

This section applies to the changing of the zoning classification or boundaries on the Zoning Map for properties within the City. This process is often referred to as a rezoning.

B. Initiation

A zoning map amendment may be initiated by submitting a complete application to the Director from:

1. City Commission;
2. Planning Commission; or
3. Request by the owner or agent of the owner of the property to be changed.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.c.
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the proposed zoning map amendment and shall provide a recommendation to the Planning Commission to:

- a. Approve the zoning map amendment; or
- b. Deny the zoning map amendment.

2. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the zoning map amendment. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

- a. Approve the zoning map amendment; or
- b. Deny the zoning map amendment.

3. City Commission Decision

The City Commission shall consider the zoning map amendment at a public hearing following a recommendation from the Planning Commission. After the conclusion of the public hearing, the City Commission shall act and by ordinance:

- a. Approve the zoning map amendment; or
- b. Deny the zoning map amendment.

F. Standards

In reviewing an application for rezoning, the City Commission shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning Commission finds that a rezoning is inconsistent with the Comprehensive Plan, the application shall not be considered until a recommendation regarding a Comprehensive Plan amendment for the proposed rezoning is forwarded to the City Commission, either prior to or concurrently with the proposed rezoning request. Additionally, the Planning Commission or City Commission may prepare a work program and make studies, including the preparation of maps, to support its decisions regarding a rezoning request.

1. *Consistency.* The City Commission does not determine the City's comprehensive zoning policy. The City's zoning map shall not be altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.
2. *Adverse Impacts on Neighboring Lands.* The City Commission shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Commission finds and determines that vast acreages of single-use zoning produce uniformity with adverse consequences such as traffic congestion, air pollution, and social isolation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.
3. *Suitability as Presently Zoned.* The City Commission shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.
4. *Health, Safety, and Welfare.* The zoning map amendment must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historic and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.
5. *Public Policy.* A strong public policy in favor of rezoning may be considered. Examples include the need for affordable housing, economic development, recreational activities, or mixed-use development, which functionally relate to the surrounding neighborhoods.
6. *Size of Tract.* The City Commission shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a zoning map amendment.
7. *Other Factors.* The City Commission may consider any other factors relevant to a zoning map amendment application under state law.

G. Subsequent Applications

1. This Subsection applies if:
 - a. The applicant withdraws an application after notice of hearing is published, or
 - b. The City Commission denies a zoning map amendment application.
2. If the above requirements apply, the applicant shall not submit a zoning map amendment application for the same zoning district request on the same property for at least 12 months. However, a zoning map amendment application for the same property in a different zoning classification may be submitted without limitation.
3. The above waiting period begins with the date of the City Commission's denial of the prior application.

H. Appeals. See Sec. 6-5-1:.

I. Scope of Approval

Approval of a zoning map amendment does not authorize land development. A zoning map amendment allows the applicant to apply for a building permit or site plan, in the case of uses permitted as of right, or a special use permit, in the case of uses designated as special uses within the applicable zoning district.

J. Recordkeeping

If the zoning map amendment involves changes to the existing zoning district boundaries, the amendment ordinance shall include a narrative description of the land to be reclassified or a reference to an

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accompanying plat of such land showing the new zoning districts and their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

6-2-4: Zoning Map Amendment (Planned Unit Development)

A. Applicability

1. As described in Sec. 2-3-1:, a Planned Unit Development (PUD) District allows for the opportunity to vary the development density, mix different uses, and allow for greater flexibility in site and build design than the standard zoning district. Therefore, the procedures outlined in this section for reviewing and deciding on a PUD are designed to achieve the intent of these regulations and the Comprehensive Plan.
2. The review and decision process of a PUD is a two-step process.
 - a. Step 1 consists of the review and the decision of a zoning map amendment (rezoning) and a preliminary development plan. Effectively, Step 1 is a request to rezone, combined with a high degree of information on the proposed use(s), site, and building design provided with the preliminary development plan. If the land is to be subdivided, Step 1 also includes provisions to satisfy the need for a preliminary plat.
 - b. Step 2 consists of the final development plan, which confirms consistency with the preliminary development plan. If applicable, Step 2 can include the concurrent process of the final plat to subdivide the land. The final plat will be a separate application that follows the procedures outlined in Sec. 6-3-3:.

B. Preliminary Development Plan

1. Initiation
 - a. The owner or agent of the owner of the property may submit a complete application for a PUD rezoning to the Director.
2. Completeness. See Sec. Section 13-6-1:D.2
3. Notice and Hearings
 - a. Noticing shall comply with Sec. Section 13-6-1:E.2.c.
 - b. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.
4. Decisions
 - a. Director Review

The Director shall review the rezoning to PUD and shall provide a recommendation to the Planning Commission to:

 - (1) Approve the PUD rezoning and preliminary development plan;
 - (2) Approve the PUD rezoning and preliminary development plan, with modifications; or
 - (3) Deny the PUD rezoning and preliminary development plan.
 - b. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the rezoning to PUD. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

 - (1) Approve the PUD rezoning and preliminary development plan;
 - (2) Approve the PUD rezoning and preliminary development plan, with modifications; or
 - (3) Deny the PUD rezoning and preliminary development plan.

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c. City Commission Decision

The City Commission shall consider the request to rezone to PUD at a public hearing after the Planning Commission has provided a recommendation. After the conclusion of the public hearing, the City Commission shall act and by ordinance:

- (1) Adopt the rezoning to PUD and approve the preliminary development plan;
- (2) Adopt the rezoning to PUD with modification to the preliminary development plan;
- (3) Deny the rezoning to PUD and the preliminary development plan.

5. Standards

- a. In its review of an application for rezoning to a Planned Unit District (PUD) and the corresponding preliminary development plan, the City Commission shall consider the standards provided in Sec.2-3-1; as well as the following standards in this Subsection. A property may be rezoned to a PUD District if the development:

- (1) Has no negative effect upon the future development of the area;
- (2) Provides for compatibility with the surrounding land uses;
- (3) Provides for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;
- (4) Provides for more usable and suitably located open space, recreation areas, and other common facilities that would not otherwise be required under conventional land development regulations;
- (5) Maximizes enhancement or minimally disrupts existing natural features and amenities; and
- (6) Utilizes site characteristics such as geographic location, topography, size or shape to achieve the purpose and intent of this Section.

- b. If the proposed development includes the subdivision of land, the City Commission shall also consider if the development conforms to:

- (1) The Comprehensive Plan and its plans for current and future streets, alleys, parks, playgrounds, and public utility facilities;
- (2) The planned extension of major thoroughfares, streets, and public highways within Ponca City, considering access to and extension of sewer and water mains and the instrumentalities of public utilities; and
- (3) The rules and regulations of the UDC.

- c. The Planning Commission or City Commission may impose conditions, restrictions, or more stringent standards when reviewing a Planned Unit Development District, so as to minimize or reduce any injurious effects to the public's health, safety, and welfare.

6. Subsequent Applications

- a. This Subsection applies if:

- (1) The applicant withdraws an application after notice of hearing is published, or
- (2) The City Commission denies the application.

- b. If the above requirements apply, the applicant shall not submit an application for the same PUD district request on the same property for at least 12 months. The Director shall determine if a subsequent application is too similar to the original application. A rezoning application for the same property in a different zoning classification may be submitted without limitation.

- c. The above waiting period begins with the date of the City Commission's denial of the prior application.

7. Appeals. See Sec. 6-5-1:

8. Scope of Approval
 - a. Generally, the approval of a rezoning to PUD and the preliminary development plan does not authorize the development of PUD. The review and approval of a final development plan, as outlined in Sec. 6-2-4:C must be complete before subsequent building permits can be applied for.
 - b. The preliminary development plan is valid for 24 months from the original date of approval. If an application for approval of a final development plan is not submitted within the 24-month validation period, the property will automatically revert to the zoning classification in effect on the property prior to the property being rezoned to the PUD District. Such reversionary language shall be contained in the ordinance establishing the PUD District rezoning.
9. Recordkeeping
 - a. The Director shall maintain copies of the ordinance rezoning the property to PUD and the approved preliminary development plan.
 - b. The ordinance rezoning the property to PUD shall specifically incorporate, by reference, the statement of intent of the PUD.
- C. Final Development Plan
 1. Initiation
 - a. Request by the owner or agent of the owner of the property, following the approval of the Zoning Map Amendment to PUD and the preliminary development plan.
 - b. If the proposed development includes the subdivision of land, an application for a final plat may be submitted by the owner or agent of the owner to run concurrently with this process.
 2. Completeness. See Sec. Section 13-6-1:D.2
 3. Notice and Hearings. Not applicable
 4. Decisions
 - a. Director Review

The Director shall review the final development plan and shall provide a recommendation to the Planning Commission to:

 - (1) Approve the PUD final development plan;
 - (2) Approve the PUD final development plan, with modifications; or
 - (3) Deny the PUD final development plan.
 - b. Planning Commission Recommendation

The Planning Commission shall review the PUD final development and submit its recommendation to the City Commission to:

 - (1) Approve the PUD final development plan;
 - (2) Approve the PUD final development plan, with modifications; or
 - (3) Deny the PUD final development plan.
 - c. City Commission Decision

The City Commission shall consider the PUD final development plan after receiving a recommendation from the Planning Commission. The City Commission shall:

 - (1) Approve the PUD final development plan;
 - (2) Approve the PUD final development plan, with modifications; or
 - (3) Deny the PUD final development plan.
 5. Standards

Section 13-6-2: | 6-2-4: Zoning Map Amendment (Planned Unit Development)

- a. The final development plan shall be in substantial conformance with the approved preliminary development plan in order to be approved by the City Commission. If it is determined that the final development plan is not in substantial conformance with the approved preliminary development plan, the final development plan shall be revised accordingly, or a new zoning map change to the PUD district shall be required to accommodate the change. Substantial changes may include, but are not limited to, the following:
 - (1) An increase in the number of lots;
 - (2) An increase in overall density;
 - (3) A modification to the circulation network;
 - (4) A change in drainage patterns;
 - (5) A change in the relationship between proposed land uses;
 - (6) A change in the general land use pattern or classification; or
 - (7) A significant change in the architectural character of the buildings
 - b. The final development plan shall conform to all conditions of approval imposed by the Planning Commission or City Commission at the preliminary development plan stage.
6. Subsequent Applications. Not applicable.
 7. Appeals. See Sec. 6-5-1:
 8. Scope of Approval
 - a. The approval of a final development plan does not authorize the development of land. The approval allows the applicant to apply for a building permit or site plan.
 - b. Any accompanying final plat for the subdivision of land related to the PUD must be finalized, as detailed in Sec. 6-3-3:.
 9. Recordkeeping

The Director shall maintain a complete administrative record for each final development plan, including the final decision of the Planning Commission and City Commission issued pursuant to this Section.

6-2-5: Special Use Permit

A. Applicability

The section applies to any application for review and decision of a use designated as a special use in Table 3-1-4:.

B. Initiation

1. The owner or agent of the owner of the property shall submit a complete application for a special use permit to the Director.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.d(4).
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the special use permit and shall provide a recommendation to the Planning Commission to:

- a. Approve the special use permit;
- b. Approved the special use permit with conditions of approval; or
- c. Deny the special use permit.

2. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the special use permit. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

- a. Approve the special use permit;
- b. Approved the special use permit with conditions of approval; or
- c. Deny the special use permit.

3. City Commission Decision

The City Commission shall consider the special use permit at a public hearing after a recommendation has been provided by the Planning Commission. After the conclusion of the public hearing, the City Commission shall act by:

- a. Approving the special use permit;
- b. Approving the special use permit with conditions; or
- c. Denying the special use permit.

F. Standards

1. The City Commission shall approve a special use permit only if the applicant demonstrates that five of the eight standards below are met:
 - a. The proposed special use shall comply with the intent of all regulations of the applicable zoning district, the applicable specific use regulations of Sec. 0, and any applicable development standards of Sec. Chapter 4: of this UDC.
 - b. The proposed special use permit does not have a probable effect on the adjacent property and the community welfare, with appropriate regard to the health, safety, and welfare of the general public.

- c. The proposed special use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on the health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than any other use generally permitted in the same district. In making this determination, the Planning Commission or City Commission shall consider the location, type, and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the Comprehensive Plan which encourages mixed uses or densities.
 - d. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - e. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values within the neighborhood.
 - f. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on public roads.
 - g. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - h. The public interest and welfare supporting the proposed special use authorization shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
2. The Planning Commission may recommend, and the City Commission may approve conditions on the approval of any special use permit, including, but not limited to, conditions on:
- a. Hours of operation;
 - b. Use restrictions;
 - c. Building design;
 - d. Parking;
 - e. Setbacks;
 - f. Lot sizes;
 - g. Density;
 - h. Landscaping;
 - i. Screening;
 - j. Site design elements;
 - k. Signs;
 - l. Lighting;
 - m. Noise; and
 - n. Other development standards and operational safeguards that may be deemed important to the welfare and protection of adjacent property and the community as a whole.
- G. Subsequent Applications
- 1. This Subsection applies if:
 - a. The applicant withdraws an application after notice of hearing is published, or
 - b. The City Commission denies the special use permit application.
 - 2. If the above requirements apply, the applicant shall not submit a special use permit application for the same request on the same property for at least twelve months.

3. The above waiting period begins with the date of the City Commission's denial of the prior application.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. Generally.
 - a. The approval of a special use permit does not authorize the development of land. A special use permit allows the applicant to apply for a building permit.
 - b. An approved special use permit is transferable so long as the new primary use and any accessory uses of the property are permitted within the existing special use permit.
2. *Violations*. Any special use permit violates this UDC and shall be suspended or revoked if:
 - a. A court with jurisdiction or a jury finds the holder of the special use permit guilty of a violation or if a holder of a special use permit pleads guilty of violating.
 - b. Any requirement or term or condition of the special use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the special use permit as approved by the City Commission.
 - c. The activity authorized by the special use permit commences prior to the institution of all conditions imposed by the special use permit.
 - d. The use for which the special use permit was authorized does not commence within 12 months of the effective date of the special use permit. The City Commission may grant an extension of up to six months for good cause shown, upon petition of the special use permit holder.
 - e. The use for which the special use permit is authorized is discontinued for 12 consecutive months.
3. Substantial Changes to the Special Use Permit.
 - a. Any substantial changes to an approved special use permit, as deemed by the Director, shall require a new application, as outlined in this Section, to be brought into conformance.

J. Recordkeeping

1. The original record of the special use permit shall be kept and maintained by the Director.

6-2-6: Temporary Use Permit

A. Applicability

This Section applies to any application for approval of a use designated as a temporary use. Temporary uses are categorized into three types in Section 13-3-4: Type A, Type B, and Type C.

B. Initiation

A temporary use permit may be initiated at the request of:

1. a. City Commission; or
2. b. The owner or agent of the subject property.

C. Completeness.

1. Generally, see Sec. Section 13-6-1:D.2.
2. In addition to the requirements of Sec. Section 13-6-1:D.2, the applicant shall provide the following information, demonstrating:
 - a. The location, including parcel number and address of the temporary use (if no address is available, a description which is intelligible to the average layperson will suffice);
 - b. The duration of the proposed use;
 - c. That the proposed use complies with the regulations of the zoning district in which it is located;
 - d. That the proposed use complies with any relevant use-specific regulations; and
 - e. Which of the Temporary Use Types established in Sec. Section 13-6-1:D.2 the applicant believes the proposed use to be based on its need for mitigation, parking, refuse facilities, and/or sanitary facilities.
3. The Director shall, in their review for completeness, interpret whether the proposed temporary use matches the standards of the temporary use type indicated in the application. If the Director deems that the application has correctly assessed which temporary use type the proposed use falls under, they may review and render a decision or recommendation accordingly. If the Director deems that the proposed temporary use meets the criteria for review as a different temporary use type, they shall:
 - a. Notify the applicant, and provide the applicant with the opportunity to:
 - (1) Amend the application with additional information or corrections and resubmit the application; or
 - (2) Agree to sustain the application for review according to the procedure for the temporary use type as determined by the Director.

D. Notice and Hearings

1. Generally, Noticing shall comply with Sec. Section 13-6-1:E.2.d(4).
2. Type A Temporary Uses
 - a. Noticing and public hearing requirements do not apply to Type A Temporary Uses.
3. Type B Temporary Uses
 - a. Noticing and public hearing requirements do not apply to Type B Temporary Uses; however, the temporary use application shall be placed on the Planning Commission's agenda as a consent item.
4. Type C Temporary Uses
 - a. Noticing and public hearing requirements apply to Type C Temporary Uses, and shall comply with the requirements of Sec. Section 13-6-1:G.

E. Decisions

1. Type A Temporary Uses

- a. Director Review and Decision. The Director shall review the temporary use permit, and shall act to:
 - (1) Approve the temporary use permit;
 - (2) Deny the temporary use permit; or
 - (3) Approve the temporary use permit with conditions.

2. Type B Temporary Uses

- a. Director Review. The Director shall review the temporary use permit, and shall provide a recommendation to the Planning Commission to:
 - (1) Approve the temporary use permit;
 - (2) Deny the temporary use permit; or
 - (3) Approve the temporary use permit with conditions.
- b. Planning Commission Decision. The Planning Commission shall consider the temporary use permit after a recommendation has been provided by the Director, and shall act to:
 - (1) Approve the temporary use permit;
 - (2) Deny the temporary use permit; or
 - (3) Approve the temporary use permit with conditions.

3. Type C Temporary Uses

- a. Director Review. The Director shall review the temporary use permit and shall provide a recommendation to the Planning Commission to:
 - (1) Approve the temporary use permit;
 - (2) Deny the temporary use permit; or
 - (3) Approve the temporary use permit with conditions.
- b. Planning Commission Decision. The Planning Commission shall consider the temporary use permit at a public hearing after a recommendation has been provided by the Director. After the hearing is closed, the Planning Commission shall act to:
 - (1) Approve the temporary use permit;
 - (2) Deny the temporary use permit; or
 - (3) Approve the temporary use permit with conditions.

F. Standards

- 1. A temporary use permit shall be approved only if the applicant demonstrates that:
 - a. The temporary use shall be so designated, located, and operated so that the public health, safety, and welfare will be protected.
 - b. The temporary use shall be compatible with other area properties located nearby.
 - c. The temporary use shall comply with all applicable requirements of this UDC, including standards for temporary uses provided in Table 3.3: Temporary Use Type Standards.
 - d. The temporary use shall be in conformance with all applicable provisions stated in this UDC for the zoning district in which the use is to be located.

G. Subsequent Applications

- 1. If a temporary use permit is denied, the applicant shall not submit a temporary use permit application for the same temporary use on the same property for at least 30 days.
- 2. The above waiting period begins on the date of the denial decision of the prior application.

H. Appeals. See Sec. 6-5-1:.

I. Scope of Approval

The approval of a temporary use permit does not authorize the development of land. A temporary use permit allows the applicant to apply for a building permit, or any other permits required for the use to be constructed and become operational.

J. Recordkeeping

The original record of the temporary use permit shall be kept and maintained by the City. The applicant shall keep a copy of the temporary use permit decision.

6-2-7: Site Plan and Building Permits

A. Applicability

1. This Section applies to the review and approval of site plans and building permits for all applicable developments and development activities.
2. Site plan approval is required for all developments.
3. Building permit approval is required for construction, alteration, or occupancy of structures within the City, as provided by the Ponca City Building Code.

B. Initiation

1. The applicant shall submit an application for site plan approval or building permit to the Director. In addition to the information required in Sec. Section 13-6-1:D, the Director may require the following additional information to address the proposed development's impact:
 - a. Analysis of the traffic impacts of the proposed use; and
 - b. Evaluation of the environmental impacts of the proposed use.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings. Not applicable

E. Decisions.

1. *Director review and decision.* The Director shall review the site plan and building permit, and shall act to:
 - a. Approve the site plan and building permit;
 - b. Deny the site plan and building permit; or
 - c. Approve the site plan and building permit with conditions.
2. *Authorization to impose conditions.*
 - a. *Generally.* The Director may impose conditions necessary to maintain the integrity of the City's zoning districts, to ensure the proposed use is consistent with the Comprehensive Plan, conforms with this UDC, is appropriate to its location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.
 - b. *Supplementary conditions.* All requirements imposed for a site plan and building permit are in addition to and supplement the UDC and Building Code requirements.
 - c. *Authorized conditions.* Authorized conditions include, but are not limited to:
 - (1) *Site plan features.* Limitations or requirements regarding the area, setbacks, open space, landscaping, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.
 - (2) *Building permit features.* Limitations or requirements regarding the design and construction of structures, as allowed by the Ponca City Building Code.
 - (3) *Operations.* Limitations or requirements regarding the proposed use's operating characteristics, duration, or any similar feature of the proposed use.
 - (4) *Duration.* If the Director limits the duration of a site plan, a 12 month grace period, starting from the final approval date, is afforded to the applicant in addition to the time period stipulated in the site plan conditions.

F. Standards

1. Site plan Standards
 - a. A site plan application shall comply with the following standards:

- (1) *Generally.* The site of the proposed use or any associated improvements is not in violation of any local, state, or federal law (other than a UDC violation).
 - (a) The use and site plan for the proposed use conforms, at a minimum, with all applicable provisions of this UDC for the existing underlying zoning designation, including, but not limited to:
 - (i) *Development standards.* All parking, landscaping, signage, improvement, and dimensional standards.
 - (ii) *Zoning districts standards.* The purpose of the zoning district in which the proposed use is to be located, and any standards applicable to the particular proposed use.
 - (b) Site plans are only authorized for the proposed use.
 - (2) *Suitability.* The characteristics of the proposed site are suitable for the proposed use, considering its size, shape, topography, and the location of improvements and natural features.
 - (3) *Timeliness.* The proposed use or development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the proposed use.
 - (4) *Compatibility to surrounding area.* The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.
 - (5) *Comprehensive Plan.* The proposed use satisfies any applicable goals and policies of the Comprehensive Plan that apply to the proposed use.
 - (6) *Use appropriate and compatible.* The use is appropriate to its proposed location and compatible with the character of neighboring uses, or enhances the mixture of complementary uses and activities in the immediate vicinity.
 - (7) *Traffic.* The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking, or loading problems. Necessary mitigating measures shall be proposed by the applicant.
 - (8) *Nuisance.* The operating characteristics of the use do not create a nuisance and the impacts of the use on surrounding properties are minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.
 - (9) *Environment.* The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.
2. Building permit Standards
 - a. The City may issue the building permit only if the application complies with all applicable provisions of this UDC, the adopted Building Code, and any approved Special Use Permit, plat, or site plan.
- G. Subsequent Applications. Not applicable
- H. Appeals.
1. The Board of Adjustment shall consider all appeals of the Director's decision of a Site plan, per Sec. 6-5-1:
 2. The Construction Appeals Board shall consider all appeals of the Director or Building Official, per the Ponca City Building Code.
- I. Scope of Approval.

1. *Generally.* The Director may issue a Building permit or approve a Site plan with any applicable conditions. An approved Site plan and Building permit expires six months after the approval date unless the work is commenced.
2. *Changes to the Site plan.*
 - a. *Generally.* Any change to an approved Site plan, other than those changes that qualify as insubstantial pursuant to subsection b. below, requires amendment of the existing Site plan. Amendment of an approved Site plan may only be authorized by the Director pursuant to the procedures established in subsection E. above, and subject to appeal to the Board of Adjustment.
 - b. *Insubstantial changes to an approved Site plan.*
 - (1) The Director may approve insubstantial changes to a previously approved Site plan without notice or a public hearing. An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during its review, and that does not significantly change the original approval granted.
 - (2) An insubstantial change includes:
 - (a) Minor building revisions/expansions that do not increase the height of a building and are less than an aggregate total of 1,000 square feet;
 - (b) Minor changes in the number of parking spaces (adding, removing, or relocating 20 parking spaces or fewer);
 - (c) Adjustments to solid waste container location;
 - (d) Minor revisions to approved building elevations, so long as the minor revision does not violate any Flood Damage Prevention requirements; and
 - (e) Substitution of similar materials on an approved landscape plan.
 - c. An amendment to any of the following site plan requirements is not considered insubstantial:
 - (1) *Use.* Those activities allowed on site by the Site plan.
 - (2) *Operational characteristics.* The gross limitations or requirements regarding the proposed use's operating characteristics.
 - (3) *Site plan features.* The gross limitations or requirements regarding the proposal's area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or off-street parking.
 - (4) *Duration.* Requirements governing the duration of the permit.
 - (5) *Permit holder.* Requirements regarding the person or entity to whom the permit is issued.
3. *Changes to a Building permit.* See Ponca City Building Code.
4. *Extension.* The Director may extend an approved Site plan or Building permit for a single 12-month period, upon receipt of a written request for an extension not less than 30 days before the expiration of the approved site plan.
5. *Revocation.*
 - a. *Criteria.* An approved Site plan or Building permit is considered in violation of this UDC and shall be revoked if a court of law finds the use in violation of any of the following conditions:
 - (1) The use established on site does not conform, at any time, with any or all approved permit condition(s) and or any local, state, or federal law.
 - (2) The activity authorized by the site plan commences prior to the institution of all conditions imposed by the Site plan.
 - (3) Discontinuance of the approved use for at least six consecutive months.
 - b. *Revocation procedures.* If the Director's inspection reveals noncompliance with this UDC, Site plan revocation procedures shall commence as follows:

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- (1) The Director shall, upon discovery of Site plan noncompliance, issue a written warning, granting a grace period of at least 30 calendar days. During this time, the use may be brought into compliance with the current approved Site plan for that location.
 - (2) If noncompliance persists after the conclusion of the warning grace period, the Director shall issue a written citation.
 - (3) If the citation results in a guilty verdict, the Site plan is considered revoked.
 - (4) The Director shall issue the permit holder written notification of the Site plan's official revocation.
 - (5) In the event of discontinuance or failure to commence as stipulated above, the Director will issue a written notification to the applicant. Fourteen calendar days after issuance of the Director's notification of discontinuance or failure to commence, the Director shall issue the permit holder written notification of the official revocation of the site plan.
- J. Recordkeeping. The Director shall maintain a copy of the approved Site plan and/or Building permit.

6-2-8: Certificate of Occupancy

A. Applicability

The Director shall process certificates of occupancy as provided in the Ponca City Building Code.

B. Initiation

The applicant shall not submit a certificate of occupancy application, and the Director shall not issue a certificate of occupancy, for any application until all required permits or applications are approved.

C. Completeness. See Sec. Section 13-6-1:D.2.

D. Notice and Hearings. Not applicable.

E. Decisions. See Ponca City Building Code.

F. Standards

The Director may issue the certificate of occupancy only if the application complies with all applicable provisions of the Building Code, this UDC, and any approved conditions of approval imposed on a special use permit, PUD, or plat, as applicable.

G. Subsequent Applications. Not applicable.

H. Appeals.

1. If a request to appeal is due to the denial of a certificate of occupancy because of nonconformance to the Building Code standards, refer to the Ponca City Building Code for the appropriate appeals process.
2. If a request to appeal is due to the denial of a certificate of occupancy because of nonconformance to the UDC, see Sec. 6-5-1:.

I. Scope of Approval. See Ponca City Building Code.

J. Recordkeeping

1. The Director shall maintain the approved certificate of occupancy in its files.

6-2-9: Sign Permit

- A. Applicability
 - 1. A person shall not construct, alter, or relocate any sign within the corporate limits of the City without first obtaining a permit, unless otherwise specified.
- B. Initiation
 - 1. A complete sign permit may be initiated by the owner or applicant of the subject property.
 - 2. Each sign permit requires a separate application.
- C. Completeness. See Sec. Section 13-6-1:D.2.
- D. Notice and Hearings. Not applicable
- E. Decisions
 - 1. The Director shall:
 - a. Approve the sign permit;
 - b. Deny the sign permit; or
 - c. Approve the sign permit with conditions.
- F. Standards
 - 1. A sign permit shall be issued if the proposed sign complies with all applicable provisions of this UDC and any conditions or stipulations of any applicable special use permit, or PUD. The sign permit must conform to applicable standards of the Ponca City Building Code.
- G. Subsequent Applications. Not applicable.
- H. Appeals. See Sec. 6-5-1:.
- I. Scope of Approval
 - 1. Generally
 - a. Inspections of erected signs are required, and it is the applicant's responsibility to:
 - (1) Give notice to the Director when an installation is ready for inspection;
 - (2) Ensure all work is ready for inspection before the inspection is requested; and
 - (3) Provide ready access to the premises where the requested inspection is to occur.
 - 2. Minor Alterations.
 - a. Any alteration in sign location resulting from unexpected conditions on site must be approved by the Director.
 - 3. Revocation. The Director may revoke a sign permit if:
 - a. It is issued in error; or
 - b. The sign or sign supporting structure is installed contrary to the approved plans or in violation of the UDC.
 - 4. Repairs and Maintenance.
 - a. The repair, routine maintenance, or repainting of an approved sign shall conform to the requirements in Sec. 13-4-10.
- J. Recordkeeping
 - 1. The original record of the sign permit shall be kept and maintained by the Director.

Section 13-6-3: Subdivision Procedures

6-3-1: Sketch Plat

A. Applicability

Prior to submitting an application for a Preliminary Plat, the applicant shall present a sketch plat to the Director and the Technical Review Committee. The purpose of the sketch plat is to inform the City of the proposed development and to initiate a dialogue between the applicant and the City regarding application requirements, and to find needed solutions for any potential issues with the site or the proposed development. The sketch plat will provide information about the proposed development and the site's conditions, including site layout, street design, utilities, and environmental topics such as mapped floodplains.

B. Initiation

1. The applicant shall submit a sketch plat and supporting information to the Director at least 14 days before the filing of a preliminary plat application.

C. Completeness. See Sec. Section 13-6-1:D.2.

D. Notice and Hearings. Not applicable.

E. Decisions

1. The sketch plat is a non-binding discussion between the applicant and the City to discuss application requirements and any potential issues with the site, the development, or infrastructure to serve the site. No decisions will be made by the applicant, the City staff, or elected or appointed officials.

F. Standards.

1. Applicable standards and requirements of the UDC, Building Code, and Engineering Standards will be considered when provided information on the Sketch Plat.

G. Subsequent Applications. Not applicable.

H. Appeals. Not applicable.

I. Scope of Approval. Not applicable

J. Recordkeeping

1. The Director shall keep and provide to the applicant meeting information pertaining to the application requirements and development standards.

6-3-2: Preliminary Plat

A. Applicability

1. This section applies to any application for review and consideration of a preliminary plat of a subdivision. Completion of the preliminary plat process, resulting in approval, will be considered to have an approved subdivision. The subsequent final plat approval is to verify the final lot, street, and utility easement layout.

B. Initiation

1. The property owner or agent of the property owner may submit a complete application to the Director.

C. Completeness. See Sec. Section 13-6-1:D.2.

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.f.
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director and Technical Review Committee Review

- a. The Director shall review the preliminary plat application, send the application to the Technical Review Committee for review, place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

- (1) Approve the preliminary plat, or
- (2) Approve the preliminary plat with conditions.
- (3) Deny the preliminary plat, or

2. Planning Commission Decision

- a. The Planning Commission shall consider the preliminary plat at a public hearing after a recommendation by the Director. After the conclusion of the public hearing, the Planning Commission shall act by:

- (1) Approving the preliminary plat,
- (2) Approve the preliminary plat with conditions; or
- (3) Denying the preliminary plat.

- b. Approved with conditions or disapproved.

- (1) If the preliminary plat is disapproved or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the Chair of the Planning Commission and attached to one copy of the plat and transmitted to the applicant.
- (2) Reasons for disapproval or conditional approval shall refer specifically to those parts of the comprehensive plan or specific regulations with which the plat does not conform.
- (3) On a conditional plat approval, the Planning Commission may require submission of a revised preliminary plat.
- (4) If the plat conforms to all standards, or after the applicant and Planning Commission agree upon any revision that shall be filed with the Planning Commission on a revised copy, the applicant may proceed with the layout of streets and roads, preparation of utility plans and preparation of the final plat.

F. Standards

1. The Planning Commission shall approve a preliminary plat only if it conforms to:

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- a. The Comprehensive Plan and its plans for current and future streets, alleys, parks, playgrounds, and public utility facilities;
- b. The planned extension of major thoroughfares, streets, and public highways within Ponca City, considering access to and extension of sewer and water mains and the instrumentalities of public utilities; and
- c. The rules and regulations of the UDC.

G. Subsequent Applications

1. The Subsection applies if:
 - a. The applicant withdraws an application after notice of hearing is published, or
 - b. The Planning Commission denies the preliminary plat.
2. The applicant shall not submit a new application for a preliminary plat on the same property for at least 12 months. If the preliminary plat was denied by the Planning Commission, the new application must be substantially different and fully address the requirements that caused the original disapproval.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. Approval of a preliminary plat is considered approval of the new subdivision, per 11 O.S. § 47-115. However, development on the land shall not occur until final designs for each lot, streets, and public utilities and corresponding easements and rights-of-way are approved with the final plat.
2. The preliminary plat approval is valid for 60 months from the original date of approval, and further development work will require approval of another preliminary plat.
3. If a final plat is not submitted for approval within the validation period, the preliminary plat becomes void, unless an extension is approved by the Planning Commission, as described in Sec. 6-3-2:I.4.
4. If, before the end of the validation time for the preliminary plat described above, the developer submits a written request for extension, the Planning Commission may grant an extension of up to 12 additional months.

J. Recordkeeping

1. A preliminary plat is not recorded with the County Assessor. The Director shall maintain a copy of the approved preliminary plat for purposes of inspection and final plat approval.

6-3-3: Final Plat

A. Applicability

This section applies to any application for approval of a final plat of a subdivision. The purpose of the final plat is to verify conformance with the preliminary plat, and that the final lot, street and public infrastructure, and corresponding easements and rights-of-way conform to the City regulations and standards.

B. Initiation

1. The applicant may submit a complete application to the Director.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings. Not applicable.

E. Decisions

1. Director and Technical Review Committee Review

The Director shall review the final plat application, send the application to the Technical Review Committee for review, place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

- a. Approve the final plat, or
- b. Deny the final plat.

2. Planning Commission Decision

The Planning Commission shall review and consider the final plat application after a recommendation has been made by the Director. The Planning Commission shall:

- a. Approve the final plat, or
- b. Deny the final plat.

3. City Commission Decision

- a. The City Commission shall review and consider the final plat after receiving the decision of the Planning Commission. The City Commission shall:

- (1) Approve the final plat and accept the public easements and rights-of-way, or
- (2) Deny the final plat by not accepting the public easements and rights-of-way.

- (a) If the final plat is disapproved and the rights-of-way and easements are not accepted, the reasons for the action shall be stated in writing and transmitted to the applicant.

F. Standards

1. The final plat shall conform to the standards of the UDC and applicable engineering design standards.
2. The final plat shall be in substantial conformance with the approved preliminary plat in order to be approved by the Planning Commission and to have the City Commission accept the public easements and rights-of-way. If it is determined that the final plat contains substantial changes from the approved preliminary plat, a revised preliminary plat may be required prior to further consideration. Substantial changes may include, but are not limited to, the following:
 - a. An increase in the number of lots;
 - b. An increase in overall density;
 - c. A modification to the circulation network;
 - d. A change in drainage patterns;
 - e. A change in the relationship between proposed land uses; or
 - f. A change in the general land use pattern or classification.

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3. The final plat shall conform to all conditions of approval imposed by the Planning Commission at the preliminary plat stage.
- G. Subsequent Applications. Not applicable
- H. Appeals. See Sec. 6-5-1:
- I. Scope of Approval
 1. Before recording the final plat, all rights-of-way, improvements, easements, and land dedication to public use must be accepted by the City.
 2. This approval of the final plat shall be evidenced by the signature of the Mayor and attested by the City Clerk on the face of the plat.
- J. Recordkeeping
 1. After approval of the Final Plat and all required signatures are affixed to the plat, the applicant shall provide the Director with all necessary documentation and the Final Plat to be filed. The Director shall submit the Final Plant and accompanying document to the Kay County Clerk for filing.
 2. The applicant shall provide the City with all applicable documentation to file the Final Plat within 24 months after approval by the City Commission and Planning Commission. If not filed within this time, the Final Plat approval becomes void.

6-3-4: Construction Plans

- A. Applicability
 - 1. Construction plans shall be prepared for all subdivision improvements
- B. Initiation
 - 1. Construction plans shall be submitted with the Final Plat, prepared, signed, and sealed by a professional engineer licensed to practice in the State of Oklahoma. The professional engineer may submit construction plans on behalf of the applicant.
- C. Completeness. See Sec. Section 13-6-1:D.2
- D. Notice and Hearings. Not applicable.
- E. Decisions
 - 1. The Director and the Technical Review Committee shall review the Construction Plans and shall act to:
 - a. Approve the Construction Plans; or
 - b. Deny the Construction Plans; or
 - c. Approve the Construction Plans with conditions.
- F. Standards
 - 1. Generally.
 - a. All improvements shall be designed and installed in accordance with all of the elements of the latest adopted Comprehensive Plan and shall meet the minimum requirements and standards established by the ordinances and regulations relating thereto.
 - b. All construction plans shall conform to all standards and specifications required by the UDC, the City's Code of Ordinances, the City's engineering specifications.
 - c. **ANY SPECIFIC REQUIREMENTS FOR STREETS, SEWER, WATER, OR STORMWATER**
- G. Subsequent Applications. Not Applicable
- H. Appeals. See Sec. 6-5-1:
- I. Scope of Approval
 - 1. No construction shall commence until the City Engineer and Director have approved the Construction Plans.
 - 2. All water and sanitary sewer improvements must be approved by the Oklahoma State Health Department prior to any work commencing.
- J. Recordkeeping
 - 1. After all improvements have been installed, "as-builts" plans and specifications certified and signed by a professional engineer registered in the State of Oklahoma, shall be filed with the Director prior to the acceptance by the City Commission of any improvements installed by the applicant.

6-3-5: Minor Subdivision

A. Applicability

1. The intent of the minor subdivision is to allow for an expedited review and approval of simple subdivisions through an administrative process.
2. This section applies to minor subdivisions, which include any of the following:
 - a. A subdivision containing no more than five lots.
 - b. The subdivision of land not requiring dedication of public right-of-way or easements. A subdivision that includes public street right-of-way or public easements to be dedicated to the City is processed under Sec. 6-3-2: and Sec. 6-3-3:. A minor subdivision may include the dedication of private easements.
 - c. An adjustment in the boundaries of adjoining platted lots, otherwise known as a lot-line adjustment.
 - d. A resurvey to combine two or more platted lots or tracts into one lot, otherwise known as a lot merger or consolidation.
 - e. A resurvey of platted lots or tracts containing two-family or multi-family residential structures to subdivide the dwelling units for individual ownership (i.e., townhouse plans, condominium plats).
 - f. A resurvey of platted lots or tracts containing nonresidential structures to subdivide building units for individual ownership (i.e., condominium plats).
 - g. Note: Unplatted land must complete the processes in Sec. 6-3-2: and Sec. 6-3-3:. The minor subdivision process is not applicable.

B. Initiation

1. The applicant may submit a complete application to the Director.

C. Completeness. See Sec. Section 13-6-1:D.2.

D. Notice and Hearings. Not applicable.

E. Decisions

1. Director and Technical Review Committee Decision

The Director shall review the proposed minor subdivision for completeness and conformance with these regulations and, at the discretion of the Director, send the application to the Technical Review Committee for their review. Following the review, the Director will:

- a. Approve the minor subdivision,
- b. Approve the minor subdivision with conditions, or
- c. Disapprove of the minor subdivision.

2. Requiring Additional Detailed Studies

If the Director determines that the minor subdivision requires additional detailed study, such as for stormwater, traffic, or utility services, during their review, the Director shall defer the minor subdivision to the Planning Commission as a final plat application, per Sec. 6-3-3:.

- a. The Director shall inform the applicant of this decision in writing, detailing the reason for the needed study and coordinate with the applicant for the completion of the study and scheduling the item with the Planning Commission.

3. Approved with Conditions or Disapproved

- a. If the minor subdivision is conditionally approved or disapproved, the reason(s) for that action shall be stated in writing and transmitted to the applicant.

- b. Reasons for being approved conditionally or disapproved shall refer specifically to the specific regulations or design standards or the parts of the Comprehensive Plan for which the minor subdivision does not conform.
- c. For a conditional subdivision approval, the Director may require submission of a revised minor subdivision.

F. Standards

The Director shall approve the minor subdivision application if the following criteria are satisfied.

- 1. The proposed minor subdivision conforms to the requirements of these Subdivision Regulations, the applicable zoning district regulations and any other applicable provisions of the Code of Ordinances, subject only to acceptable rule exceptions.
- 2. The proposed development associated with the minor subdivision is consistent with the Engineering Design Standards, good traffic engineering design, and public safety considerations.
- 3. The proposed minor subdivision conforms to any existing, unexpired, and valid conditions of rezoning, special use permit, or site development plan approval.
- 4. All submission requirements are satisfied.

G. Subsequent Applications

- 1. When a minor subdivision application is denied, the same application for the same property shall not be resubmitted for a period of 12 months from the date of withdrawal or denial.
- 2. A new minor subdivision showing major modifications and/or revisions to the denied application may be submitted at any time.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

- 1. The acceptance of a minor subdivision shall not be construed as a waiver of the requirements of this code, nor the provisions of any other applicable engineering standards, ordinance or statute pertaining to the property.
- 2. Any tract of land shall not be re-subdivided, unless it follows the final plat process, per Sec. 6-3-5:.
- 3. *Application for Building Permit.* No building permits may be issued until proof of the recording of the approved minor subdivision has been presented to the appropriate City department.

J. Recordkeeping

- 1. After approval of the minor subdivision and all required signatures are affixed to the document, the applicant shall provide the Director with all necessary documentation and the minor subdivision to be filed. The Director shall submit the minor subdivision and accompanying document to the Kay County Clerk for filing.
- 2. The applicant shall provide the City with all applicable documentation to file the minor subdivision within 24 months after approval by the City. If not filed within this time, the minor subdivision approval becomes void.

6-3-6: Plat Vacation

A. Applicability

1. When the property owner determines that an approved final plat is no longer needed or appropriate for the intended development, an application to vacate the final plats may be submitted. This process will revert the land to an unplatted parcel.
2. The property owner of platted land may request to have a subdivision vacated in whole or in part, following these procedures.
3. The ownership of the subdivision or part of the subdivision must be under one ownership.
4. Any easements or rights-of-way previously dedicated and accepted by the City may be retained at the discretion of the City Commission through this process.
5. Vacation of both recorded and unrecorded plats shall follow the procedures described in this section.

B. Initiation

1. Unrecorded Plats
 - a. The owner of any plat may apply to nullify or void an approved final plat at any point prior to recording the approved final plat by providing a written statement detailing the reason for vacation to the Director. The submitted documentation will be attached to said final plat.
2. Recorded Plats
 - a. The owner of any final plat that has been approved and recorded with the County Clerk may request that the City Commission vacate the subdivision, in whole or in part, nullifying or voiding the subdivision in accordance with State Statutes. The owner will provide a written statement detailing the reason for the Director's decision. The submitted documentation will be attached to the final plat.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings.

1. Noticing shall comply with Sec. Section 13-6-1:E.2.f.
2. A public hearing by the Planning Commission and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director and Technical Review Committee Review

The Director shall review the recorded plat vacation application and distribute it to the Technical Review Committee for review. Upon completion of the review, the Director shall place the application on the next City Commission agenda and shall provide a recommendation to the City Commission to:

 - a. Approve the plat vacation, or
 - b. Deny the plat vacation.
2. Planning Commission

The Planning Commission shall review the plat vacation at a public hearing after a recommendation by the Director. After the conclusion of the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

 - a. Approve the plat vacation, or
 - b. Deny the plat vacation.
3. City Commission Decision

The City Commission shall consider the plat vacation at a public hearing after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Commission shall by ordinance:

- a. Approve the plat vacation, or
- b. Deny the plat vacation.

F. Standards

- 1. The need for all dedicated public easements and rights-of-way shall be reviewed. Easements and rights-of-way that should be retained shall be detailed in the City Commission's approving ordinance.
- 2. For unrecorded plats, the retention of the needed easements and/or rights-of-way shall be completed by filing separate dedication ordinances with the County Clerk prior to the plat vacation ordinance being filed with the County.
- 3. Recorded Plats

A recorded plat vacation may be approved only if all of the following criteria are satisfied:

- a. No lots within the plat or portion thereof to be vacated have been sold or transferred in ownership; or
- b. If any lots within the originally approved plat have been sold or transferred, the proposed vacation:
 - (1) Does not result in the creation of landlocked parcels or impair legal access to any property;
 - (2) Does not adversely affect public or private easements or utility services; and
 - (3) Is accompanied by the written consent of all current owners of the affected lots, submitted with the application for plat vacation.
- c. The proposed vacation complies with the requirements of 11 O.S. § 42-101 et seq., as amended, and shall not impair vested rights, public dedications, or legal access.

4. Partial Plat Vacations

A recorded partial plat vacation may be approved only if all of the following criteria are satisfied:

- a. The proposed partial vacation is permitted in accordance with the provisions of 11 O.S. § 42-106, as amended; and
- b. The proposed partial vacation complies with all applicable procedures and conditions of 11 O.S. § 42-106, including protection of public and private rights, preservation of easements, and maintenance of legal access to all affected properties.

G. Subsequent Applications. Not applicable

H. Appeals

If the applicant seeks to vacate a recorded plat and the request does not satisfy the provisions of Sec. 6-3-6:F.3, the vacation shall require the approval by a court of competent jurisdiction in the county in which the property is located. In such cases, the applicant shall comply with all applicable provisions of 11 O.S. § 42-101 et seq., as amended, and with all procedural requirements established by the District Court.

I. Scope of Approval

An approved plat vacation shall remain valid for a period of 12 months from the date of City Commission approval.

J. Recordkeeping

Upon recordation of the approved vacation instrument with the County Clerk, the vacation shall take effect and shall nullify the approval of the plat, thereby extinguishing all public rights in streets, alleys, public grounds, and any dedications or easements described or depicted in the vacated plat.

6-3-7: Vacation of Street or Alley Right-of-Way or Easement

A. Applicability

This section applies to all requests involving the vacation of public street or alley rights-of-way, or easements.

B. Initiation

1. Property Owners

The request to vacate public right-of-way or easement may be initiated by one or more property owners with an easement located on their property, or who are adjacent to a public right-of-way. Such requests shall be subject to review and approval in accordance with City procedures and 11 O.S. § 42-106, as amended.

2. City Commission

The City Commission may initiate a public right-of-way or easement vacation upon a determination that the proposed vacation does not conflict with the public interest and will not adversely affect public health, safety, or welfare. City-initiated vacation shall comply with the procedural requirements of 11 O.S. § 42-106, as amended.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.f.

2. A public hearing by the City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the right-of-way or easement vacation request and distribute it to the Technical Review Committee. Upon completion of the review, the Director shall provide a recommendation to the City Commission to:

- a. Approve the vacation request, or
- b. Deny the vacation request.

2. City Commission Hearing and Decision

The City Commission shall conduct a public hearing to review the Director's recommendation and evaluate the proposed public right-of-way or easement vacation with respect to its impact on public health, safety, welfare, and the interests of adjacent property owners, utility providers, and the general public. Following consideration of all relevant information, the City Commission shall, by ordinance, in whole or in part:

- a. Approve the proposed public right-of-way or easement vacation,
- b. Deny the proposed public right-of-way or easement vacation, or
- c. Approve the proposed public right-of-way or easement vacation with conditions or modifications.

F. Standards

1. The City Commission shall not approve a public right-of-way or easement vacation request unless it finds that all of the following criteria are satisfied:

- a. The proposed vacation is not contrary to the public interest, including considerations of public health, safety, and welfare;

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- b. Adequate and lawful access is maintained for all adjacent properties, existing parcels, and existing utilities; and
 - c. Any potential environmental or drainage impacts associated with the vacation have been appropriately assessed and mitigated.
- 2. If any active or inactive utility infrastructure is located within the right-of-way proposed for vacation, the City shall require the dedication of a utility easement in lieu of the right-of-way or the relocation of affected utility facilities, subject to review and approval by the affected utility provider(s).
- G. Subsequent Applications. Not applicable
- H. Appeals. Not applicable.
- I. Scope of Approval
 - 1. Division of Abandoned Right-of-Way

Unless otherwise provided by law, ordinance, or recorded instrument, title to the vacated right-of-way shall revert in equal portions to the owners of adjacent properties. Such reversion shall be effectuated by a separate instrument of conveyance or by operation of law. The Director shall review the original plat dedicating the right-of-way, any existing access conditions, and the written preferences of adjacent property owners to determine the appropriate method and extent of reversion.
- J. Recordkeeping

The City Clerk shall record the ordinance of public right-of-way or easement vacation with the County Clerk within 100 days following City Commission approval.

6-3-8: Subdivision Waiver

A. Applicability

The Planning Commission may, in specific cases and upon a finding of good cause, authorize a waiver from one or more requirements of Sec. Chapter 5: and Sec. **Error! Reference source not found.** of this UDC when strict application of such requirements would create an undue hardship or would be inconsistent with the purposes and intent of these regulations.

B. Initiation

The applicant shall submit a complete subdivision waiver application to the Director.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings. Not applicable.

E. Decisions

1. Director Review

The Director shall review the subdivision waiver application and distribute it to the Technical Review Committee. Upon completion of the review, the Director shall provide a recommendation to the Planning Commission to:

- a. Approve the waiver, or
- b. Deny the waiver.

2. Planning Commission Decision

- a. The Planning Commission shall evaluate the proposed subdivision waiver with respect to its potential impact on the character of the surrounding area, traffic congestion, public utility infrastructure, and any other factors relevant to the public health, safety, and welfare. Following this review, the Planning Commission shall, in whole or in part:
 - (1) Approve the subdivision waiver as requested, or
 - (2) Deny the subdivision waiver.

F. Standards

The Planning Commission shall approve a subdivision waiver only if it finds that all the following criteria are satisfied:

1. The waiver is not contrary to the public interest, including considerations of public health, safety, and welfare;
2. Owing to the unique size, shape, topography, or other physical characteristics of the property, strict application of the applicable provisions of this UDC would result in unnecessary hardship that is not self-imposed or of a purely financial nature; and
3. The intent and purpose of the provision to be waived is preserved, and the waiver will result in substantial justice and equitable treatment for the applicant and surrounding property owners.

G. Subsequent Applications

If a subdivision waiver is denied by the Planning Commission, an identical or substantially similar waiver for the same property shall not be resubmitted for a period of 12 months from the date of denial.

H. Appeals. Not applicable.

I. Scope of Approval

Following a final decision on the subdivision waiver, the applicant or any party of interest may submit subsequent plat applications, permit applications, commence construction, or establish a land use consistent with the terms and conditions of the approved waiver.

J. Recordkeeping

The Director shall maintain a complete administrative record for each subdivision waiver application, including the final decision of the Planning Commission issued pursuant to this Section.

Section 13-6-4: Historic Preservation Procedures

6-4-1: Historic District Designation

A. Applicability

This section applies to the changing of the historic designation or historic district boundaries on the Zoning Map for properties within the City.

B. Initiation

A historic designation may be initiated by submitting a complete application to the Director from:

1. City Commission;
2. Planning Commission;
3. Historic Preservation Advisory Panel; or
4. Request by the owner or agent of the owner of the property to be designated.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.3
2. A public hearing by the Historic Preservation Advisory Panel, Planning Commission, and City Commission is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the proposed historic designation and shall provide a recommendation to the Historic Preservation Advisory Panel to:

- a. Approve the historic designation; or
- b. Deny the historic designation.

2. Historic Preservation Advisory Panel Recommendation

The Historic Preservation Advisory Panel shall conduct a public hearing on the historic designation. Following the public hearing, the Historic Preservation Advisory Panel shall submit its recommendation to the Planning Commission to:

- a. Approve the historic designation; or
- b. Deny the historic designation.

3. Planning Commission Recommendation

The Planning Commission shall consider the historic designation at a public hearing after a recommendation has been provided by the Historic Preservation Advisory Panel. Following the public hearing, the Planning Commission shall submit its recommendation to the City Commission to:

- a. Approve the historic designation; or
- b. Deny the historic designation.

4. City Commission Decision

The City Commission shall consider the historic designation at a public hearing after a recommendation has been provided by the Planning Commission. After the conclusion of the public hearing, the City Commission shall act and by ordinance:

- a. Approve the historic designation; or
- b. Deny the historic designation.

F. Standards

1. The HPAP shall review the application for the following criteria:

a. Historical, cultural category:

- (1) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the locality, State, or nation; or is associated with the life of a personality significant to the past;
- (2) Is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the locality, State, or nation;
- (3) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

b. Architectural, engineering category:

- (1) Portrays the environment in an era of history characterized by a distinctive architectural style;
- (2) Embodies those distinguishing characteristics of an architectural type engineering specimen;
- (3) Is the work of a designer or architect or contractor whose individual work has influenced the development of the community or of this nation;
- (4) Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past;
- (5) Is a part of or related to a square, park or other distinctive area and thus should be developed and preserved according to a plan based upon a historical, cultural, or architectural motif;
- (6) Represents an established and familiar visual feature of the neighborhood, community, or skyline owing to its unique location or singular physical characteristic.

c. Archeological category:

- (1) Has yielded, or is likely to yield, information important to history or prehistory based upon physical evidence;
- (2) Is part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motifs.

2. If the HPAP finds that the application meets any of the above criteria, they may recommend approval.

3. Expansion of an Existing Historic District

Parcels may be added to an existing Historic District, provided the following criteria are in place:

- a. The parcels have been identified as being eligible for Historic District designation by an appropriate Intensive Level Historic Survey meeting standards of the Oklahoma State Historic Preservation Office and U.S. Department of the Interior, National Park Service.
- b. The parcels are contiguous with an existing district.
- c. The parcels include at least one whole block, both sides of the street.
- d. After these criteria are met, the procedure for expanding a district is the same as Sec. 6-4-1:.

G. Subsequent Applications

- 1. Historic District designations may be amended or repealed in the same manner and according to the same procedure as provided for in 6-4-1: Historic District Designation.**

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

The approval of a historic designation does not authorize the development of land. A historic designation allows any potential applicant who owns property within the district to apply for a certificate of appropriateness, in the case of uses permitted as of right, or a special use permit, in the case of uses designated as special uses within the applicable zoning district.

J. Recordkeeping

If the historic designation involves changes to the existing zoning district boundaries, the form of the amendment ordinance shall contain a narrative description of the land to be reclassified or a reference to a legal description of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

6-4-2: Certificates of Appropriateness (COA)

A. Applicability

1. This section applies to requests for building permits for designated historic structures, existing buildings, or new buildings within any area designated as a historic district.
2. A certificate of appropriateness (COA) shall be required in the following instances before the commencement of work upon any structure or site located within a Historic District:
 - a. Any alteration, construction, and additions to an existing property in a designated district or designated historic resource;
 - b. The removal or additions of any architectural elements of a building located within a designated district or designated historic resource;
 - c. Painting exterior surfaces for the first time;
 - d. Repair of windows, doors, roofs, and porches if a change of material is required or if replacement is required;
 - e. New construction of buildings (including outbuildings), additions or extensive renovation or repair of existing buildings;
 - f. Demolition, relocation, or mothballing of an existing property;
 - g. Any modifications to the streetscape or landscape. These include, but are not limited to, building setbacks and façade alignment, and fences;
 - h. Whenever such work includes the construction or enlargement of a driveway or parking area; or
 - i. When it is otherwise required by the Director, because of the nature of the proposed alteration of the property.
3. No building permit shall be issued by the City for any structure or site located within the Historic District until the application for such permit has been reviewed by the Historic Preservation Advisory Panel (HPAP) and a certificate of appropriateness has been approved by the Historic Preservation Advisory Panel.

B. Initiation

A certificate of appropriateness may be initiated by submitting a complete application to the Director from:

1. Request by the owner or agent of the owner of the property to be changed.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.3

E. Decisions

Section 13-6-4: | 6-4-2: Certificates of Appropriateness (COA)

1. Director Review

The Director shall review the proposed request and shall provide a recommendation to the Historic Preservation Advisory Panel (HPAP) to:

- a. Approve the COA;
- b. Approve the COA with modifications; or
- c. Deny the COA.

2. Historic Preservation Advisory Panel Decision

The HPAP shall consider the certificate of appropriateness at a public hearing. After the conclusion of the public hearing, the HPAP shall act and:

- a. Approve the COA;
- b. Approve the COA with modifications; or
- c. Deny the COA.

F. Standards

1. Alteration and restoration, except ordinary maintenance and repair as defined by the Historic Residential Design Guidelines, and work requiring a building permit.

- a. Highest priority should go to the preservation and restoration of historically and architecturally significant structures and sites that express the unique characteristics of the periods in which they were built. The HPAP shall review the application for the following criteria:

(1) *Historic Preservation Plan*. The HPAP shall consider the goals and objectives outlined within the *Historic Preservation Plan*, as amended, and the degree to which the request supports or inhibits these goals and objectives.

(2) *Secretary of the Interior standards*. The HPAP shall utilize the criteria in the most recent version "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

(3) The general standards are as follows:

- (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (b) The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of

features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
 - (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (4) In addition to the above-mentioned criteria, the historic preservation advisory panel shall use specific design review guidelines, which shall be prepared by the panel to outline the evaluation criteria used in assessing the appropriateness of proposed project work within the designated historic districts. These design review guidelines shall be prepared and amended by the historic preservation advisory panel as part of the regular duties of the panel and shall be adopted by the panel prior to their application in the review process.

2. Reviewing non-contributing structures.

A COA for a proposed project to a non-contributing property within the historic district will generally be reviewed with the same standards in Sec. 6-4-2:F.1 to the degree necessary to make them compatible with the general atmosphere of any district with regard to exterior alteration, additions, signs, site work and related activities.

3. Exceptions

A certificate of appropriateness shall not be required under the following conditions:

- a. *No exterior changes.* No COA is required for any work affecting the exterior of a structure that does not alter the character of the exterior appearance of the resource; or for any work for which a building permit or any other City permit or certificate is not required, for any work where the purpose of such work is stabilization and/or ordinary maintenance and repair. The painting or repainting of any structure shall be considered ordinary maintenance and repair if the color is permissible by the Historic Preservation Plan.
- b. *Meets all requirements for ordinary maintenance and repair* (See Sec. 10-2-5:). Any work not satisfying all of the requirements for ordinary maintenance and repair shall not be considered ordinary maintenance and repair. The construction or enlargement of a driveway or parking area shall not be considered ordinary maintenance and repair.
- c. *Interior changes only.* Any work affecting the interior of a structure for which a building permit or any other City permit or certificate is required, but which does not alter the exterior appearance of the structure, does not require a certificate of appropriateness.

G. Subsequent Applications

1. This Subsection applies if:

- a. The applicant withdraws an application after notice of hearing is published, or

- b. The HPAP denies a COA application.
- 2. If the above requirements apply, there is no time limit placed on the applicant to submit a COA application for the same request on the same property. A new application may be submitted only if substantive change is made to the original plans for the proposed work.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

The approval of a certificate of appropriateness does not authorize the development of land. A certificate of appropriateness allows the applicant to apply for a building permit or site plan, in the case of uses permitted as of right, or a special use permit, in the case of uses designated as special uses within the applicable zoning district.

- 1. A certificate of appropriateness issued by the Historic Preservation Advisory Panel shall become null and void if construction, reconstruction, alteration, restoration, moving or demolition has not commenced within 12 months of the date of issuance or if a building permit has not been issued within 12 months.

J. Recordkeeping

Upon the issuance or denial of a certificate of appropriateness, the Director shall transmit a letter to the Building Official stating that a certificate of appropriateness has been approved and issued for the property or denied. The Director shall maintain the approved certificate of appropriateness or denial in their files.

6-4-3: Demolitions

A. Applicability

- 1. This section applies to requests for demolition permits for designated historic structures within any area designated as a historic district.
- 2. A certificate of demolition (COD) shall be required in the following instances before the commencement of work upon any structure or site located within a Historic District:
 - a. Whenever such work includes moving, removal, demolition, or reconstruction, except when such work satisfies all the requirements for ordinary maintenance and repair, as defined in Sec. 10-2-5:.
 - b. Whenever such work requires a demolition permit issued by the City.
- 3. No structure or resource within any Historic District shall be demolished and/or removed unless such demolition has been reviewed by the HPAP and a certificate of appropriateness for such demolition and/or removal has been granted.

B. Initiation

A certificate of demolition may be initiated by submitting a complete application to the Director from:

- 1. Request by the owner or agent of the owner of the property to be changed.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

- 1. Noticing shall comply with Sec. Section 13-6-1:E.3

E. Decisions

- 1. Director Review

The Director shall review the proposed request and shall provide a recommendation to the Historic Preservation Advisory Panel (HPAP) to:

Section 13-6-4: Historic Preservation Procedures | 6-4-3:

- a. Approve the COD; or
- b. Deny the COD.

2. Historic Preservation Advisory Panel Decision

The HPAP shall consider the certificate of demolition at a public hearing. After the conclusion of the public hearing, the HPAP shall act and:

- a. Approve the COD;
- b. Postpone the COD for up to 90 days; or
- c. Deny the COD.

F. Standards

1. Moving, removal, demolition, or reconstruction of structures.

The HPAP shall be guided by the following criteria:

- a. The historic, architectural, or cultural significance of the specific building or property will be considered, including, without limitation:
 - (1) The consideration of the age of the structure or property;
 - (2) Whether, and to what extent, the building or structure is associated with a historic person, architect, master craftsman, or with a historic event;
 - (3) Whether the building or structure is of such old or distinctive design, texture, or material that it could not be reproduced, or could be reproduced only with great difficulty; and
 - (4) The consideration of the degree to which distinguishing characteristics, qualities, features, or materials remain on the historic building.
- b. Whether, and to what extent, an existing building is linked, historically or aesthetically, to other buildings or structures within the existing historic district or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.
- c. The building's overall condition and structural integrity, as determined by a qualified professional engineer or architect, will be taken into consideration.
- d. Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the building or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.
- e. The overall outcome of the loss of the building will be considered, and the loss of the building shall not adversely affect the district or the public interest by virtue of its uniqueness or its significance.
- f. Whether or not a relocation of the building would be a practical and preferable alternative to demolition will be taken into consideration.
- g. Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of a historic district shall be considered.
- h. The HPAP will consider the reason for demolishing the building and whether or not alternatives exist.
- i. Any property considered for demolition, the HPAP will determine whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the building and whether or not the finding supports the proposed demolition.

- j. The following criteria will also be considered for historic commercial structures, particularly for structures in the Downtown District:
 - (1) The alternatives available to the demolition applicant, including:
 - (2) Donation of the subject structure or site to a public or benevolent agency.
 - (3) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of historical easements.
 - (4) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
 - (5) The potential of such a structure or site for renovation and its potential for continuing the same.
 - (6) The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure.
 - (7) The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided, however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.

2. Reviewing non-contributing structures.

A COD for demolition of a structure on a non-contributing property within the historic district will generally be reviewed with the same standards in Sec. 6-4-3:F.

G. Subsequent Applications

1. Withdrawal or denial.

- a. This section applies if:
 - (1) The applicant withdraws an application after notice of hearing is published, or
 - (2) The HPAP denies a COD application.
- b. If the above requirements apply, the applicant shall not submit a demolition application for the same property for at least 12 months . A new application may be submitted only if substantive change is made to the original plans for the proposed work.
- c. The above waiting period begins with the date of the HPAP's denial of the prior application.

2. Postponement.

- a. This section applies if:
 - (1) The HPAP postpones a COD for up to 90 days.
- b. At the conclusion of such postponement, the HPAP shall hold a second public hearing to consider whether or not to recommend additional postponement to the City Commission within 45 days.
- c. In the event the HPAP recommends additional postponement, the City Commission shall hold a public hearing for the purpose of considering additional postponement of demolition.
- d. After such public hearing, the City Commission may enter an order approving the demolition or may enter an order postponing demolition for an additional period not to exceed 60 days from the date of such order.
- e. At the conclusion of this final postponement period, the City Commission shall hold a public hearing and may either approve the requested demolition or disapprove such requested demolition. In the event demolition is not approved, no demolition shall occur and the applicant shall not submit a demolition application for the same property for at least 12 months.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

The approval of a certificate of demolition does not authorize the development of land. A certificate of demolition allows the applicant to apply for a building permit or site plan, in the case of uses permitted as of right, or a special use permit, in the case of uses designated as special uses within the applicable zoning district.

1. A certificate of appropriateness issued by the Historic Preservation Advisory Panel shall become null and void if construction, moving, or demolition has not commenced within 12 months.

J. Recordkeeping

Upon the issuance of a certificate of demolition, the Director shall transmit a letter to the Building Official stating that a certificate of demolition has been approved and issued for the property. The Director shall maintain the approved certificate of demolition in their files.

6-4-4: Certificate of Economic Hardship

A. Applicability

1. This section applies to requests for a certificate of economic hardship for property owners who have been denied a certificate of appropriateness for any work specified in Sec. Section 13-6-4:.

B. Initiation

A historic designation may be initiated by submitting a complete application to the Director from:

1. Request by the owner or agent of the owner of the property to be changed.

C. Completeness. See Sec. Section 13-6-1:E.3

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.2.c.

E. Decisions

1. Director Review

The Director shall review the proposed request and shall provide a recommendation to the Historic Preservation Advisory Panel (HPAP) to:

- a. Approve the certificate of economic hardship;
- b. Deny the certificate of economic hardship.

2. Historic Preservation Advisory Panel Decision

The HPAP shall consider the certificate of economic hardship at a public hearing. After the conclusion of the public hearing, the HPAP shall act and:

- a. Approve the certificate of economic hardship; or
- b. Deny the certificate of economic hardship.

F. Standards

1. The HPAP may require that the applicant for a certificate of economic hardship make submissions concerning any or all the following information before it makes a determination on the application:
 - a. An estimate of the cost of the proposed construction, alteration, demolition or removal and estimate of any additional cost that would be incurred to comply with recommendations of the preservation panel for changes necessary for the issuance of a certificate of appropriateness.

Section 13-6-4: | 6-4-4: Certificate of Economic Hardship

- b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure on the property and the suitability for rehabilitation.
 - c. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the preservation commission and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or application and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - f. If the property is income producing, the annual gross income from the property for the previous 24 months; itemized operating and maintenance expenses for the previous 24 months; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous months.
 - h. All appraisals obtained within the previous 24 months by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous 24 months.
 - j. Assessed values of the property according to the two most recent assessments.
2. The HPAP shall make a determination whether the denial of a certificate appropriateness has deprived, or will deprive, the owner of the property of reasonable uses of, or economic return on, the property.

G. Subsequent Applications

If a certificate of economic hardship is denied by the Historic Preservation Advisory Panel, an identical or substantially similar certificate for the same property shall not be resubmitted for a period of 12 months from the date of denial.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

- 1. If the panel disapproves a certificate of economic hardship, the applicant shall proceed with work only when issued a certificate of appropriateness as provided in this section.

J. Recordkeeping

The Director shall maintain a complete administrative record for each certificate of economic hardship, including the final decision of the Historic Preservation Advisory Panel issued pursuant to this Section.

Section 13-6-5: Relief Procedures

6-5-1: Appeals

A. Applicability

1. Any aggrieved party with standing may seek judicial review in the applicable district court.
2. The appeal of an alleged error in any order, requirement, decision, or determination made by a building official in the application or enforcement of the adopted building code shall be appealed to the Construction Appeals Board, as required by the City's Code of Ordinance.

B. Appeals to the Board of Adjustment

1. Appeals may be taken to the Board of Adjustment where it is alleged that an error exists in any order, requirement, decision, or determination made by an administrative official in the enforcement of this UDC.
2. Initiation
 - a. An appeal shall be initiated by submitting to the City a written notice of appeal specifying the grounds for the appeal and paying the required filing fee established in the City fee schedule within seven days of the date of the administrative decision. Day one begins on the first day following the final decision.
3. Completeness.
 - a. See Sec. Section 13-6-1:D.2.
 - b. The office or department from which the appeal is taken shall transmit to the Board of Adjustment all papers constituting the record of the action appealed.
4. Notice and Hearings
 - a. Noticing shall comply with Sec. Section 13-6-1:E.3.
 - b. A public hearing by the Board of Adjustments is required and shall comply with Sec. Section 13-6-1:G.
5. Decisions
 - a. The Board of Adjustment shall conduct a public hearing to consider the appeal. After the hearing is closed, the Board of Adjustment shall make written findings of its decisions.
 - b. The Board of Adjustment may, in whole or in part:
 - (1) Approve the appeal,
 - (2) Approve the appeal, with conditions, or
 - (3) Deny the appeal.
6. Standards

The standards used by the Board of Adjustment in their decision may include such order or determination as, in their opinion, is proper to be made given the facts of the appeal and their findings. Generally, the decision must determine whether or not the appeal is the result of an incorrect interpretation of this Chapter.
7. Subsequent Applications. Not applicable.
8. Appeal

- a. An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment shall be made to the District Court, per the procedures in Sec. 13-7-05-01.C.
- b. The aggrieved party shall follow the appropriate procedures of the District Court to file the appeal.

9. Scope of Approval

- a. Filing an appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a the appropriate court.
- b. The Board of Adjustment may affirm or reverse, in whole or in part, or may modify the final action from which the applicant has appealed. To that end, the Board of Adjustment has all the powers of the original administrative official and may attach appropriate conditions and may direct the issuance of a subsequent

10. Recordkeeping

The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

C. Appeals to the District Court

1. An appeal from any decision, ruling, judgment, or order of the City Commission, Planning Commission, or Board of Adjustment may be taken by any person aggrieved, or any officer, department, board, or bureau of the City to the District Court in Kay County.
2. The appeal shall be filed within 10 days after the City Commission, Planning Commission, or Board of Adjustment's final decision by filing notice of appeal with both the City and the Director. Day one begins on the first day following the final decision. The notice shall specify the grounds for the appeal.
3. Upon filing the notice of appeal, the City and applicable decision body shall promptly transmit to the Court Clerk the original or certified copies of all papers constituting the record in the case, together with the decision body's order or decision.
4. The appeal shall be heard following the established procedures of the District Court.
5. During an appeal to the District Court, the effectiveness of the Approval Authority's decision shall not be suspended unless a party applies to the District Court for a stay pending determination of the appeal.
6. If the Court imposes a stay, it shall require a bond or other security within 10 business days of its order, except that the City shall not be required to post a bond. Subject to 12 O.S. § 990.3(A), a stay shall automatically dissolve after the District Court files a final judgment or order resolving the appeal. Stays in appeals from the Board of Adjustment shall be governed exclusively by this Section.
7. The District Court may reverse, affirm, or modify the decision appealed. Costs shall not be assessed against the City unless the Court finds that the City acted with gross negligence, bad faith, or malice. An appeal shall lie from the District Court's judgment as in other civil actions.

6-5-2: Administrative Adjustment

A. Applicability

1. The Director has authority to make administrative adjustments pertaining to the standards in Sec. Chapter 4: of this UDC.
2. Administrative adjustment types.
 - a. Administrative adjustments may include the following reductions or increases by 10%:
 - (1) The number of required parking spaces;
 - (2) Setbacks;
 - (3) Building height;
 - (4) The amount of required loading;
 - (5) Screening and fencing applicability;
 - (6) Outdoor light fixture height;
 - (7) Sign size and location;
 - (8) Nonresidential, mixed-use, and downtown design standards;
 - (9) Required landscaping; or
 - (10) The unobstructed approach path requirement for refuse facilities;

B. Initiation

1. A request for an administrative adjustment shall be submitted to the Director on a form established by the Director and made available to the public.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings. Not applicable.

E. Decisions

1. The Director shall review the administrative adjustment and shall act to:
 - a. Approve the administrative adjustment;
 - b. Approve the administrative adjustment with conditions; or
 - c. Deny the administrative adjustment; Approve the administrative adjustment with conditions.

F. Standards

1. The Director shall not approve an administrative adjustment if the proposed development will:
 - a. Adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area, given the existing zoning, existing land uses, and proposed land uses in the area;
 - b. Create more adverse impacts on existing uses in surrounding areas than that reasonably might result from development of the site in strict compliance with the adjusted standard;
 - c. Be incompatible with existing or permitted uses on adjacent properties, in terms of adjusted building height, setbacks, landscaping, screening, or parking features; or
 - d. Be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Director.
2. The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

G. Subsequent Applications. Not applicable.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. After an administrative adjustment is approved, the Director may apply the approval to a pending site plan review. Once the administrative adjustment and the site plan is approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of an administrative adjustment and site plan approval.

J. Recordkeeping

1. The Director shall maintain a copy of the approved administrative adjustment.

6-5-3: Variance

A. Applicability

1. The Board of Adjustment may authorize a dimensional or numerical variance from the terms of this of **Sec. Chapter 2:, Sec. 0, Sec. 13-3-03, Sec. 13-3-04, Sec. 13-4, and Sec. 13-8.**
2. The Board of Adjustment shall not authorize a variance of a use.

B. Initiation

A variance may be initiated by submitting a complete application to the Director from the owner or agent of the owner of the property where the variance will occur.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. Section 13-6-1:E.3.
2. A public hearing by the Board of Adjustment is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the variance request and shall provide a recommendation to the Board of Adjustment to:

- a. Approve the variance;
- b. Approve the variance with conditions of approval; or
- c. Deny the variance.

2. Board of Adjustment Decision

The Board of Adjustment shall consider the variance request at a public hearing after a recommendation has been provided by the Director. After the conclusion of the public hearing, the Board of Adjustment shall act and by ordinance:

- a. Approve the variance;
- b. Approve the variance with conditions of approval; or
- c. Deny the variance.

F. Standards

1. The Board of Adjustment shall not approve a variance unless it finds that:
 - a. The application of this Chapter to the subject property would create an unnecessary hardship,
 - b. Such conditions are unique to the subject property involved,
 - c. If granted, the variance would not cause substantial detriment to the public good, or impair the purposes and intent of this Chapter or the Comprehensive Plan, and
 - d. If granted, the variance would be the minimum necessary to alleviate the unnecessary hardship.

G. Subsequent Applications. Not applicable.

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
2. The following shall apply to all variances granted by the Board of Adjustment, unless a more restrictive

condition is provided for elsewhere in this chapter:

- a. No use or structure associated with an approved variance shall be commenced or maintained upon a lot or parcel except in accordance with the approved site plan.
- b. All grants of a variance shall expire in the following cases:
 - (1) If the use or structure associated with the variance is not established within 12 months of the date of approval, or
 - (2) If the use, once established, is discontinued or abandoned for a period of 90 days or greater.
- c. When the applicant determines that an extension of time or modification of the site plan or other requirements is necessary, they shall apply for an amendment, which shall be processed in the same manner as an original application.
- d. In the event the holder of a variance, as provided for herein, fails to comply with all of the terms and conditions of the Board of Adjustment order or this chapter, the holder thereof shall be subject to the requirements in Chapter 8:.

J. Recordkeeping

The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

6-5-4: Variance of Airport Height Overlay Standards

A. Applicability

1. The Board of Adjustment may authorize a dimensional variance of the proposed height of a structure or improvements, or to permit the growth of a tree that does not conform to Sec. 2-4-2: for property within the Airport Height Overlay District.
2. The application for a variance from Airport Height Overlay District standards 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.

B. Initiation

A variance of the Airport Height Overlay District may be initiated by submitting a complete application to the Director from the owner or agent of the owner of the property where the variance will occur.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. 13-7-01:E.4.
2. The Ponca City Regional Airport Manager and the Federal Aviation Authority (FAA) shall also be formally notified of the application and the scheduled public hearing, as applicable.
3. A public hearing by the Board of Adjustment is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the variance request and shall provide a recommendation to the Board of Adjustment to:

- a. Approve the variance;
- b. Approve the variance with conditions of approval; or
- c. Deny the variance.

2. Board of Adjustment Decision

The Board of Adjustment shall consider the variance request at a public hearing after a recommendation has been provided by the Director. After the conclusion of the public hearing, the Board of Adjustment shall act and by ordinance:

- a. Approve the variance;
- b. Approve the variance with conditions of approval; or
- c. Deny the variance.

F. Standards

1. The Board of Adjustment shall not approve a variance from Airport Height Overlay District standards unless it finds that:
 - a. The literal application or enforcement of the regulations will result in unnecessary hardship to the applicant.
 - b. Approving the variance will not be contrary to the public interest, health, safety or general welfare.
 - c. Approving the variance will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.

G. Subsequent Applications. Not applicable.

Section 13-6-5: | 6-5-4: Variance of Airport Height Overlay Standards

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. No application for variance to the requirements of the Airport Height Overlay District standards may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Ponce City Regional Airport Manager and the FAA for advice as to the aeronautical effects of the variance. If the Airport Manager and the FAA do not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
2. After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
3. Obstruction Marking and Lighting:
 - a. The Board of Adjustment may condition the approval, if appropriate and reasonable to meet the purpose of the Airport Height Overlay District, to require the owner of the structure, improvement, or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.
 - b. If deemed proper by the Board of Adjustment, a condition of approval may be made to require the owner to permit the City of Ponca City, at the owner's expense, to install, operate, and maintain the necessary markings and lights.

J. Recordkeeping

1. The Director shall maintain a copy of the order of the Board of Adjustment pursuant to this Section.
2. The Director shall send a copy of the order of the Board of Adjustment to both the Ponca City Regional Airport Manager and the FAA for their records.

6-5-5: Special Exception

A. Applicability

1. The Board of Adjustment may authorize an individual special exception (as defined in **CROSS REFERENCE**) from the terms of this Chapter.
 - a. The location of ingress and egress to a contractor's office or equipment shed on a construction site;
 - b. The extension of time that a contractor's office or equipment shed is allowed on a construction site;
 - c. The extension of time that a real estate office for activities incidental to the marketing of properties in a subdivision in which the office is located is allowed at the subdivision;
 - d. The conversion of existing residential structures to a nonresidential use that is permitted or a conditional use, as described in Chapter 3;;
 - e. Reduction of the recommended parking requirements for a collective parking facility that can adequately serve two or more uses while having fewer spaces than the total of the separate requirements for each use.

B. Initiation

A special exception may be initiated by submitting a complete application to the Director from the owner or agent of the owner of the property where the special exception will occur.

C. Completeness. See Sec. Section 13-6-1:D.2

D. Notice and Hearings

1. Noticing shall comply with Sec. **Section 13-6-1:E.4.b.**
2. A public hearing by the Board of Adjustment is required and shall comply with Sec. Section 13-6-1:G.

E. Decisions

1. Director Review

The Director shall review the special exception request and shall provide a recommendation to the Board of Adjustment to:

- a. Approve the special exception;
- b. Approve the special exception with conditions of approval; or
- c. Deny the special exception.

2. Board of Adjustment Decision

The Board of Adjustment shall consider the special exception request at a public hearing after a recommendation has been provided by the Director. After the conclusion of the public hearing, the Board of Adjustment shall act and by ordinance:

- a. Approve the special exception;
- b. Approve the special exception with conditions of approval; or
- c. Deny the special exception.

F. Standards

1. The Board of Adjustment shall not approve a special exception unless it finds that:
 - a. The request is eligible according to the applicability standards described in Sec. 13-6-5-5:A;
 - b. A hardship would result if the special exception is not granted;
 - c. The granting of the special exception will not adversely affect the rights of adjacent property owners or residents; and

- d. The granting of the special exception will not cause substantial detriment to the public health, safety, convenience, or general welfare.

G. Subsequent Applications. Not Applicable

H. Appeals. See Sec. 6-5-1:

I. Scope of Approval

1. After a final decision on the special exception is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.
2. The following special conditions shall apply to all special exceptions granted by the Board of Adjustment, unless a more restrictive condition is provided for elsewhere in this chapter:
 - a. No use approved under a special exception shall be commenced or maintained upon a lot or parcel except in accordance with the approved site plan.
 - b. All grants of a special exception shall expire in the following cases:
 - (1) If the use is not established within 12 months of the date of approval, or
 - (2) If the use, once established, is discontinued or abandoned for a period of 90 days or greater.
 - c. When the holder of a grant of a special exception determines that an extension of time of modification of the site plan or other requirements is necessary, they shall apply for an amendment which is processed in the same manner as the original application.
 - d. In the event the holder of a special exception, as provided for herein, fails to comply with all of the terms and conditions of the Board order or this chapter, the holder thereof shall be subject to the requirements in Chapter 8:.

J. Recordkeeping

The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

Chapter 7: Nonconformities

Section 13-7-1: Generally

7-1-1: Purpose

The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulatory environment (i.e., legal nonconforming). The regulations herein are intended to reduce or eliminate these nonconformities over time.

7-1-2: Applicability

- A. These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place.
- B. Any land use, lot, structure, and/or site feature that was established in violation of the regulations at the time is prohibited and shall be considered a violation of this Development Code. The provisions included in this section do not apply to illegal nonconformities.
- C. Nothing in the Chapter shall be construed to permit municipalities to terminate nonconforming uses consisting of oil or gas activity.
- D. Towers or antennas in existence on the effective date of this UDC that do not comply with the regulations of this UDC:
 - 1. May continue for the purpose now used and as now existing; and
 - 2. May not be replaced or structurally altered without complying in all respects with this Title; however, additional antenna may be added to an existing tower.
- E. Regulations and restrictions affecting the termination of nonconforming situations may be adopted or amended by the City only after notice and hearing as provided in Title 11, Section 43-104 and 43-105 of the Oklahoma Statutes.

7-1-3: Continuation Permitted

Any nonconforming use, building, structure, or other nonconforming situations that existed lawfully on the date of adoption of this Title or that becomes nonconforming upon the adoption of any amendment to this Title may be continued in accordance with the provisions of this chapter.

7-1-4: Determination of Nonconforming Status

The burden of proving that a nonconformity legally exists is the responsibility of the subject owner. The Director shall determine whether reliable evidence of legal nonconforming status has been provided by the subject owner. Resources for such evidence include but are not limited to recorded plats, aerial photography, or utility billing records.

Section 13-7-2: Nonconformity-Specific Regulations

7-2-1: Nonconforming Uses

- A. Definition

A nonconforming use is a use of land, buildings, or other structures, or any combination thereof, that is nonconforming to the permitted or specific uses listed by district in Chapter 4 of this Title.

B. Continuance Permitted

A nonconforming use may continue, subject to the requirements of this Chapter.

C. Nonconforming Uses of Land to be Discontinued

A nonconforming use of land not containing buildings that does not conform to the provisions of this Title shall be discontinued within 24 months from the effective date of this UDC.

D. Expansion Prohibited

A nonconforming use shall not be enlarged or expanded.

E. Change of Use

A nonconforming use may be changed to a use of the same or a more restricted use classification; however, it thereafter shall not be changed to a use of a less restricted district classification. A use classification is considered more restrictive if it reduces the intensity of the use, is more compatible with adjacent land uses, or decreases negative impacts.

7-2-2: Nonconforming Structures

A. Definition

A nonconforming structure is any building or structure that does not fully conform to the dimensional or design standards imposed by Chapter 4 or subsection 22.6.1(H).

B. Expansion Prohibited

1. Expansion of a nonconforming structure shall be permitted provided that such expansion does not increase the extent of the nonconformity.
2. If a structure is expanded to increase its size by more than 20%, or if additions to a structure are made in stages and the total additions to the building within a 60-month period increase its original size by more than 20%, then the provisions and requirements of this UDC shall apply to the entire structure.

C. Moving Prohibited

A nonconforming structure shall not be moved, in whole or in part, to any other location on the same or any other parcel unless the entire structure shall thereafter conform to the regulations of the district in which it is located after being moved.

D. Maintenance, Repairs, and Remodeling

1. Maintenance and repairs of a nonconforming structure are expressly permitted.
2. Remodeling of the structure within the existing building footprint is permitted without a variance, provided that the remodeling does not increase the degree of nonconformity and that applicable building and safety codes are met.

7-2-3: Nonconforming Lots

A. Definition

1. A nonconforming lot is a lot designated on an approved and recorded subdivision plat or that constitutes a whole parcel reflected by a valid and recorded deed not recorded in violation of the Subdivision

provisions herein, that fails to conform to the minimum lot area, minimum width, or other applicable dimensional requirement as specified in Sec. Chapter 4:.

2. A nonconforming lot with frontage only on an undeveloped public right-of-way shall not be considered a nonconforming lot for purposes of this UDC.

B. Development Permitted

Legally nonconforming lots may be developed. The Board of Adjustment may grant a Zoning Variance to modify dimensional and other development standards as needed to reasonably accommodate development.

C. Merger

Where two or more lots that are nonconforming as to area are under common ownership on the effective date of this Title, such lots shall be deemed merged for purposes of this Title to the extent necessary to create one or more lots that conform to the area requirements of the applicable district.

D. Replatting

Nonconforming lots that have access only to a paper, unimproved public right-of-way shall not be protected by this chapter. Owners of such lots shall replat such lots in conformity with the subdivision regulations and the applicable zoning regulations of this Title before seeking a building permit or otherwise seeking to use one or more of such lots.

E. Choice of Uses

Where a nonconforming lot is conforming for some uses in the applicable district but not for others, such lot shall be used for one of the uses for which it conforms to the requirements of the applicable district.

7-2-4: Continuance of Nonconforming Situations

Continuance of other nonconforming situations will be allowed but not encouraged. To the maximum extent practicable within the boundaries of the property controlled by the same owner, other nonconforming situations shall be brought into conformance with the requirements of this Title on the earlier of any date established for such conformance by any requirement of this Title or upon the application of the owner for any building permit, subdivision approval or other permit or approval required from the City for the continued or additional use or further development of the property on which the nonconforming situation is located.

7-2-5: Termination of Nonconforming Situations

A. Termination by Abandonment

Discontinuance of a nonconforming use for a period of more than 12 months shall be deemed to be abandonment of such use, regardless of intent. Such use shall not then be reestablished, and any subsequent use shall conform to the requirements of the district in which it is located.

B. Termination by Damage or Destruction

1. In the event that any nonconforming structure or use is destroyed by any means to the extent of 50% of the cost of replacement of such structure or use, said structure or use shall not be rebuilt, restored, reestablished or reoccupied except in conformance with the applicable requirements of this Title, including those of the district in which it is located.
2. The Board of Adjustment may permit the reconstruction of a nonconforming building that has been destroyed or partially destroyed by fire or act of nature.

7-2-6: Limitations on Permits

In acting on any application for a building permit, sign permit, or other City-issued permit related to the use or development of land, Building Official shall require or ensure that:

- A. Any nonconforming use be limited to the existing area of the structure or changed to a conforming use;
- B. The extent of nonconformity of a nonconforming structure not be increased; and

Any other nonconforming situation, including off-street parking, off-street loading, landscaping, and/or other site improvements, be brought into full conformance with the requirements of this Title to the maximum extent practicable within the property owned or controlled by the owner of the property on which the nonconforming situation exists.

Chapter 8: Enforcement

Section 13-8-1: General Enforcement Procedures

8-1-1: Violations

Any of the following violates this UDC and is subject to the remedies and penalties provided for in this Chapter.

A. Buildings or Structures

To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this UDC or a condition of approval.

B. Use of Land

To use any land or premises in a manner inconsistent with the requirements of this UDC or a condition of approval.

C. Establish Use or Structure Without Permit or Approval

To establish or place any use or structure upon land that is subject to this UDC without all the approvals required by this UDC.

D. Development or Subdivision Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this UDC without all the approvals required by this UDC.

E. Development, Subdivision, or Use Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.

F. Development, Subdivision, or Use Inconsistent with Conditions of Approval

To violate, by act or omission, any term, condition, or qualification placed by an approval authority upon any permit or other form of authorization.

G. Development or Subdivision Inconsistent with this UDC

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, or structure, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this UDC.

H. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this UDC.

I. Increasing Intensity or Density of Use

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDC.

J. Removing or Defacing Required Notice

To remove, deface, obscure, or otherwise interfere with any notice required by this UDC.

K. Miscellaneous

Any other action, or failure to act, that does not comply with a requirement of this UDC or a lawful condition of approval.

8-1-2: Responsible Persons

1. Any person who violates this UDC is subject to the remedies and penalties expressed in this Chapter.
2. If a person causing a violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the violation. The owner is ultimately responsible for ensuring that the violations are corrected.

8-1-3: Enforcement Responsibility

The City Manager holds primary responsibility for enforcing all provisions of this UDC. Other officers of the City, designated by the City Manager, share responsibility for enforcing provisions of this UDC.

8-1-4: Enforcement Procedures**A. Generally**

The City Manager has the following remedies and enforcement powers. If subsection A above applies, the City may institute any appropriate action or proceedings:

1. To prevent any unlawful erection, maintenance, or use,
2. To restrain, correct, or abate the violation,
3. To prevent the occupancy of a building, structure, or land, or
4. To prevent any illegal act, conduct, business, or use in or about the premises.

B. Withhold Permit

1. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of a UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
2. The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.
3. If a subdivision plat is approved, the Director shall not issue a certificate of occupancy until all improvements are accepted by the City in writing and the approved plat is recorded.

C. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.

D. Revoke Permits

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Any development permit or other form of authorization required in this UDC may be revoked, including revocation of a certificate of occupancy.

E. Stop Work

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a UDC provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.

F. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this UDC or of a permit, certificate, or other form of authorization granted.

G. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

H. Civil Action

The City may enforce the provisions of this UDC through civil action as per state law.

I. Withhold Public Services

1. The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.
2. Unless a plan, plat or replat is approved in the manner and by the authorities provided for in this UDC, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled or distributed by the City for the use of the owners or purchasers of the plat or plan.

J. Other Remedies

The City may have other remedies provided by law for zoning, subdivision, sign, or related UDC provision violations.

K. Other Powers

In addition to the enforcement powers specified in this Chapter, the City may exercise any and all enforcement powers granted by law.

L. Continuation

Nothing in this UDC prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

Section 13-8-2: Remedies and Penalties

8-2-1: Cumulative Remedies

The remedies and enforcement powers established in this Chapter are cumulative and the City may exercise them in any order or combination at any time.

8-2-2: Penalties

- A. Any person or corporation who violates any of the UDC provisions or fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved, is guilty of a misdemeanor punishable under this Section.

- B. Responsible Party(ies)

The owner or owners of any building or premises or part, where anything in violation of this UDC exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any UDC violation are guilty of a separate offense punishable under this section.

- C. Each Day is a Separate Offense

A person who violates any provision of this UDC by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.

- D. Culpable Mental State

1. If the definition of an offense under this UDC does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a fine, as described in the most recently adopted fee schedule. Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a fine, as described in the most recently adopted fee schedule.
2. If the definition of an offense under this UDC prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required, and the offense is punishable by a fine, as described in the most recently adopted fee schedule.

- E. Subdivision Violation

Any person who violates any of the subdivision and platting regulations of this UDC is guilty of a misdemeanor and, upon conviction by the Ponca City Municipal Court, shall be fined as described in the most recently adopted fee schedule. Each day the violation continues is a separate offense. Prosecution or conviction under this provision does not bar any other remedy or relief for violations of this UDC.

Chapter 9: Approval Authorities

Section 13-9-1: Generally

This Section introduces and establishes approval authorities and/or decision-making bodies, as shown in Table 13-07-01.1, describes their composition, and summarizes their authority.

Section 13-9-2: City Commission

The City Commission, as established and regulated by Title 3, Chapter 1 of the City Code of Ordinance and applicable Oklahoma State Statutes, serves as a decision-making body responsible to the City's residents.

Section 13-9-3: Planning Commission

The Planning Commission serves as a recommendation and approval authority responsible to the Mayor, City Commission, and the City's residents. The Planning Commission is established in Title 3, Chapter 2 of the City Code of Ordinance, and the State statutes, and shall follow those requirements and regulations, as applicable.

Section 13-9-4: Board of Adjustment

The Board of Adjustment (BOA) is hereby established according to the following provisions:

A. Board Membership

The BOA shall be composed of five members appointed by the mayor and approved by the City Commission.

B. Terms of Office and Filling of Vacancies

1. Terms

2. Members to be appointed to replace members of the board of adjustment whose terms have expired shall be appointed in the manner provided for appointments in Section 62 of the City charter, and each individual so appointed shall commence their term immediately upon their appointment, and the term of office of the member whose position they take shall terminate upon the appointment of their replacement.

3. Vacancies: Vacancies occurring in the membership of the board of adjustment shall be filled for the unexpired term.

C. Powers and Duties

1. The Board of Adjustment serves as a quasi-judicial authority responsible to the Mayor, City Commission, and the City's residents. shall have the following powers:
 - a. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by an administrative official, in the application or enforcement of the UDC.
 - b. To hear and decide special exceptions to the terms of the zoning ordinance, as allowed by the UDC.
 - c. To hear and decide variances from the terms of the zoning ordinance, as allowed.
2. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of the City official on appeal, or to decide in favor of the applicant for any special exception or variance in the applicable regulations and restrictions provided for in the UDC.

Section 13-9-5: Historic Preservation Advisory Panel

The Historic Preservation Advisory Panel (HPAP) is hereby established according to the following provisions:

A. Jurisdiction

The jurisdiction of the Historic Preservation Advisory Panel is limited to areas designated with the Historic Preservation (HP) Overlay District designation.

B. Membership

1. Composition.

- a. The panel shall consist of seven (7) members, all of whom have demonstrated interest in historic preservation, as such:

- (1) Three (3) professional people with preservation-related working experience (historian, architect, real estate person, planner, lawyer, archeologist, engineer, etc.)
- (2) Four (4) with preservation interest

C. Terms of Office and Filling of Vacancies

The advisory panel shall be empowered to adopt rules for the conduct of its business. The panel shall elect a chairman who shall serve for 12 months and who shall be eligible for reelection. All meetings of the advisory panel shall be open to the public. Any person, or duly appointed representative, shall be entitled to appear and be heard on any matter before the panel. The panel shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the Development Services Department. A quorum shall consist of four (4) members of the panel unless there is a vacancy in the membership, in which case it shall be a majority of the active members and action taken at any meeting shall require the affirmative vote of a majority of the voting members of the panel. The Director shall act as secretary of the panel and attend and meetings, keeping the minutes. They shall act in an advisory capacity only and may participate in the panel's discussions, but shall have no vote. The Director of Community Development and the staff of the Community Development Department shall assist the panel in discharging its duties.

D. Powers and Duties

The duties of the historic preservation advisory panel shall be as follows:

1. Prepare or cause to be prepared a comprehensive inventory of historical, architectural and archeological resources within the city, and to update same on a regular basis.
2. Prepare or cause to be prepared a general historic preservation plan to be incorporated within the comprehensive plan.
3. Prepare findings of fact relating to the recommendation for designation of historical, architectural and archeological resources.
4. Prepare findings of fact pursuant to action taken by the advisory panel relating to certificates of appropriateness.
5. Make recommendations to the board of commissioners and Planning Commission concerning the acquisition of development rights, facade easements, and the development of historic preservation plans.
6. Make recommendations to the board of commissioners concerning grants from federal and state agencies, private groups and individuals, and the utilization of budgetary appropriations to promote the preservation of historic architectural or archeological resources; and, when so directed by the board of commissioners, the panel may oversee historical projects or programs.
7. Increase public awareness of the value of historic architectural or archeological resources by developing and participating in public information programs and by recommending the update of the preservation

Section 13-9-6: Development Services Director | 8-2-2:

program and by the giving of advice to owners or residents of such resources as to the problems and techniques of preservation work; and further, by placing monuments and markers at historical sites as chosen by the panel.

8. Make recommendations to the board of commissioners, Planning Commission, board of adjustment, and Building Official regarding historic designations, certificates of appropriateness, and amendment and enforcement of this UDC.
9. Monitor actions undertaken by other city agencies or actions of other governmental units (counties, state, etc.) with respect to the effect of such actions upon historical, architectural and archeological resources. Comment and make recommendation to the board of commissioners and Planning Commission.
10. Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this section.
11. Conduct a periodic review of the status of designated landmarks and historic districts and provide periodic reports on the findings of said review, along with any resolutions for action as considered appropriate, to the board of commissioners.
12. Any other functions imposed by this section or which may be specified by the board of commissioners.

Section 13-9-6: Development Services Director

The Director or their designee is an extension of the City Manager and has the following duties and responsibilities:

- A. To advise the City Manager on any matter affecting the physical development of the City.
- B. To formulate and recommend to the City Manager a Comprehensive Plan and modifications.
- C. To review and make recommendations regarding proposed City Commission action implementing the Comprehensive Plan.
- D. To participate in capital program preparations and revisions.
- E. To advise the Planning Commission in the exercise of its responsibilities and to provide necessary staff assistance.
- F. To keep the official Zoning Map current by entering any changes that the City Commission may order by amendments to the UDC and Map.
- G. To investigate complaints about violations of this UDC.
- H. To provide written notification to the person responsible for violation(s), ordering the necessary action to correct violations, and ordering:
 1. Discontinuance of illegal uses of land, buildings, or structures.
 2. Removal of illegal buildings or structures, or illegal additions or structural additions.
 3. Discontinuance of any illegal work.
- I. To provide any other action authorized by this UDC to ensure compliance with or to prevent violation(s).

Section 13-9-7: Technical Review Committee

- A. Purpose. The purpose of the Technical Review Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the Mayor, City Manager, and the Director concerning planning and development issues.
- B. Organization.

The Technical Review Committee is composed of the following departments, members, or their representatives:

1. Development Services Director
 2. City Engineer
 3. Assistant City Engineer
 4. Technical Services/Fiber
 5. Public Works
 6. Engineering Inspector
 7. Water/Wastewater Superintendent
 8. Solid Waste Superintendent
 9. Ponca City Energy
 10. Traffic Engineering Manager
 11. Fire Marshall
 12. Building Official
 13. Utility Representatives:
 - a. AT&T
 - b. Sparklight
 - c. Oklahoma Natural Gas
- C. The Director is the chair of the Technical Review Committee and shall be responsible for coordinating pre-application conferences, handling application submittals, and levying decisions on administrative-approval applications.
- D. Additional Assistance.

The Technical Review Committee may request the assistance of other staff members and agency representatives.

Chapter 10: Definitions

Section 13-10-1: General Provisions

A. Usage and Interpretations of Rules

For the purpose of this UDC, certain terms or words are interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The word “applicant” includes the words “developer” and “subdivider.”
4. The word “person” includes a corporation, trust, individual and/or group of individuals;
5. The term “building” also means the term “structure”;
6. The term “used” also means “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”;
7. The term “shall” is always mandatory;
8. The term “may” is discretionary;
9. The word “and” is construed to include all connected items in a series or set of conditions or provisions.
10. The word “or” is construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise;
11. The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
12. A reference to an official includes a designee of that official;
13. The word “City” means the City of Ponca City, Oklahoma;
14. The word “County” means Kay County;
15. Where this Chapter references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by other regulations or publications, requirements for compliance are no longer in effect;
16. For standards related to the time that a person must complete an act, the time is computed by excluding the first day and including the last day. In computing workdays, Saturdays, Sundays, and holidays observed by the City are excluded. A day concludes at the close of business, and any materials received after the time may be deemed to have been received the following day
17. When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the nearest whole number, unless otherwise defined; and
18. Unless otherwise specified, all distances will be measured horizontally.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined in this UDC are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then, according to their customary usage in the practice of planning and engineering, as determined by the Director.

C. Acronyms and Abbreviations

Abbreviation or Acronym	Meaning
AASHTO	American Association of State Highway and Transportation Officials
ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
DBH	Diameter at Breast Height; measures the caliper of a tree
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
ft	Feet
IESNA	Illuminating Engineering Society of North America
in	Inches
LED	Light-emitting Diode
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
n/a	Not applicable
NFIP	National Flood Insurance Program
NSF	National Science Foundation
OAC	Oklahoma Administrative Code
PROWAG	Public Rights-of-Way Accessibility Guidelines
PSI	Pound per Square Inch
PUD	Planned Unit Development
ROW	Right-of-way
Sf or sq. ft	Square feet
UDC	The Unified Development Code of Ponca City, Oklahoma

D. Measurements

1. Lot Line

- a. Front Lot Line
- b. Rear Lot Line
- c. Side Lot Line

2. Lot Area
3. Lot Frontage
4. Lot Depth & Width
 - a. Depth
 - b. Width
5. Building Coverage
6. Gross Floor Area
7. Height
8. Yard
9. Setbacks and Built-To
10. Block
11. Density
12. Distance
13. Landscape Area
14. Rounding Fractional Results

Section 13-10-2: Definitions

10-2-1: General

A. A Terms Defined

ABUT: To physically touch or border upon, or to share a common property line.

ACCESSORY BUILDING OR STRUCTURE: See, *Building, Accessory*.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate in area, extent, and purpose to the principal use of land or buildings and on the lot in which it is located.

ADJACENT: Near or close, but not necessarily having a common property line.

ALLEY: A public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

ALTER: To change the size, shape or outline, copy, nature of message, intent or type of sign or structure.

AMENITY: Specific items for multi-family development that provide opportunities for residents to participate in on-site leisure or recreational activities.

APPLICANT: See *Property Owner* or *Developer*.

APPLICATION: A written request for approval required by this UDC.

APPROVAL AUTHORITY: The person or body responsible for reviewing and acting on a development application. An approval authority may also be referred to as a decision-making body.

AWNING: A roof-like cover that can be removed that projects from the wall of a building.

B. B Terms Defined

BALCONY: An elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

BANDING: An architectural design technique that uses horizontal or vertical bands in the façade of a building for aesthetic or functional purposes.

BASECOURSE: The first or lowest course of a wall.

BICYCLE LOCKER: A locker or box in which multiple bicycles can be placed, stored, and locked.

BICYCLE PARKING FACILITY: Those facilities such as bicycle racks, bicycle lockers, and other features required to park or store bicycles on a site.

BLOCK FACE: That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

BLOCK: That property abutting on one side of the street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

BLOCK LENGTH: Block length shall be measured as the distance from property corner to property corner along the property line of the block face that: represents the greatest dimension of the block; or contains the greatest number of front-facing lots. Also known as block face.

BOARD OF ADJUSTMENT: The City of Ponca City's appointed Board of Adjustment.

BOLLARD RACK: A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.

BOLLARD: A vertical device that provides a physical barrier between different uses or site features to divert traffic from a roadway or specific area.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such 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 yards.

BUILDING, ACCESSORY: A building customarily incidental and appropriate and subordinate to the main building or use and located on the same lot with the primary structure. Also known as accessory structure.

BUILDING, PRIMARY OR PRINCIPAL: A building in which the principal use of the lot on which it is situated is conducted. Also known as primary or principle structure.

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

BUILDING LINE: A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the property line that a building may be erected.

BUILDING OFFICIAL: The person hired or designated by the City Manager to enforce and administer the City's adopted building codes. This term includes the Building Official's designee.

BUILDING PERMIT: A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the UDC.

BUILDING SQUARE FOOTAGE: The area or floor space within a building or structure.

C. C Terms Defined

CALIPER: The diameter of the trunk of a tree measured from breast height. This measurement is typically taken between 4 and 6 feet above ground level.

CANOPY: See *Awning*.

CANOPY TREE: A large tree that reaches a 25-foot minimum crown spread at maturity.

CARPORT: A structure that is open on at least two sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

CERTIFICATE OF OCCUPANCY: An official certificate issued by the building inspector that indicates conformance with or approved conditional waiver from the UDC and authorized legal use of the premises for which it is issued.

CITY: The City of Ponca City, Oklahoma, and its departments, agencies, personnel, and staff, unless otherwise expressly stated.

CITY ATTORNEY: Ponca City's agreed upon legal counsel overseeing the daily legal activities of the City

CITY CLERK: The person holding the office of City Clerk, who is responsible for a range of clerical duties and maintaining public records. This term shall also include any designee of the City Clerk.

CITY COMMISSION: The duly elected governing body of the City of Ponca City, Oklahoma.

CITY ENGINEER: The person hired or designated by the City Manager to supervise or oversee the City's Engineering Department, and to exercise the authority of the City Engineer. This term includes the City Engineer's designee.

CITY LIMITS OR CORPORATE LIMITS: The boundary of the incorporated limits of Ponca City.

CITY MANAGER: The person holding the position of the City's chief executive officer (e.g., City Manager), as appointed by the City Commission.

COMPLETENESS: The part of the application submittal process where an application has met all of the required submittal items for formal review by City staff.

COMPREHENSIVE PLAN: The long-range planning and development policy of the City and adjoining areas as adopted by the City Commission, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

CONTIGUOUS: Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

CORNER LOT: See *Lot, Corner*.

CORNER SIDE YARD: The yard abutting a street on a corner lot perpendicular to where the primary building entrance is to be located.

CORNICES: The uppermost member of a classical entablature, consisting typically of a cymatium, corona, and bed molding.

COUNTY CLERK: The person holding the office of Pottawatomie County Clerk where they are responsible for local elections and maintaining public records. This term shall also include any designee of the County Clerk.

COUNTY: The department, offices, and services of Pottawatomie County, Oklahoma.

COVENANT: Contractual promises relating to how a particular piece of property can be used or developed. The restrictive covenant shall specify constraints on specific uses of the property.

COVERED PARKING: Any type of structure that provides cover over the length of a vehicle and shall be at least 10 feet wide and 20 feet deep. This includes carports, car garages, and any other structure that may cover a vehicle.

CROSS ACCESS: A service drive providing vehicular access between two or more contiguous sites, so that the driver does not have to enter the public street system.

CROWN SPREAD: The average horizontal width of the tree's crown taken from dripline to dripline.

CUL-DE-SAC: See *Street, Cul-de-sac*.

CUTOFF LIGHT FIXTURE: Outdoor lighting units designed to prevent light pollution by emitting zero light at or above a horizontal plane drawn through the bottom of the fixture (maximum of 2.5% uplight).

D. D Terms Defined

DECISION-MAKING BODY: See, *Approval Authority*.

DEED: A legal document conveying ownership of real property.

DEED RESTRICTION: A document used to place limitations or conditions on a particular property.

DENSITY: The ratio of dwelling units per gross acre of platted area being developed.

DEVELOPER: The owner of land proposed to be developed as a residential or nonresidential subdivision, or the owner's authorized representative. The developer may be referred to as an applicant.

DEVELOPMENT: Any activity that requires the submission of a subdivision plat or the securing of a building permit.

DEVELOPMENT AGREEMENT: An agreement approved by the City Commission for a development that could not otherwise be accomplished under this Code or the Code of Ordinances. A Development Agreement may modify or delay certain requirements of this Code (including any Manuals adopted by reference in the Code) and/or any other provisions of the City Code of Ordinances.

DIRECTLY VISIBLE: Allowing a direct line-of-sight.

DIRECTOR: The person hired or designated by the City Manager to supervise or oversee the City's Development Services Department, and to exercise the authority of the Director. This term includes the Director's designee.

DISTRICT: See *Zoning District*.

DORMER: An opening in a sloping roof, the framing of which projects out to form a vertical wall suitable for windows or other openings.

DOWNSPOUT: A pipe for carrying rainwater down from the roof's horizontal gutters.

DRIVEWAY: An area from a roadway used for access onto a property.

DROUGHT-TOLERANT: Plants and landscaping materials that survive on natural precipitation with infrequent watering or can withstand prolonged dry periods.

DWELLING OR DWELLING UNIT: A room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

E. E Terms Defined

EASEMENT: Any area within, on, over, and/or under real property in which are provided to allow access for public and private utility employees, private contractors and adjoining homeowners for the purpose of access, construction, repair and maintenance of said utility.

ELEVATION: See *Façade*.

ENCROACHMENT: The overlapping of a boundary or setback by a physical item such as an awning, canopy, porch, structure, fences, etc.

ENGINEERING DESIGN MANUAL: The City of Ponca City's necessary engineering design criteria, specifications, and requirements needed for development.

ERECT: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes outdoor signs and signs located interior to a building but readily visible from the exterior.

F. F Terms Defined

FAÇADE: The exterior of a building.

FAMILY: See, *Household*.

FENCE: A permanent barrier that is not a screening device but offers privacy between uses or properties. Fences are typically located on residential lots and are wood constructed.

FENESTRATION: The design, proportioning, and disposition of windows and other exterior openings of a building.

FINAL PLAT: The legal record of land, including a subdivision, prepared from actual field measurements and staking of identifiable points by a licensed surveyor to a location referenced to a survey corner. The final plat describes all boundaries, corners, and curves with enough detail that a licensed surveyor or engineer can reproduce them without additional references. The final plat also establishes and records lots, right-of-way, and easements.

FINISHED GRADE: The final grade or elevation of the ground surface conforming to an approved plan.

FIRE MARSHAL: The official responsible for enforcing the fire regulations of the City of Ponca City, Oklahoma.

FLAT ROOF: A roof laid horizontally at an angle of less than 10 degrees.

FLOOD LAMP: A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

FLOODPLAIN: The land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the City.

FLOODWAY: Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel, or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre -floodway condition, including those designated on the flood insurance rate map.

FLOOR AREA: See *Building Square Footage*.

FOOTCANDLE: One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

FRONT YARD: A yard across the full width of the lot extending from the front line of the primary building to the front property line.

FRONTAGE BUILDOUT: The required location where a building, or portion of a building must front.

FRONTAGE: All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FULL CUTOFF LIGHT FIXTURE: A luminaire with light distribution such that no light is emitted above the horizontal (maximum 0% uplight).

G. G Terms Defined

GABLE ROOF: A roof with two slopes – front and rear – joining at a single ridge line parallel to the entrance façade.

GAMBREL ROOF: A ridged roof with two slopes at each side, the lower slopes being steeper than the upper slopes.

GARBAGE, TRASH, OR REFUSE CONTAINER: A container used for, but not limited to, receiving garbage designed and intended to be lifted by forks or other device mounted on a vehicle and the contents emptied into that part of the vehicle designed to receive the same.

GATE: An opening in a fence/wall that allows access to and from the property/area in which it is located.

GLARE: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

GRADE: When used as a reference point in measuring height of a building, the “grade” shall be the average elevation of the finished ground at the exterior walls of the primary building.

GRADING: Any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

GRID RACK: A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

H. H Terms Defined

HARDSHIP: Deprivation; suffering; state of misfortune or affliction. For the purposes of this UDC, hardship does not include economic hardship when in reference to a Variance to a Zoning provision.

HARD-SURFACED DRIVEWAY: Any driveway that is paved with asphalt, concrete, brick, or other surface of similar integrity.

HEIGHT: See *Building Height*.

HIGHWAY: See *Street, Highway*.

HIGH-INTENSITY COLOR: A color with a high level of brightness and saturation that creates a visually dominant or attention-drawing appearance when viewed in the daylight. High-intensity colors include, but are not limited to, fluorescent, neon, or other highly reflective pigments that produce vivid or glaring visual elements.

HIP ROOF: A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its end point.

HOMEOWNERS ASSOCIATION (HOA) OR PROPERTY OWNERS ASSOCIATION: A formal nonprofit organization operating under recorded land agreements through which:

- Each lot and/or property owner in a specific area is automatically a member; and
- Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- The charge, if unpaid, becomes a lien against the nonpaying member's property.

HOUSEHOLD: One or more persons living together on a long-term basis, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house. Notwithstanding the foregoing provisions, no provisions of this Title or Code shall restrict the use of a family dwelling so as to interfere or violate the Fair Housing Act, the Oklahoma Fair Housing Law, or federal or state regulation which prohibits discrimination based upon disability, age or infirmity.

I. I Terms Defined

ILLUMINANCE: The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

IMPERVIOUS: The portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground.

IMPERVIOUS COVERAGE: Surfaces that do not absorb water such as buildings, concrete or asphalt parking areas, roads, sidewalks or driveways.

IMPERVIOUS SURFACE: Any hard surfaced area which prevents or retards the entry of water into the soil in the manner and to the extent that such water entered the soil under natural conditions, causing water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions, such as but not limited to rooftops, asphalt or concrete sidewalks, paving, driveways and parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam, or other surfaces which similarly affect the natural infiltration or runoff patterns of real property in its natural state.

INFILL DEVELOPMENT: The redevelopment of an existing built-out site or property.

INFRASTRUCTURE: All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, and other facilities as required by the City.

INSTALLED: The attachment, or assembly fixed in place, connected to a power source, of any outdoor light fixture.

INTERNAL LANDSCAPE AREA: The remaining property exclusive of the street yard and required landscape buffers.

INTERSECTION VISIBILITY TRIANGLE: The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

IMPROVEMENT: Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, utility, park, landscaping, or other facility for which the City may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which the City responsibility is already established.

J. J Terms Defined

JUNK OR SALVAGE: Those materials and products of older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or associated parts; iron; steel; or other old or scrap materials.

JOINT ACCESS OR SHARED ACCESS: A driveway connecting two or more contiguous sites to the public street system.

K. K Terms Defined

KELVIN: A unit of measurement that is not expressed as Fahrenheit or Celsius.

KEY LOT: An interior lot, one side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

KITCHEN: Any room or space used or designed to be used for the preparation or cooking of food and includes or is designed to include a cooking appliance, refrigerator, and sink. Installation of a kitchen shall constitute a dwelling unit. Does not include and is distinct from Outdoor Kitchen.

KITCHEN, OUTDOOR: An accessory kitchen structure. The kitchen may include all of the following: stove, grill, pizza oven, sink, storage areas, refrigerator, dish washer, and/or other appliances normally found in a kitchen. The kitchen may be either open to the air or included in a covered patio area. Under no circumstances shall an outdoor kitchen area be fully enclosed.

KNOX BOX: A small, wall-mounted or standalone safe that holds building keys for emergency/life safety services.

L. L Terms Defined

LANDSCAPE PLAN: An independent plan that is a part of the site plan process that shows a site's required landscaping.

LIGHT TRESPASS: Light falling where it is not wanted or needed, typically across property boundaries.

LOADING: Relocating persons or cargo between a motor vehicle and a site or building. Examples include moving cargo from a delivery vehicle into a building, or the act of a vehicle waiting near a building to allow a passenger to enter and be transported elsewhere, as occurs with rideshare services. Cargo and passenger loading may be treated differently.

LOADING SPACE, LOADING ZONE, OR LOADING AREA: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOCAL STREET: See *Street, Local*.

LOT: A divided or undivided tract or parcel of land having frontage on a public or private street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the County.

LOT, CORNER: A lot of which at least two adjacent sides abut for their full lengths on a public right-of-way, excluding alleys, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two non-intersecting public right-of-way, as distinguished from a corner lot.

LOT, FLAG: A large lot which does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

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

LOT AREA: The total space required for a lot by multiplying the lot's depth by its width.

LOT COVERAGE: The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

LOT DEPTH: The distance between the front lot line and the rear lot line.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting a public right-of-way, excluding the side dimension of a corner lot.

LOT LINE, FRONT: The boundary of a lot which abuts a public street.

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

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

LOT OF RECORD: A lot, which is part of a subdivision, the plat of which has been recorded with the County Clerk, or a parcel of land, the deed for which was recorded with the County Clerk, prior to June 18, 1990. A lot of record is an official lot having less area, width, or depth than the requirements of this UDC prior its adoption.

LOT WIDTH: The distance parallel to the front lot line, measured at the front setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

LOUVER: A window blind or shutter with horizontal slats angled to let in light and air, but keep out the rain, direct sunshine, and noise.

LOW PROFILE RACK: A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles, which are locked from the outside.

LOW-IMPACT DEVELOPMENT: Development practices and techniques, such as bioretention facilities, rain gardens, vegetated roofs, rain harvesting, and permeable pavement, that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater that protects water quality and the natural environment.

LUMEN: A unit of luminous flux; used to measure the amount of light emitted by lamps.

LUMINAIRE: The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture (see under this section, "Outdoor light output, total"), lighting assemblies that include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

LUMINOUS TUBE: A glass tube filled with a gas or gas mixture (including neon, argon, mercury, or other gases), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A neon tube does not include common fluorescent tubes.

LUX: A unit of illuminance equal to one lumen per square meter. One lux equals approximately 0.1 (0.093) footcandles.

M. M Terms Defined

MAIN BUILDING: See, *Building, Primary*.

MAIN LINE: A public water or sewer pipe installed along an easement and/or right-of-way for the purpose of providing water or sewer service to adjoining properties. Owned and operated by the City and/or city utilities authority.

MAINTENANCE: The upkeep, care, repair, conservation, and/or preservation of the physical structures, facilities, and other improvements relating to the continued appearance, safety, health, and general condition of a property.

MAJOR ARTERIAL: See *Street, Major Arterial*.

MAJOR COLLECTOR: See *Street, Major Collector*.

MAJOR RECREATIONAL EQUIPMENT: Includes boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings including motor homes, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

MAJOR REVISIONS/AMENDMENTS: Any revision(s) that the Director determines is not a minor revision. A major revision constitutes a new application submittal.

MANSARD ROOF: A roof with two slopes on each side, with the lower slope being nearly vertical and the upper slope nearly horizontal.

MATURE PLANT: A plant that has reached its projected full growth and development.

MAYOR: The elected person who is the presiding officer of all City Commission meetings, is the official head of the City government, and is entitled to vote on all items before the City Commission, except as otherwise restricted by the Ponca City Charter.

MECHANICAL EQUIPMENT: Equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices that are intended to provide a performative function for a use, building, or structure.

MINIMUM DISTRICT SIZE: The minimum amount of total land required to establish a particular zoning district. A minimum district size is separate and distinctive from a minimum lot size and can be the collection of more than one lot or parcel.

MINOR ARTERIAL: See *Street, Minor Arterial*.

MINOR COLLECTOR: See *Street, Minor Collector*.

MINOR REVISIONS/AMENDMENTS: Those revisions that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.

MOLDING: A decorative strip of wood used for architectural purposes.

MULLIONS: A vertical member between the lights of a window or the panels in wainscoting.

MULTIPLE TENANT SITE: A lot or contiguous lots under unified ownership or common control that are developed or intended to be developed with two or more separate tenants, occupants or uses. Multiple tenant sites may consist of a single building containing multiple tenant spaces, or multiple buildings within the same development, and typically share common site improvements such as parking areas, drive aisles, pedestrian circulation, and landscaping.

MUNTINS: Dividing bars between panes of glass.

N. N Terms Defined

NATIVE PLANTINGS: Plant species that have existed historically in a given region or its natural environment without the need of human involvement or cultivation.

NETWORK NODE: A type of telecommunications facility, also known as small wireless facility.

NONCOMBUSTIBLE MATERIAL: Any material that will not ignite at or below a temperature of 1,200 Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of 25 or less.

NONCONFORMING LOT: A lot that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the lot was established and has been in regular use since that time.

NONCONFORMING SIGN: A sign other than an existing billboard (outdoor advertising sign) that was lawfully in existence and was properly permitted by the City, to the extent such permitting was required as of the effective date of this UDC. Nonconforming signs includes existing signs on vacant parcels.

NONCONFORMING SITE FEATURE: A site plan feature, such as landscaping, parking, setbacks, etc., that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the site plan was approved and has been in regular use since that time.

NONCONFORMING STRUCTURE: A building or structure, or portion thereof, that does not conform to the regulations of this UDC, but that was lawfully constructed under the regulations in force at the time of construction.

NONCONFORMING USE: A use that does not conform to the use regulations of this UDC, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

NONCONFORMITY: The collective term for all nonconforming situations.

NONINVASIVE SPECIES: Plant species that are a product of the natural environment and its surrounding ecosystem.

NONRESIDENTIAL DISTRICT: Those zoning districts where nonresidential uses (commercial, service, institutional, industrial, etc.) are the primary uses. Nonresidential zoning districts are designated as CL, CR, MU, DT, IF, and IM, unless otherwise specified.

NUISANCE: An unreasonable and continuous invasion of the use and enjoyment of a property right that a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

O. O Terms Defined

OFFSET: A specified projection or recession that runs vertically along the entirety of a building wall.

OPAQUE: That material does not transmit light from an internal illumination source.

OPEN SPACE, GREEN SPACE, OR RECREATIONAL SPACE: Any land, under single ownership, which is dedicated to open, outdoor recreational uses such as golf courses or ball fields, and which is submitted for City development approval as a single plan and developed pursuant to one grading plan.

ORDINARY HIGH WATER MARK (OHWM): That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of vegetation and/or debris, or other appropriate means that consider the characteristics of the surrounding areas. The city shall have final authority in determining the OHWM.

ORIEL: A bay window supported from below by corbels or brackets.

ORNAMENTAL TREE: A small tree that reaches a 15-foot minimum crown spread at maturity.

OUTDOOR LIGHT FIXTURE: An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- Parking lot lighting;
- Roadway lighting;
- Buildings and structures;
- Recreational areas;
- Landscape lighting;
- Signs (advertising or other);
- Product display area lighting;
- Building or structure decoration; and
- Building overhangs and open canopies.

P. P Terms Defined

PARAPET: A low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

PARKLET: A platform structure which occupies one or more on-street parking spaces that extends from the edge of the sidewalk and provides space for seating, tables and other amenities for patrons of the adjacent eating and/or drinking establishment.

PARKING SPACE: A permanently surfaced area either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

PERMANENT SIGN: A sign constructed from durable materials that is affixed to a building, a structure, or the ground so that the sign resists wind loads, and that precludes ready sign removal or movement. Permanent signs are those signs identified in the detached and attached sign categories.

PERMEABLE SURFACE: A surface that does not impede the absorption of water.

PERMITTED USE OR BY-RIGHT USE: A structure or activity listed in a zoning district as being permitted without further review subject to compliance with the development regulations of the district and relevant regulations of this chapter and city ordinances.

PERSON: An individual, company, joint stock company, firm, proprietorship, business, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, co-partnership, association, and any other legal entity or their legal representatives, agents or assigns. Notwithstanding any other provision of the code, each and every code provision—including but not limited to every prohibition, requirement, and penalty—applies to both natural persons and corporations, partnerships, and all other legal entities or organizations.

PERVIOUS PAVEMENT: An engineered hardscape surface that allows water to infiltrate the surface.

PITCHED ROOF: A roof that has a slope.

PLANNED UNIT DEVELOPMENT: A development planned in accordance with the provisions of Sections 2-3-1: and 6-2-4: of this Ordinance.

PLANNING COMMISSION: The City of Ponca City's appointed Planning Commission.

DEVELOPMENT SERVICES DEPARTMENT: The City's department and related employees that have been specifically created and maintained by the City to assist in planning and zoning-related matters. This term shall also apply to any official City employee in the Development Services Department, including any practicing, professional land planner, administrative support, and/or firm of professional land planners.

PLAT: A preliminary plat of a subdivision, a final plat of a subdivision, a development plat, or an amending plat or replat, as determined by the context.

PLANT UNIT: A measurement tool that translates the amount of required plant material into a quantifiable, but flexible unit.

PLINTH COURSE: The top-most course of the plinth masonry.

PLINTH: The usually square slab beneath the base of a column, pier, or pedestal. Also, a continuous, usually projecting course of stones forming the base or foundation of a wall.

PORCH: A covered, exterior appendage to a building, projecting from an exterior wall, and typically located at or near the primary entrance. A porch is open on at least one side to the outdoors and may be enclosed with insect screening, railings, or open guards, but is not fully enclosed with solid walls or fenestration. A porch may be supported by piers, columns, or other structural members and may be elevated or at grade.

PORTE-COCHERE: A permanent structure that is structurally and aesthetically integrated into a residence, and that is erected over a driveway to allow for the parking of vehicles. Such structure is open on two sides and provides covered, direct access to a primary or secondary entrance to the structure.

PRELIMINARY PLAT: A scaled planning document that lays out the boundary, streets, lots, topography, and public facilities or improvements in a proposed subdivision and that provides the City with a basis for reviewing subdivision-related plans and the final plat.

PRIMARY BUILDING OR PRINCIPAL BUILDING: See, *Building, Primary*.

PRINCIPAL USE: The primary use of a property or lot.

PRIVATE REAL PROPERTY: Privately owned land other than any part of privately owned land that is subject to an easement or other encumbrance that allows the City to use the property for a public purpose.

PRIVATE STREET: A classification of streets that are owned and maintained by a homeowners' association or property owners' association, and which are not dedicated to the public.

PROPERTY LINE: A line of record bounding a lot, as indicated on an approved, filed, and recorded plat, which divides one lot from another lot or from a public right-of-way or private street or any other public right-of-way or private space.

PROPERTY OWNER: Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these subdivision regulations. In any event, the term “property owner” shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer, of land sought to be subdivided.

PUBLIC HEARING: A meeting held by the Planning Commission, Board of Adjustment, or City Commission where action is conducted on an application after public commentary is heard.

PUBLIC IMPROVEMENTS OR PUBLIC FACILITIES: Facilities, infrastructure, and other appurtenances, typically owned and maintained by the City (but not necessarily located upon City-owned property or right-of-way). Public improvements can be located upon public property or upon private property in a public easement. Public improvements serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and protect the general health, safety, welfare and convenience of the City’s residents, including efficiency in traffic circulation and access for emergency services. The term “public improvements” shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the City would normally require of a development but which will be owned and maintained by an entity such as a homeowners’ association, as in the case of private streets.

PUBLIC VIEW: A view from any public or City right-of-way or access easement.

Q. Q Terms Defined

QUOIN: An external solid angle of a wall, or one of the stones forming such an angle, usually differentiated from the adjoining surfaces by material, texture, color, size, or projection.

R. R Terms Defined

REAR YARD: A yard between the rear property line and the rear line of the primary building and the side property lines.

RECREATIONAL VEHICLE: A vehicular, portable item that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

RECONSTRUCTION: The process of rebuilding or restoring a building or structure to its original or improved condition after it has been damaged or demolished.

REFUSE ENCLOSURE: An outdoor structure that encloses a dumpster or trash receptacle.

REFUSE FACILITIES: Those facilities such as trash receptacles, dumpsters and any enclosures, structures, shrubs, and other features required to store trash, waste, and debris.

REGULATING PLAN: The detailed map establishing the Downtown District boundaries and subdistricts where special zoning and development regulations apply.

RESIDENT OWNED COMMUNITY (ROC): Manufactured home parks or subdivisions where homeowners collectively purchase and manage the land through a cooperative to secure affordable housing and stability. Residents own their homes individually but form a cooperative (co-op) to own the land, infrastructure, and amenities.

RESIDENTIAL DISTRICT: Those zoning districts where residential uses are the primary uses. Residential zoning districts are designated as RR, RM, and RH, unless otherwise specified.

RESIDENTIAL TRANSITION: A buffering and screening technique used to shield residential properties from more intensive, nonresidential uses.

REZONING: An amendment to the Official Zoning Map to effect a change in the nature, density, or intensity of uses and development characteristics allowed on a property.

RIGHT-OF-WAY: A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

ROLL-OFF CONTAINER: A large metal container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. The term "roll-off trash container" shall not be interpreted to refer to a trash container or dumpster that is stored in a more permanent manner on the property and is referenced or regulated by the engineering design criteria, and further is required to be screened from public view. The term "roll-off trash container" shall not be interpreted to include recycling facilities.

ROOF LINE: The height that is defined by the intersection of the roof of the building and the wall of the building; except, for mansard-type roofs, the roof line means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four feet in height may be considered as the roof line.

ROOF: The external upper covering of a building, including the frame for supporting the roofing.

S. S Terms Defined

SALVAGE YARD OR WRECKER YARD: An area outside of a building consisting of more than three acres where motor vehicles are disassembled, junked, wrecked or where motor vehicles not in operable condition are stored, which may include permanent machinery located on the property for wrecking vehicles.

SCREENING DEVICE: A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from the ground level.

SECURE BICYCLE PARKING AREA: A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control.

SETBACK: A line, generally parallel with and measured from the property line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this UDC. See definition of "Yard".

SHIELDING: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

SHUTTERS: Pairs of solid or slatted window coverings, traditionally hinged to the exterior of a building to either side of a window, used to block light or wind from the interior of a building.

SIDE YARD: A yard between the primary building and the adjacent side property line, and extending entirely from a front yard to the rear yard.

SIDEWALK CAFÉ: The use of a portion of a public right-of-way normally reserved for pedestrian use as a place for patrons of an eating establishment on the adjacent lot to sit and consume their food and/or drink.

SIGN: A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

SITE: Any lot or parcel of land or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership on which land development activity is proposed.

SITE PLAN: A detailed, scaled drawing of all surface improvements, structures, uses, and utilities proposed for development associated with this UDC.

SPECIAL USE PERMIT: A permit granted on a discretionary and conditional basis by the City Commission, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Special Use Permit are in addition to and supplement UDC requirements.

SPECIFIED ANATOMICAL AREA: Less than opaquely covered human genitals, pubic region, or pubic hair; or less than opaquely covered perineum, buttock, or anus; or less than opaquely covered female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITY: Human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

SPOT LAMP: A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

SPOTLIGHT: A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

STAFF COMMITTEE: The committee responsible for providing commentary and insight at Pre-Application Meetings.

STEALTH DESIGN: Any telecommunication facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like another object, such as a light pole, clock towers, bell steeples, or a tree.

STORAGE OR SHIPPING CONTAINER: Any self-supporting container, usually metal or metal-framed, designed and used for the storage of personal or business property of a non-hazardous nature which is typically rented or leased to owners or occupants of property for temporary use, and which is typically delivered and removed by truck.

STORM SHELTER: Any structure, built above or below ground, with sole intent to protect life and limb from adverse weather conditions.

STORY: That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling

or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

STREET: That part of a right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land and other streets and may include additional facilities for transportation of persons, utilities, drainage, and other street improvements.

STREET, COLLECTOR: A street typically found between minor arterials that provide frequent interconnections between neighborhoods where local trips mostly avoid the arterial network.

STREET, CUL-DE-SAC: A street having only one outlet to another street, and that terminates on the opposite end by a vehicular turnaround or “bulb.” The length of a cul-de-sac is to be measured from the intersection center point of the adjoining through street to the midpoint of the cul-de-sac bulb

STREET, HIGHWAY: A limited access, high speed, variable width roadway with grade separated interchanges, typically of regional significance where interchanges may have a significant impact on land use due to their desirability as locations for commerce and industry.

STREET, LOCAL: A street interconnected within neighborhoods that adjoin other neighborhoods.

STREET, MAJOR ARTERIAL: A street that provides for longer, direct trips on relatively straight paths that often connect to highways.

STREET, MINOR ARTERIAL: A street typically found between major arterials that provide continuous paths to intermediate destinations and alternate routes for longer trips.

STREET, MAJOR COLLECTOR: A major arterial is a street type that provides for longer, direct trips on relatively straight paths that often connect to highways.

STREET, MINOR COLLECTOR: A minor collector is a street type typically found between minor arterials that provides frequent interconnections between neighborhoods. Minor collectors allow local trips that mostly avoid the arterial network.

STREET YARD: See *Front Yard*.

STREETSCAPE: The area within street right-of-way that contains sidewalks and pedestrian facilities, street furniture, landscaping, or trees.

STRINGCOURSE: A horizontal course of brick or stone flush with or projecting beyond the face of a building, often molded to mark a division in the wall.

STRUCTURAL ALTERATION OR MODIFICATION: Any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

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

STUB-OUT OR STUB-STREET: A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVISION: A division or re-division of any tract of land situated within the City’s corporate limits into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. “Subdivision” includes re-subdivisions of land or lots that are part of a previously recorded subdivision.

SUBMITTAL CHECKLIST: The requirements specified for a specific development application on a form furnished by the City.

SUBMITTAL DATE: The date when forms, fees, plans, information and copies have been submitted to the City for the purposes of meeting requirements for a development application.

SUBMITTAL: See *Application*.

T. T Terms Defined

TABLE OR CONTINUE: To postpone or temporarily suspend discussion of an issue, often with the intention of revisiting it later in the same meeting, at a future meeting, or sometimes to set it aside indefinitely. Also known as “continuing” an item.

TECHNICAL REVIEW COMMITTEE: The necessary City staff (Planning, Engineering, Fire, Building, etc.) that reviews project proposals and new application submittals.

TEMPORARY ACCESS: The provision of direct access to the controlled access facility until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan.

TEMPORARY LIGHTING: Lighting which does not conform to the provisions of this section and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses that by their nature are of limited duration, for example, holiday decorations, civic events, or construction projects.

TEMPORARY USE: Any use designed, built, erected or occupied for short and/or intermittent periods of time.

TENANT: A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

TRAFFIC CALMING DEVICES: Traffic safety improvement devices for physically restricting vehicle movements and reducing vehicle speeds.

TREE: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

TREE, EXISTING: A tree that exists on the property prior to development that will be preserved, and whose root system will not be disturbed in any way within the area covered by the tree's canopy.

TREE PRESERVATION: The act of planning and providing space for trees and treed areas so that they are not removed or damaged and are protected from being negatively impacted by human activity.

U. U Terms Defined

UPLIGHTING: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

U-RACK: A “U-shaped” bicycle facility affixed to pavement that stores up to two bicycles, which are locked from the outside.

USE: The purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of nonconforming use.

V. V Terms Defined

VARIANCE: An adjustment to specific regulations of this UDC to a particular lot, building, tenant, or storefront which, because of special conditions or circumstances, peculiar to the particular lot, building,

tenant, or storefront, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other properties in the same vicinity and zoning or sign district.

VEHICLE: Any automobile, truck, camper, van, trailer, or any device capable of transporting persons or property and shall be considered a “vehicle” in both moving and stationary modes, irrespective of condition.

VIOLATION: Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.

VISIBLE LIGHT REFLECTANCE: The amount of light reflected away by a glass window's film.

W. W Terms Defined

WAIVER: A process for alleviating a specific requirement in this UDC's Subdivision Regulations.

WALL AREA: The surface of an elevation excluding doors and windows.

X. X Terms Defined

XERISCAPE: A type of landscaping design that uses a combination of native plants and grasses, approved hardscapes, and drought-tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

Y. Y Terms Defined

YARD: The open area between building setback lines and lot lines.

Z. Z Terms Defined

ZERO LOT LINE: A lot line where one or more of a building's sides rest directly on a side lot line.

ZONING DISTRICT: A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the City's UDC, as amended.

ZONING MAP: The official map of Ponca City, Oklahoma upon which the boundaries of the various zoning districts are drawn and which is an integral part of the UDC, which may also be cited as the Official Zoning Map.

10-2-2: Uses

A. Residential Uses

1. Household Living

SINGLE-FAMILY DWELLING: A building designed exclusively for occupancy by one family (see *Family*), which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

MANUFACTURED HOME: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this UDC to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use does not include mobile homes.

MOBILE HOME: A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the city.

MODULAR HOME: A dwelling unit constructed on-site in accordance with state and municipal codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

LIVE-WORK UNIT: A dwelling unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist studio, or other similar uses and is located on the street level.

TINY HOME: A single-family residential structure typically 600 square feet or less, which may or may not be attached to a permanent foundation.

TOWNHOUSE/ROWHOUSE: A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one household, with each dwelling unit attached by a common wall to another, in which each dwelling is located on a separate platted lot.

DUPLEX: A building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

TRIPLEX: A detached residential structure containing three dwelling units, designed for occupancy by not more than three families living independently of each other.

QUADPLEX: A detached residential structure containing four dwelling units, designed for occupancy by not more than four families living independently of each other.

APARTMENT: A residential structure arranged, intended, and designed to be occupied by five or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

COTTAGE COURT: A group of small, detached structures arranged around a shared court visible from the street. Dwelling unit entrances are from the shared court.

CLUSTER SUBDIVISION: A group of residential structures on smaller, tighter lots in specific, less environmentally sensitive areas of a development, while preserving the remaining land as common open space or natural, protected areas. Development occurs away from sensitive areas such as open space, steep slopes, or floodplains. Cluster subdivisions do not increase the overall density of a development but rather allow dwellings to be grouped on smaller lots away from sensitive areas such as rivers or defined natural hazard areas.

2. Group Living

EXTENDED CARE OR SKILLED NURSING FACILITY: A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice and privacy. Assisted living programs provide personal care for individuals who need assistance with activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control and single occupancy, and may provide limited cooking facilities in individual units. Also known as a nursing home, rest home, care home, rehabilitation hospital, or assisted living facility.

GROUP HOME: A facility established under 60 OK Stat § 863 (2025) of the Oklahoma State Statutes.

TRANSITIONAL HOUSING:

- a. A facility operated by the city, the state, the federal government or a private party under contract with the city, the state or the federal government and used for rehabilitation and overnight accommodation of individuals, including staff, who are:

- (1) Under the jurisdiction of a court, but not under confinement, or
- (2) Individuals recently released from the jurisdiction of a court.

Re-entry facilities are operated to provide treatment or rehabilitation intended to assist individuals with their re-entry into the community.

- b. Housing specifically designed to support individuals with substance use issues to initiate and sustain long-term recovery. These houses or housing programs may go by many names such as Oxford Houses, sober living, recovery homes recovery residences, and therapeutic communities.

EMERGENCY AND PROTECTIVE SHELTER: A residential use that provides room and board for a continuous period of no more than 30 consecutive days for adults or children who have been abused, displaced or are transient. Such uses provide protection services and typically provide counseling and pre-placement screening services as well.

GROUP LIVING FACILITY: A building, other than a hotel or multiple-family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

3. Residential Functional Uses

ACCESSORY DWELLING UNIT (ADU): A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to a single-family structure that is under the same ownership. Also referred to as a mother-in-law suite, garage apartment, or carriage house.

HOME OCCUPATION:

- a. An occupation or business activity that results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.
- b. An accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.

IN-HOME DAYCARE: A family home where a full-time resident provides care and supervision for seven or fewer children for part of the 24-hour day.

B. Public and Civic Uses

1. Community Services

LIBRARY/MUSEUM: An institution for the collection, display, and distribution of objects of art, science, or library sciences sponsored by a public or quasi-public agency that is open to the general public.

PUBLIC FACILITIES: Any facility, including but not limited to buildings, property, or infrastructure that is owned, leased, and/or otherwise operated by the municipal, county, state, or federal government.

2. Educational Facilities

COLLEGE/UNIVERSITY: Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees. The college or university use subcategory includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

SCHOOL: Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

TECHNICAL SCHOOL: Instructional activities conducted in an enclosed building that focus on teaching the skills needed to perform a particular skill or trade. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.

3. Medical Facilities

MEDICAL OFFICES: Office uses related to the diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner's office.

CLINIC: A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated.

HOSPITAL: An institution providing health services, primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices, which are an integral part of the facilities.

4. Park and Open Spaces

PARK: Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, and other facilities typically associated with public parks and open space areas.

5. Afterlife Care

RELIGIOUS LAND USE/PLACE OF WORSHIP: A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, and summer camps.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CREMATORIUM: A location containing properly installed, certified apparatus intended for use in the act of human or animal cremation.

FUNERAL SERVICES: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbaria. Cemeteries may be on-site as an accessory use.

6. Public and Civic Functional Uses

Placeholder.

C. Commercial Uses

1. Entertainment and Recreation

GOLF COURSE OR COUNTRY CLUB: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. This use may include a clubhouse, restrooms, driving range, swimming pool, tennis courts, and similar recreational or service facilities. Such use may be open to the public or to members only.

INDOOR ENTERTAINMENT AND AMUSEMENT VENUE: A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to theaters, bowling alleys, arcades, skating rinks, escape rooms, dance halls, auditoria, wedding venues, pool halls and video parlors. This use also includes event spaces in which a building or portion of a building provides facilities for civic, educational, political, cultural, or social purposes, as well as the use of a building or lot by a not-for-profit organization that restricts access to its facility to dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

OUTDOOR ENTERTAINMENT AND AMUSEMENT VENUE: A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, and go-cart tracks. Such use may also include indoor entertainment and amusement.

INDOOR SHOOTING RANGE: A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

2. Office and Professional Services

FINANCIAL INSTITUTION: An establishment where the primary occupation is financial services such as banking, savings, and loans. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms, which are classified under "Professional Office."

PROFESSIONAL OFFICE: An office for professionals, such as lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services. Professional Office uses are not Medical Offices or Artist Studios. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

RECORDING/PRODUCTION STUDIO: A facility that provides for audio or video production, recording or broadcasting for public or private reception.

3. Overnight Accommodation

BED AND BREAKFAST: An owner-occupied property, other than a hotel or multiple-family dwelling, that offers lodging for paying guests and which serves meals to these guests and that contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.

CAMPGROUND: Facilities providing camping or parking areas and incidental services for travelers in cabins or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.

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

RECREATIONAL VEHICLE PARK: A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

4. Retail Sales and Service

CONVENIENCE STORE: A retail store containing less than 5,000 square feet of gross floor area that sells everyday goods and services, which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

FITNESS CENTER: An establishment that provides exercise facilities such as running, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, restricted-access recreation buildings.

PACKAGE STORE: As defined in Title 37-A of Oklahoma Statutes, any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premise consumption and that is not a grocery store, convenience store, drug store, or other retail outlet that is not permitted to sell wine or beer for off-premise consumption.

PERSONAL SERVICES: Shops and establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, hair and nail salons, tanning services, massage spas, tailors, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Businesses that offer repair and maintenance services for large equipment or technicians who visit customers' homes or places of business are classified as "building service."

RESTAURANT: An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises.

RETAIL STORE: Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include grocery stores, appropriately licensed package stores, clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops.

TAVERN/BAR: An establishment that caters primarily to adults, 21 years of age and older, that sells and serves alcoholic beverages as its principal business.

SEXUALLY ORIENTED BUSINESSES: Amusement enterprises offering activities and services distinguished or characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities," as defined below. Such uses shall include, but not be limited to, the following:

- a. *Adult Arcade.* Any place to which the public is permitted or invited wherein electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of "specified anatomical areas" or "specified sexual activities" as defined in 10-2-1:.
- b. *Adult Bookstore.* A commercial establishment that has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other visual representations that depict or describe "specified anatomical areas" or "specified sexual activities," as defined in 10-2-1:.
 - (2) Instruments, devices, or paraphernalia that depict "specified anatomical areas" or "specified sexual activities" or are designed for use in connection with "specified sexual activities."
- c. *Adult Cabaret.* A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - (1) Person or persons who appear in a state of nudity; or
 - (2) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," including topless or bottomless dancers, exotic dancers, or strippers; or
 - (3) Films, motion pictures, or other video reproductions, or other photographic or visual representations that are characterized by the depiction of "specified anatomical areas" or "specified sexual activities" as defined in 10-2-1:.

No part of this definition will be deemed to disenfranchise any member of the healing arts licensed by the state to perform manipulation of body parts as part of their profession or counseling of said persons by licensed practitioners.

- d. *Adult Motion Picture Theater*. A commercial establishment where, for any form of consideration, films, motion pictures, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in 10-2-1:.
 - e. *Adult Theater*. A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined in 10-2-1:.
 - f. *Nude Modeling Studio*. Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
 - g. *Massage Parlor*. Any place where, for any form of consideration, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any “specified sexual activity,” or where any person providing such treatment, manipulation, or service related thereto exposes any “specified anatomical area.”
 - h. *Sexual Encounter Center*. Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with, or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to, bath houses, massage parlors, and related or similar activities.
5. Animal Services

ANIMAL BOARDING: A facility that provides overnight boarding or daycare services on-site. Such a facility does not include the sale of animals.

ANIMAL GROOMING OR VETERINARIAN: An establishment that provides services for household pets or small domestic animals, limited to grooming, bathing, training, and/or medical care by a licensed veterinarian. Boarding of animals is incidental and temporary, occurring only in direct support of treatment, recovery, or grooming services, and shall not be operated as a primary or extended use.

6. Vehicle and Equipment Sales and Service

CAR WASH: A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

HEAVY AUTO REPAIR: An establishment that offers mechanical and bodywork on motor vehicles, including straightening of body parts, body repairs, battery rebuilding, painting, welding, short-term storage of automobiles not in operating condition, and outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

LIGHT AUTO REPAIR: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing;

performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles.

VEHICLE AND EQUIPMENT SALES, RENTAL, AND SERVICE: An establishment that provides for the sale or rental of new or used automobiles, vans, trailers, motorcycles, motor homes, trucks, or recreational vehicles, including recreational watercraft. This use also includes the sale or rental of large trucks, moving equipment, construction or agricultural equipment, or similar large vehicles and vehicular equipment. Typical examples include automobile and ATV dealerships, auto malls, car rental agencies, and farming and construction equipment dealers (e.g., John Deere).

7. Marijuana Uses

MEDICAL MARIJUANA WASTE DISPOSAL FACILITY: An entity, consistent with Oklahoma Administrative Code 310: 681-1-4 and Title 63 Oklahoma Statutes Section 427.2, that has been licensed by the State of Oklahoma to render medical marijuana waste unusable and unrecognizable.

ALL OTHER MARIJUANA-RELATED USES:

Any marijuana-related business not elsewhere classified:

- a. *Medical Marijuana Dispensary.* Consistent with Oklahoma Administrative Code 310: 681-1-4 and Title 63 Oklahoma Statutes Section 427.2, a facility licensed by the State of Oklahoma to act as a retail entity for medical marijuana products
- b. *Medical Marijuana Processor.* Consistent with Oklahoma Administrative Code 310: 681-1-4 and Title 63 Oklahoma Statutes Section 423.C and Section 427.2, a facility licensed by the State of Oklahoma to produce medical marijuana products.
- c. *Medical Marijuana Research Facility.* A type of medical office and/or research or experimental laboratory, consistent with Oklahoma Administrative Code 310: 681-1-4 and Title 63 Oklahoma Statutes Section 427.2, that has been approved by the State of Oklahoma to conduct medical marijuana research.
- d. *Medical Marijuana Testing Laboratory.* A type of medical office and/or research or experimental laboratory, consistent with Oklahoma Administrative Code 310: 681-1-4 and Title 63 Oklahoma Statutes Section 427.2, that has been licensed by the State of Oklahoma to conduct testing and research on medical marijuana.

8. Care Facilities

ADULT CARE CENTER: A facility that provides care, supervision, and assistance with daily living activities for adults who do not require continuous medical care of a hospital or skilled nursing facility. Services may include meals, personal care, medication management, social or recreational activities, and protective oversight.

CHILD CARE CENTER:

- a. A commercial childcare program that provides daytime care and supervision for children, but not overnight care.
- b. Any place, home or institution which provides care for eight or more children for six or more hours of the 24-hour day.

9. Commercial Functional Uses

ALCOHOL SALES: The sale of alcoholic beverages to the public, which is regulated by Oklahoma Statutes Title 37a.

DRIVE-IN:

- a. A space or set of spaces in which motor vehicles may park and the occupants thereof use a speaker and microphone system to purchase products or services. Such use is commonly provided in conjunction with a restaurant. This use does not include parking lot spaces designated by signage or other means for pick-up, which lack a speaker and microphone system.
- b. An accessory portion of a main building that is designed to accommodate a patron's automobile. It is intended that the patron will consume a product or receive a service in the automobile.

DRIVE-THRU:

- a. A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service. Such use is commonly provided in conjunction with a restaurant, bank, or pharmacy.
- b. An accessory portion of a main building that provides a driveway and stacking spaces for vehicles to receive, but not consume a product or service.

FUEL PUMPS: This includes fueling pumps that have one or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel. Such use is commonly provided in conjunction with a convenience store or a grocery store.

OUTDOOR STORAGE: The keeping of materials, equipment, supplies, and merchandise external to a building that are not for sale and are not intended to be viewed by customers for purchase.

D. Industrial Uses**1. Light Industrial Uses**

BUILDING AND CONTRACTOR SERVICES: Licensed professionals performing specialized construction, installation, repair, or renovation work, such as, but not limited to, plumbing, electrical, HVAC, or roofing required for site development.

FREIGHT TERMINAL: Establishments primarily engaged in undertaking the transportation of goods and people for compensation, and which may, in turn, make use of other transportation establishments in effecting delivery. This definition includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

LOW-INTENSITY INDUSTRIAL AND MANUFACTURING: Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under High-Intensity Industrial and Manufacturing. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodworking; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing

plants); 3D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

SELF-STORAGE FACILITIES: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

WAREHOUSE: Facilities characterized by extensive warehousing, frequent heavy trucking activity, or open or enclosed storage of industrial materials and equipment, which are not involved in manufacturing or production. This use includes an establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

2. Artisan Industry

HIGH-INTENSITY ARTISANAL MANUFACTURING: The manufacturing and production of goods by a craftsperson using large machinery or conducted outside a building or indoor tenant space. This use typically includes, but is not limited to, machine work and cabinetry.

LOW-INTENSITY ARTISANAL MANUFACTURING: The manufacturing and production of goods by a craftsperson done by hand or small machinery, located within a building or indoor tenant space. This use typically includes but is not limited to craft breweries, jewelry, metalwork, woodworking, stained glass, textiles, ceramics, or handmade food products for off-site consumption.

3. Heavy Industrial Uses

DATA CENTER: A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems, that supply information to single or multiple end users off-site. Data Centers will typically require large amounts of electricity, strict temperature control and high security and will generally have few employees on-site at any given time. May also be referred to as a server farm.

HIGH-INTENSITY INDUSTRIAL AND MANUFACTURING: The manufacturing, processing, and storing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, tanneries, oil refining, and magazine-contained explosives facilities.

POWER PLANT: Facilities that produce electrical power.

SALVAGE YARD: A place where waste, discarded, or salvage materials are bought, sold, exchanged, bailed, packed, disassembled, or handled, including all 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.

WATER/RECYCLING CENTER: A facility used for the collection and/or processing of recyclable material and non-hazardous wastes taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. Processing means the preparation of material for efficient shipment by

means such as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning. This use includes any incinerator, private or public solid waste management facility, recovered materials processing facility, or sanitary landfill.

4. Industrial Functional Uses

Placeholder.

E. Agricultural Uses

1. Agriculture

AGRICULTURAL OPERATIONS: The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

AGRITAINMENT: Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, rustic wedding venues, and petting zoos).

COMMERCIAL STABLE: A structure housing horses that are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity. Accessory uses are permitted and include, but are not limited to, offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the stable use.

FARM AND FEED SUPPLY: An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes, but not including farm machinery.

FEEDLOT: An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale. This includes Concentrated Animal Feeding Operations regulated by Oklahoma Statutes §2-20-40. Feedlots are not permitted within the corporate limits of Ponca City.

SALE BARN: A structure where agricultural goods or livestock are sold by auction.

SMALL FARM WINERY: As defined in Title 37-A of Oklahoma Statutes, a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17).

2. Agricultural Functional Uses

Placeholder.

10-2-3: Airport Height Zoning Overlay

AIRPORT: Ponca City Regional Airport.

AIRPORT ELEVATION: The official elevation of the Ponca City Regional Airport is 1,007 feet above mean sea level.

AIRPORT ZONING COMMISSION: Ponca City Planning Commission.

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 Figure 2.1: Federal Aviation Requirement 77.25. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

BOARD OF ADJUSTMENT: The Ponca City Board of Adjustment.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of 4,000 feet.

CONICAL ZONE FOR INSTRUMENT AND NONINSTRUMENT RUNWAY:

Definition: Is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the instrument and non-instrument approach zones and transition zones, and the horizontal zone.

Extent: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For determining the height limits in all zones set forth in 13-2-4-2: and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONES:

Definition: Are hereby established by swinging arcs of 5,000 feet radii for all non-instrument runways 10,000 feet for all instrument runways 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 or transitional zones.

Extent: Established at 150 feet above the established airport elevation.

JOINT AIRPORT ZONING BOARD: A board consisting of two members appointed by each governmental subdivision lying within the airport overlay district delineated on the Ponca City regional airport airspace plan map. Said governmental subdivisions are Noble County, Ponca City, Newkirk and Kay County. A chairperson shall be elected by a majority of the eight members so appointed, all as authorized by title 3, Oklahoma Statutes, section 101 through 115. References to other jurisdictions are included solely to reflect statutory requirements for joint airport zoning under 3 O.S. §§ 101–115 and do not confer regulatory authority beyond Ponca City's corporate limits.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

NONCONFORMING USE: Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

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 non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection 11-16-2E of this chapter.

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.

PRECISION INSTRUMENT RUNWAY:

Definition: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a

precision approach radar (PAR) or precision global positioning (GPS) approach capabilities. It also means a runway for which a precision approach system is planned, and indicated on an approved layout plan or any other planning document.

Extent: Slopes 50 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 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

PRECISION INSTRUMENT RUNWAY ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the runway's centerline.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in subsection 11-16-2D of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for the landing and takeoff of aircraft along its length.

STRUCTURE: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITION ZONES:

Definition: The boundaries are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the airport airspace maps.

Extent: Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven 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. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

TRANSITIONAL SURFACES: These surfaces extend outward at 90° angles to the runway centerline and the runway centerline extended, at a slope of 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 5,000 feet measured horizontally from the edge of the approach surface and at 90° angles to the extended runway centerline.

TREE: Any object of natural growth.

10-2-4: Flood Regulation

ACCESSORY STRUCTURE: Structures which are on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (such as garages and storage sheds).

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's flood insurance rate map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined

channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year, and those areas established in subsection 10-10-3B of this chapter. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking is completed in preparation for publication of the FIRM, zone A is usually refined into zones A, AE, AH, AO or A1-99.

BASE FLOOD: The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION: The elevation of the base flood relative to the national geodetic vertical datum (NGVD), North American vertical datum (NAVD), or other datum specified on the flood insurance rate map (FIRM) used to establish the flood hazard area.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BOARD: The Oklahoma water resources board.

COMPENSATORY STORAGE: Providing for the volume of space occupied by an authorized fill or development within the flood hazard area. Compensatory storage shall compensate for and balance by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall drain freely to the watercourse. No area below the water line of a pond or other body of water can be credited as compensatory storage.

CRITICAL FACILITIES:

- A. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- B. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- C. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; or
- D. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

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

DESIGN FLOOD ELEVATION: The base flood elevation plus 1.0 vertical foot for all structures that are not a critical facility. For structures included within or serving a critical facility, the design flood elevation means the elevation of a flood having a 0.2% chance of being equaled or exceeded in any given year, plus 1.0 vertical foot.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A nonbasement building built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The effective date of the FIRM is July 2, 1980. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD DAMAGE RESISTANT MATERIALS: Construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood, as well as the floodway width, section area and mean velocities.

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

- E. The overflow of inland or tidal waters.
- F. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN ADMINISTRATOR: A person accredited by the board and appointed by the City Commission to administer and implement laws and regulations relating to the management of the floodplains.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes state or local regulations, in any combination, that provide standards for flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood or Flooding).

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

HISTORIC STRUCTURE: Any structure that is:

- G. Listed individually in the national register of historic places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
- H. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- I. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- J. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: Means, for purposes of the national flood insurance program, the North American vertical datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: Means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (July 2, 1980) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

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

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before the damage occurred would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- O. A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or
- P. B. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure."

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

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

WATER SURFACE ELEVATION: The height, in relation to the North American vertical datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10-2-5: Historic Preservation Zoning Overlay

APPROPRIATE: Appropriate means typical of the historic architectural style, compatible with the character of the historic district, and consistent with Sec. 2-4-3:.

BUILDING MASS: The relationship of a building's height to its width and depth.

BUILDING MATERIALS: The physical characteristics that create the aesthetic and structural appearance of the resource, including, but not limited to, a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

CERTIFICATE OF APPROPRIATENESS: The official document issued by the historic preservation advisory panel approving and/or concurring in any application for permit for the erection, demolition, moving, reconstruction, restoration or alteration of any structure designated historic property.

COMPATIBLE: Compatible means a design or use that does not conflict with the historical appearance of a building or district and does not require irreversible alteration.

CONTRIBUTING RESOURCE: A resource, a building, site, or district, that retains its essential architectural integrity in design and whose architectural style is typical of or integral to a historic district.

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

GOOD REPAIR: A condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, continued structural soundness and continued usefulness.

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

HISTORIC PRESERVATION DISTRICT OR AREA: A defined area of historical, architectural, and/or cultural value, with clearly defined boundaries, all of which are determined by the historic preservation advisory panel and within which the majority of owners have agreed to this designation.

HISTORIC PROPERTY: Any individual structure, building, site or monument which contributes to the historic, architectural, archeological and/or cultural heritage of the City as determined by the Historic Preservation Advisory Panel.

IN KIND, or MATCHING: To replace existing materials or features with materials of identical design, size, texture and composition. In historic rehabilitations, the use of replacement materials that are identical to the original in composition, size, shape, and profile.

Section 13-10-2: | 10-2-5: Historic Preservation Zoning Overlay

IMPROVEMENT: Any building, structure, place, parking facility, fence, wall, work of art or other object, the addition or deletion of which constitutes a physical betterment of real property, or any part of such betterment of real property.

LANDMARK: An individual structure determined by the historic preservation advisory panel to be historically and/or architecturally significant.

MATCHING: See, *In Kind*.

NON-CONTRIBUTING RESOURCE: A building, structure, or site that does not add to the historic significance of a property or district, and which detracts from the visual integrity or interpretability of a historic district.

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

PANEL: The historic preservation advisory panel of the city of Ponca City, Oklahoma.

PERIOD OF SIGNIFICANCE: The span of time during which a group of properties attained the significance that makes them eligible for designation as a historic district.

PRESERVATION: The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

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

RECONSTRUCTION: The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specific period of time.

REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while serving those portions or features of the property which are significant to its historical, architectural and cultural values.

RESTORATION: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

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

SCALE: The proportion of parts of a building, structure, or monument to one another and to the human figure.

SETTING: The surrounding structures, monuments, and landscaping that establish the visual, aesthetic, or auditory qualities of historic or architectural resources.

SIGN: Shall mean and include every sign, device, figure, painting, sculpture, drawing, message, placard, poster, billboard, ground sign, temporary sign, marquee, awning canopy, banner, pennant, flag, announcement, decoration, demonstration, display, illustration or insignia designed to be seen from outside any improvement, and which is used to advertise or promote the interests of any person when the same is placed in view of the general public.

SIGNIFICANT CHARACTERISTICS: characteristics that are important to or expressive of the historic or architectural quality and integrity of the resources and their setting, and which include, but are not limited to, building material, detail, height, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

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

10-2-6: Signs

ATTACHED AWNING/CANOPY SIGN: A permanent sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning or attached structural canopy.

BANNER, ATTACHED: A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.

BANNER, GROUND: A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

CHANGEABLE COPY: A copy that can be changed or rearranged without altering the sign face or structure, excluding electronic message centers.

CHANNEL LETTER: A fabricated or formed three-dimensional letter, number, logo or symbol affixed directly onto a surface.

COPY: Logos, characters, symbols, or any other portion of a sign that conveys a message or information.

ELECTRONIC MESSAGE CENTER (EMC): A sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light-emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).

FLAG: A piece of fabric or other flexible material with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure or on a pole mounted on a building.

GROUNDING CANOPY SIGN: A permanent attached sign that is affixed to a grounded canopy. A grounded canopy is a permanent structure that is structurally independent of a building, affixed to the ground, of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

HANGING SIGN: A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.

HOUSING DEVELOPMENT ENTRY SIGN: A specific monument sign. Located at the entry of a housing development, such as a subdivision, manufactured home park or resident-owned community, or apartment complex from a local, collector, or arterial street.

ILLUMINATION, EXTERNAL: Illumination provided by an external light source such as a lamp, bulb, or the like.

ILLUMINATION, HALO: Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as “reverse channel” or “reverse lit” illumination. A halo-lit sign is not considered an internally illuminated sign.

ILLUMINATION, ILLUMINATED: Any sign that incorporates illumination on or in the sign, or that directs illumination toward or over all or part of the sign, or that is created by the projection of illuminations onto a surface (such as a building wall).

ILLUMINATION, INTERNAL: Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting located on the same plane as the sign face.

INCIDENTAL SIGN (GENERAL): A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building, that is in addition to the primary sign types for the property, such as detached (ground) signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property.

MARQUEE SIGN: A permanently attached sign affixed to a marquee.

MONUMENT SIGN: A permanent detached or freestanding sign with a low profile, a base, and a support structure with a solid appearance that is at least 50% of the width of the widest part of the sign's face.

MURAL: A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include:

- Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- Works containing electrical or mechanical components; or
- Works that involve changing or moving images or components.

PIXEL PITCH: A measurement of the resolution of a digital display, in terms of the distance (generally in millimeters) between the center of a light-emitting diode (LED) cluster (pixel) and the center of the next LED pixel.

POLE SIGN: A permanent detached or freestanding sign in which the sign face is mounted on 1 or more poles and the base of the sign face is situated more than 12 inches above the ground. A pole sign does not include a flag mounted on a flagpole.

PROJECTING SIGN: A permanently attached sign type that is affixed to and projects 18 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy, awning, marquee, or roof.

ROOF SIGN: A sign that is mounted on the roof of a building, or that is wholly or partially dependent upon the building for support, and that projects above the highest point of a building with a flat roof, the eave-line of a building with a gambrel, gable, or hip roof, or the deck-line of a building with a mansard roof.

SEARCHLIGHT: A lighting assembly designed to direct the output of a contained lamp in a specific, tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Searchlights include lights commonly used to sweep the sky for advertising purposes.

SIDEWALK SIGN: A temporary and portable sign that is ordinarily in the shape of an "A" or inverted "T" with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway. Also known as sandwich boards and a-frames.

SIGN HEIGHT: The vertical distance measured from the highest point of a sign to the ground or lowest grade beneath the sign.

SIGN PERMIT: A permit authorizing the erection or maintenance of a sign pursuant to this UDC.

SIGN STRUCTURE: Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the lot, a building, or any other solid surface.

SIGN: A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

SPEAKER BOARD: A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane, provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

TEMPORARY SIGN (GENERAL): A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed only for a limited time period.

WALK-UP BOARD: A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

WALL SIGN: An attached sign painted on or attached to a wall or surface of a building or display surface that is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.

WINDOW SIGN: A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign located inside a building, within three feet of a window or glass door, and clearly visible from outside the building.

10-2-7: Wireless Telecommunication

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounted structures that camouflage or conceal the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

COMMUNICATION TOWER: See, *Wireless Communication Facility*.

HEIGHT, SUPPORT STRUCTURE: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, the average of the highest and lowest grades shall be used to calculate the height of the antenna support structure.

HEIGHT, WIRELESS COMMUNICATION FACILITY: 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 and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TOWER: Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include, but will not be limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures. The term includes the structure and any support thereto.

WIRELESS COMMUNICATION FACILITY: Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. Wireless communication facility-specific use types are listed below.

- *Freestanding Towers.* A structure intended to support equipment that is used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.
 - *Lattice Towers.* Self-supporting structures consisting of a network of crossed metal braces, forming a tower which is usually triangular or square in cross section.
 - *Monopoles.* Self-supporting structures consisting of a single pole sunk into the ground and/or attached to a permanent foundation
- *Building or Tower-Mounted Antennas.* The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

WIRELESS COMMUNICATION SERVICE PROVIDER (SERVICE PROVIDER): Any company, corporation, alliance, individual, or other legal entity that provides a wireless communication service directly to the public for a fee, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Services include, but not limited to, portable phones, car phones, pagers, digital data transmission or radio, or television communication.

WIRELESS TRANSMISSION FACILITY (WTF): An unstaffed facility for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider. WTFs are composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower.