

ZONING ORDINANCE

CITY OF PIEDMONT, OKLAHOMA

ZONING ORDINANCE

2010 SUPPLEMENT

**INCLUDING ALL AMENDMENTS TO THE ZONING ORDINANCE APPROVED
THROUGH DECEMBER 31, 2010**

CITY OF PIEDMONT, OKLAHOMA
ZONING ORDINANCE
SUPPLEMENT #3 (2008)

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Appendix 5-10.5 (pages
A-1 through A-23

CITY OF PIEDMONT, OKLAHOMA ZONING ORDINANCE
SUPPLEMENT #2 (2003)

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ZONING ORDINANCE
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ZONING ORDINANCE

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Amended By

Ord. #339
Ord. #339
Ord. #379

CITY OF PIEDMONT, OKLAHOMA

ZONING ORDINANCE

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ZONING ORDINANCE
CITY OF PIEDMONT, OKLAHOMA

PREFACE

SECTION 1. EFFECT ON DISTRICT CLASSIFICATIONS

This Ordinance carries forth the zoning districts that were transformed into new districts in 1987. Additionally, it incorporates the RE-1 and RE-2 districts that were created in 1991. Concurrent with this revision a new Overlay District is created to account for any city, municipal authority, school district, flood plain area or planned unit development. This includes buildings, structures, or surrounding grounds. The RS-3 district is retained as a carry-over district, for those districts so zoned; however, no further zoning into this district will be allowed.

All properties reclassified to another Zoning District under the provisions of this Ordinance shall be subject to both the District Use and Development Regulations of the applicable Districts in this Ordinance.

SECTION 2. EFFECT ON DEVELOPMENT REGULATIONS

The development and construction regulations contained in this Ordinance shall henceforth apply uniformly to all property within the corporate limits of the City of Piedmont regardless of the date of that property being established in a particular Zoning District classification.

SECTION 3. PLATS, SITEPLANS, AND IMPROVEMENT PLANS PREVIOUSLY APPROVED

Any plat application, site development plan or improvement approved prior to the effective date of this Ordinance shall remain valid and subject to those provisions in effect at the time of this Ordinance.

SECTION 4. COMPLETION OF APPROVED BUILDINGS

Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of this Ordinance, or an amendment to this Ordinance, if the actual construction of said building or structure is in accordance with those provisions in effect at the time the permit was issued.

SECTION 5. ZONING DISTRICTS NOMENCLATURE

- A-1
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- RE-1
- RE-2
- RS-1
- RS-2
- RS-3
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CHAPTER 1

CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE

SECTION 1-1. CITATION

This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma, in Title 11, Article XLIII, 43-101 through 43-109, and Article XLIV, Section 44-101, 44-102, and 44-104 through 44-110 of the Oklahoma Statutes, shall be known as the "Zoning Ordinance of the City of Piedmont", and may be cited as such.

SECTION 1-2. PURPOSE

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this Ordinance they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 1-3. NATURE AND APPLICATION

1. This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of Piedmont, State of Oklahoma, as hereinafter set forth, by dividing the City into districts and regulating there the use of the land and the use and size of building, the size of yards and open spaces, the location of buildings, and the density of population.
2. Except as hereinafter otherwise provided no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

SECTION 1-4. ZONING DISTRICTS

The City of Piedmont is hereby divided into districts as shown on the Zoning Map filed with the City Clerk. The map as amended and all explanatory materials thereon is hereby made a part of this Ordinance. Zoning Districts shall be designated as follows:

Agricultural Districts

- A-1 General Agricultural District

Residential Districts

- RE Rural Estate Residential District
- RE-1 Medium Size Rural Estates Residential District
- RE-2 Minimum Size Rural Estates Residential District
- RS-1 Urban Estate Residential District
- RS-2 Single-Family Residential District
- RS-3 Single-Family Residential District
- RD-1 Two-Family Residential District
- RM-1 Multi-Family Residential District
- RMH Mobile Home Residential District

Commercial Districts

- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Central Commercial District

Industrial Districts

- I-1 Restricted Light Industrial District
- I-2 General Industrial District
- I-3 Heavy Industrial District

Overlay District

Specific district regulations are set forth in Chapters 3 and 4.

SECTION 1-5. INTERPRETATION OF DISTRICT BOUNDARIES

1. The boundaries of the zoning districts are hereby established as shown on the maps entitled Zoning District Maps of the City of Piedmont, Canadian County, Oklahoma which are a part of these regulations and which are on file in the office of the City Clerk. Said maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of these regulations.
2. Unless otherwise indicated on the zoning maps, the district boundaries are lot lines, the center lines of streets or alleys or specified distance therefrom, railroad right-of-way lines, or property lines, as they existed at the time of the enactment of these regulations.
3. Where uncertainty exists as to the boundaries of the zoning districts or when the street or property existing on the ground is at variance with that shown on the Zoning District Maps, the Board of Adjustment upon written application or upon its own motion, shall determine location of such boundaries.

SECTION 1-6. INTERPRETATION OF WORDS AND TERMS

Unless otherwise stipulated or required, the following definitions shall be used in the interpretation and construction of the ordinance, and words used in the present tense include the future; shall include the plural, and the plural the singular; the word "building" shall mean as well the word "structure", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING OR STRUCTURE -- A building incidental and subordinate to the main building or use and located on the same lot with the main building.

ACCESSORY USE -- A use incidental, appropriate, and subordinate to the principal use of land and buildings located upon the same premises.

ADVERTISING SIGNS, BILLBOARD, OR STRUCTURE -- Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties shall be construed as advertising sign for the purpose of this definition.

AGRICULTURE -- The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards, auction yards for horses, cattle, hogs or other animals shall be deemed an industrial not an agricultural use.

APARTMENT HOUSE -- A multiple-family dwelling. (See "dwelling, multiple.")

AUTOMOBILE -- A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, pick-ups, busses, motorhomes, three or four-wheeled ATV's and motorcycles.

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

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

AUTOMOBILE SERVICE STATION -- Any area of land, including structures thereon, that is used for the sale of gasoline, natural gas or oil fuels, and may include butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

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

AUTOMOBILE WASH OR LAUNDRY -- A structure designed primarily for washing automobiles using production line methods such as a chain conveyer, blower, steam cleaner, high pressure spray, or other mechanical device.

AUTOMOBILE WRECKING OR SALVAGE YARD -- An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

BASEMENT -- A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes.

BLASTING -- The use of explosives.

BOARDING HOUSE/BED AND BREAKFAST -- A dwelling other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided.

BOARD OF ADJUSTMENT -- The board of adjustment for the City of Piedmont, Oklahoma, also referred to as Board.

BUILDING -- Any structure intended for shelter, housing, or enclosure for persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

BUILDING ACCESSORY -- The subordinate building, the use of which is customarily incidental to that of a principal building on the same lot. Mobile Homes and Travel Trailers shall not be considered accessory buildings.

BUILDING COVERAGE -- The percent of the lot area covered by the building. The building shall include all overhanging roofs.

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 roofline of a mansard (a mansard may be no taller than that required to conceal roof equipment), roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN -- A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SITE -- A single parcel of land occupied or intended to be occupied by a building or structure.

BUILDING, TEMPORARY -- Any building or structure on skids or not otherwise attached to a foundation or the ground.

CARPORT -- A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

CHILD CARE FACILITY -- Any public or private residential facility, day care center, or family day care home, providing either full-time or part-time care for children away from their own homes, and which is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or individual.

* *In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards of the "Oklahoma Child Care Facilities Licensing Act, Sec 401-410, Title 18, O.S., which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.*

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

DAY CARE CENTER -- A licensed or approved facility which provides care and supervision for eight or more children and which operates for more than thirty (30) hours a week. The term "day care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or care-takers in the child's own home.

CITY -- The City of Piedmont, Oklahoma.

CITY COUNCIL -- The City Council of the City of Piedmont, Oklahoma.

CLINIC, DENTAL OR MEDICAL -- A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept over night except under emergency conditions, including but not limited to dental and doctor's offices.

COMPREHENSIVE PLAN -- The Comprehensive Plan of the City of Piedmont, Oklahoma.

CONVALESCENT, REST, NURSING HOME, EXTENDED CARE FACILITY -- A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

COURT -- An open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.

COURT, INNER -- A court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

COURT, OUTER -- A court the full width of which opens onto a required yard, or street, or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street, or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at right angles to its width.

DISTRICT, ZONING -- Any section or sections of the City of Piedmont, Oklahoma, for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DRIVE-IN RESTAURANT -- Any establishment where food, frozen dessert and/or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building.

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

DWELLING -- Any building or portion thereof, which is designed or used as living quarters, for one (1) or more families, but not including house trailers, mobile homes, motor homes or travel trailers.

DWELLING, ATTACHED -- A portion of a building or structure having any portion of one (1) or more in common with an adjoining dwelling or dwellings, or ceiling or one (1) dwelling in common with floor or another dwelling.

DWELLING, DETACHED -- A building or structure having open space on all sides.

DWELLING, SINGLE-FAMILY -- A detached dwelling designed to be occupied by one (1) family.

DWELLING, TWO-FAMILY -- A dwelling designed to be occupied by two (2) families living independently of each other.

DWELLING, MULTI-FAMILY -- A dwelling designed for occupancy of three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, motels or resort-type hotels.

DWELLING, DUPLEX, AND MULTIPLE -- A building or structure containing two (2) attached dwelling units designed to be occupied by two (2) families living independently of each other. A building or structure containing three (3) or more attached dwelling units designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels, motels, trailer courts, mobile home courts or trailer camps.

DWELLING, ROWHOUSE OR TOWNHOUSE -- A building or structure containing three (3) or more dwelling units attached at the side or sides, each dwelling having a separate outdoor entrance and designed to be occupied by one (1) family, and which may be owned individually by the resident family.

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

EXCEPTION -- A relief from the requirements of this ordinance properly authorized by the Board of Adjustment.

FAMILY -- One (1) or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, motel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

FLOOR AREA, GROSS -- The sum of the gross horizontal area of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, and including but not limited to, the following spaces:

- a. basements
- b. elevator shafts and stairwells at each floor
- c. floor space for mechanical equipment with structural head room of seven (7) feet
- d. penthouses
- e. interior balconies, mezzanines and enclosed covered porches and enclosed steps
- f. accessory uses in enclosed covered space, but not including space used for off-street parking

FLOOR AREA, NET -- The total floor area within a building devoted or intended to be devoted to a particular use, with structural head room of seven (7) feet or more, whether above or below the finished lot grade, excluding: (a) elevators, stairwells, hallways, walls and partitions, and (b) floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by persons while engaged in the use.

FLOOR AREA RATIO -- A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located, as

$$\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$$

GARAGE, APARTMENT -- A dwelling unit for one (1) family erected above a private garage.

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

GARAGE, PRIVATE -- An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.

GARAGE, PUBLIC -- Any garage other than a private garage, available to the public, used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire, or sale.

HOME OCCUPATION -- Any occupation, business or profession carried on solely by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one (1) non-illuminated nameplate, not more than two (2) feet square in area attached to the main or accessory building, and no mechanical equipment is used or actively is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

HOME ASSOCIATION -- An incorporated non-profit organization operating under recorded land agreements through which: (a) each lot and/or home owner in a planned unit or other described land area is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

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.

HOTEL -- A building or group of buildings under one (1) ownership containing six (6) 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, sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.

KENNEL -- Any lot or premises on which three (3) or more dogs, more than six (6) months of age are kept.

LOT DEPTH -- The average horizontal distance between the front and rear lot lines.

LOT, FRONTAGE -- That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

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

LOT, LINES -- The lines bounding a lot.

MOBILE HOME -- A single-family dwelling designed for transportation on streets and highways on its own wheels or on flatbed or other trailers, both highway and rail, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, connection to utilities, and similar operations.

MOBILE HOME PARK -- Any plot of ground upon which one (1) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MOBILE HOME SPACE -- A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.

MOTEL OR MOTOR HOTEL -- An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient persons or families and intended primarily for automobile transients.

NONCONFORMANCE -- A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage, or off-street parking requirements.

NONCONFORMANCE USE -- A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OPEN SPACE -- Any parcel or area of land that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

PARKING SPACE -- A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile. For purposes of this Ordinance, the size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

PLANNED UNIT DEVELOPMENT -- A development planned in accordance with the provisions of Section 5-10 of these Regulations.

PLANNING COMMISSION -- The City of Piedmont Planning Commission.

PUBLIC UTILITY -- Any installation or service facility operated by a public governmental unit, or licensed or franchised by the City of Piedmont.

SETBACK -- The distance between the lot line and the building line.

SITE DEVELOPMENT PLAN -- A plan drawn at a scale of not less than fifty (50) feet equal one (1) inch which shows the topographic characteristics of the site at a contour interval of not less than two (2) feet; the exact location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts, and other features; the use of each building and area; the height of buildings, adjacent streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

STABLE -- A structure with a capacity for more than two (2) horses or mules.

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

STORY, HALF -- A space under a sloping roof which has the line of intersections of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished off for use. A half (1/2) story continuing independent apartment or living quarters shall be counted as a fully story.

STREET -- Any public or private right-of-way which affords the principal means of access to abutting property.

STREET, INTERSECTING -- Any street which joins another street at an angle, whether or not it crosses the other.

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

STRUCTURAL ALTERATIONS -- Any changes in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

TRAILER, HAULING -- A trailer that is pulled behind an automobile or truck which is designed for hauling animals, produce, goods, or commodities, including boats.

TRAILER, TRAVEL OR CAMPING -- All trailers and portable structures built on a chassis, designed as temporary or permanent dwelling for travel, recreation, and vacation use; this is meant to include tent trailers, recreational vehicles and motor-driven travel vehicles.

TRAVEL TRAILER, PARK -- Any plot of ground upon which one or more travel trailers, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.

TRAVEL TRAILER, SPACE -- A plot of ground within a travel trailer park designed for accommodation of one travel trailer.

USE -- The purpose for which land or a building or structure is arranged, designed or intended, or for which either land, building or structures, or may be occupied or maintained.

VARIANCE -- A modification of the terms of this Ordinance by the Board of Adjustment.

YARD -- An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT -- A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

YARD, REAR -- A yard extending across the rear of a lot line measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE -- A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building, or any projections other than steps.

CHAPTER 2

GENERAL DESCRIPTION OF THE DISTRICTS

A-1. GENERAL AGRICULTURAL DISTRICT.

This district is intended to provide for the continued use of land situated on the fringe of the urban area for agricultural purposes, until land so designated is needed and desired for urbanization. Although such areas may be located in close proximity to residential and commercial uses, the continuation of agricultural uses is considered an essential part of the Piedmont community. This district is intended further to prevent location of low standard, scattered residential, commercial or industrial development, except in accordance with this Ordinance and the Piedmont Comprehensive Plan. The types of uses, the area and the intensity of and uses permitted in this District are designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

RE. RURAL ESTATES RESIDENTIAL DISTRICT.

This district is intended to provide a location for the land situated on the fringe of the urban area that may be either agricultural or urban in character. This area commonly has been subdivided by ownership into various shaped tracts usually ranging from two and one-half (2 1/2) acres to up to four and ninety-nine hundredths (4.99) acres in size (excludes five (5) acres or more). The use of land in these areas will represent a variety of urban and rural uses including the single-family dwelling unit on a small tract, residential uses with farm animals on acreages and agricultural endeavors of a limited scale. It is the purpose of this district to promote a compatibility between uses and to encourage and provide an orderly transition from agricultural or urban character.

RE-1. MEDIUM SIZE RURAL ESTATES RESIDENTIAL DISTRICT.

This area commonly has been subdivided by ownership into various shaped tracts usually ranging from one (1) acre to up to two and forty-nine hundredths (2.49) acres in size (excludes two and one-half (2.5) acres or more). It is the purpose of this district to provide for the use of parcels of land in accordance with rules and regulations of the Oklahoma Department of Environmental Quality governing residential sewage system wherein either a public water supply or a private well could be utilized with a subsurface sewage absorption field.

RE-2, MINIMUM-SIZE RURAL ESTATES RESIDENTIAL DISTRICT.

This area commonly has been subdivided by ownership into various shaped tracts usually ranging from Twenty-one Thousand Seven Hundred Eighty (21,780) square feet to up to Ninety-nine hundredths (.99) acres in size (excludes one (1) acre or more). It is the purpose of this district to provide for the use or parcels of land in accordance with rules and regulations of the Oklahoma Department of Environmental Quality governing residential sewage system wherein a public water supply is used with a subsurface sewage absorption field.

RS-1, URBAN ESTATE RESIDENTIAL DISTRICT.

An Urban Estates Residential District (or subdivision) may be defined as a planned, natural area within the City limits which includes many of the major daily activities of the families living within the area. These activities may center around a neighborhood school, church, or other social activity. The Urban Estates Residential subdivision is not intended to be wholly self-sufficient, but should provide common interests for its residents. It is further intended that social and recreational facilities will be developed within the area. One (1) square mile is a desirable maximum size and will aid in retaining common neighborhood interest.

RS-2, SINGLE-FAMILY RESIDENTIAL DISTRICT.

This is a restrictive residential district. The principal use of land is for single-family dwellings and related recreation, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each element.

RS-3 SINGLE -FAMILY RESIDENTIAL DISTRICT (MINIMUM-SIZE LOTS).

This is a restrictive, high-density residential district for use of single-family dwellings and related recreational, institutional, educational, and religious uses. This district provides for the smallest residential lot allowed under the zoning ordinance. This zoning district is limited to those properties that are served by adequate public water supply and public sewer service.

RD-1, TWO-FAMILY RESIDENTIAL DISTRICT.

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the Single-Family Districts. The principal use of land is for single-family and two-family dwellings and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through the consideration of the proper functional relationship and arrangement of each element. This district may be used to achieve transition areas between commercial areas and the Single-Family Districts, or to provide buffering areas between Single-Family Districts and other community functions with intrusive characteristics (such as major transportation routes).

RM-1, MULTI-FAMILY RESIDENTIAL DISTRICT.

This residential district is intended to provide for multiple-family developments which may have a relatively intense concentration of dwellings units served by large open spaces including common areas and facilities, thereby resulting in low gross densities. The principal use of land may be for one or several dwelling types ranging from single-family to low-rise multiple family dwellings, and including garden apartments, condominiums, and town homes. This district will typically be located with close access to the arterial street system so as to result in minimum traffic mixing with less intensive residential areas.

RMH, MOBILE HOME RESIDENTIAL DISTRICT.

The purpose of this district is to provide for the establishment of a higher density residential pattern within which the mobile home park will be compatible. The district is intended to provide for a permanently established residential environment. The mobile home parks and travel trailer parks permitted should be well designed and developed to provide a desirable living area. Recreational areas should also be incorporated into the development of uses in this district. Because of the intensity of use in this district, they should be located with close access to the arterial street system so as to result in minimum traffic mixing with less intensive residential areas. Locations selected should also be suitable for accomplishment of the screening, utility, draining, and other requirements of this Ordinance.

C-1, LOCAL COMMERCIAL DISTRICT.

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood, closely associated with residential, religious, recreational, and educational elements, more restricted requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.

C-2, GENERAL COMMERCIAL DISTRICT.

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

C-3, CENTRAL COMMERCIAL DISTRICT.

This commercial district is intended to provide for continued use and re-use of areas of existing development in the community. The land may be previously platted into lots, block, or parcels in sizes not appropriate for contemporary use. Therefore, these regulations may provide parking requirements, setbacks, arrangements of uses on land parcels, combinations of uses, and other aspects of use which are designed for the efficient use of spaces in this district. The objective of harmony between the uses in this district and surrounding areas shall be followed in the application of this district.

I-1, RESTRICTED LIGHT INDUSTRIAL DISTRICT.

This industrial district is intended primarily for production and assembly plants that have processes which are conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

I-2, GENERAL INDUSTRIAL DISTRICT.

This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation routes. These districts need to be carefully located to assure good relationships with residential areas.

I-3, HEAVY INDUSTRIAL DISTRICT.

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these Regulations. The intensity of uses permitted in this district makes it desirable that they be located down wind and separated from residential and commercial uses whenever possible.

OVERLAY DISTRICT.

An overlay district is one that "fits over" an already existing zoning district. It is restrictive in nature and has limited use application. The underlying land reverts to the currently assigned zoning if the "overlay" is removed. These districts are designated by the City of Piedmont and apply to all buildings, structures and surrounding grounds owned, operated or designated by the City of Piedmont; the Piedmont Municipal Authority; the Piedmont School District; that flood prone land area designated on the official flood plan maps; and any land designated to be developed under the Planned Unit Development (PUD) concept. The minimum restrictions as set forth in Chapter Four are waived for this district to insure the appropriate use of land while safeguarding the public health, safety and general welfare of the populace while making its public utilities/facilities as efficient as possible while maintaining the value of surrounding property values.

CHAPTER 3: SIGN REGULATIONS

SECTION

General Provisions

- 3.01 Definitions.
- 3.02 Legislative intent.
- 3.03 Scope and application.
- 3.04 Conflicts
- 3.05 Permits and inspections.
- 3.06 Violation

Location and Construction

- 3.07 District regulations.
- 3.08 Compliance with codes
- 3.09 Auxiliary specifications.
- 3.10 Prohibited signs; Exceptions
- 3.11 Maintenance and repair.
- 3.12 Nonconforming signs, status

Appendix: Types of signs permitted

GENERAL PROVISIONS

Section 3.01 DEFINITIONS:

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

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

BILLBOARD: A sign advertising services or activity at a location other than where billboard is located.

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

DISTRICT: A zoning district established in Chapter One of this code of ordinances, the boundaries of which are determined by reference to the zoning map.

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

FREESTANDING SIGN: A sign not attached to building on the lot.

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

NONCONFORMING SIGN: A sign in noncompliance with applicable number, area, height, setback, code, or specification regulations, but which lawfully existed on August 25, 2003.

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

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

PROJECTING SIGN: A sign extending outward from a building.

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

SIGN: A name, identification, image, description, display, illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to any object, product, place, activity, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, or alley. For purposes of removal, SIGNS shall also include all sign structures.

WALL SIGN: A sign affixed to or painted on or otherwise inscribed on the front, rear, or side of any building in an essentially flat position. A sign erected upon the side of a roof having a slope greater than forty-five degrees (45°) from the horizontal shall be considered a wall sign.

SECTION 3.02 LEGISLATIVE INTENT:

A. It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, service, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property, and to assure the continued

attractiveness of the community, and protect property values.

B. It is further determined that signs which may lawfully be erected and maintained under the provisions of this chapter are consistent with ordinary usage; and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are an unwarranted invasion of the right of legitimate business interests and of the public

SECTION 3.03 SCOPE AND APPLICATION:

A. The provisions of this chapter shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City. It shall be unlawful hereafter to display, construct, erect, alter, use, or maintain any sign, except in conformance with provisions of this chapter.

B. This chapter shall not apply to:

1. The changing of the copy on a legal sign; or,
2. Painting, repainting, cleaning, or other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

SECTION 3.04 CONFLICTS:

A. The provisions of this chapter, in their interpretation and application, shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or general welfare.

B. Whenever the requirements of this chapter are in conflict with the requirements of any lawfully adopted rules, regulations, ordinances, deed, restrictions or covenants, the most restrictive or that imposing the higher standard shall govern.

SECTION 3.05 PERMITS AND INSPECTIONS:

A. It shall be unlawful to erect any sign without first filing with the City Inspector an application in writing and obtaining a sign permit, except as hereinafter provided.

B. The following signs shall not require the issuance of a sign permit. The signs must comply with all other building, structural, and electrical codes of the City, and with the requirements contained herein:

1. One construction sign per construction project not exceeding 32 square feet in area in residential districts or 64 square feet in area in commercial or industrial districts: (the signs shall not be erected more than five days prior to the beginning of construction for which a building permit has not issued, shall be located on the

site of construction, and shall be removed prior to the City issuing a certificate of occupancy.)

2. Signs providing direction or instruction, which are located entirely on the lot which they serve, do not in any way advertise a business, and do not exceed four square feet in area;

3. The flags, emblems, or insignia of any government;

4. Signs of a non-commercial nature and in the public interest, which are required by law, or which are erected by or on the order of a public officer in the performance of his or her public duty, including but not limited to safety signs, danger signs, trespassing signs, memorial plaques, signs of historical interest;

5. Memorial signs or tablets which are made an integral part of building names of buildings, or dates of erection, when cut into any masonry surface, inlaid so as to be part of the building or which cast in bronze or other metal.

6. Signs for home occupations which are not illuminated, do not exceed two (2) square feet in area, are attached flat against the building, and announce only the name and occupation on the lot;

7. Political signs, provided:

(a) The signs shall not be erected more than forty-five (45) days prior to the election; and,

(b) The signs shall be removed within fifteen (15) days following the election.

8. One real estate sign on any lot frontage provided the sign is located on the lot to which the sign applies, is not illuminated, and does not exceed six (6) square feet in area (signs up to 64 square feet may be erected on lots abutting arterial streets and on commercial and industrial zoned properties).

9. Signs not exceeding three square feet in area advertising garage sales, provided:

(a) The signs are not posted more than four (4) days before the sale and are removed no more than two (2) days after the sale; and,

(b) The signs are not posted on any curb, sidewalk, utility post or pole, hydrant, bridge, tree, or other surface located on public property, or over or across the traveled portion of any public right-of-way.

10. Signs painted on windows;

11. Community promotional banners erected in the public right-of-way pursuant to specific authorization issued by the City Council meeting the following criteria:

(a) All banners shall be of uniform size and shape so as to install on standard brackets located and installed by the City.

(b) The maximum time any banner may be displayed shall be specified in the authorization granted by the City Council.

(c) The wording of the banners must be specified in the authorization granted by the City Council, and such wording shall be messages of general public benefit to the City and its citizens, including but not limited to advertisement of special public events or promotions of the community.

(d) Any commercial sponsorship of the banners may be indicated thereon, provided all commercial logos or wording shall not exceed 25% of the total surface area per side of the banners.

(e) The banners shall be constructed in a workmanlike manner of materials capable of withstanding wind and to resist deterioration from natural elements.

(f) The City shall have the right to prohibit or restrict the location of banners on utility poles and the right-of-way where necessary to protect the health, safety, and welfare of the public.

(g) The signs shall be maintained in good condition by the applicant, and the City reserves the right to withdraw the limited license upon notice to applicant if the banner is not maintained.

C. The application for a permit shall be in writing and accompanied by the following information:

1. A site plan and elevation drawing of the proposed sign;
2. Type and size of sign, including wind-load specifications and calculations;
3. The materials with which the sign is to be constructed;
4. The height of the sign; and,
5. The information to be contained on the sign.

D. The City Inspector shall approve sign permits in writing. Approval shall be entered upon the original permit application and maintained in the files of the City Inspector.

E. Before a permit is issued the applicant shall pay to the City Clerk a fee as

prescribed. The fee shall not be refunded upon the revocation of a permit pursuant to the provisions of this chapter.

F. . All signs shall be subject to inspection by the City Inspector. Footing inspections may be required on the day of excavation for all free-standing signs. The City Inspector may, within forty-eight (48) hours after being notified that the sign is ready for inspection, also required inspection of electrical signs before erection. It shall be the duty of the owner, contractor, or permittee to inquire with the City Inspector as to the times or stages that inspection shall be required, and advise the engineering and inspection department when the owner, contractor, or permittee is ready for inspection.

G. It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit without prior approval of the City Inspector. If the City Inspector finds that work under any permit is not in accordance with the information supplied in the permit application, or is in violation of this or any other pertinent ordinance, or should he/she find that there has been any misrepresentation in connection with the application for the permit, the Inspector shall notify the sign owner or erector of the findings and that violation must be corrected without delay. If the correction is not made, the City Inspector shall revoke the permit and service thereof upon the sign owner or erector. No person shall proceed with any part of the work after the notice is received.

SECTION 3.06 VIOLATION:

In addition to all other remedies for the enforcement of this chapter and its provisions, the City may institute any proper action in a court of competent jurisdiction to prevent, enjoin, restrain, abate, or otherwise to correct any violation.

LOCATION AND CONSTRUCTION

SECTION 3.07 DISTRICT REGULATIONS:

Except as otherwise specifically provided in this chapter, the type, number, location, area, height, and use of signs in the City shall conform to the requirements set forth in Appendix 1.

SECTION 3.08 COMPLIANCE WITH CODES:

All signs shall comply with applicable provisions of the Building Code and Electrical Code of the City.

SECTION 3.09 AUXILIARY SPECIFICATIONS:

In addition to all other requirements of this chapter the following specifications shall apply:

- A. No sign shall be erected, constructed, or maintained so as to obstruct any fire

escape, required exits, window, or door opening used as a means of egress.

B. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation.

C. All illuminative elements of electric signs shall be kept in satisfactory working condition or immediately repaired or replaced.

D. Lighting fixtures for externally lighted wall signs may extend up to seven feet beyond the sign face. The fixtures shall not be less than fifteen (15) feet above any public right-of-way.

E. No sign, nor more than two structural supports with a combined width or diameter exceeding twelve inches (12") shall be located within, project into, or overhand the sight triangle at a corner between the heights of two (2) feet and eight (8) feet above the crown of the street, measured at the center of the intersection.

F. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads of not less than forty (40) pounds per square foot of area.

SECTION 3.10 PROHIBITED SIGNS:

The following signs are prohibited:

A. Ribbons, streamers, captive balloons, strings of light bulbs, spinners, or other similar devices, except the devices, when attached solely to the building, the same may be erected for a 30-day period, not exceeding three (3) periods per year. There shall be at least sixty (60) days between the 30-day periods, and a permit shall be obtained for each separate period prior to installation.

B. Strobe or rotating lights.

C. Signs or other lighting devices which are arranged so as to beam, flash, reflect, or illuminate upon a public street, sidewalk, or adjacent premises in a manner constituting a traffic hazard or nuisance.

D. Signs which emit audible sound or odor.

E. Portable or wheeled signs, including signs mounted on a support structure originally designed to be portable or to have wheels. This shall not be interpreted to prohibit lettering on motor vehicles; and, provided a portable sign shall be allowed for one 30-day period each calendar year.

F. Signs or advertising devices attached to or located on a vehicle or trailer for the primary purpose of providing advertisement of products, or directing people to a business or

activity located on the premises.

G. "A" frame or sandwich board, sidewalk, or curb signs.

H. Signs which are placed on any curb, sidewalk, utility post or pole, hydrant, bridge, or other surface located on public property, except community banners authorized under Section 3.05.

I. Signs which obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.

J. Signs which are erected on or project into or over any public right-of-way, except a sign for which a permit has been issued in conformance with the requirements of this chapter, and except community banners authorized under Section 3.05.

K. Signs facing onto residential districts unless separated by a public right-of-way. This prohibition shall not include projecting or free-standing signs located between the building and the street right-of-way at the locations permitted in Section 3.07.

L. Signs or sign structures which:

1. In any way obstruct the view of, may be confused with, or purport to be an official traffic sign, signal or device, or other official sign.
2. Use any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle.
3. Create in any other way an unsafe distraction for motor vehicle operators.
4. Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private drive-way, alley, or other thoroughfare.

M. Signs or sign structures which are structurally unsafe or are capable of causing electrical shocks to persons likely to come in contact with the same.

N. Signs which bear or contain statements, words, or pictures of an obscene, pornographic, or immoral nature.

O. Signs which advertise an activity, business, product, or service no longer conducted or available on the lots upon which the signs are located.

P. Signs not on the lot which they serve, or any other signs not pertinent and clearly incidental to the permitted use on the lot where located with the following exceptions:

1. Signs of religious, institutional, and public uses.
2. Signs inside spectator sports facilities.

3. Signs located on property zoned agricultural, commercial, or industrial where the sign location is leased from the owner of the property, and the sign complies with all provisions of this ordinance. Any sign placed on property other than where the advertiser's use is located shall be used in computing the total sign size and number of signs allowed on the property where the sign is located.

SECTION 3.11 MAINTENANCE AND REPAIR.

A. No person shall suffer or permit any sign, whether conforming or nonconforming, to become or constitute a hazard to health or safety by reason of dilapidation, destruction, or improper or inadequate maintenance.

B. It shall be the affirmative duty of those having control over the signs to keep or bring the same into compliance with this chapter.

SECTION 3.12 NONCONFORMING SIGNS.

A. Nonconforming signs may be continued, maintained, and repaired except as otherwise provided in this chapter.

B. A nonconforming sign shall not be enlarged, modified, or relocated in any manner increasing the extent to which the sign was in noncompliance with the regulations of this chapter prior to enlargement, modification, or relocation.

C. A nonconforming sign shall not be used or rebuilt, except in compliance herewith, whenever:

1. The lot or building space served by the sign has been occupied for a continuous period of one year; or,
2. The sign has been destroyed, intentionally or unintentionally, to the extent that the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost as determined by the City Inspector.

APPENDIX 1: TYPES OF SIGNS PERMITTED

Sign Type and Conditions	Residential	Commercial, Industrial, Public, Charitable, Educational, and Religious Facilities
<p>I. Free-standing number Multi-family: Option</p> <p>(A) Maximum area (square feet)</p> <p>(B) Maximum height</p> <p>(C) Setbacks</p>	<p>Fifty (50)</p> <p>Six (6) feet</p> <p>Prohibited in</p>	<p>One per parcel for first 300 square feet of street frontage or part thereof; one additional for each additional 300 square feet of street frontage .</p> <p>One square foot per one foot of street frontage, up to 150 square feet for the first 300 feet of street frontage or part thereof; up to an additional 150 square feet for each additional 300 feet of street frontage; maximum area per sign shall be 150 square feet</p> <p>35 feet, except 25 feet for parcels adjacent to residential districts on the same street frontage; minimum clearance over vehicular traffic area shall be 14 feet.</p> <p>Side and rear 12 feet in C-1. In C-2 setbacks and Industrial 2 feet from street right-of-way or 12 feet from the curb, whichever is more restrictive; 25 feet for parcels adjacent to residential districts on same frontage or 200 feet from the residential district.</p>
<p>II. Projecting</p>	<p>None</p>	<p>Special projecting signs, C-3 only: one sign per tenant with street frontage; maximum area per sign, 1.5 square feet per 1 foot of building frontage on streets, up to 50 square feet; side setback, center of property or 12 feet, whichever is less; may infringe up to 6 feet into right-of-way, but no closer than 2 feet from the curb; minimum</p>

APPENDIX 1: TYPES OF SIGNS PERMITTED—continued

Sign Type and Conditions	Residential	Commercial & Industrial
II. Projecting—continued		clearance shall be 8', street 15'. Other projecting signs: Same square footage as wall signs.
III. Roof	Not allowed	No limits, except area which is 32 square feet per establishment (see Note C)
IV. Wall	Option	No limits, except total maximum area for Types III and IV per establishment: two square feet per one foot of building frontage on streets (see Note C).
V. Billboards	Not allowed	Permitted in Industrial district only as a special permit use. Procedure for permit is same as rezoning applications.
VI. Options, choice by owner	Multi-family: One sign of either Types I, II, or IV per parcel	For Commercial and Industrial districts abutting State highway may erect two signs for each 300 feet, instead of one, but subject to same area limitations as above. Multi-tenant developments may add 20 square feet per sign for each developed acre over 5, pro-rated for partial acres transferable between signs; maximum area per sign shall be 250 square.

APPENDIX 1: TYPES OF SIGNS PERMITTED—continued

Sign Type and Conditions	Residential	Commercial, Industrial, Public, Charitable, Educational, and Religious Facilities
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Notes

- a. Canopy signs: one on underside of canopy per establishment; maximum area: 6 square feet; minimum clearance: sidewalk 8 feet
- b. Awning signs: one line of letters not exceeding 9 inches in height, placed on a hanging border.
- c. For shopping centers and strip malls an area of 32 square feet is permitted per establishment for type III and IV signs regardless of street frontage.

CHAPTER 4

LAND, BUSINESS, AND FACILITY USES PERMITTED IN ZONING DISTRICTS

SECTION 4-1. USES PERMITTED IN DISTRICTS

The uses permitted in the various districts are shown in the following lists. Within the groupings of the Districts (Agricultural, Residential, Mobile Homes, Commercial, and Industrial) the uses of the more restricted districts may be permitted in the less restricted districts of the same group. This means, for example, that the uses of the RS-1 district may be allowed in the RM-1 district. However, the uses of the "R" districts cannot be placed in the "C" or "I" districts; except that the uses of the RM-1 district may be placed in the "C" districts. For purposes of applying this rule it shall be considered that the districts are listed from left to right in an order of decreasing restriction.

CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT			
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM	RMH				C1	C2	C3	I1	I2	I3
LIVING AREAS																					
Accessory Buildings			X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X
Airport			R																		
Agriculture			X	X																	
Animal & Poultry Husbandry	5.13.1 5.13.18		X	X	R	R	R	R	R	R	R	R				R	R	R	R	R	R
Bulletin Board or Sign (Realty)			X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X
Cemetery	5.13.3		X																		
Child Care Facility	5.13.8																				
Family Day Care	5.13.9A		X	X	X	X	X	X	X	X	X	X				X	R	R			
Day Care Center	5.13.9B		X	R	R	R	R	R	R	R	R	R				X	X	X			
Church Bulletin Board			X	X	X	X	X	X	X	X	X	X				X	X	X			
Country Club	5.13.10		X	X	X	X	X	X	X	X	X	X									
Drilling & Production of Oil and Gas	5.12		X	R	R	R	R	R	R	R	R	R				R	R	R	R	R	R
General Purpose Garden			X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X
Golf Course			X	X	X	X	X	X	X	X	X	X									
Golf Driving Range			X	X	X	X	X	X	X	X	X	X									
Home Beauty Shop			R	R	R	R	R	R	R	R	R	R									
Home Occupation	5.2		X	X	X	X	X	X	X	X	X	X									
Institutions (Religious, Educational or Philanthropic)			X	X	X	X	X	X	X	X	X	X				X	X	X			
Library			X	X	X	X	X	X	X	X	X	X				X	X	X			
Lodge Hall			X	R	R	R	R	R	R	R	R	R				X	X	X			
Park or Playground			X	X	X	X	X	X	X	X	X	X				X	X	X			
Personal Storage Unit (Mini-warehouse)	5.13.23															X					

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT		
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM	RMH				C1	C2	C3	I1	I2
Plant Nursery			X	R												X	X	X		
Private Clubs (Non-Commerical)	5.13.10			R	R									R		X	X	X		
Public Uses (City, County, etc.)			X	X	X	X	X	X	X	X	X	X				X	X	X	X	X
Public Utility	5.13.16 5.13.12		X	X	X	X	X	X	X	X	X					X	X	X	X	X
Residential																				
Multiple - Family											X				X	X	X			
Mobile Home	5.5 5.6			R								X								
Single-Family Detached			X	X	X	X	X	X	X	X	X									
Townhouse											X				X	X	X			
Two-Family										X	X									
Schools			X	X	X	X	X	X	X	X	X				X	X	X			
Temporary Roadside Stands			X	X											X	X	X			
Transportation Easements (Pipelines, Roads, etc.)			X	X	X	X	X	X	X	X	X				X	X	X	X	X	
COMMERCIAL AREAS																				
Accessory Uses & Buildings			X	X	X	X	X	X	X	X	X				X	X	X	X	X	
Advertising Sign or Structures	5.8																			
Ambulance Service															X	X	X	X		
Amusement Enterprises															X	X	X	X		
Antique Shop															X	X	X			
Appliance Store																X	X			
Apparel Store (Family, Men, Women or Children)															X	X	X			
Artist Supplies															X	X	X			

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT			
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1	I2	I3
Arts School, Gallery, or Museum															X	X	X			
Automobile Parking Lot	5.3		X	R	R	R	R	R	R	R	R	R			X	X	X	X	X	X
Auto Sales	5.13.19																			
New																X	X	X		
Used (including Machinery)																X	X	X		
Auto Service Station	5.13.5														X	X	X			
Baby Shop															X	X	X			
Bakery Goods															X	X	X			
Bank															X	X	X			
Bar - Class II Mixed Beverage Establishments	Sep. Ord																R	R		
Barber Shop															X	X	X			
Beauty Shop															X	X	X			
Boat Sales	5.13.19															X	X			
Book or Stationery Store															X	X	X			
Bus Terminal																X	X			
Camera Shop															X	X	X			
Candy Store															X	X	X			
Carpenter & Cabinet Shop																X	X	X	X	X
Catering Service															X	X	X	X		
Cleaning & Dyeing																X	X	X		
Cleaning & Pressing Collecting Station (No Cleaning or Pressing on the Premises)															X	X	X			
Commerical School															X	X	X			

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT	
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1
Curio Shop															X	X	X	
Dance Hall																R	R	
Dairy Products or Ice Cream Store															X	X	X	
Delicatessen															X	X	X	
Department Store															X	X	X	
Dry Goods Store															X	X	X	
Feed & Fuel Store																X	X	
Florist Shop															X	X	X	
Frozen Food Locker																X	X	
Funeral Parlor																X	X	
Furniture Repair & Upholstery																X	X	X
Furniture Store																X	X	
Gift Shop																X	X	
Golf Course (Miniature or Practice)															X	X	X	
Grocery Store or Supermarket															X	X	X	
Hardware Store															X	X	X	
Heating, Ventilating, Plumbing Sales and Service																X	X	
Hotel or Motel															X	X		
Interior Decorating Store											X				X	X	X	
Jewelry Store															X	X	X	
Kennel	5.13.1		X												R	R	R	R
Key Shop															X	X	X	
Laboratories (Experimental, Testing or Research)																X	X	X
Laundry, Help-Yourself											X				X	X		

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT			
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1	I2	I3
Leather Goods Shop															X	X	X			
Liquor Store																X	X			
Medical Facilities Hospitals or Sanitoriums										R					X	X	X			
Medical Offices/Clinics															X	X	X			
Medical Supply Stores															X	X	X			
Pharmacies															X	X	X			
Veterinary Office - General			R																	
Veterinary Office - Small Animal															X	X	X			
Meat Market															X	X	X			
Messenger or Telegraph Service																X	X			
Music Radio or Television Shop																X	X			
Newspaper or Magazine Sales															X	X	X			
Notions Store															X	X	X			
Nursey or Garden Store			R												X	X	X			
Office Business															X	X	X	X		
Office Supply Store															X	X	X			
Open Display Uses (Restricted List)	5.13.19															X	X			
Pawn Shop																X	X			
Pet Shop															X	X	X			
Photographer Studio															X	X	X			
Printing Plant																X	X	X		
Professional Offices															X	X	X			

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT	
	SPECIAL CONDITIONS See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1
Public Stable			X															
Radio & TV Broadcasting Station																X	X	X
Recreation Center	5.13.10									R	R				X	X	X	
Restaurant																		
Drive In															X	X	X	
Fast Food, Carry Out															X	X	X	
Sit Down and Class I Retail Dealers of Non-intoxicating Beverages, and Restaurants with Class I Mixed-Beverage Licenses where sales do not exceed 25%																X	X	
Sit Down, without a Drive-thru Window															X	X	X	
Sit Down, with a Drive-thru Window															X	X	X	
Roller Skating Rink																X	X	
Sewing Machines (Sales, Service and Instruction)															X	X	X	
Sign Painting Shop																X	X	
Sporting Good Sales															X	X	X	
Stock & Bond Broker																X	X	
Shoe Store or Repair Shop															X	X	X	
Sundry or Fountain															X	X	X	
Tailor Shop																X	X	
Temporary Buildings (During Construction)			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Theatre	5.13.10														X	X		
Toy Store															X	X		

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT		
	SPECIAL CONDITIONS (See Sec.:		A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1	I2	I3
Variety Store															X	X				
Wholesale Distributing Center															X	X	X			
INDUSTRIAL AREAS																				
Bottling Works	5.9																	X	X	X
Book Bindery	5.9																	X	X	
Building Material Sales Yard	5.9														X	X	X	X		
Candy Manufacture	5.9																	X	X	
Contractor's Equipment Storage Yard	5.9																	X	X	
Engraving Plant	5.9																	X	X	X
Electrical Equipment Assembly	5.9																	X	X	
Electrical Equipment Assembly and Manufacture	5.9																	X	X	
Farm Produce, Grain & Feed Storage Including Grain Elevators	5.9																	X	X	X
Food Products-Processing & Packing	5.9																	X	X	X
Freighting or Trucking Yard or Terminal	5.9																	X	X	X
Furniture Manufacturing	5.9																	X	X	
Instrument & Meter Manufacture	5.9																	X	X	
Jewelry & Watch Manufacture	5.9																	X	X	X
Laundry & Cleaning Plant	5.9																	X	X	X
Leather Goods Fabrication	5.9																	X	X	X
Manufacturing, Compounding, Processing, or Treatment: in Enclosed Buildings; OF: Extensive List of Products Allowed	5.9																		X	X

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT				
	SPECIAL CONDITIONS See Sec.:	PARKING SPACES Required	A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1	I2		
Mining	5.9 5.13.7		R	R	R	R	R	R	R	R	R	R			R	R	R	R	R	R	
Blasting & Use of Explosives	5.13.7 E		R	R	R	R	R	R	R	R	R	R			R	R	R	R	R	R	
Optical Goods Manufacture	5.9																	X	X	X	
Oil Field Equipment Storage	5.9																			R	X
Paper Products Manufacture	5.9																			X	X
Sporting Goods Manufacture	5.9																	X	X	X	
Shoe Manufacturing	5.9																			X	X
Uses Not Prohibited (Conditions Placed Upon Many Uses With Hazardous Characteristics)	5.9 5.9F																				X
Wholesale Storage or Manufacture of Alcoholic Beverages	5.9																				X

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

USES PERMITTED	SPECIAL PROVISION		RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICT			INDUSTRIAL DISTRICT			
	SPECIAL CONDITIONS See Sec.:	PARKING SPACES Required	A1	RE	RE1	RE2	RS1	RS2	RS3	RD1	RM1	RMH			C1	C2	C3	I1	I2	I3

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CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS

DISTRICT REGULATIONS

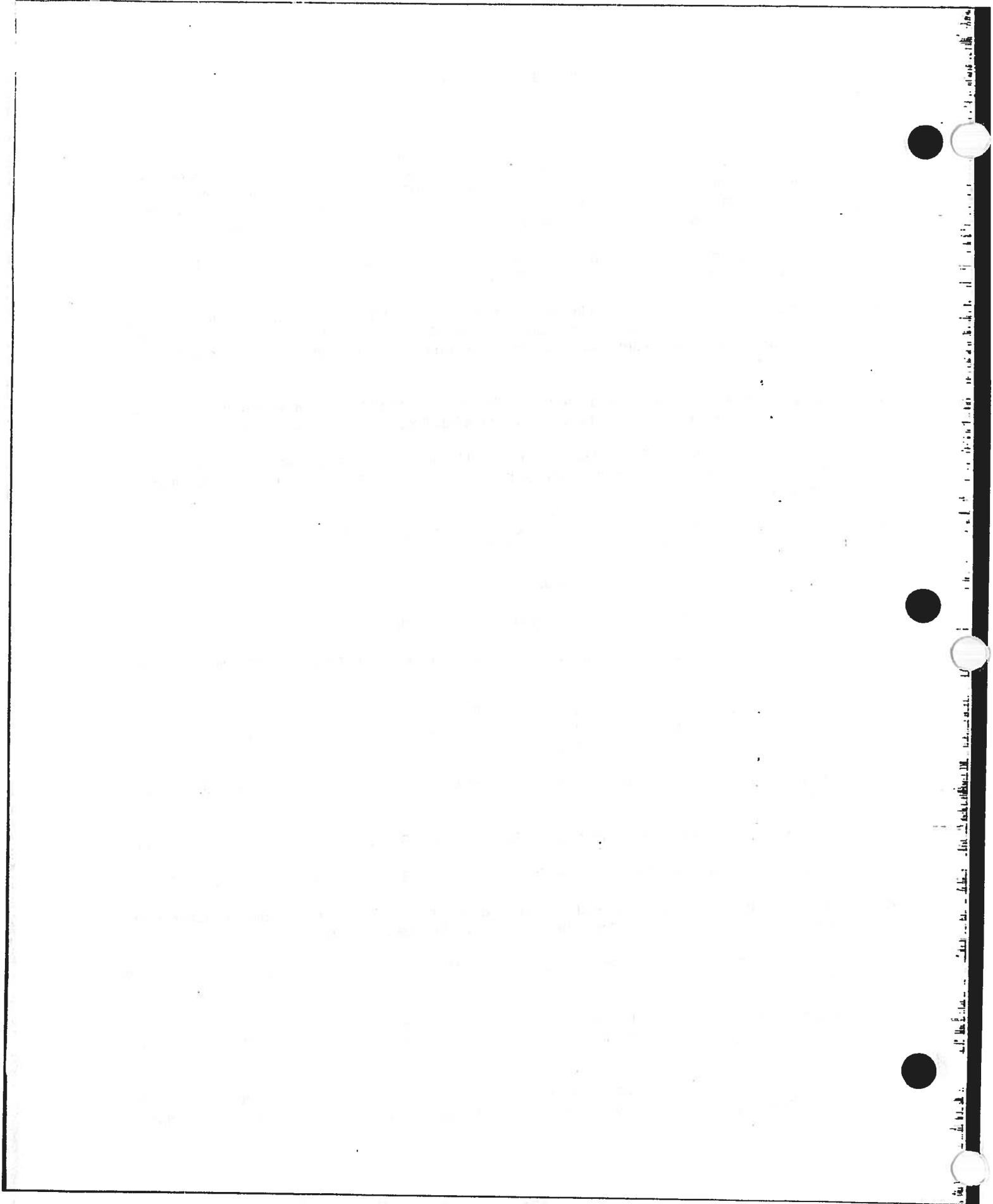
No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following Table. No building or structure shall be erected or enlarged to exceed these regulations, except as provided for elsew in this Ordinance.

ZONING DISTRICTS	LAND USES	LOT AREA MINIMUM	LOT WIDTH AT FRONT BUILDING LINE (B)	LOT COVERAGE MAXIMUM (PERCENT) (F<G)	YARDS (A)				HEIGHT
					MINIMUM SETBACKS			REAR	
					FRONT (E,H,I)	SIDE			
			INTERIOR (C)	EXTERIOR (I)					
A-1 GEN AGRI	RURAL RES & AG	5 ACRES	150 FT	30%	50 FT	15 FT	25 FT	60 FT	35 FT
RE RUR EST	RURAL RESIDENT	2 1/2 ACRES	150 FT	30%	35 FT	10/1 STY 15/2 STY	20 FT	40 FT	35 FT
RE-1 RUR EST	RURAL MED RESIDENT	1 ACRE (P)	145 FT	30%	35 FT	10/1 STY 15/2 STY	20 FT	25' / 20%	35 FT
RE-2 RUR EST	RURAL MIN RESIDENT	22,500 SF (Q)	100 FT	30%	35 FT	10/1 STY 15/2 STY	20 FT	25' / 20%	35 FT
RS-1 URB EST	SINGLE FAMILY	15,000 SF	125 FT	25%	35 FT	10/1 STY 15/2 STY	20 FT	25' / 20%(O)	35 FT
RS-2 ONE FAM	SINGLE FAMILY	10,000 SF	100 FT	25%	25 FT	8/1 STY 10/2 STY	15 FT	15'/20% (O)	35 FT
RS-3 ONE FAM	SINGLE FAMILY	7,500 SF	75 FT	35%	25 FT	5/1 STY 10/2 STY (M)	15 FT	16 FT	35 FT
RD - 1 (L) TWO FAM	TWO FAMILY	10,000 SF 13,200 TF	100 FT	35%	25 FT	10'+3' EA STY + 1st	15 FT	15'/20% (O)	35 FT
RM-1 (M) MULTI FAM	MULTI-FAM	10,000 SF 13,200 MF	100 FT 80 FT	45%	25 FT	15' + 3' EA STY + 1st	15 FT	20'/20% (O)	35 FT
RMH MOB HOME	COVERED BY SPECIFIC REGULATIONS FOR MOBILE HOME PARKS (SEE CHAPTER 5)								
C-1 LOC COMM	LOCAL SHOPPING	10,000 SF	100 FT	30%	25 FT	10' ADJ RES DIST	15 FT	30 FT	35 FT
C-2 GEN COMM	GENERAL SHOPPING	9,900 SF	75 FT	50%	25 FT	15' ADJ RES DIST	15 FT	30 FT	35 FT
C-3 (K) GEN COMM	DOWNTOWN SHOPPING	3,300 SF	25 FT	60%	25 FT	0 FT	0 FT	10 FT	35 FT
I-1 R LT IND	LIGHT INDUSTRY	22,000 SF	150 FT	35%	35 FT	25 FT	15 FT	35 FT	50 FT
I-2 GEN IND	MEDIUM INDUSTRY	2 1/2 ACRES	300 FT	40%	40 FT	50 FT	35 FT	35 FT	50 FT
I-3 HVY IND	HEAVY INDUSTRY	10 ACRES	500 FT	40%	60 FT	75 FT	50 FT	50 FT	50 FT
Overlay									

CHAPTER 4 - LAND, BUSINESS, AND FACILITY USES PERMITTED IN DISTRICTS
District Regulations:

NOTES:

- A. For the purpose of measuring dimensions of required yards all measurements shall be made from exterior walls of structures regardless of architectural overhanging features such as awnings, eaves, or cornices. The maximum allowable overhang of such features into the required yard spaces shall be four feet or one-half of the required distance between the building line and the property line, whichever is less
- B. For any irregular shaped lot the required frontage shall be measured at the front building line. The front lot line shall abut on an access street for a minimum of 35 feet.
- C. In residential districts the interior side yards are shown as: the total amount per-side if one story, and the total amount per-side for two-story In Districts A-1, RE, RS-1, RS-2, and RS-3; for Districts RD-1 and RM-1 the amounts shown are a basic requirement of one-story, plus added amounts for each story above one.
- D. On a residentially zoned lot with a non-residential principal use of a public or quasi-public building the side yard shall be not less than one-half the height of the building, but in no case less than 15 feet.
- E. If in any given block one side of a street is occupied by structures 50% of which do not comply with the front yard setback requirement, then new construction may conform to the average setback of existing structures.
- F. Lot area minimums in the A-1 and RE Districts may be calculated from the center line (s) of abutting streets in cases where the streets are not dedicated to public ownership.
- G. No portion of a building may be located in an easement or right-of-way.
- H. Front yard setbacks shall be required on both frontages of double-frontages lots.
- I. Front yard and Exterior side yard setbacks requirements for corner lots shall be determined from the platted front line.
- J. The square footage of all accessory structures shall not combine to exceed 10% of the lot area; but in no instance shall the maximum lot coverage permitted in the district be exceeded by the combined square footages of all structures located on the lot.
- K. There shall be no off-street parking requirements applied to uses located in existing buildings in the C-3 Districts.
- L. Lot Area Minimum in this District are: Single-Family - 10,000 Sq. Ft. and Two-Family - 13,200 Sq. Ft.
- M. Lot Area Minimum in this District are: Single-Family - 10,000 Sq. Ft. and Multi-Family - 13,200 Sq. Ft.
- N. For Single-story houses in this district the minimum side yard is 5 feet; however, the minimum of both side yards combined shall be 15' and these shall be 15' between all houses.
- O. The rear yards shown are to be the fixed dimension, or the percentage of the depth of the lot, whichever is less.
- P. The minimum area requirements for this district is based on the minimum area requirements established by the Department of Environmental Quality for septic systems on lots served by public water supply or private water wells.
- Q. The minimum area requirements for this district is based on the minimum area requirements established by the Department of Environmental Quality for septic systems on lots served by public water supply.



CHAPTER 5

SPECIAL CONDITIONS RELATING TO LAND, BUSINESS, AND FACILITY USES

SECTION 5-1. SPECIAL CONDITIONS

Sections 2 through 12 below describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said subsections in the "Special Conditions" column in the tables of permitted uses. Where special conditions are widely applicable, reference should be made to subsequent subsections.

SECTION 5-2. HOME OCCUPATIONS

Home occupations (defined in Chapter 1), in those districts where permitted, are subject to all of the following conditions:

A. In any dwelling unit, all home occupations, collectively, shall not occupy more than twenty-five percent (25%) of the gross floor area of one (1) floor of said dwelling unit, nor more than three hundred (300) square feet of gross floor area, but these limitations shall not apply to foster family care.

B. A home occupation shall not require internal or external alterations or involve construction features or the uses of mechanical equipment not customary in dwellings. The entrance to the space devoted to a home occupation shall be from within the dwelling.

C. There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation except for each street front of the zoning lot on which the building is located an unanimated, non-illuminated, accessory identification sign to be placed flat against a wall or door, or displayed in a window.

D. Power shall be limited to electric motors, with a total limitation of three (3) horsepower per dwelling unit.

E. The home occupation shall be conducted solely by resident occupants of the dwelling unit in which the occupation is conducted and shall not have any employees who do not reside in said dwelling unit.

F. To permit a beauty shop, one (1) operator chair, a petition shall be presented to the Planning Commission representing the approval of seventy-five percent (75%) of the property owners within three hundred (300) feet with mandatory approval of those abutting the property.

SECTION 5-3. OFF-STREET PARKING REQUIREMENTS

1. **Requirements.** In all zoning districts in connection with every industrial, commercial, institutional, recreational; residential, or any other use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, or any other use is established, off-street parking spaces for automobiles in accordance with the requirements in the "Parking Spaces Required" column in the table of permitted uses. Parking spaces used in connection with an existing and continuing use by building on the effective date of these Regulations up to the number required by these Regulations, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space, or a loading space substituted for a parking space. There shall be no off-street parking requirement for commercial uses placed in buildings existing in the C-3 District. The Planning Commission may specify parking requirements relative to a renovation, enlargement, or addition to any church or religious or educational institution. These must meet American Disabilities Act (ADA) requirements.

2. **Required open space.** Off-street parking space may be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

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

4. **Joint parking facilities.** Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces of each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

5. **Size of off-street parking space.** The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area of ingress and egress.

6. **Amount of Off-street parking requirements.** Off-street parking and loading facilities shall be provided in all districts in accordance with the following:

<u>Use</u>	<u>Number of Parking Spaces Required</u>
Dwelling Units	2 per dwelling unit
Office	1 per 300 gross square feet
Retail	1 per 200 gross square feet
Restaurant	1 per 100 gross square feet
Health Club	1 per 100 gross square feet

Warehouse	1 per 500 gross square feet
Assembly	1 per 300 gross square feet
Medical office	1 per 200 gross square feet
Schools	1 per 3.5 seats in assembly rooms, plus 1 per faculty member
Hotels/Motels	1 per guest room, plus 1 per 500 square feet of common area
Industry	1 per 500 gross square feet

7. Paved surface required.

A. All parking spaces and driveways except those associated with single-family residential use and agricultural use shall be paved with a solid surface pavement consisting of a minimum of two inches (2") of asphalt on six inches (6") of stabilized base or four inches (4") of concrete.

B. Any parking spaces and driveways existing on the date of the adoption of this ordinance (April 26, 2004) shall comply with these paving provisions upon change of ownership or change of occupancy use.

8. Off-street parking lots in residential districts. Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

A. No parking shall be permitted within a front yard setback line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases a minimum five (5) feet setback shall be required.

B. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

C. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement or maintained in such a manner that no dust will be produced by continued use.

D. Whenever lighting is provided it shall be arranged so that all light is deflected from adjoining residential uses.

E. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the uses of the parking lots. Only non-intermittent white lighting of sign shall be permitted.

SECTION 5-3 A. FACADE ON COMMERCIAL BUILDINGS

1. Any building, except single-family residential, constructed in the C-1, C-2, and C-3 zoning districts after the effective date of this ordinance shall have a one

hundred percent (100%) coverage of a facade other than metal. A metal building wall shall be covered by brick, stone, glass, rock, stucco-type material, wood, or other materials or combinations of materials other than metal. Combinations of different materials are recommended. All facade construction must meet the requirements of the Building Code of the City of Piedmont, Oklahoma and all materials shall be rated for exterior use by the manufacturer.

2. An applicant may request the Planning & Zoning Commission and City Council to allow the use of metal facade in combination with other materials as described above by filing an application for an exception containing an elevation sketch showing the combination of facade materials and a written explanation of the justification for the exception such as theme design, historic significance, or architectural compatibility. The Planning & Zoning Commission's and City Council's decision on the exception will be based upon the exception satisfying the purposes and intent of Paragraph 1 of this ordinance."

SECTION 5-4. MODIFICATION OR WAIVER OF REQUIREMENTS.

The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the foregoing requirements only if it should find that in the particular case appealed the peculiar nature of the residential, business, trade, industrial, or other use, or the exceptional shape or size of the property, or other exceptional situation or condition not generally applicable to other list in the same district must justify such action.

SECTION 5-5. STORAGE AND PARKING OF TRAILERS AND COMMERCIAL TRAILERS.

1. Repealed.
2. Repealed.

3. Mobile homes. On single tracts of a quarter section or greater of agricultural land, no more than two (2) mobile homes shall be allowed as a conditional use permit under the following conditions and regulations:

- a. The tract of land upon which the mobile home(s) is located shall be actually zoned and used for agricultural purposes, i.e. farming or ranching operations.
- b. The mobile home(s) shall be only an accessory use to the agricultural use of the property, and shall be occupied only by persons engaged only in actual farming or ranching operations on the tract where the mobile home(s) is located, or engaged in actual farming or ranching operations for the owner of the land on which the mobile home is located. The mobile home(s) may be allowed in addition to the primary dwelling on the land.
- c. If a mobile home located on such a tract of land ceases to be occupied for more than four (4) consecutive months, then the mobile home shall immediately be moved from the premises.
- d. Such a mobile home shall be set back at least two hundred (200) feet from road or street right-of-way, or no closer to the street or road right-of-way than an existing dwelling on the property where the mobile home is located on or any property adjacent to the side property lines of the tract where the mobile home is located. The mobile home shall be set back a minimum of three hundred (300) feet from all property lines not abutting a street or road right-of-way except where the adjacent property is owned in common with the tract where the mobile home is located.
- e. No rental or occupancy of such a mobile home by persons not engaged only in actual farming or ranching operations on the premises, or for the owner of the premises shall be permitted.
- f. Any connection of a mobile home to the public water supply shall be only through an independent meter and water tap. Prior to occupancy the mobile home shall be connected to a residential sewage disposal system complying with all applicable regulations of the Department of Environmental Quality.
- g. All mobile homes located under the provisions of this ordinance shall be tied down and skirted as provided by the Piedmont Code of Ordinances.
- h. Prior to location of such a mobile home under this ordinance, a conditional use permit must be issued by the City Manager. No permit shall be issued for a mobile home except in compliance with all provisions of this ordinance and after compliance with Section 7-5 of the zoning ordinance. Provided, no notice to property owners or hearing shall be required under Section 7-5 if the application for the conditional use permit is accompanied by the written

consent of the property owners within three hundred (300) feet of the exterior boundaries of the subject property.

- i. An applicable fee of Fifty Dollars (\$50.00) shall be collected with each application for the conditional use permit, and an annual inspection fee of Fifteen Dollars (\$15.00) shall be collected at the time of each annual review of the conditional use permit. The City Manager shall provide forms for application for the conditional use permit.

SECTION 5-6. MOBILE HOME PARK OR COURT.

Upon compliance with the provisions as set forth herein, a mobile home trailer park will be allowed within the RMH Mobile Home Park District.

1. The applicant, upon making application for a zoning clearing permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determination required herein.

2. The proposed site shall be a minimum of two (2) acres in size and shall contain no more than fifteen (15) mobile home stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as either an arterial street or collector street in the Comprehensive Plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of two hundred (200) feet in depth.

3. It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent (10%) of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.

4. The proposed site shall have a front yard of not less than forty (40) feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten (10) feet from any solid fencing, screen planting, or wall of six (6) feet in height.

5. The proposed site shall be screened or buffered on all sides with a solid wall fence six (6) feet in height or a screen planting which will attain at least six (6) feet in height.

6. The proposed site shall provide one (1) off-street parking space for each mobile home stand, plus one (1) additional off-street parking space for each four (4) mobile home stands.

7. The proposed site shall provide a connection for each mobile home stand to all public utilities considered necessary for the health, safety, and general welfare of the public.

8. Utilities Required. Municipal or Department of Environmental Quality approved water system capable of supplying fire hydrants installed in accordance with specifications of Oklahoma Inspection Bureau and the American Insurance Association. Municipal and/or residential sewage disposal system which has been approved for the requested number of units by the Department of Environmental Quality. All mobile homes must be connected to sanitary sewer system within seventy-two (72) hours of arrival in park. An individual electric service outlet shall be provided for each unit.

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

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

11. Local Streets. The following shall be minimum dimensions for:

A.	One-way without parking	12 feet
B.	One-way with parking on one side	21 feet
C.	Two-way without parking	24 feet
D.	Two-way with parking on one side	33 feet.

12. Mobile home parks shall be enclosed with an approved fence or planted hedge not less than six (6) feet in height with no openings to adjoining property other than the required entrances and exits to streets or public places, unless a finding is made by the Planning Commission that this is unnecessary due to the nature of the site.

SECTION 5-7 SEWER SERVICE.

No structure or use in any district shall be erected or commenced which does not

have a connection to the municipal sewage disposal system, unless and until the Department of Environmental Quality certifies that a residential sewage disposal system or any substitute disposal system can be installed and operated effectively. As a basis for making this decision the Department of Environmental Quality may require such precautionary tests as is necessary, and no such residential sewage disposal system shall be placed in an area which is subject to flooding. Such tests are to be made at the expense of the land owner.

SECTION 5-8. ADVERTISING SIGNS AND BILLBOARDS.

The placement of advertising signs and billboards shall be in accordance with all Ordinances of the City of Piedmont.

SECTION 5-9. INDUSTRIAL DISTRICT STANDARDS.

1. Any use constructed, established, altered, or enlarged in the I-1 Restricted Light Industrial District shall be so operated as to comply with the following standards:

- A. Any building used for residential purposes shall comply with restrictions set down in RS-3.
- B. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the I-1 District.
- C. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
- D. No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.
- E. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon property located in any residential district.
- F. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
- G. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot line.

2. Any use constructed, established, altered, or enlarged in the I-2 and I-3 Industrial Districts shall be so operated as to comply with the following standards:

- A. Any building used for residential purposes shall comply with the restrictions set forth in RS-3.
- B. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residence district.
- C. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, liquids or fluids and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odorous, vapor, glare, or heat, fire or explosive hazards.
- D. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- E. Uses Permitted. Property and buildings in an I-2 General Industrial District, shall be used only for the following purposes.
 - (1) Any use, except dwellings, permitted in the I-1 Restricted Light Industrial District. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 General Industrial District.
 - (2) Any of the following uses:
 - a. Building material sales yard and lumber yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete/asphalt batch plant or transit mix plant.
 - b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - c. Farm produce, grain and feed storage including grant elevators.
 - d. Freighting or trucking yard or terminal.
 - e. Oil field equipment storage yard.
 - f. Public utility service yard or electrical receiving or transforming.
 - g. Municipal or county equipment service yard.

- h. No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (3) The following uses when conducted within a completely enclosed building:
- a. The manufacture, compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yard, and paint not employing a boiling process.
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment.
 - e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.
 - g. Blacksmith shop and machine shop.
 - h. Foundry casing lightweight nonferrous metal not causing noxious fumes or odors.

- i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
 - j. Wholesale storage or manufacture of alcoholic or processed beverages.
- F. **Uses Permitted.** Property and buildings in an I-3, Heavy Industrial District, may be used for any use except the following:
- (1) All residential uses except sleeping facilities required by nightwatchmen and caretakers employed upon the premises.
 - (2) All uses not complying with these Regulations, or any other county, state, or federal regulation or law.
 - (3) All of the following uses until they have been studied by the Planning Commission and have received the express approval of the City Council. The Council may require approval of the County Health Department and/or the Department of Environmental Quality, the State Fire Marshall, and other city, county and state regulatory agencies, and may attach to the approval specific restrictions designed to protect the public welfare.
 - a. Acid manufacture.
 - b. Cement, lime, gypsum, or plaster of paris manufacture.
 - c. Commercial feed pens for livestock.
 - d. Disposal plants of all types including trash and garbage, sewage treatment, including lagoons and compost plants.
 - e. Explosives, manufacture or wholesale storage.
 - f. Gas manufacture.
 - g. Petroleum or its products, refining of.
 - h. Sale barn or commercial feed lot.
 - i. Wholesale or bulk storage of gasoline, propane, or butane, or other petroleum products.
 - j. Any use not otherwise authorized by this Ordinance.
 - k. Disposal of hazardous chemicals or medical waste.

(4) Property and buildings in an I-3, Heavy Industrial District when used for the following purposes, shall have the uses thereon conducted in such manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walls, and/or permanent evergreen planting that it cannot be seen from a public street.

- a. Automobile salvage or junk yard.
- b. Building materials salvage yard.
- c. Junk or salvage yard of any kind.
- d. Scrap metal storage yard.

SECTION 5-10 PLANNED UNIT DEVELOPMENT

1. PLANNED UNIT DEVELOPMENT PURPOSE.

The Planned Unit Development, herein referred to as PUD, is a special zoning district category that provides an alternative approach to conventional land use controls. The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one (1) unit according to a Master Design Statement and a Master Development Plan. The PUD is subject to special review procedures and, once approved by the City Council, it becomes a special zoning classification for the property it represents. The intent and purpose of the Planned Unit Development provisions are to:

- A. Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the Comprehensive Plan.
- B. Permit flexibility within the development to maximize the unique physical features of the particular site.
- C. Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses.
- D. Achieve a continuity of function and design within the development, and encourage diversified living environments and land uses.
- E. Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

2. AUTHORIZED PLANNED UNIT DEVELOPMENTS.

A PUD may be authorized by an amendment to the Official Zoning Districts Map after public hearings by the Planning Commission and City Council, provided it complies with the following requirements.

A. Location and Uses:

A PUD shall be considered a special zoning district, and may be authorized for any use, or combination of uses, permitted in this chapter.

B. PUD Master Plan Required:

The basis for review and approval of a PUD application shall be the PUD Master Plan, which shall be adopted as a part of the rezoning ordinance, in conformance with the requirements described in these regulations.

- (1) For a Simplified PUD (SPUD) that is no more than five (5) acres in size the PUD master plan shall be the Simplified PUD application to be provided by the Planning staff.
- (2) For a Simplified PUD that is a single tract or parcel of land no more than five (5) acres in size, and proposes to add uses that are not allowed in the proposed zoning district or modify development regulations to make them less restrictive, the Master Development Plan shall consist of two (2) elements: the Simplified PUD application provided by the Planning staff and a Master Plan submitted in accordance with the requirements of Section (3)(a) Master Development Plan Map.
- (3) If the PUD is more than five (5) acres in size, the Master Plan shall consist of a Design Statement and a Master Development Plan Map.
 - (a) Master Development Plan Map:

The Master Development Plan Map shall be a graphic representation of the development plan for the area, drawn at an appropriate scale, at a maximum of one inch equals one hundred feet (1" = 100') on one (1) or more twenty-four inch by thirty-six inch (24" x 36") sheet(s). The purpose of the map is to conceptually portray the development commitments described in the PUD Design Statement. The complexity of the map information will depend upon the number and extent of varied land uses in the PUD.

A single-use PUD, for example, should require less graphic information than a mixed-use proposal, and it may be sufficient to outline and identify those general areas where conventional zoning district regulations will be utilized.

The Master Development Plan Map shall be submitted in accordance with the following:

1. Existing Conditions

- i. General location and acreage in the PUD.
- ii. Sufficient information, including density of the surrounding area, to demonstrate the relationship of the PUD to adjoining land uses, existing or proposed.
- iii. Topography on 5 foot contours.
- iv. Common open space and natural resource areas on the site and connected to adjacent sites, such as native rock outcroppings, steep slopes, environmentally sensitive lands, wildlife habitats, stream corridors, and significant vegetation, including tree canopy and healthy mature trees.
- v. Specific location of right-of-way widths of adjacent arterial streets, and connectivity points with adjacent sites.
- vi. Areas where access to streets will be limited, and the number where appropriate.

2. Proposed PUD Elements

- i. Land use designations for each distinct use in the PUD, including the identification of any public buildings, schools, and other public uses.
- ii. Public circulation system, including the general location of collector and local streets, pedestrian paths and bikeways.
- iii. General location of proposed pedestrian and bicycle linkages between adjacent properties, showing points of connectivity with the circulation system and to public transportation stops.
- iv. General location of parking areas.
- v. General location of proposed open space, common areas, drainage and recreation areas.
- vi. General location of landscaping in common areas, parking areas, and landscape buffering.

3. Any other pertinent information necessary for review, approval and administration of the PUD.

(b) Design Statement:

The PUD Design Statement shall be a written report submitted as a part of the PUD Master Plan containing a minimum of the following elements:

1. Title of the PUD.
2. List of the owners and/or developers (including contact information, including e-mail address(es)).
3. Statements on the PUD's general location and its relationship to adjoining land uses (both existing and proposed), and how the PUD complies with the policies of the Piedmont Comprehensive Plan.
4. The existing PUD districts in the development area and the surrounding area.
5. A description of the proposed development, including a legal description of the property, and the approximate phases and sequence in which the development is proposed to be built, if any.
6. Definitions of the land-use designations, including density ranges and product types for residential development shown on the Master Development Plan Map required by this section, including proposed restrictions, and typical site layouts.
7. A table setting the minimum and maximum total dwelling units and non-residential square footage, and the minimum acreage for common open space, natural resource areas, public uses, and any other planned uses.
8. A description of residential and mixed-use neighborhoods; commercial, office, and research development uses; common open space, natural resource areas, public buildings, schools, and other public uses, and any other proposed uses.
9. A list of all special development regulations, or the conventional zoning district regulations, which will be applicable. Plus a list of requested variations to the subdivision regulations or other applicable development regulations.

10. A statement on the existing and proposed streets, including right-of-way standards and street design concepts as well as providing for the treatment and improvements to abutting arterials.
11. A description of the following physical characteristics of the existing site: elevation, slope analysis, soil characteristics and tree cover.
12. Drainage information delineating F.E.M.A. 100 year flood plain levels.
13. A statement of utility lines and services to be installed, including which lines will be dedicated to the City and which will remain private as well as such improvements to offsite water and sewer lines and the provision to such extensions thereto as directed by the City Engineer.
14. A description of lighting for the development.
15. A description of trash collection facilities for the development.
16. A description of sidewalks, pedestrian paths and bikeways within the development.
17. A description of screening and landscaping for the development, including any required buffering (Screening and landscaping shall be subject to the current landscape ordinance in effect at time of development).
18. A statement satisfactory to the City on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets, and other privately owned but common facilities serving the project.

- (4) All PUD applications, including SPUD applications, shall be reviewed through the PUD review process. Upon receipt of a completed application and application fee for the PUD, the Planning Department Staff shall transmit the application and all supporting material to all City departments involved with the review process, including the Police and Fire Chief, Mayor, Chairman of the Planning Commission and Chairman of the Parks and Recreation Board and to appropriate officials or agencies of the City, County, adjoining counties or municipalities, school and special districts, and other official bodies as

deemed necessary or mandated by law, including any review required by regional or State bodies under applicable State or Federal law.

Each department, official, agency, or other official body shall consider all pertinent information and shall provide the Planning Department Staff with a report of their findings, comments and recommendations in sufficient time for said findings, comments and recommendations to be incorporated into the Planning Commission Staff Report.

- (5) Upon final approval by the City Council of the PUD Master Plan and the subsequent ordinance of rezoning, the PUD shall become a part of the Official Zoning Districts Map. The ordinance of rezoning shall adopt the PUD Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City.
- (6) The PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said Master Plan until it is otherwise amended as provided in this ordinance or by the City Council.
- (7) Such other information as the Planning Commission shall require, including any additional information necessary to determine compliance with the standards for approval of a PUD contained in this ordinance, such as, but not limited to, traffic impact studies and environmental assessments.
- (8) Approval of the PUD zoning district and related Master Development Plan shall establish the basic uses, locations, densities, and intensities for the PUD. However, site plans and building and occupancy permits for specific uses and buildings shall not be authorized until a Specific Plan has been approved for all or part of the land area covered by the Master Development Plan.

C. Application for Specific Plan / Preliminary Plat:

A Specific Plan and Preliminary Plat shall be submitted for review and approval by the Planning Commission at a regularly scheduled public hearing for the entire area or a phased portion of the property included in the Master Development Plan prior to approval of site plans and building permits for any structure or building. The Specific Plan shall be drawn at an appropriate scale, at a maximum of one inch equals one hundred feet (1" = 100'), on one (1) or more twenty-four inch by thirty-six inch (24" x 36") sheet(s). Specific Plans shall include the following information:

- (1) A summary showing how the Specific Plan conforms to the Master Development Plan, the total dwelling units in the Specific Plan by type, the square footage of non-residential uses, and a parking calculation of the required and provided spaces by use.

- (2) All elements of the Master Development Plan Map shall be incorporated into the Specific Plan, with additional detail as follows.
 - (a) A preliminary site plan for each building site in the Specific Plan.
 1. Lot layouts for residential uses and for single-family dwellings, a typical site plan can be included.
 2. Preliminary site plans shall show areas to be developed, landscaped and paved, and existing and proposed buildings indicating:
 - i. The maximum and minimum distances between buildings, between building and property or building site boundaries.
 - ii. Percentage of building coverage.
 - (b) Preliminary elevations for all proposed structures. They shall indicate building heights, materials, colors, and the general appearance of proposed structures.
 - (c) Parking and loading plan.
 - (d) Preliminary landscape plan.
 - (e) Fencing, trash disposal, and related storage areas.
 - (f) Sign program and sign design and dimensions.
- (3) A preliminary subdivision plat shall be filed and evaluated concurrently with the land included in the Specific Plan.
- (4) Upon approval of the Specific Plan and Preliminary Plat by the Planning Commission the applicant may apply for a Final Subdivision Plat and a site plan for the development of all or a portion of the PUD.

3. PUD AND SPUD REVIEW CRITERIA

- A. **PURPOSE:** Because the PUD and SPUD provide the opportunity for higher densities, greater design flexibility, mixed land uses and improved marketability, the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development. Review and approval is, therefore, a process of negotiation between the City and the applicant to achieve the intent and purpose of these regulations and the Comprehensive Plan.

The factors within this section should be specifically included as review criteria for the evaluation of a PUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals.

B. DESIGN STANDARDS:

- (1) The proposed PUD or SPUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the Comprehensive Plan, and the land uses and zoning districts adjacent to it.
- (2) Design of the PUD or SPUD may provide for modification of conventional chapter requirements for elements such as yard area, density, setback and height on individual lots, in accordance with the PUD or SPUD Master Plan.
- (3) Density, land use and intensity of use requirements shall be based on the PUD or SPUD Master Plan and shall be reviewed carefully for conformance to the Comprehensive Plan.
- (4) Building, Plumbing, Mechanical or Electrical Code requirements shall not be amended in the design of a PUD or SPUD.
- (5) The maximum number of dwelling units within a PUD or SPUD shall be based on calculation of gross density, which shall be established in the PUD or SPUD Master Plan. Gross density shall be calculated by dividing the total land area to be developed for residential uses, exclusive of arterial streets, by the number of dwelling units.
- (6) Location and type of housing shall be established in a general pattern and shown on the Master Development Plan Map (where applicable).

C. MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR STREETS AND ALLEYS:

Streets and alleys for PUDs and SPUDs shall be designed and constructed in accordance with City standards and specifications for right-of-way width and paving cross-sections. If modifications are proposed they shall be consistent with the following criteria and must be companion with the appropriate subdivision plat.

- (1) Public Streets and Alleys: Proposed public street and alley modifications shall satisfy the following criteria:
 - (a) Street right-of-way and paving widths shall be adequate to provide a traffic carrying and utility installation capacity related to the design of the overall street system, the function of the individual street and the land uses served.
 - (b) Paving cross-sections shall be designed to be adequate to provide acceptable drainage in conformity with the drainage plan for the PUD or SPUD, to receive loading commensurate with anticipated traffic, based on the design of the overall street

system, and to have a maintenance level commensurate with that of facilities constructed to regular standards.

(2) Private Streets and Alleys:

Proposed private street and alley modifications shall satisfy the criteria for public facility modifications listed above, and the owner/applicant shall provide restrictive covenant documents providing for any ongoing and long-term maintenance of private street and alley facilities that will not be provided by the City.

D. GENERAL DESIGN AND DEVELOPMENT GUIDELINES

(1) Density:

Proposed residential densities should conform to density guidelines in the Comprehensive Plan and should be allocated in a manner, and at a scale, that will be compatible with adjacent developed neighborhoods.

(2) Amenities:

Amenities should be considered an important justification for development and City approval of a PUD. Where gross or net densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed, usable open space should be furnished, along with provisions for its permanent retention and continued maintenance. Sidewalks and pedestrian ways should be planned where necessary to provide for both an amenity and public safety.

(3) Relationship to Abutting Uses:

(a) The Master Development Plan Map shall show, graphically, the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earthen berms or similar techniques.

(b) Design landscape improvements and related features to:

1. Create a visual transition of landscaping to adjoining lots and developments.
2. Screen incompatible uses.
3. Minimize any negative impact of the development on adjacent sites and roadways.

(c) It is appropriate to specifically establish areas with height limitations where a transition to more intense uses, or where a

higher intensity development abuts a lower intensity area, is proposed.

- (d) Where a PUD or SPUD proposes a mix of uses which would generally be incompatible with a conventional development, the PUD Master Plan should specifically establish appropriate guidelines to assure harmonious development.

(4) Site Design:

- (a) Arrange structures and buildings on the site to:

1. Complement existing development on adjacent properties by similar placement and proportion of building form(s).
2. Screen undesirable views, such as service areas and trash receptacles, from pedestrian views and public streets.

- (b) Demonstrate that the arrangement of open space or natural features on the site will create desirable and functional environments for patrons, pedestrians and occupants by:

1. Preserving unique natural resources such as significant vegetation, watercourses, or native rock outcroppings, where possible.
2. Providing protection to preserve existing healthy, mature trees where they exist.
3. Respecting desirable natural resources on adjacent sites.
4. Promoting the use and preservation of existing natural watercourses and patterns of stormwater disposal in the design of drainage facilities, where allowable.

(5) Safety

- (a) Conform to Crime Prevention Through Environmental Design principles by:

1. Providing convenient, safe, well marked and direct routes for pedestrian connections from the public street to building entrances;
2. Providing pedestrian scaled lighting for pedestrian circulation and visibility;

3. Providing effective lighting for vehicular traffic that does not overwhelm the quality of pedestrian lighting;
4. Framing open space with buildings that visually contain and provide for natural surveillance;
5. Providing for visibility around structures, screens, fences or enclosures to avoid the creation of areas of concealment.

(a) Provide site illumination that is designed, located, and installed to achieve specific average footcandles in order to provide safe pedestrian and vehicle circulation as well as minimize adverse impacts on adjacent properties. This standard shall apply to light poles and/or wall mounted luminaries for all areas within the site to achieve the following standards:

1. Provide site illumination to achieve a maintained average of three (3) footcandles (not less than .75 footcandles) throughout all parking areas;
2. Provide site illumination to achieve a maintained average of six (6) footcandles (not less than 1.5 footcandles):
 - i. Along pedestrian walkways and common areas;
 - ii. Within areas of concealment in need of visual access;
 - iii. At all building entries and exits.
 - iv. Provide site illumination that is designed, located, and installed in a manner to minimize light trespass on adjacent properties by utilizing cutoff luminaries, house-side shields, and/or light-limiting accessories where needed.

(6) Circulation Systems

(a) Organize circulation systems within the site to:

1. Provide adequate and safe pedestrian and vehicular circulation by defining walkways and distinguishing areas of foot traffic from vehicular movement using methods such as crosswalks and pathway striping, landscaping, and sidewalks.

2. Provide continuous pedestrian and vehicular connections to adjacent sites using sidewalks, streets, and open-space linkages where physically possible.
3. Provide pedestrian pathways that connect parking areas and points of destination.
4. Provide pedestrian access to public transportation stops.

(7) Common Access

In commercial or industrial developments, the PUD or SPUD Master Plan should establish specific standards and locations for common access driveways, both within the development and abutting arterial streets. Approval of the bonus provisions in this chapter for shared parking facilities should only be authorized in a PUD where this access commitment is provided for in the PUD or SPUD Master Plan.

4. MODIFICATIONS TO PUD OR SPUD

A. Administrative Approval of Minor Amendments: The Planning Director shall be permitted to approve minor amendments and adjustments to the PUD or SPUD Master Plan provided the following conditions are satisfied:

- (1) The project boundaries are not altered.
- (2) Uses other than those specifically approved in the PUD or SPUD master plan are not added. Percentage of area devoted to specific uses may not be increased or decreased by more than twenty percent (20%) of the area devoted to the specific use. Uses may be deleted, but not to the extent that the character of the project is substantially altered.
- (3) The allocation of land to particular uses, or the relationship of uses within the project, is not substantially altered.
- (4) The density of housing is not increased by more than twenty percent (20%) or decreased by more than thirty percent (30%).
- (5) The land area allocated to non-residential uses is not increased or decreased by more than twenty percent (20%).
- (6) Floor area, if prescribed, is not increased or decreased by more than twenty percent (20%).
- (7) Floor area ratios, if prescribed, are not increased.
- (8) Open space areas or ratios, if prescribed, are not decreased.

- (9) Screening and fencing requirements, provided amendments shall not substantially alter the PUD.
- (10) Height restrictions, yard requirements, lot coverage restrictions, and other area, height and bulk requirements prescribed in the PUD Master Plan are not altered by more than twenty percent (20%).
- (11) The circulation system is not substantially altered in design, configuration or location, and has the approval of the City Engineer.
- (12) The design and location of access points to the project are not substantially altered, either in design or capacity and have the approval of the City Engineer.

The Planning Director shall determine if proposed amendments to an approved PUD Master Plan satisfy the above criteria. If the Planning Director finds that these criteria are not satisfied, an amended PUD Master Plan shall be submitted for full review and approval according to the procedures set forth in this Article.

- B. Change or Amendment to PUD. Except as provided above for Administrative Approval of Minor Amendments, specific conditions imposed with respect to the approval of the PUD, as specified in the PUD Design Statement, shall not be changed or amended in any way except by action of the City Council after review and recommendation by the Planning Commission and upon such notice as provided by 11O.S. §43-105 and 43-106, and the Piedmont Zoning Ordinance. This section is enacted pursuant to the authority specified in Subsection C of 11 Oklahoma Statutes §43-111.

5. PUD APPLICATION INSTRUCTIONS

See attached Appendix 5-10.5.

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SECTION 5-11 FLOOD PLAINS.

The Flood Plains are shown on the official Flood Plain Maps. The line indicates the limits of the regulatory flood. The exact configuration of this area is based on the best available information. It is recognized that the area may change as new information becomes available.

The land areas designated in the flood plain have additional restrictions and land use requirements. All properties within the Flood Plain shall have a primary zoning classification applied to them as well as the "overlay district" requirements.

The authorization of land uses in areas of special flood hazard must be reviewed by the Planning Commission on the basis of individual applications. Applications for use permits within the Flood Plain must include documentation that:

1. The proposed use will not be subject to flood damage caused by the regulatory flood; and,
2. The proposed use will not measurably increase flood height or flood flows upstream or downstream of the proposed development.

The above documentation shall be submitted to the Piedmont Planning Commission, and certified by an engineer⁴ registered for practice in the State of Oklahoma with concurrence of the engineer serving the City.

SECTION 5-12 OIL AND GAS DISTRICTS.

Oil, gas, and disposal well drilling, production, and operations shall be in accordance with Ordinance #195 and Chapter 16 of the City Code of the City of Piedmont.

SECTION 5-13. MISCELLANEOUS USES

The Subsections one (1) through seventeen (17) set forth special provisions that apply to certain miscellaneous uses in certain zoning districts.

1. Animal hospital, pound, or shelter; commercial kennel for cats or dogs; livestock sales or feeding facilities; riding academy; public stable; veterinarian's office with animals on the premises; shall be located no nearer than two hundred (200) feet to any RE, RS, RD, or RM District, and no nearer to a zoning lot line than one hundred (100) feet. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted.
2. Animal hospital, small animal treatment. The Planning Commission may approve the location of restricted small animal hospitals in the C-1, C-2, or C-3 Districts.
3. Cemetery, columbarium, crematory, or mausoleum shall have its principal entrance or entrances on an arterial, with ingress and egress so designed as to minimize traffic congestion.
4. Earthmoving and excavation; depositing of construction materials on the ground shall be subject to regulations set forth in Subparagraph 7.
5. Flammable liquids and gases, storage of. The storage of flammable liquids and gases shall comply with the following code and standards of the National Fire Protection Association as such code and standard may from time to time be revised:
 - A. Code No. 30, with respect to flammable liquids,
 - B. Standard No. 58, with respect to liquified petroleum gas.
6. Junk yard, including salvage and auto wrecking shall be permitted, provided that all exterior storage and processing areas are screened by solid walls or fences of such height and location as to prevent visibility of stored materials or of materials in process from any point eight (8) feet above the ground or any thoroughfare or in any Residential, Commercial, or I-1 District, provided such point is not more than three hundred (300) feet distance from the nearest part of the fence.

7. Mining, including extraction of clay, gravel, shale, or sand; quarrying of rock or stone; earth moving and excavation; depositing or construction material, clay, earth gravel, minerals, rock, sand, shale, or stone on the ground are not permitted uses in any district. The following defined extractions and deposits are exceptions:
 - A. Excavation for the foundation or basement of any building or for a swimming pool for which a building permit has been issued. Deposits of excess material may be spread for which a building permit has been issued.
 - B. Grading of any parcel of land, used for agricultural purposes, shall meet the requirements as set forth by the local U. S. Department of Agricultural Stabilization and Conservation district.
 - C. Grading in a subdivision which has been approved by the City in accordance with the Piedmont Subdivision Regulations and any amendments thereto.
 - D. Any extractive operation existing and operating as such on the effective date of this section; such operation shall conform with the provisions of these Regulations within one (1) year of the adoption of these Regulations.
 - E. Blasting, or the use of any explosives associated with any of the above mining operations or excavation processes, are prohibited without review and approval of the Planning Commission. If approved, a blasting permit issued by the City of Piedmont shall be required. The applicant shall also comply with all county, state, and federal regulations/requirements prior to blasting or the use of any explosives in such operations.
8. A child care facility may be located in accordance with Chapter Four (4) of this ordinance if established in accordance with the definition of this ordinance.
 - 8A. Parking space requirements for family day care homes and day care centers in Piedmont Oklahoma:
 - A. ADA accessibility guidelines must be met for all new construction or remodeling if caring for children with physical disabilities.
 - B. Family Day Care Home – DHS license for seven (7) or less children is required to have two (2) parking spaces; and in addition the following:
 - (1) 1 space per 10 children.
 - (2) 1 space per staff member. If day care center is in A-1 and one or more of the staff resides at the center, then residential parking is considered staff parking.

- (3) 1 space per vehicle operated by the center. For purposes of this section a vehicle is defined as an automobile, station-wagon, van, truck, or bus (less than 10 passengers) that is not used for personal transportation by staff.
 - (4) 2 spaces for each bus (capacity of 10 or more children). If a bus has a capacity of 10 or more children, the bus must meet state and federal requirements for school buses).
- 9.
 - A. A family day care home may be located in accordance with Chapter Four (4) of this ordinance, if established in accordance with the definition of this ordinance.
 - B. A day care center as defined in this ordinance may be located in accordance with Chapter Four (4) of this ordinance.
- 10. Place of public assembly, major, including arena, auditorium, coliseum, stadium, or theater with seating capacity of one thousand (1,000) or over and drive-in theater, shall meet the following requirements:
 - A. Have ingress and egress from an arterial or from a collector street not more than three hundred (300) feet distant (by shortest street route) from an arterial.
 - B. Have ingress and egress so designed as to minimize traffic congestion and hazards.

A drive-in theater shall be located not less than two hundred (200) feet from any residential district, and no projection screen thereof shall be so located as to be visible from any arterial within one thousand (1,000) feet thereof.
- 11. **SWIMMING POOLS.** Private swimming pools may be constructed as an accessory use, but shall be completely enclosed by a permanent wall or fence not less than four (4) feet in height, and shall meet the requirements of the Department of Environmental Quality. A swimming pool and appurtenant structures shall not be constructed in front of the front building line, but may be located within the required side and/or rear yard set-back behind the front building set-back line; provided, no structure located in the side yard shall exceed six (6) feet in height.
- 12. Public utility and service uses including electrical substations, gas regulator stations, gas, telegraph, telephone, and water transmission metering and distribution equipment and structures, water reservoirs, pumping stations, and other similar facilities shall be set back, landscaped, and/or screened from the side, rear, or front property line in such a manner as to be attractive and no offensive to abutting properties. This regulation shall not apply to electric, telegraph, or telephone transmission and distribution lines and poles, and other facilities of operators franchised by the City

of Piedmont which shall not be limited with respect to height or location and for which no permit shall be required under this ordinance.

13. FIRE ZONE. The boundaries of the fire zone shall be coterminous with the C-1, C-2, and C-3 zoning districts. The fire zone provisions of the adopted building code shall apply to all construction in districts classified as C-1, C-2, and C-3.

14. Church and other places of worship shall be permitted in the zoning districts as shown in Chapter 4 subject to the following site requirements:

<u>District</u>	<u>Minimum Site Area</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
A-1	3 acres	50'	25'	50'
RE	2 acres	35'	25'	40'
RS, RD, RM	1 acre	25'	20'	25'
C-1, C-2, C-3	½ acre	25'	15'	25'

15. SCREENING OF OPEN STORAGE. Any area of greater than four hundred (400) square feet which is used for outside storage in conjunction with any commercial or industrial use shall be screened on all sides which abut a property in a Residential District or are visible from a public road easement or right-of-way. Such screening shall be by a solid fence or wall of at least six (6) feet in height, or such other design or method as may be approved by the Planning Commission.

16. PUBLIC UTILITY FACILITIES. Minimum sizes for parcels of public utility facilities shall be set by the Planning Commission on a case by case basis and placed in the overlay district.

17. SITE PLAN REVIEW. The following requirements for site plan review may be applied by the Planning Commission to the development, redevelopment, building, or rebuilding of structures for any of the uses permitted upon review in Chapter 4. The side plan shall provide the following information and meet the following requirements:

- A. Plans for any portion of any site which involve the construction of public engineering improvements on public easements, or right-of-ways, or which are to be dedicated to the public, shall be certified by a Professional Engineer registered in the State of Oklahoma.
- B. Plans shall be drawn to scale at a scale of not less than one (1) inch equals one hundred (100) feet.
- C. Plan shall show clearly the location of the tract, lot, or parcel in relation to surrounding properties and public roadway.

- D. Plans shall show this topography or spot elevation with the direction of drainage, plus any proposed changes to land elevations.
- E. Plans shall show all proposed entrances and exits for vehicles, including location, type and size of drives.
- F. Plans shall show all off-street parking and loading spaces.
- G. Plans shall show the location, general use, number of floors, height, net and gross floor area of each building.
- H. Plans shall show any outside display, sales, or storage area.
- I. Plans shall show all signs and illumination proposed for the location.
- J. Plans shall show provisions to be made for screening and landscaping of buildings, parking and outside activity areas as deemed necessary by the Planning Commission.

The approval of the Planning Commission of required Site Plans for development or construction shall be a condition upon the issuance of any building permit, and failure to conform to approved Site Plans shall void any building permits issued pursuant thereto.

- 18. The raising of animals or poultry in any residential "R" District shall be in accordance with all Ordinances of the City of Piedmont.
- 19. Open Display uses Permitted. The following uses shall be permitted in the C-2 and C-3 commercial districts, provided that such uses comply with the additional provisions of this subsection.
 - A. Boat sales and service.
 - B. Farm implement and machinery, new and used, sales.
 - C. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales.
 - D. Mobile home and travel trailer sales.
 - E. Monument sales.
 - F. New and used automobile sales.

- G. Prefabricated house sales.
- H. Trailers for hauling, rental and sales.

The uses in A through F above shall comply with the following provisions:

- (1) All yards, unoccupied with buildings or merchandise, or used as traffic ways shall be landscaped with grass and shrubs, and maintained in good condition the year round.
- (2) Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- (3) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

20. REQUIRED SCREENING. Commercial, industrial, and multi-family uses abutting property zoned or used for single-family or two-family use shall be screened with a fence of at least 95% opacity and a minimum height of six feet (6') on all abutting property lines. The owner of the commercial, industrial, or multi-family property shall maintain the screening in good repair for the duration of the commercial, industrial, or multi-family use.

21. LIGHTING RESTRICTIONS. Any outdoor lighting, including sign lighting, on commercial, industrial, multi-family, church, or school uses shall be arranged and directed so that there will be no glare directed or reflected toward property used or zoned for residential use.

22. SET BACK REQUIREMENTS. The front yard set back for properties within the commercial, industrial, and multi-family zoning districts and for schools and churches in any zoning districts is increased to one hundred (100) feet from the centerline of any arterial street, or fifty (50) feet from the public right-of-way boundary of any state or county highway, whichever is greater.

23. PERSONAL STORAGE UNIT, DEFINITION AND RESTRICTIONS Buildings containing enclosed individual rental storage facilities not exceeding 800 square feet per unit. These facilities are not used for sales purposes or storage of highly combustible materials. Typical uses included mini-warehouses and storage for recreational vehicles, boats, or trailers. A single living quarters for caretakers and/or security personnel is permitted.

Where personal storage uses abut a residential district the lighting facilities and/or systems shall not be located closer than 20 feet to any property line that adjoins a residential district as a side yard, in addition to observing the front and backyard setbacks for a C-2 General Commercial District, and all lighting shall be arranged so that there will be no annoying glare directed or reflected toward adjacent property. The area shall be fenced with 95% opaque fencing, six (6) feet in height or more, with adequate security fencing.

CHAPTER 6
GENERAL PROVISIONS

SECTION 6-1. EXISTING LOTS OF RECORD

1. On any such lot or parcel the side yard requirements of these Regulations shall not operate to reduce the net buildable width of such lot below thirty-eight (38) feet, provided however, that the application of this exception shall not be permitted to reduce:
 - A. any interior side yard below ten percent (10%) of the width of the lot, or
 - B. any exterior side yard below twenty percent (20%) of the width of the lot or eight (8) feet, whichever is greater.

2. On any such lot or parcel, no combination of the following requirements shall operate to reduce the net buildable depth of such lot below seventy (70) feet:
 - A. front and rear yard,
 - B. front and/or rear building setback,

provided however, that the application of this exception shall not be permitted to reduce:
 - C. any front yard below ten percent (10%) of the depth of the lot, or
 - D. any rear yard below fifteen percent (15%) of the depth of the lot, or ten (10) feet, whichever is greater.

SECTION 6-2. NONCONFORMING USES

1. **Continuing Existing Nonconforming Uses.** Except as hereinafter specified, any use, building, or structure existing on July, 1987, may be continued, even though such use, building, or structure may not conform with provisions hereof for the district in which it is located, provided, however, that this section does not apply to any use, building or structure established in violation of any zoning regulation previously in effect in Piedmont unless said use, building, or structure now conforms with these Regulations.

2. **Limitations on Nonconforming Uses.**

- A. No nonconforming use of a building or land shall be enlarged, extended, reconstructed, substituted, or structurally altered, unless:
- (1) such change is required by law, or order, or
 - (2) the use thereof is changed to a use permitted in the district in which such building or land is located, or
 - (3) authority is granted by the Board of Adjustment to extend a nonconforming use or substitute another nonconforming use for a nonconforming use, or
 - (4) authority is granted by the Board of Adjustment to enlarge or complete a building devoted to a nonconforming use upon a lot occupied by such building where such extension is necessary and incidental to the existing use of such building, or
 - (5) authority has been granted by the Board of Adjustment to extend a nonconforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use or building become nonconforming, if no structural alterations, except those required by law, are made therein.
- B. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

3. **Cessation of Use of Building or Land.**

- A. A lawful nonconforming use of a building or structure that has been voluntarily discontinued for a period of one (1) year shall not thereafter be resumed.
- B. A lawful nonconforming use of land that does not involve improvements with an assessed value in excess of one thousand dollars (\$1,000). Any such nonconforming use of land which becomes nonconforming by reason of subsequent amendments to these Regulations shall also be discontinued within one (1) year from the date of such amendment.

4. **Replacement of Damaged or Destroyed Nonconforming Uses.** Any nonconforming building or structure damaged more than fifty percent (50%) of its appraised value for tax purposes, exclusive of foundations, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than fifty percent (50%) damaged above the foundation, it may be restored, reconstructed, or used as before, provided that restoration or reconstruction be completed within twelve (12) months of such happening.

Any building which is prohibited from reconstruction by this provision shall be either:

- A. Converted to a building suitable for a use which is appropriate for the zoning district, or
 - B. Demolished and the property cleared suitable for construction of a conforming building or use.
5. **Repairs to a Nonconforming Uses, Limitation.** Such repairs and maintenance work as are required to keep it in sound condition may be made to a nonconforming building or structure, provided that no structural alterations shall be made except such as are required by law or ordinance. Except as otherwise provided elsewhere herein, the total structural repairs or alterations that may be made in a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty percent (50%) of its then assessed value for tax purposes at such time, unless such building or structure is changed to a conforming use.

SECTION 6-3. HEIGHT AND DENSITY

No building shall hereafter be erected or altered which will exceed the height limit nor shall any building or land be used or occupied hereafter in excess of the density regulations for that district; no building shall hereafter be erected or altered to accommodate a greater number of families than those specified for that district; no building shall be erected or altered to exceed the specifications or required lot size, maximum coverage, yard requirements, height limitations, or bulk limitations for that district as defined.

SECTION 6-4. ANNEXATION CLAUSE

All new additions and annexations of land to the City shall be in the agricultural district, unless otherwise classified by the City for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing the addition. Within this one (1) year period of time the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within the annexation to promote the general welfare, and in accordance with the comprehensive City plan and hearing as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of annexation.

SECTION 6-5. FENCES, WALLS AND HEDGES

1. Fences, walls and hedges may be located in required yards as follows:
 - A. In areas of required rear yards, not exceeding eight (8) feet high.
 - B. In areas of required side yards, not exceeding six (6) feet high.
 - C. In areas of required front yards, not exceeding four (4) feet high, except in areas of vision triangles.
2. On any corner lot, no fence may restrict sight vision through the fence by more than twenty percent (20%); no hedge, sign or other structure or planting more than two (2) feet in height above the curb shall be erected, placed or maintained within the triangular area (site triangle) formed by measuring from the point of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way.

SECTION 6-6. PLANTING IN PARKWAYS

No hedge, tree, shrub, or other growth shall be planted in the area known as the "parkway", when such planting would create a traffic hazard by obstructing the view or when such planting would obstruct or hinder future development or use of said parkway.

SECTION 6-7. OBSTRUCTIONS AROUND FIRE HYDRANTS.

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

SECTION 6-8. MINIMUM LANDSCAPE REQUIREMENTS (COMMERCIAL USE).

Any commercial development shall be required to provide the following minimum landscaping: Two (2) trees with a minimum caliper of 1 ½" each, and four (4) shrubs (or flowering plants) for each commercial property. The landscaping plan will be submitted as part of the application for building permit, and no occupancy permit shall be issued until the landscaping is planted. The owner of the property shall maintain the landscaping plants in a good condition and replace any dead or diseased plants so long as the property is being used for commercial purposes.



CHAPTER 7

ADMINISTRATIVE PROCEDURES AND REQUIRED PERMITS AND FEES

SECTION 7-1. BOARD OF ADJUSTMENT

1. **Appointment.** There is hereby created a City Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of three (3) years. Appointments of members of the Board of Adjustment may include two (2) members of the Planning Commission, each of which shall serve as a voting member.
2. A member of such City Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after public hearing. In the event of death, resignation or removal of any such member before the expiration of this term, a successor shall be appointed by the City Council to serve his unexpired term.
3. **Organization.** *shall be appointed by the Mayor*
the Chairperson
OF the COP on an annual basis
PERSON
 - A. **Officers.** ~~A Chairman and Vice-Chairman~~ shall be elected annually by the Board from among its membership.
 - B. **Duties of Officers.** The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.
 - C. **Rules and Meetings.** The Board may adopt rules to govern its proceedings, provided, however, that such rules are not inconsistent with these Regulations. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its own proceedings, showing the vote, indicate such facts, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in City Hall and shall be a public record.
4. **Powers and Duties.** The Board of Adjustment shall have all the powers and duties prescribed by law and by these Regulations, which are more particularly specified as follows:
 - A. **Interpretation.** Upon appeal from a decision by the Building Inspector or other administrative official, to decide any question involving the interpretation of any provision of these Regulations, including determination of the exact location of any district boundary, if there is any uncertainty with respect thereto.

- B. **Exception.** To hear and decide special exceptions to the terms of these Regulations upon which such Board is required to pass under these Regulations by granting special zoning permits as evidence thereof.

No such special zoning permit shall be granted by the Board of Adjustment unless it meets both of the following findings:

- (1) that the use as described by the applicant will comply with all conditions established therefore by these Regulations, and
- (2) that the use will not, in the circumstances of the particular case, be injurious to the neighborhood or otherwise detrimental to the public welfare.

- C. **Variance.** To vary or adapt the strict application of any of the requirements hereunder in the case of exceptionally irregular, shallow or steep lots, or other exceptional conditions, where such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

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

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

5. **Procedure.**

- A. **General.** The Board shall act in strict accordance with the procedures specified by law and by these Regulations.

- B. **Appeals.** Appeals to the Board can be taken by any person aggrieved or by any officer, department, or Board of the City affected by any decision of the City Administrator or other administrative officer. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board, within ten (10) days after the decision has been rendered by the City Administrator or other administrative officer. The appeal or application shall be accompanied by an abstractor certified mailing list and/or a list of county recorded property owners within three hundred (300) feet of the subject property. Every appeal or application shall refer to the specific provision of these Regulations involved and shall exactly set forth:

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

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

C. **Hearing and Notice.** The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof fifteen (15) days before the date of the hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or by attorney.

D. **Decisions and Records.**

- (1) In exercising its powers, the Board may, in conformity with the provisions set forth in the Statutes of the State of Oklahoma governing said Board, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom appeal is taken.
- (2) Three (3) members of the Board of Adjustment shall constitute a quorum. The concurring vote of three (3) members shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these Regulations or to effect any variance in said Regulations.
- (3) Every approval by the Board of an appeal or application shall be by a written instrument, each of which shall contain a full record of the findings of the Board in the particular case. Each such approved document shall be filed in City Hall, under one (1) of the following headings, together with all documents pertaining thereto:
 - a. interpretations

- b. exceptions
- c. variances

E. Fee. The fee of any appeal or application to the Board shall be as established by the City Council by resolution, no part of which shall be refundable.

6. Effect of Appeal. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

7. Appeals to Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, department, or Board of the City of Piedmont may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the legality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

SECTION 7-2. BUILDING PERMIT

A. It shall be unlawful to commence the construction or the excavation for the construction of any building or structure, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. Except upon written authorization of the Board of Adjustment as provided in Section 7-1, no such building permit shall be issued for any building where said construction, moving, alterations or use thereof would be in violation of any provisions of these Regulations.

B. Application. There shall be submitted with each application for a building permit two (2) copies of a layout or plot plan drawn to scale. One (1) copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked, shall be retained by the Building Inspector. The application for a building permit shall be made by the owner of the property concerned or a certified agent thereof. Applications for uses other than agricultural, single-family residential, or two-family residential must also follow Section 7-2.1. All plot plans shall include the following:

1. North Arrow
2. The plans must be drawn to standardized scale.

3. The legal description of the property or subdivision name, block & lot number written on the plan or attached

4. The actual shape and dimensions of the lot to be built upon, the *exact* size and location on the lot of any existing buildings or structures, if any, and the size and location of the building or structure to be constructed, altered, or moved. All pins must be visible upon inspection.

5. State the existing or intended use of each such building or part of building, and supply such other information with regard to the lot and neighboring lots that may be necessary to determine compliance with and provide the enforcement of these Regulations.

6. All property lines accurately drawn to scale with the dimensions of each line numerically illustrated in feet.

7. All adjacent street showing the centerline of each, the width and length of each and any street names. Property lines shall be included as a part of these rights-of-way by showing dimensions from the centerline.

8. The exact location, dimension and type of all easements that abut and/or are situated on the property shall be shown.

9. The location of driveway approaches, width and length, of every driveway.

10. Existing and proposed paving, including the width and type of paving and whether there is a curb and gutter.

11. Location and size of all sanitary sewer facilities and water lines, existing and proposed (if applicable). If in a flood plain location of all drainage structures and pipes, existing and proposed, including contour lines indicating natural flows, the location of the actual structure relative to floodplain area and the first floor elevation shall also be indicated on plot plan.

12. Show Drainage Path Plans to show that adjacent properties are not affected by storm water runoff and is in Compliance with Drainage Ordinances of the City of Piedmont.

C. Fees. The application fee for a building permit in the City of Piedmont shall be set by ordinance or resolution by the City Council.

D. Expiration of Building Permit. If the work described in a building permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected.

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SECTION 7-2.1. SITE PLAN REQUIRED; CONTENTS, REVIEW.

A. Site Plan Required. Before a building permit is issued for use other than agricultural, single-family residential, or two-family residential, a site plan complying with this Section and Section 7-2 shall be submitted to the City of Piedmont for review and approval. This section shall not apply to existing developments or developments previously approved.

B. Site Plan Contents. The site plan shall contain the following:

1. Plans for any portion of any site which involve the construction of public improvements on public easements, or right-of-ways, or which are to be dedicated to the public, shall be certified by a Professional Engineer registered in the State of Oklahoma.

2. Plans shall be drawn to scale at a scale of not less than one (1) inch equals one hundred (100) feet.

3. Plan shall show clearly the location of the tract lot or parcel in relation to surrounding properties and public roadway.

4. Plans shall show this topography or spot elevation with the direction of drainage, plus any proposed changes to land elevations.

5. Plans shall show all proposed entrances and exits for vehicles, including location, type, and size of drives, and plans for paving.

6. Plans shall show all off-street parking and loading spaces, including any required handicapped parking spaces.

7. Plans shall show the location, general use, number of floors, height, net, and gross floor area of each building.

8. Plans shall show any outside display, sales, or storage area.

9. Plans shall show all signs and illumination proposed for the location.

10. Plans shall show provisions to be made for screening and landscaping of buildings, parking, and outside activity areas.

11. On tracts of land larger than one acre, or in areas subject to historical flooding, a plan for drainage improvements certified by a Professional Engineer to comply with the drainage provisions of Section VI-6 of the Subdivision Regulations of the City of Piedmont. The drainage plan shall include the entire tract where the development site is a part of a larger tract of land under the same ownership.

12. On tracts of land up to and including one acre in size a certificate from a licensed Professional Engineer certifying that the development will not have an adverse effect on surrounding properties.

C. Approval and Compliance. The approval by City staff of required site plan for development or construction shall be a condition upon the issuance of any building permit, and failure to conform to approved site plan shall void any building permits issued pursuant thereto.

SECTION 7-3. CERTIFICATE OF OCCUPANCY.

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

2. The application fee for a certificate of occupancy shall be Five Dollars (\$5.00) until a different amount is established by the City Council by resolution.

SECTION 7-4. USES PERMITTED ON REVIEW.

A number of uses are shown in Chapter 4 as being permitted on review of the Planning Commission. The following is the procedure which applies for the review of such conditional uses:

1. An application shall be filed with the Planning Commission twenty-four (24) days in advance of the date at which the matter will be heard. Such application shall show the location and intended uses of the site, the existing land uses within three hundred (300) feet, a certified list of the names and addresses of the owners of property within three hundred (300) feet of the exterior boundary of the subject property, and any other material pertinent to the request which the Planning commission may require. The Planning commission may require part or all of the information set forth for site plan reviews in Chapter 5, Section 5-13(17). A fee shall be collected in an amount equal to the fee for a rezoning application.

2. The Planning Commission shall consider the request only after posting the subject as an action item on the meeting agenda, and after mailing notice of the hearing on the proposed use of the property to the owners of all property within three hundred (300) feet of the exterior boundary of the subject property. Such notice shall be mailed at least twenty (20) days prior to the scheduled hearing.

3. The Planning Commission may approve such application, deny it, or place conditions upon it as its recommendation to the City Council. In making a conditional approval of a use permitted on review, the Planning Commission shall operate to assure that approved uses are integrated into the surrounding land uses and physical settings. In making conditional approvals of uses permitted on review it is to be considered that uses

requiring review for location in certain zoning districts may need special provisions to be compatible, and such conditions as the Planning Commission may place upon the approval shall be as fully enforceable as any other provisions of this ordinance.

4. The Planning Commission shall forward its recommendation on such application to the City Council, and the City Council shall approve, approve conditionally, or deny the application.

SECTION 7-4.1. SPECIAL PERMIT USES PERMITTED ON REVIEW.

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. Adult Entertainment Business:

(a) **Adult Book Store** is a person, establishment or business having more than a minimal portion of its stock in trade, such as recordings, books, magazines, periodical films, video tapes/cassettes or other reading or viewing materials for sale or viewing at the premises, materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific or general sexual activities or anatomical areas; or an establishment with a section devoted to the sale or display or viewing of such materials.

(b) **Adult Motion Picture Theater** is a structure--either indoors or outdoors used for showing, displaying or presenting to patrons therein or thereat materials distinguished and characterized by emphasis on depicting, anatomical areas.

(c) **Adult Motion Picture Arcade** is a place to which the public is permitted or invited, wherein coin or slug-operated or electronically, electrically, mechanically or otherwise controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to any one person, at any machine, at any time so displayed as to distinguish or characterize by emphasis on depicting or describing specific sexual activities or specific anatomical areas.

(d) **Massage Establishment** is a place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the following activities:

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or device, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils,

powders, creams, lotions, ointments, or others similar preparations. The term "Massage Establishment" shall not apply to hospitals, nursing homes, or medical clinics or to persons possessing a license to practice massage therapy under the laws of the State of Oklahoma.

2. Approved Treatment Facility, Transitional Living Facility, Halfway House And Inpatient Treatment: shall have the meaning as defined in 43A O.S. pertaining to the Alcohol and Drug Abuse Services Act.

3. Inmate Work Centers, Inmate Halfway Houses And Inmate Pre-Release Centers: shall have the same meanings as used in 57 O.S. or as defined by the Oklahoma Department of Corrections.

4. Tacks For Racing/Riding Motor Vehicles: An area used for the recurrent and frequent racing/riding of motor vehicles whether a specially constructed closed track or open track across natural terrain and including both commercial tracks and tracks solely for the use of the owner/lessee/occupier of the land where the track is located.

B. Special Uses Permitted.

(1) The following uses may be authorized only as a special permit use in the industrial zoning districts of the city:

- (a) Approved treatment facility (drug and alcohol);
- (b) Transitional living facility (drug and alcohol);
- (c) Halfway house (drug and alcohol);
- (d) Inmate work centers and camps;
- (e) Inmate halfway houses;
- (f) Inmate transitional living centers;
- (g) Prisons;
- (h) Inmate pre-release centers;
- (i) Crematory;
- (j) Tracks for racing motor vehicles including but not limited to automobiles, trucks, motorcycles, motor bikes, scooters, lawn mowers, go- carts, all terrain vehicles, and similar vehicles.
- (k) Salvage yards, junk yards, motor vehicle recycling centers and similar uses
- (l) Adult entertainment business, sales and performances.

(1) No person shall cause or permit the establishment of any of the above specific Adult Entertainment Businesses within 1000 feet of any church, school, park, playground, library or day care center.

(2) For the purpose of this Ordinance, measurements shall be made

in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises for an Adult Entertainment Business to the nearest property line of a church, school, library, day care center or to the nearest boundary of a park or playground.

C. Procedures, descriptions and criteria.

(1) **General description and authorization.** The uses listed above as special use permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district, and because these uses present unique security and safety issues which are not shared by other uses in the district. With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses. The Planning Commission and City Council shall review each case on its own merits, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit for it.

(2) **Application.** Application and public hearing procedures for a special use permit shall be completed in the same manner as an application for rezoning. A site plan shall be included with the application as outlined in the zoning ordinance.

(3) **Criteria for special permit approval.** The City Council shall use the following criteria to evaluate a special use permit:

- (a) Whether the proposed use shall be in harmony with the policies of the comprehensive plan;
- (b) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations;
- (c) Whether the proposed use shall adversely affect the use of neighboring property;
- (d) Whether the proposed use shall generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood;
- (e) Whether the facility presents a health or safety hazard to neighboring properties or the community at large;
- (f) Whether the facility is to be located in proximity to residential structures, elementary or secondary public and/or private schools, or other incompatible uses.
- (g) Whether utility, drainage, parking, loading, signs, lighting access, and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city;

- (h) Whether the facility has obtained all necessary permits to operate under the laws of the State of Oklahoma.
- (i) The City Council may impose specific conditions regarding location, design, operation, screening, and security to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

(4) **Status of special use permits.** Once a special use permit has been granted for a lot, said special use permit may not be expanded to another lot without application for a new special use permit. The special use permit will only authorize the specific use approved by the City Council. No additional use(s) shall be allowed on the premises of the special use except as specifically authorized in the special use permit. For example, a special use permit for an approved treatment facility would not allow a change of use or adding of additional uses such as inmate halfway house. All special use permits shall expire by default:

- (a) If the use is not established within 12 months following approval by the City Council and no extension is approved. When a building permit has not been issued for construction within 12 months of City Council approval, the applicant or owner may request a hearing for an extension of the initial special use permit approval. Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval;
- (b) If the use once established has been discontinued for a period of 12 months or abandoned;
- (c) Whenever the City Manager finds that any proposed construction or occupancy will not, in his or her opinion, substantially comply with the special use permit, he or she shall refer the question to the City Council for review

SECTION 7.5. CONDITIONAL PERMIT.

Procedures. Whenever in Chapter 4, chapter 5, or otherwise a specific use is permitted or provided subject to a conditional use permit the following procedure is established to integrate the conditional use with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed with the Planning Commission twenty-four (24) days in advance of the date at which the matter will be heard. Such application shall show the location and intended use of the site, a certified list of the names and addresses of all the property owners and existing land uses within three (300) feet of the exterior boundary of the subject property, and any other material pertinent to the request which the Planning Commission may require. A

fee shall be collected in an amount equal to the fee for a rezoning application.

2. The Planning Commission shall hold one (1) or more public hearing(s) thereon after having mailed notice by first class mail to all property owners within three hundred (300) feet of the exterior boundaries of the subject property at least twenty (20) days prior to the hearing.

3. The Planning Commission shall transmit to the City Council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic condition, public utilities, and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning use thereof. Thereupon, the City council shall authorize or deny the issuance of a permit for the conditional use of land or buildings as requested.

CHAPTER 8

VIOLATION AND PENALTY

SECTION 8-1. VIOLATION AND PENALTY

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine as now provided by law for misdemeanors. Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER 9

AMENDMENTS, VALIDITY, ENACTMENT

SECTION 9-1 AMENDMENT.

1. General. These regulations may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity, convenience, and general welfare require such amendment.

2. Amendments of Regulations and Districts. The City Council may, from time to time, on its own motion or on petition after public notice and hearing by the Planning Commission, amend the regulations and districts established in this Chapter. No change in regulations, restrictions, or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A notice of public hearing shall be published at least fifteen (15) days prior to the public hearing thereon.

3. Application Procedure. Any person, firm, or corporation desiring to have any land or premises rezoned shall make application therefor in writing to the Planning Commission, setting forth the legal description of the property to be rezoned, the street address, or approximate location within the City, the names and addresses of the owners thereof, and the use district in which it is to be rezoned. Application for rezoning of property must be made at least twenty-eight (28) days prior to the scheduled Planning Commission meeting. Applicants for rezoning shall submit with their applications the following:

A. For each application for amendment to the Zoning Ordinance, filing fee shall be deposited with the City Clerk in an amount established by resolution of the City Council.

B. The applicant shall submit with each application a list of names and addresses of all record property owners within a three hundred (300) foot radius of the exterior boundary of the subject property. This list shall be current and certified by a registered professional engineer, a registered land surveyor, an attorney, a bonded abstractor, or other person qualified to research county records as determined by the City Attorney.

4. Application for Rezoning--Notification.

A. (1) Any person, firm, or corporation desiring to have any land or premises rezoned shall make application therefor, in writing, to the Planning Commission on the forms provided at least 28 days prior to the scheduled Commission meeting.

(2) The application shall contain the following information, in addition to other data the Planning Commission may require:

- (a) The legal description of the property to be rezoned;
- (b) The street address or approximate location within the City;
- (c) The names and address of the owner thereof;
- (d) The district in which it is to be rezoned; and
- (e) A list of names and addresses of all record property owners within a 300-foot radius of the exterior boundary of the subject property. This shall be current and certified by a registered professional engineer, a registered land surveyor, attorney or bonded abstractor, or Canadian County Treasurer or Assessor.

(3) For each rezoning application, a filing fee shall be deposited with the City Clerk as may be established by resolution of the City Council.

B. (1) The Secretary of the Planning Commission or his or her designee shall give notice of all public hearings on a rezoning application by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of subject property at least 20 days prior to the Planning Commission public hearing. The notice shall contain the following:

- (a) Legal description of the property and the street address or approximate location in the City;
- (b) Present zoning and classification of the property and the classification sought by the applicant;
- (c) Date, time, and place of the Planning Commission and City Council public hearing; and,
- (d) General location map.

(2) Notice of the Planning Commission public hearing may also be given by posting notice of the same on the affected property at least 20 days before the date of hearing. The notice shall contain the following:

- (a) Present zoning classification of the property and the classification sought by the applicant;
- (b) Date, time, and place of the Planning Commission public hearing.

(3) The City Clerk shall also give notice of the date, time, and place of all public hearings on a rezoning application by publication in a newspaper of general circulation in the City at least 15 days prior to the Planning Commission public hearing. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area.

C. In addition to the notice required in subsection B of this section, 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 Section 3-403 of Title 43A of the Oklahoma Statutes, the entity proposing the change in district regulation, restriction, or boundary shall mail a written notice within thirty (30) days of the hearing to all real property owners within one-quarter (1/4) of a mile where the area to be affected is located and shall be responsible for all costs incurred in mailing this notice. The entity proposing the change shall provide the City an affidavit of mailing the notice along with certified ownership list of all property located within one-quarter (1/4) mile of the property proposed to be rezoned. The list shall be certified as described in subsection A(2)(e) of this section.

For purposes of this subsection "entity" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, incorporated municipality or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

5. Amendment Procedure.

A. All proposed amendments shall be referred by the City Council to the Planning Commission for report and recommendation prior to amendment action.

B. Upon receipt of a proposal for change in the Zoning ordinance or official zoning Map, or zoning district boundaries, the Planning Commission shall give notice of and conduct a public hearing. After the public hearing the Planning Commission shall recommend to the City Council that the proposal be approved, denied, or approved subject to change.

C. When a recommendation upon an application for rezoning has been received from the Planning Commission, an ordinance shall be introduced before the City Council, and the Council shall, at the time of the introduction of the ordinance, accept public comment thereon. The City Council may continue the consideration of the ordinance from time to time prior to final action thereon.

D. In case of a protest against such change filed at least three (3) calendar days prior to the public hearing by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owners of fifty percent (50%) or more of the area of lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

E. The City Council upon receipt of the recommendation of the Planning Commission may vote to approve or deny the amendment, or may return the matter to the Planning Commission for further study and recommendation.

6. Fees. Any person, firm, or corporation filing an application for a public hearing, site plan approval, or a permit with the City Planning Commission or the Board of Adjustment, as provided by this chapter, and or which the ordinances do not provide the amount of fee to be paid with the application, there shall be paid a fee in accordance with the fee schedule set forth herein for rezoning applications. In all instances where the City prepares an ordinance for the convenience of any person, firm, or corporation, a fee of Fifty Dollars (\$50.00) shall be charged. However, if the publication and handling of same is accomplished by the applicant, at no cost to the City, then no fee shall be charged.

SECTION 9-2. VALIDITY.

Should any section, subsection, paragraph, clause or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Regulations as a whole or any part thereof, other than the part so declared to be invalid. The City Council of the City of Piedmont does hereby declare that they would have passed these Regulations and each section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases by declared invalid.

SECTION 9-3. ENACTMENT.

These Regulations shall be in full force and effect from and after final passage by the City Council of the City of Piedmont.

SECTION 9-4. REPEAL OF CONFLICTING ORDINANCES.

Any ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed.

PUD APPLICATION INSTRUCTIONS

This Zoning Ordinance revision includes major changes to the Planned Unit Development provisions, especially the PUD application requirements. Because this Ordinance specifies that the Planning staff may only process a complete PUD application through the PUD review process, it is critical that your PUD application contain all required information. For that reason, all PUD applicants should be familiar with the new Zoning Ordinance requirements for the PUD.

The Planned Unit Development (PUD) is a distinct and unique zoning district, in which the applicant proposes a base-zoning district and negotiates with the Planning staff, Planning Commission, and City Council for its rules and regulations. If the PUD seeks to increase residential densities, add uses to a traditional zoning district or relax parking, height, setbacks, etc, then benefit to the City or neighborhood or both should be demonstrated by the applicant through increased landscaping, decreased driveways, lesser signage, etc.

The PUD is governed by the PUD Master Plan, which consists of the Design Statement and Master Development Plan (MDP). The Design Statement is a written document that describes the subject property and includes the PUD regulations. The Master Development Plan is a graphic representation of the property that shows tract boundaries (if any), residential densities, acreage and base zoning district. In the past, most PUDs have been speculative and the Master Development Plan was typically very basic and without specific building locations, driveways, landscaping, etc. A more detailed PUD Master Development Plan provides the Planning Commission and City Council with a more definite idea of the proposed development, which may assist in its approval.

PUD application forms are divided into Residential PUDS, which includes Single Family, Duplex, and Three/ Four-plex developments and Commercial PUDS. Residential developments above Three/ Four-plex densities will be filed on the Commercial PUD application form, as will Industrial PUD development requests.

Attached to the application form is the Design Statement containing numerous * which indicates locations where required information should be inserted. Staff is not allowed by Code to process an incomplete application, therefore applicants must provide all required information for a PUD application to be accepted.

The standards listed in Sections 9.0 are standards and wording with which the Planning Commission is comfortable and typically requires in PUD applications.

The filing fee for a PUD application is \$_____ and the following must accompany the application:

- 10 hard copies of the Design Statement with all exhibits reduced to 8 ½" x 11" including the Master Development Plan, Topography Map (with 5' contour intervals), Conceptual Plan (optional), and Building Elevations of proposed buildings (optional).**
- 4 hard copies of the 24" x 32" Master Development Plan.**

- **1 original and 1 copy of the Application for Planned Unit Development.**
- **2 copies of the ownership list. All ownership lists must contain at least 15 separate and different names of property owners within the 300-foot radius. If there are less than 15 separate and different names of property owners within the 300-foot radius, the radius shall be extended by increments of 100-feet until there are at least 15 separate and different names of property owners or until a 1000-foot notice radius is achieved. All property owners within an extended 100-foot increment must be included on the list.**
- **2 copies of the warranty deed (filed and stamped in the respective county).**
- **2 copies of letter of authorization to file application from property owner if the property owner does not sign the application.**
- **The application also includes requirements for Master Development Plans, Topographic Maps, Conceptual Plans (optional), and Building Elevations (optional).**

There are two public hearings for consideration of a PUD. First is the Planning Commission review, which is approximately six weeks from the applicable filing deadline (attached). Once the Planning Commission makes a recommendation and you submit an amended PUD Master Plan to incorporate the Planning Commission's recommendations, a public hearing will be set before the City Council.

COMMERCIAL

**THE CITY OF PIEDMONT OKLAHOMA
PLANNED UNIT DEVELOPMENT**

PUD- _____

DESIGN STATEMENT

FOR

*** *(Name of development)***

PREPARED BY:

- * *(OWNER/DEVELOPER)***
- * *(ADDRESS)***
- * *(CITY)***
- * *(PHONE and FAX)***
- * *(E-MAIL ADDRESS)***

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COMMERCIAL

SECTION 1.0 INTRODUCTION

The Planned Unit Development (PUD) of *, consisting of * acres is located within the * /4 of Section *, Township * N, Range * W, of the Indian Meridian, * County, Oklahoma. The subject property is generally located * of * Street and * of * Avenue.

SECTION 2.0 LEGAL DESCRIPTION

The legal description of the property comprising the proposed PUD of * is described in Exhibit A, attached and is made a part of this Design Statement.

SECTION 3.0 OWNER/DEVELOPER

The owner of this property described in Section 2.0 is *. The developer of the property is *.

SECTION 4.0 SITE AND SURROUNDING AREA

The subject property is presently used for *. Surrounding properties are zoned and used for:

North: * District and used for *.
East: * District and used for *.
South: * District and used for *.
West: * District and used for *

The above surrounding properties include * PUD Districts. PUD * has a * base district, which prohibits the following use units: *. PUD * has a * base district, which prohibits the following use units: *.

The relationship between the proposed use of this parcel and the above adjoining land uses is *.

SECTION 5.0 PHYSICAL CHARACTERISTICS

The elevation of the subject property is * and the slope analysis reveals*. The subject property has * soils characteristics and the tree cover on the property is*. This property is in the * drainage basin and there are * acres in the drainage area. * % of the property is in the 50 or 100 year flood plain.

There are * common open space and natural resource areas in this Planned Unit Development, including native rock outcroppings, steep slopes, environmentally sensitive lands, wildlife habitats, stream corridors, significant mature trees or tree canopies, which are shown on the Master Development Plan.

SECTION 6.0 CONCEPT

The concept for this PUD is *.

SECTION 6.1 DEVELOPMENT AND SUBDIVISION VARIATIONS

COMMERCIAL

The following represents variations to The City of Piedmont Subdivision Regulations proposed in this PUD: *

The following represents variations to the * base zoning district or other sections of the Piedmont Zoning Ordinance: *

SECTION 7.0 SERVICE AVAILABILITY

7.1 STREETS

The nearest street to the north is * which has a right-of-way width of * and is paved to * standards. The nearest street to the east is * which has a right-of-way width of * and is paved to * standards. The nearest street to the south is * which has a right-of-way width of * and is paved to * standards. The nearest street to the west is * which has a right-of-way width of * and is paved to * standards.

The plan to improve adjacent arterials is:

Proposed streets in this Planned Unit Development shall be * (public or private) and shall have right-of-way widths of: *

Streets or driveways on adjacent property within 200 feet of this Planned Unit Development shall be shown on the Master Development Plan.

7.2 SANITARY SEWER

Sanitary sewer facilities for this property are * available. They are located *.

7.3 WATER

Water facilities for this property are * available. They are located *.

7.4 FIRE PROTECTION

The nearest fire station to this property is located at *.

7.5 GAS SERVICE, ELECTRICAL SERVICE, AND TELEPHONE SERVICE

Proper coordination with the various utility companies will be made in conjunction with this development.

7.6 PUBLIC TRANSPORTATION

There are * bus stops in this Planned Unit Development and each will be provided with a pedestrian path and shown on the Master Development Plan.

7.7 DRAINAGE

COMMERCIAL

The property within this Planned Unit Development is * within the FEMA 100 year flood plain and the location of the FEMA 100 year flood plain is delineated on the Master Development Plan.

7.8 Piedmont Comprehensive Plan 2020

The Land Use Plan projects this parcel to be in the * area and the uses proposed in this Planned Unit Development are consistent and in compliance with the * area standards.

8.0 SPECIAL DEVELOPMENT REGULATIONS

The following Special Development Regulations and/or limitations are placed upon the development of the PUD. Planning and zoning regulations will be those, which are in effect at the time of development of this PUD, provided, however, that the density and or intensity of the PUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Special Development Regulations of this PUD. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the City of Piedmont's Planning and Zoning Code as such exists at the time of development of this PUD. In the event of conflict between provisions of this PUD and any of the provisions of the Piedmont Planning and Zoning Code, as amended ("Code"), in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the Code shall prevail and be controlling; provided however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this PUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, such Special Use and Development Regulations of this PUD shall prevail and be controlling.

Notwithstanding Section 4 paragraph I of Section 5-10 Planned nit Development, as amended, pertaining to administrative approval of minor amendments, the following special conditions listed in Sections * through * shall not be changed or amended in any way except by action of the City Council, after review and recommendation by the Planning Commission.

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the * District shall govern this PUD, except as herein modified, including conditional, special permit, special exception, alcohol beverage consumption requirements and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

COMMERCIAL

Exterior building wall finish on all structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, or wood, or other similar type finish approved by the Planning Director of the City of Piedmont. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block buildings shall not be permitted.

Buildings shall be oriented such that the backs of buildings are not facing towards any street.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Piedmont's Landscaping Ordinance in place at the time of development. Required landscaping points for parcels in appearance corridors shall be increased by 20%.

Landscape Buffers to include: (1) a sight-proof fence and minimum 5' landscape buffer with either a minimum 9 landscaping points installed for every 25 linear feet of abutment or 3" trees spaced a maximum of 25 feet on center shall be installed along the * property line(s) abutting any residential district.

9.3 LIGHTING REGULATIONS

To minimize light spillover on residential uses, outdoor lights within any office or commercial or industrial tracts will be directed away from any adjacent residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot high wall shall be required along the boundary of this parcel where it is adjacent to any residential use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood, with brick columns with footings on 20' centers and shall be solid and opaque.

Sight-proof screening may consist of the side of a proposed building (if said building results in appropriate screening), and shall be a minimum of six feet in height. No building setback will be required if the building is used as screening.

9.5 PLATTING REGULATIONS

Platting of this PUD shall be required prior to development.

9.6 DRAINAGE REGULATIONS

Drainage improvements, if required, will be in accordance to applicable sections of the Piedmont Code of Ordinances. Drainage ways may be permitted and constructed in accordance with Drainage Ordinance, provided the PUD is platted with drainage areas confined to common areas. Such drainage ways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer. The maintenance will be the responsibility of the property owners. (USE OF THIS PROVISION WILL REQUIRE PLATTING) OR

COMMERCIAL

Development of this parcel will comply with Section VI-6 of the City of Piedmont Subdivision Regulations.

9.7 DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning/use.

9.8 ACCESS REGULATIONS

There shall be * access points from * Street and * access points from * Avenue in this PUD.

Driveways within and adjacent to this Tract/parcel shall have a minimum of 200 feet of separation from driveway centerline to driveway centerline and shall meet all City design standards.

There shall be "Limits of No Access" within * feet of * Road and * feet of * Street from this PUD.

Lots within this PUD will not be required to have frontage on an approved street. Access to individual lots within the PUD may be permitted to be from a private drive. The private drive shall be placed within a common area designated for access purposes. A Property Owners Association through the use of recorded Covenants and Restrictions shall govern maintenance of the private drive. Access to the individual buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum right-of-way width of 20 feet for one-way drives and 24 feet for two-way drives.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Section 5-3. OFF-STREET PARKING REQUIREMENTS of the City of Piedmont Zoning Ordinance .OR

This PUD shall provide * parking spaces for the * square feet of building area proposed in this PUD. The * parking spaces shall be deemed to satisfy the required parking for all uses within this PUD.

An individual platted lot is not required to provide on-site parking. Required parking may be provided within a common area/private driveway. Off-site shared parking shall be permitted in order to comply with parking requirements. Off-site parking is further limited to the boundaries of this PUD.

9.10 SIGNAGE REGULATIONS

There shall be * freestanding signs in this PUD.

COMMERCIAL

All freestanding signs within this PUD shall be ground (monument) signs with the maximum size being eight feet high and 100 square feet in area and shall have no less than 25 square feet of landscaping at the base. No pole signs will be allowed.

A sign that contains the name of any business and/or multi-family development located within this PUD is deemed accessory, even if the sign is not placed on the parcel where the business and/or multifamily development is located, as long as the business and/or multi-family development and the sign are located within this PUD.

Canopy signs shall be permitted for each business use in the PUD, and shall be mounted on the building facade with uniform height and style letters not to exceed 24 inches high and backlit.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Five-foot sidewalks shall be constructed on the arterial street with each development parcel or 6-foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four-foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

Interior pedestrian pathways and bikeways are proposed in this Planned Unit Development and are located * and shown on the Master Development Plan.

9.13 HEIGHT REGULATIONS

A multi-story commercial building adjacent to the boundary of residential properties shall be designed so that the wall facing residential properties contains either no upper story window or upper story windows with opaque glass.

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district.

The following uses shall not be permitted within 150 feet of residentially zoned or used property:

- Convenience Sales and Personal Services
- Eating Establishments: Fast Food with Drive-Through Order Windows
- Eating Establishments: Drive-In
- Gasoline Sales: Restricted

9.15 PERMIT REQUIREMENTS

COMMERCIAL

Applications for building permits in the commercial or industrial part of this PUD must include an overall PUD site plan that depicts the location of the proposed building permit and the size and address of all existing buildings as well as all existing parking and landscaping in the commercial/industrial part of the PUD and parking and landscaping proposed for the building for which a building permit is requested.

9.16 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Piedmont Planning, Engineering, Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.17 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

The boundary of the common area shall be adjusted, if necessary, to ensure that the common area covers the entire 100-year flood plain.

10.0 DEVELOPMENT SEQUENCE

Developmental phasing shall be allowed as a part of the development of this PUD.

11.0 EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD. These exhibits are:

EXHIBIT A: FOUR MASTER DEVELOPMENT PLANS on a 24" x 36" document at a scale of 1-inch = 100 feet and 10 reduced to 8 ½" x 11" and attached to the Design Statement, showing the base zoning district(s), general location of proposed land uses, acreage, building lines, location/vicinity map, residential densities, location of collector streets within the PUD and adjacent arterial streets with right-of-way, location and approximate size of open space, greenbelts, and recreational areas, areas where access to streets will be limited and the location of driveways, where appropriate.

EXHIBIT B FOUR TOPOGRAPHY MAPS, on 8 ½" x 11" to be included with the Design Statement.

EXHIBIT C: FOUR ELEVATIONS OF PROPOSED BUILDINGS on 8 ½" x 11" to be included with the Design Statement.

COMMERCIAL

EXHIBIT D: The electronic version of the above sent to **clarkw@piedmont-ok.gov**

RESIDENTIAL

**THE CITY OF PIEDMONT
PLANNED UNIT DEVELOPMENT**

PUD- _____

DESIGN STATEMENT

FOR

*** *(Name of development)***

PREPARED BY:

- * *(OWNER/DEVELOPER)***
- * *(ADDRESS)***
- * *(CITY)***
- * *(PHONE and FAX)***
- * *(E-MAIL ADDRESS)***

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RESIDENTIAL

SECTION 1.0 INTRODUCTION

The Planned Unit Development (PUD) of *, consisting of * acres is located within the * /4 of Section *, Township * N, Range * W, of the Indian Meridian, * County, Oklahoma. The subject property is generally located * of * Street and * of * Avenue.

SECTION 2.0 LEGAL DESCRIPTION

The legal description of the property comprising the proposed PUD of * is described in Exhibit A, attached and is made a part of this Design Statement.

SECTION 3.0 OWNER/DEVELOPER

The owner of this property described in Section 2.0 is *. The developer of the property is *.

SECTION 4.0 SITE AND SURROUNDING AREA

The subject property is presently used for *. Surrounding properties are zoned and used for:

North: * District and used for *.

East: * District and used for *.

South: * District and used for *.

West: * District and used for *.

The above surrounding properties include * PUD Districts. PUD * has a * base district, which prohibits the following use units: *. PUD * has a * base district, which prohibits the following use units: *.

The relationship between the proposed use of this parcel and the above adjoining land uses is *.

SECTION 5.0 PHYSICAL CHARACTERISTICS

The elevation of the subject property is * and the slope analysis reveals *. The subject property has * soils characteristics and the tree cover on the property is *. This property is in the * drainage basin and there are * acres in the drainage area. *% of the property is in the 50 or 100 year flood plain.

There are * common open space and natural resource areas in this Planned Unit Development, including native rock outcroppings, steep slopes, environmentally sensitive lands, wildlife habitats, stream corridors, significant mature trees or tree canopies, which are shown on the Master Development Plan.

SECTION 6.0 CONCEPT

The concept for this PUD is *.

SECTION 6.1 DEVELOPMENT AND SUBDIVISION VARIATIONS

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The following represents variations to The City of Piedmont Subdivision Regulations proposed in this PUD: *

The following represents variations to the * base zoning district or other sections of the Piedmont Zoning Ordinance: *

SECTION 7.0 SERVICE AVAILABILITY

7.1 STREETS

The nearest street to the north is * which has a right-of-way width of * and is paved to * standards. The nearest street to the east is * which has a right-of-way width of * and is paved to * standards. The nearest street to the south is * which has a right-of-way width of * and is paved to * standards. The nearest street to the west is * which has a right-of-way width of * and is paved to * standards.

The plan to improve adjacent arterials is:

Proposed streets in this Planned Unit Development shall be * (public or private) and shall have right-of-way widths of: *

Streets or driveways on adjacent property within 200 feet of this Planned Unit Development shall be shown on the Master Development Plan.

7.2 SANITARY SEWER

Sanitary sewer facilities for this property are * available. They are located *.

7.3 WATER

Water facilities for this property are * available. They are located *.

7.4 FIRE PROTECTION

The nearest fire station to this property is located at *.

7.5 GAS SERVICE, ELECTRICAL SERVICE, AND TELEPHONE SERVICE

Proper coordination with the various utility companies will be made in conjunction with this development.

7.6 PUBLIC TRANSPORTATION

There are * bus stops in this Planned Unit Development and each will be provided with a pedestrian path and shown on the Master Development Plan.

7.7 DRAINAGE

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The property within this Planned Unit Development is * within the FEMA 100 year flood plain and the location of the FEMA 100 year flood plain is delineated on the Master Development Plan.

7.8 PIEDMONT COMPREHENSIVE PLAN 2020

The Land Use Plan projects this parcel to be in the * area and the uses proposed in this Planned Unit Development are consistent and in compliance with the * area standards.

8.0 SPECIAL DEVELOPMENT REGULATIONS

The following Special Development Regulations and/or limitations are placed upon the development of the PUD. Planning and zoning regulations will be those, which are in effect at the time of development of this PUD, provided, however, that the density and or intensity of the PUD shall not be increased. Development is when a permit is issued for any construction or addition to any structure on a development tract. Certain zoning districts are referred to as a part of the Special Development Regulations of this PUD. For purposes of interpretation of these Special Development Regulations, the operative and controlling language and regulations of such zoning districts shall be the language and regulations applicable to the referenced zoning districts as contained in the City of Piedmont's Planning and Zoning Code as such exists at the time of development of this PUD. In the event of conflict between provisions of this PUD and any of the provisions of the Piedmont Municipal Code, as amended (Code), in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, the provisions of the Code shall prevail and be controlling; provided however, that in the event of a conflict between the Special Use and Development Regulations specifically negotiated as a part of this PUD and the provisions of the Code in effect at the time a permit is applied for with respect to any lot, block, tract and/or parcel of land subject to this PUD, such Special Use and Development Regulations of this PUD shall prevail and be controlling.

Notwithstanding Section 4 paragraph I of Section 5-10 Planned nit Development, as amended, pertaining to administrative approval of minor amendments, the following special conditions listed in Sections * through * shall not be changed or amended in any way except by action of the City Council, after review and recommendation by the Planning Commission.

8.1 USE AND DEVELOPMENT REGULATIONS

The use and development regulations of the * District shall govern this PUD, except as herein modified, including conditional, special permit, special exception requirements and/or accessory uses subject to their appropriate conditions and review procedures for public hearings where applicable, unless otherwise noted herein.

9.0 SPECIAL CONDITIONS

The following special conditions shall be made a part of this PUD:

9.1 FAÇADE REGULATIONS

RESIDENTIAL

Exterior building wall finish on all main structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, or wood, or other similar type finish approved by the Planning Director of the City of Piedmont. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block main buildings shall not be permitted.

9.2 LANDSCAPING REGULATIONS

The subject parcel shall meet all requirements of the City of Piedmont's Landscaping Ordinance in place at the time of development. In addition, the required points for the Subdivision Buffer along the section line roads shall be doubled in this PUD.

The construction of the improvements in this PUD shall minimize the impact of the residential garages on the streetscape. Design techniques that shall be employed to achieve the desired result shall include the use of alleys, garage entries that do not face the street, recessing the garage behind the front line of the structure; provided however, if a garage is to extend beyond the front wall of a dwelling, two 1½ inch caliper trees or one three-inch caliper tree shall be installed in the front yard.

9.3 LIGHTING REGULATIONS

To minimize light spillover on single-family residential uses, outdoor lights within any multi-family tracts will be directed away from any adjacent single-family residential properties. To accomplish this, lights shall utilize shields, shades, or other appropriate methods of directing light beams.

9.4 SCREENING REGULATIONS

No less than a six-foot and no greater than an eight-foot high wall shall be required along the boundary of this parcel where it is adjacent to any commercial or industrial use. Said wall shall be constructed entirely of stucco, brick, or stone on a continuous footing, or may be constructed of wood, with brick columns with footings on 20' centers and shall be solid and opaque.

9.5 PLATTING REGULATIONS

Platting of this PUD shall be required prior to development.

9.6 DRAINAGE REGULATIONS

Drainage improvements, if required, will be in accordance to applicable sections of the City of Piedmont Drainage Ordinance. Drainage ways may be permitted and constructed in accordance with the Drainage Ordinance, provided the PUD is platted with drainage areas confined to common areas. Such drainage ways must be designed to handle adequate flows and cannot be built without specific approval of the City Engineer. The maintenance will be the responsibility of the property owners. (USE OF THIS PROVISION WILL REQUIRE PLATTING) OR

Development of this parcel will comply with Section VI-6 of the City of Piedmont Subdivision Regulations.

RESIDENTIAL

9.7 DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 feet from all property lines adjacent to residential zoning/use.

9.8 ACCESS REGULATIONS

There shall be * access points from * Street and * access points from * Avenue in this PUD.

Driveways within and adjacent to this Tract/parcel shall have a minimum of 200 feet of separation from driveway centerline to driveway centerline and shall meet all City design standards.

There shall be "Limits of No Access" within * feet of * Road and * feet of * Street from this PUD.

Individual lots shall not be permitted to take access from arterial/section line road(s) and "Limits of No Access" shall be established along lots abutting an arterial/section line road.

This development may be gated with private drives. The use of controlled access gates at each drive entrance from * is permitted.

Lots within this PUD will not be required to have frontage on an approved street. Access to individual lots within the PUD may be permitted to be from a private drive. The private drive shall be placed within a common area designated for access purposes. A Property Owners Association through the use of recorded Covenants and Restrictions shall govern maintenance of the private drive. Access to the individual residential buildings shall be provided by private shared access drives that will provide internal circulation. Private shared access drives shall have a minimum right-of-way width of 20 feet for one-way drives and 24 feet for two-way drives.

9.9 PARKING REGULATIONS

The design and number of all parking facilities in this PUD shall be in accordance with Section 5-3. OFF-STREET PARKING REQUIREMENTS of the City of Piedmont Zoning Ordinance .

Attached or detached garages shall count toward meeting parking requirements, provided each parking space in a garage shall be a minimum of 8½ feet by 18 feet.

9.10 SIGNAGE REGULATIONS

There shall be * freestanding signs in this PUD.

All signs within this PUD shall be ground (monument) signs with the maximum size being eight feet high and 100 square feet in area and shall have no less than 25 square feet of landscaping at the base. No pole signs will be allowed.

RESIDENTIAL

A maximum of two residential development identification signs shall be permitted per access point to a public street. Signs shall be a maximum of 8 feet in height with a maximum display area of 120 square feet (actual sign letters/characters shall not exceed 40 square feet; the remainder of the sign display area may be used for background/ornamentation; support columns shall not be counted towards the overall sign display area). Freestanding signs shall be required to have a landscaped base of no less than 25 square feet in area and shall be covered with a material consistent with the residential buildings it serves.

9.11 ROOFING REGULATIONS

Every structure in this PUD shall have a pitched roof and have Class C roofing or better.

9.12 SIDEWALK REGULATIONS

Five-foot sidewalks shall be constructed on the arterial street with each development parcel or 6-foot sidewalks shall be required if the sidewalk is constructed adjacent to the curb, subject to the policies and procedures of the Public Works Department. Four-foot sidewalks shall be constructed on the interior streets prior to any occupancy certificates being issued.

Interior pedestrian pathways and bikeways are proposed in this Planned Unit Development and are located * and shown on the Master Development Plan.

9.13 HEIGHT REGULATIONS

The base zoning district regulations shall regulate heights of structures in this PUD.

9.14 SETBACK REGULATIONS

Unless modified herein, yard requirements in this PUD shall be the same as the base-zoning district for which the use is proposed.

Fireplaces, bay windows, entryways, patios, patio covers, and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback. However, said appurtenances shall not extend into a utility easement, right-of-way, or across a property line.

9.15 PUBLIC IMPROVEMENTS

Public improvements shall be made by the property owner throughout the PUD as required by the City of Piedmont Planning, Engineering, Public Works Department or other City, County, or State Department or agency. All Local, State, and Federal ordinances as they shall apply to the site will be adhered to fully.

9.16 COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property Owners Association. No structures, storage of material, grading, fill, or other obstructions, including fences, either temporary or permanent, that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the

RESIDENTIAL

common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, piers, and docks, shall be permitted if installed in a manner to meet the requirements specified above.

The boundary of the common area shall be adjusted, if necessary, to ensure that the common area covers the entire 100-year flood plain.

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Developmental phasing shall be allowed as a part of the development of this PUD.

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