

CHAPTER 18 PLANNING AND COMMUNITY DEVELOPMENT

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PART 1. ZONING ORDINANCE

Article 1. Planning Commission.

18-1. PLANNING COMMISSION: CREATED.

There is hereby created a Planning Commission, also to be known and to act as a Zoning Commission, for the City of Weatherford, which commission shall consist of five (5) citizens of the city as hereinafter provided. The members thereof shall be nominated and appointed solely with reference to their fitness and without reference to party affiliations and shall serve without compensation, except as hereinafter provided.

18-2. PLANNING COMMISSION: MEMBERSHIP.

The members of the Planning Commission shall hold office for a term of three (3) years, with the exception that in the first instance two (2) shall be appointed to serve a term of one (1) year, two (2) for a term of two (2) years, and one (1) for a term of three (3) years. Appointments thereafter shall be made for a term of three (3) years, except that when a vacancy occurs the appointment to fill said vacancy shall be made to fill the unexpired term.

18-3. MAYOR AND CITY ENGINEER TO BE EX-OFFICIO.

The Mayor and the City Engineer shall be ex-officio members of the Planning Commission, but shall receive no compensation other than their fixed salaries as said officials.

18-4. PLANNING COMMISSION: QUORUM VOTING.

Three (3) members of the city Planning Commission, or Zoning Commission, shall constitute a quorum for the transaction of business. Provided, however, that no action shall be taken and be binding upon the Commission unless concurred in by not less than a majority of all members comprising the Commission. (Amended 10/29/10, Ordinance 2010-04 § 4)

18-5. PLANNING COMMISSION: APPOINTMENT OF MEMBERS.

The Mayor shall appoint the members of the city Planning Commission, or Zoning Commission, subject to approval and confirmation by the Board of City Commissioners.

18-6. PLANNING COMMISSION: ORGANIZATION, BY-LAWS, ETC.

The members of the Planning Commission, or Zoning Commission, shall meet within two (2) weeks after their appointment and confirmation, and shall organize by electing from their members, a chairman, vice-chairman, and secretary, each of whom shall serve for a period of one (1) year, or until their respective successors are elected; and the Commission shall adopt, from time to time, such by-laws, rules, regulations and amendments thereto as may be necessary to effectuate the purposes of Sections 18-1 to 18-9 of this Chapter.

18-7. PLANNING COMMISSION: DUTIES AND POWERS; EMPLOYEES.

The members of the Planning Commission shall serve without pay, and it shall be the duty of the Commission to prepare, plans for the betterment of the city as a place of residence or for business. It may consider and investigate any subject matter tending to the development and betterment of the city, and make recommendations as it may deem advisable concerning the adoption thereof, to any department for the city government, and for any purpose make or cause to be made surveys, maps or plans. The Planning Commission shall have the power and authority to employ engineers, attorneys, clerks and a secretary, or any other help deemed necessary, subject to the approval of the City Commission. The salaries and compensation of any Planning Commission employees shall be fixed by the City Commission and shall be paid out of the city treasury as other officers and employees. The necessary expenses incurred by the Commission shall be appropriated and paid out of the city treasury as other legal expenses of the city, but in no event may the Planning Commission be authorized to create a deficiency.

18-8. PLANNING COMMISSION: REVIEW ON PUBLIC IMPROVEMENTS AND PLATS OF LAND SUBDIVISION REGULATIONS; PRIVATE ROADWAYS.

1. Before final action may be taken by any city or department thereof on the location, construction or design of any public building, statue, memorial park, parkway, boulevard, street, alley, playground, public ground, or bridge, or the change in the location or grade of any street or alley, the question shall be submitted to the Planning Commission for investigation and report. County and school district may be exempted from the payment of a fee to obtain any license or permit required by a zoning, building, or similar ordinance of the City of Weatherford.

2. All plans, plats, or replats of land laid out in lots or blocks, and the streets, alleys or other portions of the same, intended to be dedicated to public or private use, within the corporate limits of the city, shall first be submitted to the Planning Commission for its approval or rejection. Before said plans, plats, or replats shall be entitled to be recorded in the office of the County Clerk, they shall be approved by the Weatherford City Commission. It shall be unlawful to receive or record any such plan, plat, or replat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Commission. The disapproval of any such plan, plat, or replat by the City Commission shall be deemed a refusal of the proposed dedication shown thereon.

3. The Planning Commission may exercise jurisdiction over subdivision of land and adopt regulations governing the subdivision of land within its jurisdiction. Any such regulations, before they become effective, shall be approved by the City Commission and shall be published as provided by law for the publication of ordinances. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water, sewer, and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations may provide for a tentative approval plat before such installation. Any such tentative approval shall be revocable for failure to comply with commitments upon which the tentative approval was based and shall not be entered on the plat. In lieu of the completion of any improvements or utilities prior to the final approval of the plat, the Planning Commission may accept an adequate bond with surety, satisfactory to the Commission, to secure for the city the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission, and further conditioned that the developer will pay for all material and labor relating to the construction of the improvements. The city may enforce said bond by all appropriate legal and equitable remedies. Nothing in this section shall be construed as granting to the city or Planning Commission the power to direct any public utility to extend its services to any particular area.

4. The City of Weatherford, which contains large areas of rural land not served by water and sewer facilities by the city, shall authorize the use of private roadways in either platted or unplatted areas and shall issue building permits to property owners whose property is abutting upon the private roadways but do not comply with standards as provided for dedicated streets, subject to the following conditions:

- a. The private roadway easement shall be at least fifty (50) feet in width; and
- b. The property abutting upon the private roadway shall contain not less than two (2) acres; and
- c. The property shall be more than one-fourth (1/4) mile from sewer and water facilities furnished by the city; and
- d. The private roadway shall not be dedicated to the public but reserved for future and, until such future dedication, shall be the private roadway for the owners of the abutting property; and
- e. The private roadway shall be maintained by the owners of the property within subdivision; and
- f. The city shall have no responsibility for the maintenance or repair of the private roadway; and
- g. If the property is platted, there shall be emblazoned on the face of the plat, clearly conspicuous, a notice that the streets and drives have not been dedicated to the public and that the streets shall be maintained by the private property owners within the subdivision. Said streets shall always be open to police, fire and other official vehicles of all state, federal, county, and city agencies; and
- h. Every deed shall clearly acknowledge that the roadway is private and not maintained by the city; and
- i. Prior to the sale of any parcel of land in the subdivision, a conspicuous shall be posted at the entrance to the subdivision: "Private roadway not maintained by the City of Weatherford." At any time after the city permits the use of said private roadway, a petition of the owners of at least sixty percent (60%) of the area of the land to improve and dedicate the street shall bind all of the owners thereby to permanently improve the street or roadway in compliance with the requirements of the City of Weatherford; and
- j. The Planning Commission may require the developer of such property to reserve appropriate utility easement for water, sewer, and any other utility installations as may be required for present and future development.

18-9. RESERVED.

Article 2. Board of Adjustment.

18-10. BOARD OF ADJUSTMENT: CREATED, MEMBERSHIP AND MEETINGS.

A Board of Adjustment is hereby created, consisting of five (5) members, each to be appointed for a term of three (3) years, said members to be nominated by the Mayor and approved by the City Commission by ordinance for the appointment. Members are removable for cause by the City Commission, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant, in the same year. The Board of Adjustment shall adopt rules in accordance with the provisions of Section 18-10 to 18-14 of this Chapter or any amendment thereto. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. The chairman, or in his absence the acting chairman, may administer the oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, show the vote of each member upon each question or if absent or failing to vote, indicate such facts, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be public record.

18-11. BOARD OF ADJUSTMENT: POWERS.

The Board of Adjustment shall have the power to:

1. Hear and decide appeals if it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance.
2. Hear and decide special exceptions to the zoning ordinance to allow a use, or a specifically designated element associated with a use, which is not permitted by in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the zoning ordinance, and in accordance with the substantive and procedural standards of the zoning ordinance;

3. Authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the Board shall have no power to authorize variance as to use except as provided by paragraph 4. of this section.

4. Hear and decide oil and/or gas applications or appeals unless otherwise provided by municipal ordinance. The Board of Adjustment shall be required to make the findings prescribed by Section 18-14 of this article in order to grant a variance as to use with respect to any such application or appeal.

Exceptions and/or variances may be allowed by the Board of Adjustment only after notice and hearing as provided in Section 18-15 of this article. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the District Court.

18-12. BOARD OF ADJUSTMENT: EXTENT OF RELIEF.

1. When exercising the powers provided for in Section 18-11 of this article, the Board of Adjustment, in conformity with the provisions of the ordinance, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision, or determination as ought to be made.

2. The concurring vote of at least four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination being appealed from, or to decide in favor of the applicant, or to decide any matter which may properly come before it pursuant to the zoning ordinance and Section 18-11 of this article.

18-13. BOARD OF ADJUSTMENT: SPECIAL EXCEPTIONS.

The Board of Adjustment is authorized to make special exceptions to specific uses allowed within each zoning category according to the zoning ordinance in appropriate cases and subject to appropriate conditions and safeguards in harmony with its general purpose and intent and only in accordance with general or specific provisions contained in the zoning ordinance.

18-14. BOARD OF ADJUSTMENT: VARIANCES.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the zoning ordinance may be granted, in whole, in part, or upon reasonable conditions as provided in this article, only upon a finding by the Board of Adjustment that:

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

18-15. BOARD OF ADJUSTMENT: NOTICE AND HEARINGS; CONTENTS OF NOTICE; MINOR VARIANCES OR EXCEPTIONS.

1. Application for request of variances or special exceptions shall be filed with the City Clerk's office by paying an application fee plus the cost of publication and mailing expenses. The amount of application shall be set by resolution by the Weatherford City Commission.

2. Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the city where the property is located and another notice mailed by the clerk of the Board of Adjustment to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

3. The notice whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:

- a. Legal description of the property and the street address or approximate location in the municipality;
- b. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
- c. Date, time and place of the hearing.

4. On hearings involving minor variances or exceptions, notice shall be given by the clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in paragraph 2. of this section. The Board of Adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the City Commission.

18-16. BOARD OF ADJUSTMENT: PROCEDURE FOR APPEALS.

The following procedure shall be followed for appeals from any action or decision of an administrative officer acting pursuant to any zoning ordinance to the Board of Adjustment in the following manner:

1. Appeals from the action of any administrative officer to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the city affected by any decision of the administrative officer;

2. An appeal shall be taken within three (3) working days by filing with the officer from whom the appeal is taken and by filing with the Board of Adjustment a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has 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 the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown; and

4. The Board of Adjustment within ten (10) working days from the filing of the appeal, shall set a hearing date for the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

18-17. BOARD OF ADJUSTMENT: APPEALS FROM ACTIONS.

1. An appeal from any action, decision, ruling judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court of Custer County.
2. The appeal shall be taken by filing with the City Clerk and with the clerk of the Board of Adjustment, within ten (10) working days a notice of appeal. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.
3. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the court clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or ruling of the Board of Adjustment.
4. The appeal shall be heard and tried de novo in the District Court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.
5. An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the Board, from which the appeal is taken, certifies to the Court Clerk, after the notice of appeal has been filed, 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 District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the ordinance, and upon notice to the chairman of the Board from which the appeal is taken, and upon due cause being shown.
6. The District Court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the District Court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the District Court as in all other civil actions.

18-18. PENALTY.

Any person, firm or corporation, who shall violate, disobey, omit, neglect or refuse to comply with, or who resists the enforcement of any of the provisions of Sections 18-10 to 18-14 of this Chapter, shall be guilty of an offense and shall be punished accordingly. Each day that a violation is permitted to exist shall constitute a separate offense.

Article 3. Citation, Purpose, Nature and Application of Zoning Ordinance.

18-19. CITATION.

This article in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Sections 43-101 to 43-109, 44-101 to 44-110 and 45-101 to 45-105 of the Oklahoma Statutes 1991, as amended thereof, shall be known as the "Zoning Ordinance of the City of Weatherford", and may be cited as such.

18-20. 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 decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a 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 article, they shall be held to be necessary for the promotion of the public health, safety, morals, comfort, convenience and general welfare.

18-21. NATURE AND APPLICATION.

This article classifies and regulates the use of land, buildings and structures within the corporate city limits of the City of Weatherford, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the town into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, and size of yards and open spaces, the location of buildings, and the density of population.

Except as herein 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.

Article 4. Definitions.

18-22. INTERPRETATION OF WORDS AND TERMS.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

1. *Accessory Building.* A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.
2. *Accessory Use.* A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot therewith.
3. *Advertising Sign or Structure.* Any cloth, card, paper, metal, glass, wooden, plastic, stone sign or other sign, device or structure of any character whatsoever, including a statuary, place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

The area of an advertising structure 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 duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this ordinance.

4. *Alley.* A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
5. *Apartment House.* See Multiple Family Dwelling.
6. *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, busses, trucks, motor scooters and motorcycles.

7. *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 (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than a janitor employed on the premises.

Bed and Breakfast. See paragraph 66.

8. *Boarding House.* A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.

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

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

11. *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.

12. *Building Site.* A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

13. *Campers.* Portable or mobile living units designed for temporary human occupancy away from the place of residence of the occupants. Includes van conversions, van campers and slide-in truck campers.

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

15. *Coverage.* The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

16. *District.* Any section or sections of the City of Weatherford for which the regulations governing the use of land and the use, density, and other laws or ordinances, and having its principal frontage on a street.

17. *Dwelling.* Any building or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including trailer homes. (See Trailer Home).

18. *Dwelling, Single-Family.* A detached dwelling designed to be occupied by one (1) family.

19. *Dwelling, Two-Family.* A detached dwelling designed to be occupied by two (2) families living independently of each other.

20. *Dwelling, Multiple.* A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

21. *Convenience Store.* Retail store which supplies the daily needs of the residents of the neighborhood where it is located and which are primarily for the residents' convenience. It is used for the retail sales of groceries, magazines, newspapers, bakery, drugs, and health care products. It may include gasoline fuel pumps for automobiles, but not any kind of automobile service or maintenance can be conducted. (See Gasoline Service or Filling Station).

22. *Family.* One (1) or more persons related by blood, marriage, including adopted children, or a group of not to exceed five (5) persons, excluding servants, not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, residential care home or similar dwelling for group use. A family shall be deemed to include domestic servants employed by such family, foster children, and foreign exchange students.

23. *Garage Apartment.* A dwelling unit for one (1) family erected above a private garage.

24. *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.

25. *Garage, Private.* Any accessory building or a part of a main building use for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.

26. *Garage, Public.* Any garage other than a private garage, available to the public, where vehicles are parked or stored for remuneration, hire or sale.

27. *Garage, Repair.* A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

28. *Gasoline Service or Filling Station.* Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.

29. *Home Occupation.* Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except as is customary for purely domestic or household purposes. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. A tea room or restaurant, rest home or clinic, doctor's or dentist's office, tourist home, or cabinet, metal or auto repair shop, barber shop or beauty salon shall not be deemed a home occupation.

30. *Hotel.* A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

31. *Kennel.* Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.

32. *Lot.* Any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance.

33. *Lot, Corner.* A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135°) degrees.

34. *Lot, Depth.* The mean horizontal distance between the front and rear lot lines.

35. *Lot, Double Frontage.* A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

36. *Lot, Interior.* A lot other than a corner lot.

37. *Lot, Area.* The total area measured on a horizontal plane, included within lot lines.

38. *Lot, Frontage.* The dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

39. *Lot Lines.* The lines bounding a lot.

40. *Medical Facilities.* Any of the following:

a. *Convalescent, Rest, or Nursing Home.* A health facility where persons are housed and furnished with meals and continued nursing care for compensation.

b. *Dental Clinic or Medical Clinic.* A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.

c. *Dental Office or Doctor's Office.* Same as dental or medical clinic.

d. *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 services facilities, and staff offices which are an integral part of the facilities.

e. *Public Health Center.* A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. *Residential Care Home.* A facility with five (5) or less occupants, excluding owners or operators, which accommodates individuals who, because of health or age, must live in a supervised environment.

g. *Sanatorium.* An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

41. *Nonconforming 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.

42. *Off-Street Parking Space.* A parking space not on or extending over any public easement or right-of-way.

43. *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.

44. *Recreational Vehicle or Motor Home.* Includes every vehicle which is manufactured, constructed or equipped as a self-propelled home, including motor buses, and capable of being operated on the highways, and which is permanently constructed and equipped living quarters, having its own sleeping and kitchen facilities, toilet facilities, including permanently affixed water tanks, holding tanks and toilet, and which is propelled by a motor installed thereon and not towed by another motor vehicle.

45. *Rooming House.* A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of this ordinance.

46. *Self-Service Laundry or Dry Cleaning Establishment.* Any attended or unattended place, building or portion thereof; available to the general public for the purpose of washing, drying, extracting moisture from, or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind of means of a mechanical appliance which is operated primarily by the customer.

47. *Stable, Private.* A stable with a capacity for not more than two (2) horses or mules.

48. *Stable, Public.* A stable, other than a private stable, with a capacity for more than two (2) horses or mules.

49. *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 and the ceiling next above it.

50. *Story, Half.* A space under a sloping roof which has the line of intersection 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 story containing independent apartment or living quarters shall be counted as a full story.

51. *Street.* Any public or private thoroughfare which affords the principal means of access to abutting property.

52. *Street, Intersecting.* Any street which joins another street at an angle, whether or not it crosses the other.

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

54. *Structural Alterations.* Any change 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.

55. *Tourist Court.* An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient families and intended primarily for automobile transients.

56. *Tourist Home.* A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

57. *Trailer Court or Mobile Home Park.* A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one (1) or more trailer houses or mobile homes.

58. *Trailer or Mobile Home Space.* A plot of ground within a trailer court designed for the accommodation of one (1) mobile home.

59. *Trailer Home or Mobile Home.* A portable or mobile living unit designed or used for human occupancy on a permanent basis.

60. *Trailer, Travel or Camping.* A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not containing less than one hundred seventy-five (175) square feet of floor area.

61. *Trailer, Hauling.* A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

62. *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 article that an accessory building or structure 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 shortest horizontal

distance between the lot line and the main building shall be used.

63. *Yard, Front.* A yard located in front of the front elevation of a building and extending across the lot between the side lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

64. *Yard, Rear.* A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot lines 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.

65. *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.

66. *Bed and Breakfast.* A commercial establishment with five (5) or less units for rent which provides a combination of overnight lodging, off street parking and breakfast for a fee.

(Amended 1/29/98, Ordinance 1998-2)

Article 5. Establishment of Districts.

18-23. NUMBER OF DISTRICTS.

For the purpose of this ordinance the following districts are hereby established for the City of Weatherford.

Agricultural District (A)

Residential Districts (R)

R-1 Single Family District

R-2 General Residential District

R1-CL Single Family Residential Zero Lot Line District

Commercial Districts (C)

C-1 Neighborhood Shopping District

C-2 General Commercial District

C-3 Highway Commercial District

C-3-I Commercial and Limited Light Industrial District

Industrial Districts (I)

I-1 Restricted Manufacturing and Wholesale District

I-2 General Industrial District

Flood Hazard District (F)

Planned Unit Development District (PUD)

The City of Weatherford is hereby divided into districts as shown on the zoning map, filed with the City Clerk. The Zoning Districts Map of the City of Weatherford and all of the notations, references, and other matters shown thereon, shall be made as much a part of this ordinance as if the notations, references or other matters set forth by said map were all fully described herein; which district map is on file in the office of the City Clerk at the City Hall of the City of Weatherford.

(Amended 6-29-01, Ordinance 2001-4)

18-24. ZONING DISTRICT MAP.

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Weatherford, said map being part of this ordinance as fully as if the same were set forth herein in detail. (Amended 6/30/04, Ordinance 2004-8 § 1)

18-25. ZONING DISTRICT BOUNDARIES.

1. The district boundary lines shown on the Zoning Map are usually along streets, alleys, property lines or extensions thereof; where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

c. Boundaries indicated as approximately following the city limits shall be construed as following city limits.

d. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way, or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.

e. Boundaries indicated as parallel to our extensions of features indicated in a. through b. above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined by the scale of the map.

f. Whenever any street, alley or other public way is vacated by official action of the City Commission or whichever such area is franchised for building purposes, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

2. Where physical features on the ground are at variance with information shown on the official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such questions cannot be resolved by the application of paragraphs 1, a. through 1, f., the property shall be considered as Classified A, Agricultural District, temporarily, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions providing for amendments to the Zoning Ordinance and Map.

18-26. RESERVED.

18-27. COMPLIANCE REQUIRED.

All land, building, structures or appurtenances thereon located within the city, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed or erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

Article 6. Specific District Regulations.

18-29. A-1 GENERAL AGRICULTURAL DISTRICT.

1. General Description. This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but which will be undergoing urbanization in the near future. Many tracts in this district will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, required area, and the intensity of use of land permitted in this district is designed to encourage and protect agricultural uses so long as the land therein is devoted primarily to agriculture.

2. Uses Permitted. Property and buildings in an A-1 General Agricultural District shall be used only for the following purposes:

- a. Detached one-family.
- b. Church.
- c. Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
- d. Agriculture crops.
- e. The raising of farm animals in accordance with the ordinances of the City of Weatherford, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than ten (10) acres the raising of hogs shall be prohibited, and on all other tracts the number of hogs weighing more than twenty-five (25) pounds shall not exceed twenty (20) grain fed or three (3) garbage fed hogs. Hogs shall not be located closer than two hundred (200) feet to the property line of the tract on which they are located.

f. Oil well or gas well, including the drilling thereof.

g. All of the following uses:

Country club and golf course

Home occupation

Library

Park or playground or public recreation area

Plan nursery

h. Transportation, pipeline and utility easements and rights-of-way.

i. Bulletin board or sign, not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

j. Accessory buildings which are not a part of the main building, including barns, sheds, and other farm buildings, and private garages and accessory buildings which are a part of the main buildings.

3. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Section 18-60, Article 9 of this ordinance.

a. Airport or landing field.

b. Cemetery.

c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one (1) operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one (1) non-illuminated name plate not exceeding two (2) square feet in area, attached to the main building.

d. Kennel.

e. Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity.

f. Public stable or riding academy.

g. Radio and television stations and transmission towers.

h. Sewage lagoons.

i. Mobile home parks.

j. Any use not otherwise authorized by this ordinance.

4. Area Regulations. The area regulations are as follows:

a. Front Yard. All buildings shall set back from street right-of-way lines to comply with the following front yard requirements:

(1) All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.

(2) On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

(3) If twenty-five percent (25%) or more of the lots of one (1) side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(4) When a lot has a double frontage the front yard requirements shall be compiled with both streets.

b. Side Yard.

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one (1) story, except as hereinafter provided in Section 18-41, Article 7.

(2) For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.

(3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

(4) Churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

d. Lot Width. For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

e. Intensity of Use.

(1) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than one (1) acre.

(2) For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Sections 18-49 through 18-56, Article 7.

f. Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Dedicated public streets, alleys, and easements cannot be counted as lot area for the purpose of the calculation of coverage.

5. Height Regulations. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 18-42, Article 7.

18-30. R-1 SINGLE-FAMILY DWELLING DISTRICT.

1. General Description. This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property values, 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 different uses.

2. Uses Permitted. Property and buildings in an R-1 Single-Family Dwelling District shall be used only for the following purposes:

a. Detached one-family dwelling.

b. Churches, but not including missions or revival tents or arbors.

c. Public schools or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

d. Public park or playground.

e. Library.

f. Transportation and utility easements, alleys, and rights-of-way.

g. Accessory buildings which are not a part of a main building, including one private garage.

h. A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

i. A church bulletin board or sign, not exceeding twenty-five (25) square feet in area, attached to the main building or located behind the front building line on the same lot with the church building.

j. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district, and which shall be removed when construction work is completed.

k. Parking lot required to serve the uses permitted in this district.

l. General purpose garden, but not the raising of livestock.

3. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article 9, Section 18-60.

a. Municipal use, public building and public utility.

b. Golf course or country club.

c. Double-wide trailer home.

d. Two-family dwelling.

e. Any use not otherwise authorized by this ordinance.

4. Area Regulations. All buildings shall be set back from street right-of-way and lot lines to comply with the following yard requirements:

a. Front Yard.

(1) The minimum depth of the front yard shall be twenty-five (25) feet; or

(2) If seventy-five percent (75%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(3) When a lot has double frontage, the front yard requirements shall be complied with on both streets.

b. Side Yard.

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Article 7, Section 18-41.

(2) For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet.

(3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot. In no case shall a garage which faces a street be located closer than twenty (20) feet to that street property line.

(4) Churches and main accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached accessory buildings shall not be located less than ten (10) feet from any other structure.

d. Lot Width. There shall be a minimum lot of fifty (50) feet at the front building line for single-family and two-family dwellings and ten (10) feet additional width at the front building line for each family, more than two (2), occupying a dwelling. However, a lot width at the front building line shall not be required to exceed ninety (90) feet. A lot shall abut on a street not less than thirty-five (35) feet.

e. Intensity of Use.

(1) For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than five thousand (5,000) square feet.

(2) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article 7, Sections 18-49 through 18-56, provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

f. Coverage. Main and accessory buildings shall not cover more than forty percent (40%) of the lot area. Dedicated public streets, alley, and easements cannot be counted as lot area for the calculation of coverage.

5. Height Regulations. No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article 7, Section 18-42.

(Amended 1/29/98, Ordinance 1998-1; 9/29/05, Ordinance 2005-07)

18-30A. R1-CL SINGLE-FAMILY RESIDENTIAL ZERO LOT LINE DISTRICT.

1. General Description. This is a restrictive residential district whose principal use of land is the single-family detached home with a zero side yard setback. Provision is made for related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element. The district provides for a unique housing environment which is dissimilar to single family units allowed in the R-1 District regarding such elements as side yard building setbacks, usable side yard areas, intensity of and typical building orientation.

2. Uses Permitted.

- a. Any uses permitted in an R-1 Residential District.
- b. Attached one-family dwellings.
- c. Detached, zero-lot line, one family dwellings.
- d. Community recreation: property owners' association structures.

3. Uses Permitted On Review.

- (1) Municipal use, public building and public utility.
- (2) Golf course or country club.
- (3) Two-family dwellings.
- (4) Community recreation: Restricted.
- (5) Light public protection and utility: General.
- (6) Low impact institutional: Neighborhood related.
- (7) Library services and community centers.
- (8) Any use not otherwise authorized by this section.

b. Conditions for Approval.

- (1) Each use shall comply with all standards and provisions of this zoning district, unless specifically modified by this section.
- (2) The site shall front or have direct access to a street meeting minimum design standards.
- (3) No building shall be located closer than twenty-five (25) feet to any lot line abutting any residential use.
- (4) Minimum lot size:

Light public protection and utility: General, twenty thousand (20,000) square feet.

Low impact institutional: Neighborhood related, forty thousand (40,000) square feet.

Library services and community size: forty thousand (40,000) square feet.

Community recreation: Restricted, eighty thousand (80,000) square feet.

(5) All lighting shall be arranged so that there will be no annoying glare directed or reflected toward adjacent property.

(6) No off-street parking or loading space shall be located closer than twenty (20) feet to any lot line abutting a residential district.

4. Accessory Uses. The following are permitted subject to the regulations in the R-1 District.

- a. General accessory structures.
 - b. Accessory uses with specific regulations:
 - (1) Carport.
 - (2) Fence.
 - (3) Parking for recreational vehicle, boat and trailer or boat trailer.
 - (4) Accessory signs, subject to the sign regulations in the R-1 District.
 - c. Home occupation.
5. Area Regulations.
- a. All uses and buildings other than single-family dwellings shall be subject to the area regulations of the R-1 District.
 - b. Single-family dwellings.
 - (1) Front Yards: Front yard requirements shall be the same as in the R-1 District.
 - (2) Side Yards:
 - (a) For attached dwellings, a zero side yard is allowed along a common fire wall when both units are built at the same time, provided that the remaining side yard is ten (10) feet or greater.
 - (b) For unattached dwellings, including garages, one side yard may be reduced to zero providing:
 - (i) A ten (10) foot maintenance and open space easement is secured on the lot adjoining the reduced side yard.
 - (ii) The remaining side yard is not less than ten (10) feet and is perpetually maintained free and clear from any obstructions, other than a two (2) foot eave overhang, landscaping and fencing.
 - (iii) The wall located at the zero side yard is constructed with maintenance-free masonry and has no openings of any kind.
 - (iv) No portion of the dwelling or architectural features project over any property line, except that a two (2) foot eave shall be allowed. Guttering shall be required on the two (2) foot overhang to divert water.
 - (v) The zero side yard is not adjacent to a public or private right-of-way.
 - (c) For all other unattached dwellings, side yard setbacks shall be the same as in the R-1 District.
 - (d) On any corner lot a building shall be set back from the right-of-way line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.
 - (e) In no case shall a garage which faces a street be located closer than twenty (20) feet to that street property line.
 - (3) Rear Yards: There shall be a rear yard of not less than ten (10) feet. Unattached accessory buildings shall be set back one (1) foot from any utility easement, alley easement or rear lot line.
 - (4) Lot Width: There shall be a minimum lot width of not less than fifty (50) feet at the building line, and no lot shall abut a street for a distance of less than thirty-five (35) feet.
 - c. Accessory Buildings Other than Garages. Except as hereinafter provided in Section 18-30A, unattached, one-story buildings of accessory use shall be set back five (5) feet from any interior side lot line, provided however, that accessory buildings shall not be required to be set back more than three (3) feet from the interior side lot line when all parts of said building are located not more than fifty (50) feet from the rear property line or rear utility easement line. Unattached accessory buildings shall not be located less than ten (10) feet from any other structure.
 - d. Intensity of Use.
 - (1) Lot Area: There shall be a lot area of not less than four thousand five hundred (4,500) square feet per lot.
 - (2) Coverage: Main and accessory buildings shall not cover more than seventy percent (70%) of the area of the lot; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

6. Height Regulations.

- a. Except as provided in Section 18-42 of this Code, no building shall exceed twenty-seven (27) feet in height, unless side and rear setback lines are increased one (1) foot for each additional foot of height above twenty-seven (27). However, the maximum height allowed shall be thirty-five (35) feet.
- b. Any accessory building exceeding twelve (12) feet in height shall have the required side and rear yard setbacks increased by one (1) foot for each additional foot of height above twelve (12). Provided, however, that no accessory building shall exceed the height of the principal building to which it is accessory. (Amended 6/29/01, Ordinance 2001-4)

18-31. R-2 GENERAL RESIDENTIAL DISTRICT.

- 1. General Description. This is a residential district to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of property values, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and thorough consideration of the proper functional relationship of each use permitted in the district.
- 2. Uses Permitted. The following uses may be permitted:
 - a. Any use permitted in an R-1 Residential District.
 - b. Two-family dwelling.
 - c. Multiple-family dwelling.
 - d. Garage apartment, when located on a separate lot or on the same lot with another dwelling use.
 - e. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

3. Conditional Uses permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article 9, Section 18-60.

- a. Any use permitted on review in an R-1 Single-family Dwelling District.
- b. Child care center.
- c. Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed two (2) operators. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate, not exceeding two (2) square feet in area, attached to the main building.
- d. Institutions of a religious, educational or philanthropic nature.
- e. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- f. Medical facility.
- g. Trailer home or mobile home park (regulated by Chapter 12, Article 2, City Code of Weatherford).
- h. An off-street parking lot associated with a C-Commercial use as required under the provisions of Article 7, Sections 18-49 through 18-56.
- i. Bed and breakfast.

4. Area Regulations. All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

- a. Front Yard.
 - (1) The minimum depth of the front yard shall be twenty-five (25) feet; or
 - (2) If seventy-five percent (75%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater than forty (40) feet.
 - (3) When a lot has a double frontage, the front yard requirements shall be complied with on both sides.
- b. Side Yard.
 - (1) For dwellings located on interior lots there shall be a side yard on each side of the main dwelling of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Article 7, Section 18-41.
 - (2) For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet. Section 18-41.
 - (3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another lot, and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot. In no case shall a garage which faces a street be located closer than twenty (20) feet to that street property line.
 - (4) Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.
- c. Rear Yard.
 - (1) For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Unattached accessory buildings shall not be located less than ten (10) feet from any other structure.
 - (2) Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line.
- d. Lot Width. There shall be a minimum lot width of fifty (50) feet at the front building line for single-family dwellings and ten (10) feet additional width at the front building line for each family, more than one, occupying a dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.
- e. Intensity of Use.
 - (1) There shall be a lot area of not less than five thousand (5,000) square feet for a single-family dwelling, not less than six thousand (6,000) square feet for a two-family dwelling, and an additional area of not less than five hundred (500) square feet for each family, more than two (2), occupying a dwelling.
 - (2) There shall be a lot area of not less than six thousand (6,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located in the rear yard of a two-family or multiple-family dwelling the lot area shall be not less than five hundred (500) square feet more than is required for the two-family or multiple-family dwelling.
 - (3) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Section 18-49 through 18-56, provided, however, that the lot for a church shall not be less than twenty-one thousand (21,000) square feet.
 - (4) For condominium and townhouses that shall be a lot area of not less than three thousand (3,000) square feet for each unit within the condominium or townhouse complex and no less than two (2) parking spaces per unit shall be provided. Ingress and egress shall be made by a thoroughfare of not less than thirty-two (32) feet back to back of curb. All area regulations shall apply to Section 18-40 through 18-56, Article 7.
- f. Coverage. Main and accessory buildings shall not cover more than forty percent (40%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. Dedicated public streets, alleys and easements cannot be counted for the calculation of lot area.

5. Height Regulations. No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Article 7, Section 18-42.

(Amended 1/29/98, Ordinance 1998-1; 1/29/98, Ordinance 1998-2; 9/29/05, Ordinance 2005-07)

18-32. C-1 NEIGHBORHOOD SHOPPING DISTRICT.

1. General Description. This commercial district is for the conduct of retail trade and personal service enterprises 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 uses, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.

2. Uses Permitted. Property and buildings in a C-1 Neighborhood Shopping District shall be used only for the following purposes:

- a. Any use permitted in an R-2 Residential District.

- b. Any use permitted on review in an R-2 Residential District.
- c. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

- Arts school, gallery or museum
- Artists materials, supply studio
- Automobile parking lot
- Baby shop
- Bakery goods store
- Barber shop
- Beauty shop
- Book or stationery store
- Camera shop
- Candy store
- Catering establishment
- Cleaning, pressing and laundry collection agency
- Clothing or apparel shop
- Convenience store (with gasoline pumps only)
- Curio or gift shop
- Dairy products or ice cream store
- Day care center
- Delicatessen
- Dress shop
- Drug store or fountain
- Dry goods store
- Florist shop
- Interior decorating shop
- Jewelry or notions store
- Key shop
- Leather goods shop
- Meat market
- Medical facility
- Messenger or telegraph service
- Newspaper or magazine sales
- Novelty shop
- Office business
- Optometrists sales and service
- Photographer studio
- Pharmacy
- Restaurant - not to include drive-in
- Self-service laundry or dry cleaning
- Shoe repair shop
- Stock and bond broker
- Tailor shop
- Toy store

- d. Name plate and sign relating only to the use of the store and premises, which shall be attached to the building.

- e. Accessory buildings and uses customarily incidental to the above uses.

- f. A building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in paragraph 2, a. through 2, e. above shall be displayed or stored outside building.

- g. Any use, not otherwise authorized, shall be considered conditional use permitted upon review by the Planning and Zoning Commission.

3. Area Regulations. The area requirements for dwellings shall be the same as the requirement of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district:

- a. Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

- b. Side Yard. On the side of a lot adjoining a dwelling district there shall be a side yard of not less than twenty-five (25) feet. There shall be a side yard setback from an intersecting street of not less than twenty-five (25) feet.

- c. Rear Yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than thirty (30) feet.

- d. Minimum Area. The parcel of land on which a neighborhood Shopping District is located shall not be less than twelve thousand (12,000) square feet or more than two (2) acres in area.

4. Height Regulations. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in Article 7, Section 18-42.

5. Screening Regulations. Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than eight (8) feet in height when abutting an R-District. For the purposes of this ordinance abutting shall include an R-District separated by an alley.

6. Replacement of Destroyed Structure. If an existing residential structure is destroyed, it may be replaced within one (1) year, subject to other zoning regulations as of date of replacement.
(Amended 1/29/98, Ordinance 1998-1; 4/29/98, Ordinance 1998-6)

18-33. C-2 GENERAL COMMERCIAL DISTRICT.

1. General Description. 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 those trucks and commercial vehicles required for stocking and delivery of retail goods.

2. Uses Permitted. Property and buildings in a C-2 General Commercial District shall be used only for the following purposes:
 - a. Advertising signs and structures.
 - b. Any use permitted in a C-1 Neighborhood Shopping District.
 - c. New and used automobile sale and services, public garages, provided no gasoline is stored above ground, and services conducted wholly within a completely enclosed buildings, but not including automobile or machinery wrecking establishments or junk yards.
 - d.
 - Auto court, tourist court or motel
 - Ambulance service, office or garage
 - Antique shop
 - Appliance store
 - Automobile service station and garage
 - Bait sales
 - Bakery
 - Bath house
 - Bus terminal
 - Cleaning plant
 - Commercial parking facilities
 - Commercial school or hall
 - Dance hall
 - Department store
 - Feed and seed store
 - Frozen food locker
 - Furniture repair and upholstery
 - Furniture store
 - Funeral parlor or mortuary
 - Gasoline service or filling station
 - Grocery store
 - Hardware store
 - Heating, ventilating or plumbing supplies, sales and service
 - Ice storage locker plant or storage house for food
 - Laundry and cleaning establishment
 - Musical instrument sales
 - Music, radio or television shop
 - Museum
 - Nursery or garden supply store
 - Pawn shop
 - Pet shop
 - Printing plant
 - Radio and television sales and service
 - Research laboratories
 - Sign painting shop
 - Sewing machine sales, instruction
 - Sporting good sale
 - Hospital for small animals
 - Theater
 - Variety store
 - Wood cabinet shop
 - e. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that here shall be no manufacture, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments.
 - f. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, order, dust, vibration, blast or traffic than those enumerated above.
3. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission:
 - a. Bars.
 - b. Private clubs.
 - c. Machine shop, not including heavy equipment machine shop, provided that only when such use is fronting on Main Street from 7th Street east to the city limits.
 - e. Amusement and recreation enterprises.
 - f. Mini-storage.
 - g. Any use not otherwise authorized by this Ordinance.
4. Area Regulations. The area regulations for dwellings shall be the same as the requirements of the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this district:
 - a. Front and Side Yard. There are no specific front or side yard requirements for uses other than dwelling.
 - b. Rear Yard. There shall be provided an alley, service court, rear yard, or combination thereof, of not less than ten (10) feet in width.
 - c. Area for Off-Street Parking. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 7, Sections 18-49 through 18-56.
5. Height Regulations. No building shall exceed four (4) stories or sixty (60) feet in height, except as hereinafter provided in Article 7, Section 18-42.
6. Screening Regulations. Ornamental screening shall be provided by all uses permitted by providing a solid wall of not less than eight (8) feet in height when abutting an R-District. For the purposes of this ordinance abutting shall include an R-District separated by an alley.
7. Replacement of Destroyed Structure. If an existing residential structure is destroyed, it may be replaced within one (1) year, subject to other zoning regulations as of date of replacement.

18-34. C-3 HIGHWAY COMMERCIAL DISTRICT.

1. General Description. This commercial district is intended to provide commercial lodging, recreation, and personal services both the citizens and nonresidents traveling through the city or state and federal highways that traverse the area. Businesses and facilities of this district will provide the traveling public and require more ribbon development and direct passenger vehicle access than would be desirable in the general commercial district.

2. Uses Permitted. Property and buildings in the C-3 Highway Commercial District shall be used only for the following purposes.

- a. Advertising signs and structures.
- b. Permanent commercial amusement enterprises.
- c. Any use permitted in a C-1 Neighborhood Shopping District and C-2 General Commercial District.
- d. Any of the following:

Artist supplies and hobby shop
Ambulance service, office and garage
Automobile sales, service, repair and showroom (provided all services and other activity relating to the operation thereof shall be conducted entirely in an enclosed building.)
Bait sales
Bakery shop
Barber and beauty shops
Bath house
Boat sales
Book store
Clothing or wearing apparel shops
Dairy products store
Delicatessen
Drive-in restaurant
Drug store
Farm implement and machinery, new and used, sales
Florist shop
Gasoline and oil retail distributing plants
Gift shop
Golf course, miniature or practice range
Grocery store
Hardware store
Hospital for small animals
House trailer and mobile home sales
Indian goods retail
Jewelry shop
Kennel
Laundry and dry-cleaning pick up stations
Medical facility
Metal and wood fencing, ornamental grill work and decorative wrought iron work and play equipment sales
Mobile home and travel trailer sales
Monument sales
Museums - indoor and outdoor
Novelty shop retail
Office general
Parking lot
Pharmacy
Prefabricated house sales
Public uses
Restaurants
Roller skating rinks
Recreation center, public or private
Self-service laundries
Shoe repair shop
Sightseeing tour depot
Small general contractor and homeowner equipment rental, sales, service and repair
Swimming pool, commercial
Tailor shop
Theater
Tourist homes and courts
Toy shop
Trailer camp
Trailers for hauling, rental and sales
Variety store

The uses enumerated 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.

e. 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 street, and shall not be of a flashing or intermittent type.

f. Accessory buildings and uses customarily incidental to the above uses.

3. Conditional Uses Permitted on Review. Any uses not included in the paragraph 2 above, but consistent with the general description and characteristics of the district may be reviewed and permitted by the Planning and Zoning Commission in accordance with provisions contained in Article 9, Section 18-60.

4. Area Regulations.

a. Tourist commercial uses must have a side yard of ten (10) feet when abutting a residential district.

b. Rear Yard. Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than ten (10) feet in width. In all other cases no rear yard is required.

c. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 7, Sections 18-49 through 18-56.

5. Height Regulations. No building shall exceed four (4) stories or sixty (60) feet in height, except as hereinafter provided in Article 7, Section 18-42.

6. Screening Regulations. The above enumerated places shall comply with the following: All of the above uses shall be screened by ornamental fencing or evergreen planting of not less than eight (8) feet in height when abutting an R-District. For the purpose of this ordinance, abutting shall include those dwellings across an alley.

7. Replacement of Destroyed Structure. If an existing residential structure is destroyed, it may be replaced within one (1) year, subject to other zoning regulations as of date of replacement.

(Amended 1/27/03, Ordinance 2003-1 § 2; 7/31/03, Ordinance 2003-05 § 2)

18-35. C-3-I COMMERCIAL AND LIMITED INDUSTRIAL DISTRICT.

1. General Description. This district is intended for areas where there are mixed uses of commercial establishments and light industrial uses. Industries allowed in this district are primarily for manufacturing and assembly plants and warehousing that 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 facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

2. Uses Permitted. Property and buildings in a C-3-I District shall be used only for the following purposes:

a. Any use, except a new residential use, permitted in a C-1, C-2 or C-3 District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.

b. Any of the following use:

Automobile parts rebuilding

Furniture manufacturing

Manufacture of cabinet components

Oilfield service equipment storage yard

Packaging of off-site manufactured products

Self-help mini storage

Sign shop and sign construction

c. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

3. Conditional Uses Permitted on Review. Any uses not included in paragraph 2 above, but consistent with the general description and characteristics of the district, may be reviewed and permitted by the Planning and Zoning Commission with provisions contained in Article 9, Section 18-60.

4. Area Regulations. All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements:

a. Front Yard. All buildings shall setback from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

b. Side Yard. No building shall be located closer than ten (10) feet to a side lot line except when abutting an R-District. Then, it shall have a thirty-five (35) foot side yard.

c. Rear Yard. No building shall be located closer than fifteen (15) feet to the rear lot line, except when abutting an R-District, then it shall have a rear yard of thirty-five (35) feet.

d. Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

5. Height Regulations. No building or structure shall exceed ninety (90) feet in height, except as hereinafter provided in Article 7, Section 18-42 of this ordinance.

6. Screening Regulations. 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 plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

All of the above uses shall be screened by ornamental fencing or evergreen planting of not less than eight (8) feet in height when abutting an R-District or a C-Commercial District. For the purpose of this ordinance, abutting shall include those dwellings across an alley.

18-36. I-1 RESTRICTED MANUFACTURING AND WAREHOUSING DISTRICT.

1. General Description. This industrial district is intended primarily for manufacturing and assembly plants and warehousing that 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 facilities; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

2. Uses Permitted. Property and buildings in an I-1 District shall be used only for the following purposes:

a. Any use, except a new residential use, permitted in a C-1, C-2, C-3 or C-3-I District. No dwelling uses except sleeping facilities for caretakers and night watchmen employed on the premises shall be permitted.

b. Any of the following uses:

Book bindery

- Bottling works
- Candy manufacturing
- Electrical equipment assembly
- Electronic equipment assembly and manufacture
- Food products processing and packing
- Furniture manufacturing
- I-2-Engraving plan, including memorial stones
- Instrument and meter manufacturing
- Jewelry and watch manufacturing
- Leather goods fabrication
- Optical goods manufacturing
- Paper products manufacturing
- Shoe manufacturing
- Sporting good manufacturing
- Wholesale or warehousing enterprise

c. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

3. Conditional Uses Permitted on Review. Any uses not included in paragraph 2 above but consistent with the general description and characteristics of the district may be reviewed and permitted by the Planning and Zoning Commission with provisions contained in Article 9, Section 18-60.

4. Area Regulations. All buildings shall be set back from the street right-of-way lines and lot lines to comply with the following yard requirements:

a. Front Yard. All buildings shall setback from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

b. Side Yard. No building shall be located closer than ten (10) feet to a side lot line except when abutting an R-District. Then, it shall have a thirty-five (35) foot side yard.

c. Rear Yard. No building shall be located closer than fifteen (15) feet to the rear lot line, except when abutting an R-District, then it shall have a rear yard of thirty-five (35) feet.

d. Coverage. Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

5. Height Regulations. No building or structure shall exceed ninety (90) feet in height, except as hereinafter provided in Article 7, Section 18-42 of this ordinance.

6. Screening Regulations. 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 plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

(Amended 4/29/98, Ordinance 1998-6)

18-37. I-2 GENERAL INDUSTRIAL DISTRICT.

1. General Description. This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

2. Uses Permitted. Property and building in an I-2 General Industrial District shall be used only for the following purposes:

a. Any use permitted in the I-1 Restricted Manufacturing and Warehousing District. No new 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.

b. Any use permitted in an C-1, C-2, C-3 and C-3-I District.

c. 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 batch plant or transit mix plant.

d. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

e. Farm produce, grain and feed storage including grain elevators.

f. Freighting or trucking yard or terminal.

g. Oil field service equipment storage yard.

h. Public utility service yard or electrical receiving or transforming station.

i. Town and county equipment service yard.

j. The following uses when conducted within a completely enclosed building:

(1) The manufacture, compounding, processing or packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

(2) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellulose, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.

(3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

(4) The manufacture and maintenance of all types of signs, electric and nonelectric signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.

(5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(6) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

(7) Machine shop.

(8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

(9) 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.

k. Buildings, structures and uses accessory and customarily incidental to any of the above uses.

The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

3. Conditional Uses Permitted on Review. The following uses may be permitted on review by the Planning Commission in accordance with the provisions contained in Article 9, Section 18-60.

a. Cement, lime or gypsum manufacture.

b. Commercial feed pens for livestock.

c. Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.

d. Natural gas production and distribution.

e. Packing house.

f. Petroleum production and refining.

g. Sale barn.

h. Salvage yards for automobiles, building materials, scrap metals, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

i. Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

j. Any use not otherwise authorized by this ordinance.

4. Area Regulations.

a. Front Yard. All buildings shall set back from the street right-of-way line to provide a front yard having not less than fifteen (15) feet in depth.

b. Side Yard. No building shall be located closer than ten (10) feet to a side lot line, except when abutting an R-District. Then, it shall have a thirty-five (35) foot side yard.

c. Rear Yard. Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than twenty-five (25) feet from the rear lot line that adjoins a dwelling district.

d. Yard Area. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 7, Sections 18-49 through 18-56.

5. Height Regulations. No building shall exceed ninety (90) feet in height, except as hereinafter provided in Article 7, Section 18-42.

6. Screening Regulations. 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 plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing at ground level.

(Amended 4/29/98, Ordinance 1998-6)

18-38. F - FLOOD HAZARD DISTRICT.

1. General Description. This district is intended to comprise those areas which are subject to periodic or occasional flooding during a one-hundred year frequency flood, which results in special hazards to life and property, in the disruption of commerce and governmental services and poses a direct threat to the public health, safety and general welfare. These regulations are designed to regulate and control uses within the flood hazard district to protect human life and health, to minimize damage to public and private property, to minimize surface and ground water pollution, to prevent the encroachment of buildings and improvements in floodway and flood fringe areas which will impede runoff and contribute to flooding in other areas, and to protect natural scenic areas and provide for the conservation of natural resources.

2. Application as Combining (Overlay) Regulations. The boundaries of the Flood Hazard District, which is composed of floodway and flood fringe areas, may cut across and overlay the boundaries of other zoning districts. The regulations applicable to the Flood Hazard District shall be interpreted as being in addition to the requirements of other district regulations, and wherever a conflict in requirements results, the regulations of the Flood Hazard District shall supersede all other regulations. (See Article 4, Chapter 4 of this Code).

3. Definitions.

a. Flood. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

b. Flood Hazard District or Area. All of the land within the jurisdiction which is subject to inundation by the flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year. The "Flood Hazard District" includes both the floodway and the flood fringe.

c. Flood Fringe. The portion of the flood hazard district located outside the floodway.

d. Floodway. The stream channel and adjacent area which provides for the downstream movement of the 100-year maximum flood at a rate of 1/10 foot per second or greater.

e. 100-Year Flood or Rain. A flood or rainfall having an average statistical frequency of occurrence in the order of once in 100 years, although the flood or rainfall may actually occur in any year.

f. Flood Fringe Displacement-Alternative Improvements. The channel improvements in the floodway which are required to prevent increased flooding resulting from the reduced floodwater storage capacity in the flood fringe area due to filling or other flood proofing or development of the flood fringe area.

4. Uses Permitted.

a. Floodway Areas. Property located in all floodway shall be used only for the following purposes; provided, however, that no building or permanent structure is involved, and the use in no way obstructs or otherwise adversely affects the capacity of the floodway:

(1) Agricultural uses including the growing of crops and the use of land for pasture and grazing where farm animals are otherwise permitted by the district provisions of the zoning ordinance or by the general ordinances of the city.

(2) Private and public recreational uses not otherwise prohibited, such as natural scenic areas, golf courses, swimming and picnic areas, game farms, hiking and horseback riding trails and similar uses.

(3) Lawns, gardens and recreation areas which are accessory to residential uses.

b. Flood Fringe Areas. Property and buildings in flood fringe areas shall be used only for the following purposes; provided, however, that no building or structure or use of land is involved that causes displacement of floodwater or otherwise increases flooding in the floodway, unless the capacity of the floodway is increased to compensate for the reduced capacity of the flood fringe.

(1) Any use permitted in the floodway that is not otherwise prohibited by other district provisions of the zoning ordinance or other city regulations.

(2) Storage of materials or equipment not adversely affected by flooding.

(3) Fill, stormwater detention and retardation structures, and other flood proofing measures.

(4) All other uses permitted in the district with which the Flood Hazard District has been combined when flood proofing and alternative improvements for flood fringe displacement of floodwater have been provided.

5. Flood Proofing and Flood Fringe Displacement - Alternative Improvements. All uses permitted under paragraph 4 above shall comply with the following requirements and the requirements set forth in Article 4, Chapter 4 of the Weatherford City Code.

a. Flood Proofing. All residential, commercial, industrial and other uses designed for human occupancy shall have the lowest floor elevation, including basement, not less than one foot above the highest elevation of the one hundred year frequency flood. The following additional flood proofing measures may be required to provide flood protection for any permitted use including, but not necessarily limited to the following:

(1) Installation of stormwater detention and retardation structures.

(2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

(3) Reinforcement of walls to resist water pressures.

(4) Use of paints, membranes, or mortars to reduce seepage of water through walls.

(5) Addition of mass or weight to structures to resist flotation, or other anchorage.

(6) Installation of pumps to lower water levels in structures.

(7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

(8) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.

(9) Construction to resist rupture or collapse caused by water pressure or floating debris.

(10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.

(11) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding to provide protection from inundation by the 100-year maximum flood.

(12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

b. Flood Fringe Displacement - Alternative Improvements. Before any buildings, improvements of flood proofing is permitted in the flood fringe, the amount of flood water displaced by the proposed change shall be ascertained by an engineer, registered in the State of Oklahoma, in consultation with the City Engineer, and alternative improvements shall be made in the floodway to accommodate the flood storage to be eliminated in the flood fringe for a one hundred year frequency flood. The cost of the alternative improvements shall be the responsibility of the individual or entity responsible for the flood fringe displacement.

6. Administrative Requirements. In order to carry out the intent of the requirements set forth in the Flood Hazard District, in addition to other administrative provisions required by this ordinance the following additional provisions shall apply:

a. Building or Occupancy Permit Required. No use or improvement of any floodway or flood fringe area of any form shall be permitted without first obtaining a building and/or occupancy permit from the Zoning Administrator.

b. Additional Information Required. The Zoning Administrator may require the applicant to furnish any or all of the following information in determining the suitability of a particular site for a proposed use:

(1) Plans in triplicate drawn to scale and showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood protection elevation.

(2) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

(3) Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

(4) A profile showing the slope of the bottom of the channel or flow line of the stream.

(5) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

18-39. PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

1. Purposes. The purposes of the Planned Unit Development are:

a. To permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient use of open area, while maintaining density and area coverage permitted in the general zoning district or districts in which the project is located.

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

2. General Provisions. Planned Unit Development is permitted on tracts of not less than ten (10) acres in size. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this article. No modification of use or bulk and area requirements of the applicable general use district or districts shall be permitted unless a subdivision plat incorporating the provisions and requirements of this article is submitted to and approved by the Planning Commission and City Commission and filed on record in the office of the County Clerk.

3. Uses Permitted in Planned Unit Development.

a. Principal Uses. A Planned Unit Development shall primarily be residential when located within an R-1 District. The development may consist of one or more of the following dwelling types: Single-Family Detached Dwelling, Duplex Dwelling, Multi-Family Dwelling, Townhouse, and similar uses. The uses, other than dwellings which are permitted by right or exception in the R-Districts may be included within a PUD, if such nonresidential uses do not occupy more than ten percent (10%) of the gross area of the PUD which are in the R-1, and/or R-2 Zone, and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties. Land set aside for public facilities such as schools, libraries, firehouses, etc. shall be excluded for the purposes of calculating the gross area of the PUD. The uses permitted in areas zoned as commercial or industrial districts shall be limited to those uses permitted in the district to which the property is zoned.

b. Accessory Uses. Accessory uses customarily incident to the residential uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the Residential Districts except as hereafter provided for accessory commercial facilities may be included within the PUD in accordance with the following standards:

- (1) The commercial uses shall be limited to convenience goods and services and eating places other than drive-ins.
- (2) The aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet.
- (3) Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet of floor area.
- (4) Commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.
- (5) The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, and shall be designed and located in such manner as to be compatible with the residential use of the PUD and of adjacent properties.

4. Bulk and Area Requirements.

a. Lot Width and Lot Area Minimums. Within a PUD, a minimum lot size requirement of one thousand (1,000) square feet shall apply to lots utilized for dwelling purposes. A minimum lot width requirement of forty (40) feet shall apply to lots utilized for dwelling purposes.

b. Number of Permitted Dwelling Units. It is the intent of this Code that the aggregate density and intensity of use within the PUD remain the same as that which would be permitted if the area were developed conventionally, but that within the PUD the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a PUD shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the PUD divided by}}{\text{Minimum land area per d.u. permitted in the applicable use district}}$$

The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for and use other than dwellings, quasi-dwellings, residential open space and recreation areas. Each six hundred (600) square feet of quasi-dwelling, such as a care home, shall constitute a dwelling unit. If the PUD is within two (2) or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.

c. Livability Space. Livability space may be provided on a lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of paragraph 7, e. of this section.

d. Building Height. Within a PUD, the maximum building height shall be established in the outline development plan in compliance with the provisions of paragraph 5., Perimeter Requirements, of this section.

5. Perimeter Requirements. The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located, provided that within two hundred (200) feet of any abutting property in an R-1 classification, structures containing more than two (2) dwelling units and exceeding fifteen (15) feet in height measured from the ground floor to the top of the top plate shall be set back twenty-five (25) feet plus two (2) feet of setback for each one (1) foot of building height exceeding fifteen (15) feet measured from the ground floor level to the top of the top plate. Unenclosed off-street parking area, containing six (6) or more spaces, shall be screened from adjoining R-1 Districts by the erection of a screening wall or fence along the lot line or lines in common with the R-1 District, provided that if the parking area is located more than fifty (50) feet from the R-1 District, the screening requirement shall not apply.

6. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirement of Article 7, Section 18-49, concerning off-street parking and loading. Required spaces may be provided on the lot containing the dwelling units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common parking space as well insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of paragraph 7. of this section.

7. Administration of Planned Unit Development.

a. General. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of not less than ten (10) acres in size may make application for the approval of a PUD by filing an application for an outline development plan and a supplemental zoning district designation PUD.

An application for the approval of an outline development plan and the supplemental district designation PUD, may be processed simultaneously with and contingent upon an application for an amendment to the Zoning Map.

b. Application and Outline Development Plans. An application for a Planned Development shall be filed with the Planning Commission. The application shall be accompanied by the payment of a fee established by the City Commission. Such fee shall not include advertising and sign costs which shall be billed to the applicant. The application shall be in such form and content as the Planning Commission may by resolution establish, provided that four (4) copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps and/or text which contain:

- (1) Existing topographic character of the land.
- (2) Proposed land uses, including public uses and open space and the approximate location of buildings and other structures.
- (3) The character and approximate density of dwellings. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the PUD.
- (4) The approximate location of thoroughfares.
- (5) Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- (6) An explanation of the character of the planned development.
- (7) The expected schedule of development.

c. **Public Hearing and Planning Commission Action.** The Planning Commission, upon the filing of an application for the supplemental district designation PUD, shall set the matter for public hearing and give twenty (20) days' notice or as required by the Oklahoma State Statutes, thereof by publication in a newspaper of general circulation. Where deemed necessary by the Planning Commission, additional notice shall be given by the posting of a sign or signs on the property as set forth in Article 9. Within sixty (60) days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

- (1) Whether the PUD is consistent with the Comprehensive Plan.
- (2) Whether the PUD harmonizes with the existing and expected development of surrounding areas.
- (3) Whether the PUD is a unified treatment of the development possibilities of the project site.
- (4) Whether the PUD is consistent with the stated purposes and standards of this Chapter.

When a supplemental district designation PUD is approved, the Planning Commission shall forward its recommendation, the application and the outline development plan to the City Commission for further hearing as provided in paragraph 7, d.

d. **City Commission Action.** Upon receipt of the application, outline development plan, and Planning Commission recommendation, the City Commission shall hold a hearing, review the outline development plan, approve, disapprove, modify, or return the outline development plan to the Planning Commission for further consideration. Upon approval, the Zoning Map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the outline development plan.

e. **Planned Unit Development Subdivision Plat.** A Planned Unit Development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition, to the requirements of the Subdivision Regulations, shall include:

- (1) Details as to the location of uses and street arrangement.
- (2) Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Commission.
- (3) Such covenants as will reasonably insure the continued compliance with the approved outline development plan. In order that the public interest may be protected, the City of Weatherford shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants shall provide that the City of Weatherford may enforce compliance therewith.

f. **Issuance of Building Permits.** No building permits shall be issued on lands within the PUD except in accordance with the approved subdivision plat filed on record with the County Clerk. A building permit for a free-standing or separate commercial structure shall not be issued until building permits have been issued for at least one-half (1/2) of the number of dwelling units on which the authorization of the commercial use is based, provided, however, that in the case of a PUD providing for more than six hundred (600) dwelling units the city must permit a portion of the proposed commercial development to be constructed prior to the construction of one-half (1/2) of the dwelling units where such improvements bear a reasonable relationship between the number of living units and the staging of commercial development and said relationship is so stated and contained in the approved outline development plan.

g. **Amendments.** Minor changes in the platted PUD may be authorized by the Planning Commission upon a review of a proposed amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outlined development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require formal abandonment and the subsequent filing of a new application for Planned Unit Development.

h. **Abandonment of Approved Plat.** All plats may be considered void if development is not begun within two (2) years from the official recording date of the said plat with the County Clerk.

Article 7. General Provisions Applying to All or to Several Districts.

18-40. APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT.

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

2. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes.

18-41. OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulation set forth in Section 18-29 through 18-39 herein:

1. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.
2. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, or hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the building line shall exceed four (4) feet in height, and no other wall or fence shall exceed seven (7) feet in height.
3. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty (50) feet back from the center line of the street easement.
4. No dwelling shall be erected on a lot which does not abut on at least one (1) street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street

shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of this article. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard.

5. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this article that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.
6. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.
7. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.
8. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
9. Whenever one (1) or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the Planning Commission.

18-42. HEIGHT.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth herein:

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.
2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
3. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district of the minimum depth of rear yards and the minimum width of the side yards by which the height of such public or semi-public structure exceeds the prescribed height limit.
4. Communication Towers.
 - a. Present feasibility plans for use, or co-use of existing structures to Zoning and Planning Board;
 - b. Applicant must own all property within the radius of one hundred ten percent (110%) of the height of the tower;
 - c. Secure and file with the City of Weatherford a "three year" bond in the amount of not less than ten thousand dollars (\$10,000.00), to cover performance of the provisions of this subsection and to cover costs of removal of tower, if same is necessary and licensee fails to do so. Failure to keep this bond in effect is cause for removal of the tower.
 - d. Secure and maintain a "three year" license from the City of Weatherford at a cost of nine hundred dollars (\$900.00) for the first three (3) year period, and three hundred dollars (\$300.00) per year thereafter so long as said tower is maintained; said license must be renewed at least three (3) months prior to its expiration and expiration of the bond. Failure to do so will cause constitute removal. Reasonable notice shall be given to the licensee if removal is necessary.
(Amended 7/30/98, Ordinance 1998-9)

18-43. GROUP HOUSING PROJECTS.

In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this article to the individual buildings in such housing project, the application of such requirements to such housing project may be changed by the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use on higher and a standard of open space at least as high as required by this article in the district in which the proposed project is to be located. In no case shall a use or building height or density or population be permitted which is less than the requirement of the district in which the housing project is to be located.

18-44. STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

Commercial vehicles, recreational vehicles, boats, and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot occupied by a dwelling or on any lot in the residential area except in accordance with the following provisions:

1. No more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
2. Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the City of Weatherford.
3. A mobile home shall be parked or stored only in a trailer court or trailer park which is in conformity with the ordinances of the City of Weatherford.

18-45. ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.

The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

18-46. ANIMALS.

Animals in any district shall be kept only in accordance with the ordinances of the City of Weatherford.

18-47. STORAGE OF LIQUEFIED PETROLEUM GASES.

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the ordinances of the City of Weatherford and the regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma.

18-48. TRAILER PARK REGULATIONS.

Travel trailer parks and mobile home parks shall be constructed in accordance with the requirements of Article 4, Chapter 12 of the Code of Ordinances of the City of Weatherford.

18-49. PARKING, LOADING, AND ACCESS.

1. General. These regulations provide that adequate parking, loading and maneuvering facilities shall be a part of all land uses within the city. They establish standards and review procedures intended to assure that the demand created by each land use will be satisfied by facilities which are functionally adequate and aesthetically pleasing.

a. Off-Street Parking and Loading Required. Permanent off-street parking and loading area in the amount specified by this section for each use shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased, in the amount required for the enlargement or increase in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one (1) type of use or occupancy to another.

b. Use of Public Right-of-Way Prohibited. No portion of any required off-street space shall occupy or use any public street, right-of-way, alley, or other public property. Parking spaces which use any street or public right-of-way as a direct means of access without the intermediate use of service aisles and entrances of at least the minimum standards specified by this section shall be prohibited. A public alley shall be the only public right-of-way area permitted for maneuvering space to reach a required parking stall.

(1) Exemption from Off-Street Parking Requirements. The erection or expansion of any principal building or secondary structure facing Main Street from Eighth Street to State Street shall not be required to provide minimum off-street parking.

c. Minimum Standards and Property Owner Responsibility. The standards contained herein represent minimum requirements. It shall be the responsibility of the property owner to certify at the time he applies for a building permit that his plan is sufficient to provide sufficient spaces and facilities necessary to assure that no activity will take place on public streets or property not under his control. Any use developed after March 1, 1994, which fails to provide for its off-street parking, loading and access needs according to this provision shall be in violation of this Chapter. Upon determination by the City Inspector that a property owner has not provided adequate parking or loading space to serve his operation, said property owner shall be required to either develop additional parking or loading space or reduce the size of the operation to fit the space available.

d. Ownership or Control. The land on which the off-street parking or loading facility is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

e. Approval Procedure for Off-Street Parking, Loading, and Access.

(1) New Construction or Remodeling. No building permit shall be approved until a plan has been reviewed and approved by the City Inspector as a part of the building and site plan review process. No certificate of occupancy shall be issued until all off-street parking and loading facilities have been constructed in accordance with the approved building permit.

(2) Plan and Information Required. The applicant for a building permit for new construction, expansion, or remodeling shall submit a plan showing the number, location, and size of parking space. The applicant shall submit information regarding the projected number of employees, seating capacities, gross floor area, gross leasable area, number of dwelling units, and any other appropriate data necessary to verify compliance with these regulations.

(3) Plans for Surfacing of Parking Areas. Plans for surfacing of all off-street parking areas, aisles, and access driveways, including detailed drainage plans, shall be reviewed and approved by the City Inspector for compliance with city specifications.

f. Interpretation and Appeal. If questions of interpretation or application of these requirements to particular uses or structures arise, the Planning and Zoning Commission shall, based on findings on fact, make a determination of the off-street parking, loading, or access requirements. Any aggrieved property owner may appeal such determination under the administrative appeal procedure specified in this Chapter.

2. Off-Street Parking Standards.

a. Remote Parking Permitted. If the off-street parking space required by this Chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided through grant of a special condition by the Planning and Zoning Commission with the final approval of the Weatherford City Commission.

b. Joint Parking Facilities. The required parking space for any number of separate uses may be combined in a joint parking facility. See Section 18-52.

c. Parking Area Construction Standards.

(1) Paving. All off-street parking areas, aisles and access driveways shall be permanently paved with hard-surfaced pavement. All portions of access driveways on public right-of-way connected to paved streets for which the grade has been established must be permanently paved with hard-surfaced pavement and comply with all Weatherford City Codes relating to driveway construction. Permanent hard-surfaced pavement shall mean a surface covering over earth, gravel, or other natural or artificial base of foundation which shall meet or exceed the following minimum standards:

(a) Two (2) inches of hot asphaltic concrete on a four (4) inch base of stabilized aggregate or the equivalent thereto, which has been approved by the City Inspector; or

(b) Four (4) inches of portland cement concrete on a two (2) inch sand cushion or the equivalent thereto, which has been approved by the City Inspector; or

(c) All portions of access driveways on public right-of-way: Six (6) inches of portland cement concrete on a two (2) inch sand cushion or the equivalent thereto, which has been approved by the City Inspector; except in R-1 and R-2 Districts, four (4) inches of portland cement concrete on a two (2) inch sand cushion or the equivalent thereto, which has been approved by the City Inspector.

(2) Striping. Off-street parking areas shall be designed to provide systematic and orderly circulation, traffic separation devices and parking spaces in accordance with this section and with sound traffic engineering practices.

(a) All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping which provides a permanent delineation between spaces, aisles, and surrounding structures and land.

(b) No striping shall be required on lots having only single-family, duplex, triplex, or fourplex residential structures.

(3) Separation for Public Right-of-Way. All off-street parking areas, aisles, and access driveways that abut public street right-of-way shall be

separated by a six (6) inch portland cement concrete header curb, bumper, or landscape timbers and shall be designed so that vehicles do not overhang public rights-of-way or adjacent property.

d. Handicapped Parking. Parking spaces for vehicles with handicapped drivers shall be provided in accordance with the CABO ANSII 117 Code. Said spaces shall be included in the computation of required spaces as specified by this section.

e. Specific Parking Requirements. List of Specific Standards. Section 18-54 lists all use units which are included in this Chapter. Each use unit has a specific parking standard which shall be met. In certain cases where a use unit has no specific standard determined in advance by these regulation, the Planning and Zoning Commission shall make a determination of need after review of the site plan.

18-50. REQUIRED OPEN SPACE.

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

2. The area required for off-street parking shall be in addition to the yard areas herein required; and further provided that the front yard required in a Residential District may be used for the uncovered parking area for four (4) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than four (4) vehicles in accordance with the provisions of Section 18-56.

18-51. 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.

18-52. 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 for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

18-53. SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by twenty feet (9' x 20') plus adequate area for ingress and egress.

18-54. AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. Dwelling, Single-family or Duplex. Two (2) parking spaces for each separate dwelling unit within the structure.
 2. Dwelling, Multiple-family. The number of spaces provided shall not be less than two (2) times the number of units in the dwelling.
 3. Boarding or Rooming House or Hotel. One (1) parking space for each two (2) guests provided overnight accommodations.
 4. Hotel or Motel. One (1) parking space for each room plus one (1) parking space for each office employee.
 5. Hospitals. One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
 6. Medical or Dental Clinics or Offices. Six (6) spaces per doctor plus one (1) space for each employee.
 7. Sanatoriums, Convalescent or Nursing Home. One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each employee.
 8. Community Center, Theater, Auditorium, Church Sanctuary. One (1) parking space for each four (4) seats, based on maximum seating capacity.
 9. Convention Hall, Lodge, Club, Library, or Museum. One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
 10. Place of Amusement or Recreation. One (1) parking space for each two (2) persons based on maximum occupancy load permitted.
 11. Office Building. One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service, plus one (1) parking space for each employee.
 12. Restaurants and Cafeterias. One (1) parking space for each four (4) seats based on maximum seating capacity, plus one (1) parking space for each employee per shift.
 13. Commercial Establishments Not Otherwise Classified. One (1) parking space for each one hundred eighty (180) square feet of floor space used for retail trade in the building and including all area used by the public, for the first 12,000 square feet; from 12,001 to 48,000 square feet, one (1) parking space for each two hundred (200) square feet; over 48,000 square feet, one (1) parking space for each two hundred fifty (250) square feet.
 14. Industrial Establishments. Adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment plus one (1) parking space for each employee.
 15. Warehouse and Mini-storage. One (1) parking space for each 1,000 square feet of gross floor area.
- (Amended 3/25/02, Ordinance 2002-01)

18-55. SETBACK REQUIREMENT FROM RIGHT-OF-WAY LINE OF US HIGHWAY 66 RUNNING EAST FROM WASHINGTON AVENUE.

All structures shall set back at least twenty-five (25) feet from the right-of-way line of US 66 Highway between its intersection with Washington Street and Airport Road in the City of Weatherford, Oklahoma. (Added 1/27/03, Ordinance 2003-06 § 1)

18-56. OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS.

Whenever off-street parking lots for more than four (4) vehicles are to be located within or adjacent to the residential district, the following provisions shall apply:

1. All sides of the lot within or abutting the Residential District shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) feet nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
2. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots when the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.
3. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.
4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
5. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
6. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
7. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.

Article 8. Nonconforming Buildings, Structures and Uses of Land.

18-57. NONCONFORMING BUILDINGS AND STRUCTURES.

A nonconforming building or structure existing at the time of adoption of this ordinance^{*} may be continued, maintained and repaired, except as otherwise provided in this section.

1. **Alteration or Enlargement of Buildings and Structures.** A nonconforming building or structure shall not be added to or enlarged in any manner unless the building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which the building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to conform to all of the regulations of the district in which it is located.
2. **Outdoor Advertising Signs and Structures.** Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this ordinance became effective, which does not conform with the provisions hereof, shall not be structurally altered and all nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this ordinance.
3. **Building Vacancy.** A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
4. **Change in Use.** A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of a nonconforming building or structure is changed to a use of more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this ordinance, or at any time thereafter, shall not be changed to a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

18-58. NONCONFORMING USES OF LAND.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000.00), existing at the time of adoption of this ordinance, may be continued for a period of not more than three (3) years therefrom, provided that:

1. The nonconforming use may not be extended, nor shall it occupy more area than was in use on the effective date of this ordinance.
2. If the nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which the land is located.

Article 9. Administration.

18-59. BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED.

This ordinance shall be enforced by the Building Inspector, acting at the direction of the Mayor. It shall be a violation of this ordinance for any person to change or permit the change in the use of land or buildings or structure or to erect, alter, more or improve any building or structure until a building permit has been obtained under the following conditions:

1. **Building Permits.** No building or structure shall be built, enlarged, altered or moved without a permit from the Building Official. (See Article 2, Chapter 4 of this Code). The applicant for a building permit may be required to furnish the following information:
 - a. A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, together with a statement of the materials to be used, and the size arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
 - b. A declaration of the existing and intended use of each existing and proposed buildings or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
 - c. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
 - d. A survey prepared by an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

2. Certificate of Occupancy. No change shall be made in the use of any land or building or structure after the passage of this ordinance until a certificate of occupancy is obtained from the Building Official, that all of the provisions of this ordinance are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

18-60. PROCEDURE FOR AUTHORIZING CONDITIONAL USES PERMITTED ON REVIEW.

The uses listed under the various districts herein as "Conditional Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. Unlike unconditional uses in a district, a conditional use is not automatically available to a property owner, who must first obtain a permit for the use. The following procedure is established to integrate property, the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

1. An application together with a filing fee shall be filed with the City Planning Commission for review. The application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the Planning Commission may require.
2. After the application for a conditional use has been filed with the City of Weatherford, a preliminary review is to be conducted by the city administrative staff and Building Official.
3. The city Planning Commission shall hold one or more public hearings thereon.
4. Permit Conditions. The requested conditional use shall meet all the following conditions as when considered by the Planning Commission:
 - a. The use conforms to conditions listed in the zoning district requirements;
 - b. The proposed use is not injurious to present use of the land nor prevents enjoyment of uses already permitted;
 - c. The change should not impede normal and orderly development or improvement of surrounding property;
 - d. Adequate utilities, access roads, drainage, and other necessary facilities are provided;
 - e. Sufficient off-street parking and loading space are available;
 - f. The conditional use does not create a nuisance (odors, fumes, dust, noise, etc.) in the area;
 - g. Necessary license or permit from any other regulatory or governmental entity has been obtained;
 - h. The permit is subject to periodic review by the City of Weatherford;
 - i. If not used, conditional use permits are void after one year;
 - j. The permit is not transferable from one applicant to another, so that a change in possession of the property terminates a permit. A new permit must be obtained by any subsequent applicant who can satisfy the permit condition.
5. The Planning Commission shall within forty-five (45) days of the date of application, transmit to the City Commission its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning use thereon. Thereupon the City Commission may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

18-61. AMENDMENTS.

1. The City Commission may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend the regulations and districts herein established. 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. Notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the Planning Commission, or by the City Clerk, real property as provided for in Section 18-62 of this Chapter. The notice shall contain the:
 - a. Legal description of the property and the street address or approximate location in the city; and
 - b. Present zoning of the property and the zoning sought by the applicant; and
 - c. Date, time, and place of the public hearing.
2. If a city proposes zoning reclassification in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the City Commission may require, in addition to the notice requirements a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:
 - a. The date, time, and place of the public hearing; and
 - b. Who will conduct the public hearing; and
 - c. The desired zoning classification; and
 - d. The proposed use of the property; and
 - e. Other information as may be necessary to provide adequate and timely public notice.
3. In considering of a zoning change, the Planning Commission shall evaluate the following criteria:
 - a. Is there a public need for additional land space to be rezoned as requested?
 - b. Is there an alternative area for the use requested that would eliminate the need for rezoning?
 - c. If a public need exists, should rezoning be done in the area requested or would the public interest be better served if rezoning was done in other areas?
 - d. Would granting rezoning request conform to the present future land use plans of the city?
 - e. Would granting the request adversely affect the property values of adjacent land owners?
 - f. Would the request impose undue hardships such as noise, neon sign, odors, or other nuisances on adjacent land owners?

- g. If the request were granted, would necessary utilities be available?
- h. If granted, what additional public services would be required?
- i. Would the fiscal impact of the requested rezoning have an adverse affect upon the city's budget (capital and operating); that is, would added costs exceed anticipated revenues?
- j. Was there an error or oversight in preparing the original zoning map which indicates that the zoning requested should have been included then?
- k. Is this change really needed by the public or is it merely a convenience to the owner?

18-62. PASSAGE BY THE CITY COMMISSION.

Every such proposed amendment shall be referred by the city Planning Commission for report.

1. Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.
2. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:
 - a. The owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
 - b. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

Then the proposed change or amendment shall not become effective except by three-fifths (3/5) favorable vote of the Weatherford City Commission.

Whenever the owners of fifty-one percent (51%) of the land in any area shall present a petition duly signed and acknowledged to the City Commission requesting an amendment of the regulations prescribed for such area, it shall be the duty of the City Commission to vote upon such amendment within ninety (90) days of the filing of same by the petitioners with the City Clerk.

For each petition for amendment to the Zoning Ordinance a fee plus the cost of legal publication shall be paid to the City Clerk. The rezoning application shall be set by resolution by the Weatherford City Commission.

18-63. CLASSIFICATION OF ANNEXED AREAS.

All new additions and annexations of land to the City of Weatherford shall be an (A) Agricultural District, unless otherwise classified by the City Commission for a period of time not to exceed one (1) year from the effective date of the ordinance annexing the addition. Within this one-year period of time the Planning Commission shall study and make recommendations concerning the use of land within the annexation required to promote the general welfare and in accordance with the comprehensive plan, and upon receipt of such recommendations the City Commission shall, after public hearings as required by law, establish the district classification of the annexation; provided, however, that this shall not be construed as preventing the City Commission from establishing the district classification at the time of the annexation. (Amended 11/30/06, Ordinance 2006-14)

18-64. VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated the portion vacated shall have the same district classification as the land to which the vacated portion accrues.

18-65. INVALIDITY OF A PART.

In case any portion of this ordinance shall be held to be invalid or unconstitutional, the remainder of the ordinance shall not thereby be invalid, but shall remain in full force and effect.

18-66. OFFICIAL ZONING MAP.

The city is hereby divided into zones or districts, as shown on the Official Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "We hereby certify that this map was adopted as a part of Ordinance No. ___ the Zoning Ordinance of the City of Weatherford, introduced on the __ day of __, 19__, and passed and adopted on the __ day of __, 19__".

If in accordance with the provisions of this ordinance and Title 11, O.S. 1991, Sections 43-101 to 43-109, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Commission, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Commission the following (change) changes were made in the Official Zoning Map: (brief description of nature of change), "which entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map amendment to this ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and is punishable under Article 9, Section 18-68, of this ordinance.

Regardless of the existence of the purported copies of the Official Zoning Map which may from time to time be made of published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the city.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. ___ of the City of Weatherford, Oklahoma."

18-67. REPEAL OF CONFLICTING ORDINANCES.

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

18-68. VIOLATION AND PENALTY.

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of this ordinance.

A violation of this ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined including costs for each offense as specified in Section 9-31 of this Code. Each day a violation is permitted to exist shall constitute a separate offense.

18-69. RESERVED.

PART 2. SUBDIVISION REGULATIONS

Article 10. Subdivision Regulations: General Provisions.

18-70. PURPOSE.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine, to a large degree, the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, and to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administered in a manner to:

1. Implement the General Plan.
2. Provide neighborhood conservation and prevent the development of slums and blight.
3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
4. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract and that the cost of improvements which primarily benefit the who community be borne by the whole community.
5. Provide the best possible design for the tract.
6. Reconcile any differences of interest.
7. Establish adequate and accurate records of land subdivision.

18-71. AUTHORITY.

These subdivision regulations and minimum standards for land development are pursuant to the authority granted in Title 11, Sections 45-101 to 45-105, Oklahoma Statutes, 1991, as amended thereof.

18-72. JURISDICTION; AREA OF APPLICATION.

These regulations shall apply to the incorporated area of the City of Weatherford, in so far as they have been adopted by the Planning Commission and approved by the City Commission.

18-73. APPLICATION TO TYPES OF SUBDIVIDING.

These regulations and development standards shall apply to the following forms of land subdivision:

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided shall contain less than ten (10) acres in area; or
2. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels of less than ten (10) acres in area; or
3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or
4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

18-74. DEFINITIONS.

For the purpose of these regulations, certain terms used herein are defined as follows:

1. "Alley" shall mean a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back side or properties otherwise abutting a street, and which may be used for public utility purposes.
2. "Block" shall mean a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or greenstrips, rural land or drainage channels, or a combination thereof.
3. "Building line" or "setback line" shall mean a line or lines designating the area outside of which buildings may not be erected.
4. "City" shall mean the City of Weatherford, Oklahoma.
5. "City Commission" shall mean the Weatherford City Commission.
6. "Easement" shall mean a grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

7. "General plan" shall mean the comprehensive development plan for the Weatherford area which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation and community facilities.

8. "Lot" shall mean a subdivision of a block or other parcel intended as a unit for the transfer of ownership or for development.

9. "Lot, corner" shall mean a lot located at the intersection and abutting on two (2) or more streets.

10. "Lot, double frontage" shall mean a lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.

11. "Lot, reverse frontage" shall mean a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

12. "Planning Commission" shall mean the Weatherford Planning Commission.

13. "Plat, preliminary" shall mean a map of a proposed land subdivisions showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

14. "Plat, final" shall mean a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances; and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

15. "Street" shall mean any public or private right-of-way which affords the primary means of access to abutting property.

16. "Street, major" shall mean an arterial street which is designated on the major street plan or expressway plan.

17. "Street, minor" shall mean a street whose primary purpose is to provide access to adjacent properties and which is designed so that its use by arterial traffic will be discouraged.

18. "Street, collector" shall mean a minor street which collects traffic from other minor streets and serves as the most direct route to a major street or a community facility.

19. "Street, cul-de-sac" shall mean a minor street having one end open to vehicular traffic and having one closed end terminated by a turn around.

20. "Street", frontage or service" shall mean a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

21. "Subdivider" shall mean any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

22. "Subdivisions" shall mean the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development or the dedication or vacation of a public or private right-of-way or easement.

18-75. GENERAL PROCEDURE; PLAT APPROVAL.

For all cases of subdividing within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the Planning Commission for approval or disapproval. All subdivisions located within the corporate limits of the city shall then be submitted to the City Commission for acceptance of public streets, alleys, and areas dedicated to public use.

18-76. OFFICIAL RECORDING.

No plat or other land subdivision instrument shall be filed in the office of the County Clerk until it shall have been approved by the Planning Commission and by the City Commission as hereinafter set forth. All final plats shall be filed within two (2) years of date of approval by the Planning Commission, and no lots shall be sold from any plat until approved by the Planning Commission and the City Commission. Failure to record the plat within (2) years of the date of Planning Commission or City Commission approval, whichever is the later, shall void all approvals thereto.

18-77. AGENDA.

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefor.

18-78. EXEMPTIONS, WATER RIGHTS, AND WATER WELL SITES.

1. Exemptions. Plats containing four (4) lots or fewer may be exempted from the provisions of all or part of procedural provisions contained in these regulations upon written approval of the Planning Commission; but such exemption shall not change or diminish the requirements relating to design or to improvements or to other provisions of these regulations.

2. Water Rights. A written dedication of water rights to the City of Weatherford shall be given by all persons submitting a request for plat approval or when a building permit is issued to build in an area that is not platted.

3. Water Well Sites. Water well sites shall be dedicated in all plats when required by the city.

Article 11. Design.

18-79. URBAN DESIGN PRINCIPLES.

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the general plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

1. It is intended that the urban area should be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities.

2. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open

space, parking, off-street parking and loading facilities.

3. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.
4. Circulation within the urban area shall be provided in accordance with the following design criteria.
 - a. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the major street plan. Arterial streets should be located on the perimeter of the residential neighborhood.
 - b. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes.
 - c. Collector streets should be designed to provide a direct route from the other minor streets to the major street system.
 - d. Ingress and egress to residential properties should be provided only on minor streets.
 - e. Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks, playgrounds, churches and shopping centers.
5. Minimum standards for development are contained in the zoning regulations, the building code and these regulations. However, the general plan expresses policies which are intended to achieve optimum quality of urban development. If only the minimum standards are followed, as expressed by the various regulations affecting land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the general plan and in these regulations rather than be limited to the minimum standards required herein.

18-80. SUBDIVISION DESIGN STANDARDS.

1. Streets. The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the General Plan and shall be designed in accordance with the following provisions:
 - a. Major streets shall be planned to conform with the major street plan.
 - b. Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.
 - c. Minor streets shall be laid out so that their use by arterial traffic will be discouraged.
 - d. Where a subdivision borders on or contains a railroad right-of-way of limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separation structures.
 - e. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the Planning Commission.
 - f. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required by the Planning Commission.
 - g. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be arranged to permit the logical location and opening of future streets and appropriate subdividers with provision for adequate utility easements.
 - h. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 - i. Street right-of-way widths shall be in accordance with the major street plan and, where not designated therein, shall be not less than the following:

Major Streets	
Primary with median	120 feet
Primary without median	100 feet
Secondary with or w/o median	80 feet
Minor Streets	
Collector	60 feet
Minor	50 feet
Cul-de-sac	50 feet

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- j. The grades of all streets shall not exceed the following, except where unusual topographic conditions justify in the opinion of the Planning Commission, a modification of these standards:

Major Streets	
Primary	5 percent
Secondary	7 percent
Minor Streets	10 percent
No street shall be less than 0.3 percent.	

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- k. The paved width of all streets shall be adequate to serve the existing and future terminated traffic load for the facility. Lane widths for all streets shall be as follows:
 - (1) All major streets shall have lanes for traffic movement of twelve (12) feet in width and lanes for parallel parking or emergency stopping of not less than ten (10) feet in width.
 - (2) All minor streets shall have lanes for traffic movement of ten (10) feet in width and lanes for parallel parking of not less than six (6) feet in width.
- l. A cul-de-sac should not exceed five hundred (500) feet in length, measured from the entrance to the center of the turn around. If a cul-de-sac is more than one hundred fifty (150) feet in length it shall be provided with a turn around having a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line. There shall be provided in the center of the turn around an unpaved island, which has a radius of not less than twelve (12) feet or more than sixteen (16) feet. Any unpaved island shall be improved with grass and landscaping in such a manner that it will not interfere with sight distance.
- m. Half streets shall be prohibited except where they are essential to the reasonable development of the subdivision in conformity with the other

requirements of these regulations, and provided the Planning Commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

n. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Planning Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.

o. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

p. Streets serving commercial and industrial areas shall have rights-of-way not less than sixty (60) feet with a paved width not less than thirty-two (32) feet.

2. Alleys.

a. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

b. Alleys serving commercial and industrial areas shall not be less than thirty (30) feet in width.

c. Alleys shall be required for residential areas and they shall be not less than twenty (20) feet in width.

d. Alley intersections and sharp changes in alignment shall be avoided; but where necessary, they shall be provided with adequate turn around facilities at the dead-end, as determined by the Planning Commission.

3. Easements.

a. Where alleys are not provided, easements not less than ten (10) feet wide shall be provided where possible along rear lot lines and along side lot lines where necessary, for use by public and private utilities. The Planning Commission may require aerial easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

b. Where a subdivision is traversed by a watercourse, drainage channel or stream, which drains one hundred sixty (160) acres or more of land, there shall be provided a right-of-way for drainage and public parks and utility purposes, adequate to contain all of the runoff from a fifty (50) year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation which shall be calculated to provide for, the drainage requirements of the ordinances and regulations relating thereto.

4. Public Areas and Open Spaces. Public parks, playgrounds, school sites, and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the General Plan and in the ordinances and regulations relating thereto.

4A. Public Park Land Dedication.

a. Applicability. This section shall apply to all residential subdivision plats having a dwelling unit density of greater than one (1) unit per acre. Anything herein to the contrary notwithstanding, all final plats submitted to the city from and after the adoption of this policy shall meet the requirements of this article regardless of whether the preliminary plat has been approved before or after the adoption of this policy.

b. Dedication of Land. All persons, firms or corporations subdividing land under provisions of the Code of the City of Weatherford for residential purposes within the boundaries of the city shall, prior to the recording of their respective final plan and subject to the other provisions hereinafter following:

(1) Dedicate land to be used solely and exclusively for public park and recreation purposes or

(2) Make an equivalent monetary contribution based upon a value of the land required to be dedicated, in lieu of the actual transfer of land. Whether or not land or money shall be given over to the city shall be at the sole option of the City Commission.

c. Reservation of Future Public Park and Recreation Sites. The Weatherford Planning Commission shall participate in the design of neighborhood master plans in order to approve proposed public park and recreation land sites. Future public park and recreation sites as designated in the approved neighborhood master plans or as approved by the Planning Commission shall be delineated on the preliminary plat and reserved for dedication or purchase. A preliminary plat shall not be placed on a Planning Commission agenda until such plat has been received and reviewed by the city staff for public park dedication requirements. Uses permitted in said "Park Land" category shall be limited to public parks and recreational areas; provided, however, that the grazing of animals and growing of crops may be permitted prior to dedication to the city.

d. Standards for Determining Amount of Land and/or Monetary Contribution.

(1) The acreage to be contributed prior to the final approval by the City Commission of any residential subdivision plat shall be determined by the following formula:

$(2 \text{ acres}) \times (\text{Each } 1,000 \text{ persons projected to occupy the fully developed subdivision}) = (\text{Amount of land to be contributed})$

WHICH IS

$(.002 \text{ acres}) \times (\text{No. persons per dwelling unit}) \times (\text{No. dwelling units projected for subdivision}) = (\text{Amount of land to be contributed})$

(2) In determining the number of persons projected to occupy a subdivision the Director of Parks and Recreation in consultation with the Planning Department is authorized and directed to make such projections utilizing the following table:

Zoning District	Number of Persons Per Dwelling	Number of Dwelling Units per Gross Acre of Subdivision
R-1	3.26	5 or number of lots platted, if shown
R-2	1.64	8
R-3	1.64	18

The standards provided in the table shall be used for calculating the number of persons per dwelling unit and the number of dwelling units projected for a subdivision. Standards for the number of person per dwelling unit shall be based upon the most recent Federal Decennial Census.

(3) In those instances where the formula used above show that less than one thousand (1,000) persons will ultimately occupy any given subdivision as reflected by the preliminary plat submitted for approval, the Planning Commission shall review said plat and promptly recommend whether land or money should be required of the subdivider. Such recommendations may be appealed to the city by the subdivider.

(a) If the public park land is to be required, then that amount of land determined by paragraphs d(1) and d(2) shall be reserved and delineated on the final plat in a location approved by the Planning Commission and the appropriate portion thereof (as determined by the above formula) shall be dedicated or conveyed to the city at the time of recording the final plat.

(b) If a fee in lieu of a land contribution is required, the amount of fee shall be determined at the time of final platting, according to the following formula:

(Fair market value of land per acre) x (Amount of land required to be dedicated according to paragraphs d(1) and d(2) above) = (Fee in lieu of land dedication)

The subdivider shall tender and pay over to the city a cashier's check for said fee immediately prior to recording the final plat.

i. Time of determining the value of land. The fair market value of the land shall be determined no more than six (6) months before submission of the final plat to the City Commission.

ii. Basis for determining the value of land. The representative cash value of the land that would otherwise be required to be dedicated shall be the full and fair market value of the raw land plus a proper-share of those incidental costs as defined which would be attached to a subdivider in those cases where land itself was given. Such value shall be determined by averaging the value of all residentially zoned acreage in the preliminary plat.

iii. Method of determining value of land. The fair market value shall be determined by negotiations between the subdivider and the city. If negotiations have failed to reach agreement by the time the final plat is submitted, then within five (5) days an Appraisal Board shall be appointed to determine the fair market value, whose appraisal shall be final and binding on both parties. The Appraisal Board shall consist of three (3) qualified real estate appraisers, one selected by the city, one selected by the subdivider, and one selected by the chosen appraisers. The appraisers' fee shall be paid jointly by the city and the subdivider. Within ten (10) days, the Appraisal Board shall tender a report of the fair market value of the land as of the date the Appraisal Board was appointed and its report shall be binding upon all parties.

iv. In such case as the City Commission, upon the recommendation of the Planning Commissioners, shall determine, a subdivider may dedicate more land than would be required by the formulas herein set out and receive a written credit against future mandatory public park land dedications. Where a subdivider dedicates land against future requirements, the development which is thereby relieved of all or part of its mandatory park land dedication requirement must be in the same general areas that served by the dedicated credit land, such general area to be at the city's sole determination. The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof.

v. In the event a subdivider deviates from the approved preliminary plat in final platting or rezones land within the preliminary plat which has the effect of increasing the density of population over the earlier population density estimates made under this article or where the use of property is changed from a nonresidential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increase in population prior to the city issuing a building permit or occupancy.

e. Suitability of the Land. Any land to be dedicated to meet the requirements of this article shall be reasonably located and adaptable for use as an active neighborhood public park and recreation facility. Such determination shall be made by the Planning Commissioners, whose decision may be appealed to the City Commission. Factors to be used in evaluating the adequacy of the proposed public park and recreation areas include, but are not limited to, the following:

(1) Unity: The dedicated land should form a single parcel or tract of land at least two (2) acres in size unless the City Commissioners determine that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the city.

(2) Shape: The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes.

(3) Access: Public access to public park land delineated on a preliminary plat shall be insured by provision of at least fifty (50) feet of street frontage, in a manner satisfactory to the City Commissioners.

At the time the land abutting the delineated areas is developed the subdivider of such abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated area to meet minimum requirements as determined by the Public Works Department of Weatherford.

(4) Topography: The land to be dedicated to meet the requirement of this article should be suitable for public parks and recreation activities. In that regard fifty percent (50%) of the dedicated land area should not exceed five percent (5%) grade. The Comprehensive Plan for the City of Weatherford shall be considered when evaluating land proposals for dedication.

f. Use of Money Paid in Lieu of Dedication of Land.

(1) A separate fund to be deposited at the highest interest rate permitted by law to be entitled "Park Fee Fund" shall be and is hereby created and the money paid in by owners, subdividers, and applicants at final approval of subdivision plats in lieu of the dedication of land and interest thereon, shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing public park and recreational land in the general area in which the subdivision is located.

(2) At such time as the City Commission, based upon the recommendations of the Planning Commission, determines that there are sufficient funds derived from a certain area in the Park Fee Fund to purchase usable park land, the City Commission shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination for the purchase of said site, the conditions of paragraph e. above shall be taken into consideration. The principal and interest deposited and kept in the Park Fee Fund shall be used solely for the purpose of purchasing land for public park and recreation uses, and shall never be used for improving, maintaining or operating public park facilities, or for any other purposes.

g. Form of Dedication. Land accepted for dedication under the requirements of this article shall be conveyed by either of the following methods:

(1) By dedication within the plat to be filed for record in the Office of the County Clerk of Custer County, Oklahoma; or

(2) By warranty deed transferring the property in fee simple to the City of Weatherford.

In any event, land must be free and clear of any mortgages or liens at the time of such dedication conveyance.

5. Blocks.

a. The lengths, widths and shapes of blocks shall be determined with due regard for the following:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

b. Blocks for residential use should not be longer than eighteen hundred (1800) feet, measured along the center line of the block. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

c. Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance of off-street parking and loading facilities.

6. Lots.
 - a. Residential lots shall be not less than fifty (50) feet in width at the front building line and shall abut a street a distance of not less than thirty (30) feet; except that a corner lot shall be not less than sixty (60) feet in width at the front building line.
 - b. Side lot lines should be approximately at right angles or radial to street lines.
 - c. The depth of residential lots should not be less than ninety (90) feet.
 - d. The area of residential lots shall be not less than five thousand (5,000) square feet.
 - e. In residential subdivisions where septic tanks or individual sewage disposal devices are to be installed, the area of the lot shall be not less than twenty-two thousand, five hundred (22,500) square feet, or as required by the State Health Department where water wells are involved, and the width of the lot at the front building line shall be not less than one hundred (100) square feet.
 - f. Lots are not required for subdivision for commercial and industrial use, but when provided they should be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use.
 - g. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet in width shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

7. Building Lines. Building lines shall be provided for all residential subdivisions as follows:

- a. A front building line shall be located at least twenty-five (25) feet back of the street right-of-way line.
- b. A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back to back with another lot and not less than twenty (20) feet back of the street right-of-way line in every other case.
- c. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk.
- d. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

8. Neighborhood Unit Development. Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or playground area is provided, through traffic is cared for adequately and the majority of the minor streets are of the cul-de-sac or loop type, the Planning Commission may vary the requirements of this article in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community. However, in no case shall the lot area be less than six thousand (6,000) square feet for detached single-family dwellings. (See Section 18-39, Planned Unit Development District.) (Amended 11/30/06, Ordinance 2006-13)

Article 12. Improvements.

18-81. GENERAL PROVISIONS.

All improvements shall be designed and installed in accordance with all of the elements of the General Plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

18-82. PLAN PREPARATION.

Plans for the improvements herein required shall be prepared by the city Engineering Department or by a qualified engineer, registered in the State of Oklahoma. Two (2) sets of prints of the proposed plans and specifications for all improvements shall be filed with the Planning Commission at the time of submission of the final plat. One (1) set of "as built" plans and specifications certified and signed by an engineer registered in the State of Oklahoma shall be filed with the City Clerk prior to the acceptance by the City Commission of any improvements installed by the subdivider.

18-83. SURETY BOND.

In lieu of completion of the improvements herein required, the City Commission may require the subdivider to file a surety bond to insure the actual construction of such improvements according to the plans and specifications filed with the Planning Commission within a period of time not to exceed two (2) years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the Planning Commission and with surety and conditions satisfactory to the City Commission.

In any case where the City Commission does not require a bond for the improvements required herein, no building shall be permitted on any lot or in any area in a subdivision where the proposed construction will produce runoff or require utility services that affect other areas or lots located within or outside the city limits until a surety bond is posted to cover the estimated cost for the portion of the drainage or utility improvements that will be needed to protect the affected area.

18-84. PERMANENT MARKERS.

Each lot and block corner shall be marked with iron pipes or pins not less than one-half (1/2) inch in diameter and not less than eighteen (18) inches long set not less than one (1) inch below the finished grade. Each subdivision corner shall be marked with a permanent concrete marker capped with a noncorrosive metal plate set not less than one (1) inch below the finished grade.

18-85. STREET IMPROVEMENTS.

The subdivider of any subdivision to be used for residential, commercial, industrial or other purposes shall lay out, grade and otherwise improve all street that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the city or the county except where the governing bodies have policies of additional assistance to the owners or developers and in accordance with the following provisions:

1. The new design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications

of the Oklahoma State Highway Department, but in no case shall the standard be less than the applicable city specifications.

2. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the Planning Commission.

3. All driveways which connect with public street shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways", revised August 1960, and subsequent amendments thereto, as prepared by the Oklahoma State Highway Department.

18-86. SIDEWALKS.

A plan for a system of sidewalks and walkways shall be prepared that will provide adequate pedestrian walkways within a residential or commercial subdivision or portion thereof with consideration given to sidewalk connections with all of the community facilities and commercial enterprises located within or adjacent to the subdivision, and in a manner that will provide convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located. The Planning Commission may require the construction of sidewalks to connect with existing or future proposed sidewalks in areas adjacent to the subdivision where such sidewalks are needed for pedestrian circulation. Sidewalks and walkways where constructed in the subdivision shall be in accordance with the sidewalk system plan approved by the Planning Commission and in accordance with the specification governing sidewalk and walkway construction.

18-87. WATER LINES.

The subdivider shall install water lines and fire hydrants in accordance with the policies and specifications governing water line construction except where the governing bodies have policies of additional assistance to owners or developers.

18-88. SANITARY SEWERS AND SEPTIC TANKS.

1. The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the Planning Commission. Sanitary sewers shall be installed in accordance with the specifications governing sanitary sewer construction.

2. When subdivisions contain five (5) acres or more, the Planning Commission may require the subdivider to install sanitary sewers and a disposal system that is adequate to serve all of the lots within the subdivision.

3. Whenever the installation of a sanitary sewer is not required, septic tanks or other unit disposal systems may be used in accordance with the following provisions:

- a. A lot for residential use on which a unit disposal system is located shall be not less than twenty-two thousand, five hundred (22,500) square feet in area, or as required by the State Health Department.
- b. No portion of any unit disposal system shall be located closer than twenty (20) feet to the lot line of the lot on which the system is located.
- c. All unit disposal systems shall comply with the requirements of the State and County Health Departments.
- d. Septic tanks and laterals must be at least two hundred (200) feet from any municipally owned water well.

18-89. STORM SEWERS AND DRAINAGE.

Drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

18-90. MAINTENANCE AND SUPERVISION.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency; provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the property and continuous operation, maintenance and supervision of such facilities.

Article 13. Plat Preparation and Approval Procedure.

18-91. THE PRELIMINARY PLAT.

1. General. The subdivider shall prepare a preliminary plat for submission to the Planning Commission along with a filing fee established by the City Commission of not less than one hundred (\$100.00) dollars. Ten (10) copies of the preliminary plat shall be submitted to the office of the Planning Commission not less than seven (7) days prior to the meeting at which it is to be considered.

2. Certification of Design. The preliminary plat shall be accompanied by a statement signed by the registered engineer preparing the plat certifying that he has, to best of his ability, designed the subdivision in accordance with the General Plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is requested in writing and the reasons for which are clearly stated.

3. Contents of Preliminary Plat. The preliminary plat shall be drawn at a scale of one hundred feet to one inch (100' = 1") and shall contain or be accompanied by the following information:

- a. The proposed name of the subdivision.
- b. The name and address of the owner of record, of the subdivider and of the registered engineer, preparing the plat.
- c. A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.
- d. The scale, north point and date.
- e. The names, with location of intersecting boundary lines, of adjoining subdivision, and the location of city limits, if falling within or immediately adjoining the tract.
- f. The land contours with vertical intervals not greater than two (2) feet referenced to a United States geological survey or coast and geodetic survey bench mark or monument.

g. The location of existing buildings, water, water courses and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided, however, that actual measured distances shall not be required.

h. The length of the boundaries of the tract, measured to the nearest foot, the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions.

i. The location, approximate size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:

- (1) Water mains.
- (2) Sanitary sewer mains, submains and laterals.
- (3) Storm sewers, culverts and drainage structures.
- (4) Street improvements.

j. The location of all drainage channels and subsurface drainage structures, the proposed methods of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto whether they are located within or outside of the proposed plat.

k. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, expressway, primary thoroughfare, secondary thoroughfare, collector or minor street in parentheses, directly on each street.

4. Planning Commission. The Planning Commission shall approve, approve conditionally or disapprove the plat within sixty (60) days of the date of its submission by the applicant. If no action be taken by the Planning Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved, unless stipulation for additional time is agreed to by subdivider. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the Planning Commission Chairman and shall be attached to one (1) copy of the plat and transmitted to the subdivider. The reasons for disapproval or conditional approval shall refer specifically to those parts of the General Plan or specific regulations with which the plat does not conform. On conditionally approving a plat, the Planning Commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and Planning Commission agree upon any revision, which shall be filed with the Planning Commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat.

18-92. THE FINAL PLAT.

1. Plat Preparation. A final plat neatly drawn in ink on tracing cloth or permanent plastic film and three (3) dark lines print thereof shall be submitted to the office of the Planning Commission not less than five (5) days before the Planning Commission meeting at which it is to be considered for final approval. At the same time there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

2. Time of Submission. The final plat of the proposed subdivision shall be submitted to the Planning Commission and City Commission for final approval within one (1) year of the date on which the preliminary plat was approved. If not submitted for final approval within such time the preliminary plat shall be considered as having been disapproved unless the Planning Commission agrees to an extension of time. The final plat shall be filed in the office of the County Clerk within two (2) years after approval by the Planning Commission and the City Commission, or if not filed within such time said approval shall be considered as having been voided.

3. Drafting. The final plat shall be drawn at a scale of at least one hundred feet to one inch (100' = 1") from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three (33) inches between border lines. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half (1/2) inch surrounding the sheet shall be left blank at the top, bottom and right side, and there shall be a margin of two (2) inches at the left side for binding purposes.

4. Contents of the Final Plat. The final plat shall show:

a. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

b. The length of all required lines dimensioned in feet and decimals thereof and the value of all required true bearings and angles dimensioned in degrees and minutes as hereafter specified.

c. The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, the location of boundary lines of adjoining lands and adjacent subdivisions identified by official names. Material which is not a part of the subdivision shall be shown in dashed or dotted lines.

d. The lines of all proposed streets fully dimensioned by lengths and bearings or angles.

e. The lines of all proposed alleys. Where the exact location and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/or bearing shall be given.

f. The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located.

g. The lines of all proposed lots fully dimensioned by lengths and bearings or angles; except where a lot line meets a street line at right angles, the angle or bearing value may be omitted.

h. The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "PUBLIC".

i. The blocks numbered consecutively throughout the entire subdivision, the lots numbered consecutively throughout each block and with areas to be excluded from platting marked "RESERVED" or "NOT A PART".

j. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

k. The radii, arcs, points of tangency, points of intersection and central angles for curvilinear streets and radii for all property returns.

l. The proper acknowledgements of owners and the consent of the mortgagee to plat restrictions.

m. The following, which shall be made and shown on the cloth tracing:

- (1) Owner's certificate and dedication, signed.
- (2) Engineer's certificate of survey, signed and his seal.
- (3) Certificate for release of mortgage for any portion dedicated to the public.

(4) Reference to any separate instruments, including restrictive covenants, filed in office of the County Clerk of Deeds which directly affect the land being subdivided.

(5) Certificate of Planning Commission approval.

(6) Certificate of City Commission acceptance of ways, easements and public land dedications.

(7) Treasurer's certificate.

n. A title which shall include:

(1) Name of the subdivision.

(2) Name of city, county and state.

(3) Location and description of the subdivision referenced to section, range and township.

5. Planning Commission Action.

a. The Planning Commission shall act upon the final plat within forty-five (45) days after it has been submitted for final approval. This approval and the day thereof shall be shown on the plat over the signature of the Planning Commission Chairman or secretary member. Unless stipulation for additional time is agreed to by the subdivider, and if no action is taken by the Planning Commission at the end of forty-five (45) days after submission, the plat shall be deemed to have been approved.

b. If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the General Plan or ordinance or regulation with which the plat does not comply.

6. City Commission Action. Before recording the final plat, it shall be submitted to the City Commission for approval and for acceptance of public streets, alleys and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and properly attested. The disapproval of any plat or plan by the City Commission shall be deemed a refusal of the proposed dedications shown thereon.

7. Recording of Plat. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the Planning Commission with two (2) dark line prints thereof and one (1) contact reproducible cloth tracing. The applicant shall file the original tracing, one (1) dark line on cloth and one (1) contact reproducible tracing on cloth or film with the County Clerk.

8. Abandonment of Approved Plat. All plats may be considered as void if development is not begun within two (2) years from the official recording date of the plat with the County Clerk, unless an extension has been granted.

Article 14. Administration and Amendment.

18-93. VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the Planning Commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of these regulations preserved. Such modification may be granted upon written request of the subdivider stating the reason(s) for each modification and may be waived by an affirmative vote of three-fourth (3/4) of the membership of the Planning Commission.

18-94. VALIDITY.

If any section clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

18-95. REPEAL.

All ordinances or regulations or parts thereof which are in conflict with these regulations are hereby repealed.

18-96. VIOLATION AND PENALTY.

1. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any tract of land which does not comply with all of the provisions of these regulations.

2. Whoever, being the owner or agent of the owner, of any land within the area, transfers, or sells or agrees to sell, or negotiates to sell any land by reference to or exhibition thereof, or by other use of a plat of a subdivision or a contract for deed or other instrument before such plat or deed or instrument has been approved by the Planning Commission and the City Commission whoever, being the owner or agent of the owner of any parcel of ground, transfers, or sells or agrees to sell, or negotiates to sell any tract of land of less than ten (10) acres where such tract was not show of record in the office of the County Clerk as separately owned at the effective date of the regulations here provided and not located within a subdivision approved according to law and filed of record in the office of the County Clerk, or if so located, not comprising at least one (1) entire lot as recorded, without first obtaining the written approval of the City Commission by its endorsement on the instrument of transfer, or contract of sale or other agreement to transfer, shall be subject to the penalties provided below; and such transaction shall be unlawful and shall not be recorded by the County Clerk.

3. A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined plus costs for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

18-97. RESERVED.

Article 15. Soil Erosion Control.

18-98. OWNERS AND DEVELOPERS OBLIGATION.

It shall be the duty and obligation of all owners or developers of additions or tracts of land within the city limits to take reasonable and necessary action to prevent the unreasonable erosion within said additions or tracts.

18-99. WASHING AND SIFTING OF SOIL ONTO STREETS AND ALLEYS.

Extraordinary washing and sifting of soil onto the streets or alleys, or adjacent properties shall be deemed to be unreasonable erosion as defined herein.

18-100. PUBLIC WORKS ADMINISTRATION EMPOWERED TO INSPECT.

The Public Works Administration of the City of Weatherford, shall be empowered to make inspections of such situations and conditions, and direct the owner or developer as to necessary correction action, and that such order of the Public Works Administration shall be subject to review by the Board of Commissioners of the city upon five (5) days notice and demand by such owner or developer.

18-101. PROOF OF COMPLIANCE.

Before such tract or addition shall be accepted by the City of Weatherford as a dedicated plat, and before a building permit is issued for any part thereof, the owner or developer shall furnish to the Public Works Administration proof of compliance with the article of proof of adequate planning for such compliance.

18-102. PENALTY.

Each violation of this article shall constitute a separate offense, and shall be punishable as provided in this Code.

18-103. PROVISIONS SEVERABLE.

Should any part of this article be held by any court of competent jurisdiction to be invalid, or be held to be invalid with reference to any part, parcel or portion of the land described herein, such holding shall not affect the validity of this article with reference to the remainder of said article or of said land.

Article 16. General Policies and Design Standards - Storm Drainage and Flood Hazard Areas.

18-104. FINDINGS OF FACT.

The periodic flooding of areas within the City of Weatherford results in hazards to life and property, in the disruption of commerce and governmental services, extraordinary expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health safety and general welfare. Flood and associated losses are caused by the location in flood hazard areas of buildings, structures and uses of land which are inadequately protected from flooding and erosion, and which contribute to flooding by impeding the flow of drainage and by increasing flood heights through displacement of storm water in floodway and flood-fringe areas. (See Article 4, Chapter 4, of this Code).

18-105. PURPOSE AND SCOPE.

These regulations and standards are to protect the various portions of the urban area from flooding, to provide clean and sanitary channels for runoff, to prevent pollution of watersheds, streams and natural drainage channels, to prevent the encroachment of buildings and improvements on natural drainage channels, to equitably apportion the cost of improvements, to protect natural scenic areas, and to provide for the conservation of the natural resources of the area.

18-106. APPLICATION.

All subdivisions of land shall comply with the design and improvement requirements herein established for the protection of flood hazard areas and the prevention of erosion.

18-107. CLASSIFICATION OF DRAINAGE CHANNELS AND DESIGNATION OF RESPONSIBILITY.

1. For the purposes of these regulations, drainage shall be classified as follows:
 - a. Surface drainage is runoff of such a limited quantity and/or slow rate that it does not cause erosion of defined channel.
 - b. A minor tributary is any drainage channel having a drainage basin of six hundred forty (640) acres (one square mile) or less in area.
 - c. A major tributary is any channel having a drainage basin of not less than one (1) square mile or greater than twenty-five (25) square miles.
 - d. A river is any channel having a drainage basin of greater than twenty-five (25) square miles.
2. It is intended that responsibility for drainage be allocated as follows, unless otherwise specifically designated:
 - a. The developer of a subdivision is responsible for the following:
 - (1) All surface drainage on the subdivision.
 - (2) All increase in surface drainage outside the subdivision which results from the development of the subdivision.
 - (3) The improvement of all minor tributaries lying within the subdivision.
 - (4) Any significant increase in rate or quantity of runoff in any minor or major tributary or river which results from the development of the subdivision.
 - (5) Provision for the maintenance of all floodway and flood-fringe areas of major tributaries and rivers which have not been dedicated to the public.
 - b. The city and other levels of government will be responsible for the following:
 - (1) The improvement of floodways of major tributaries.
 - (2) The improvement of river floodways.
 - (3) The maintenance of floodway and flood-fringe areas dedicated to the public.

18-108. METHODS FOR DETERMINING FLOOD HAZARD AREAS AND FLOW AND RUNOFF.

1. Flood Hazard Areas. The designation of flood hazard areas is set forth on the flood hazard map. The boundaries of all floodway and flood-fringe areas shall be designated on the preliminary and the final plat and shall be clearly marked.

2. Alternative Methods for Determining Stream Flow and Runoff Characteristics. For all areas not otherwise designated in a floodway or a flood-fringe area, the developer shall be responsible for having an engineer, registered in Oklahoma, prepare a drainage assessment of all of the area of the proposed subdivision, and all area affected by runoff resulting from development of proposed subdivision in accordance with the following provisions:

a. The one hundred year maximum flood shall be used as the basis for the sizing of all drainage channels, bridges and other structures, unless otherwise specified herein.

b. The calculation of all runoff shall be based on saturated urbanization of the drainage basin for minor tributaries and surface drainage, as reflected in the Comprehensive Plan for the city; and shall be based on the maximum degree of urbanization, as reflected in the Comprehensive Plan, for the drainage basin of a major tributary or river.

c. The calculation of stream flow and runoff characteristics of the subdivision shall be carried out in consultation with the City Engineer, and the methodology and formulas used shall result in quantities which would be not less than those derived from the application of the following formulas and values:

(1) Runoff from all drainage areas shall be not less than that determined by Rational Formula:

$$Q = AIR$$

Q - Cubic feet per second.

A - Area to be drained in acres, determined by field surveys for areas less than 640 acres, and by latest government quadrangle maps for larger areas.

I - Percent of imperviousness of the area. This may vary between 40% and 95% but no value of less than 50% may be used for saturated urban development.

R - Rate of rainfall over entire drainage area in inches per hour, based on time of concentration and latest government records for area.

(2) The size of closed storm sewers, open channels, culverts, and bridges shall be not less than that determined by using the Manning Formula:

$$Q = \frac{1,486 r^{2/3} s^{1/2} A}{n}$$

Q - Discharge in cubic feet per second.

A - Cross sectional area of water in conduit in square feet.

r - Hydraulic radius of water in conduit.

s - Mean slope of hydraulic gradient, in feet of vertical rise per foot of horizontal distance.

n - Roughness coefficient, based on condition and type of material of conduit lining, but not less than 0.013.

18-109. FLOOD HAZARD AREAS ON MAJOR TRIBUTARIES AND RIVERS.

All floodway and flood-fringe areas located within the subdivision shall be protected and improved by the developer as follows:

1. All floodways shall be designated as "Flowage Easements" and shall be maintained as permanent open space for use for private recreation or agriculture for which no buildings or structures are required, or dedicated to the public for drainage, recreation and utility use.

2. All flood-fringe areas shall be planned for uses which are permitted in the flood-fringe area of the zoning ordinance, and in no case shall the proposed use or construction cause a displacement of flood water in the flood-fringe that will increase flooding in other areas of the floodway or flood-fringe.

3. When it is determined by the City Engineer that the development of the subdivision will significantly increase runoff in the flood hazard area or will otherwise adversely affect storm water runoff, the Planning Commission may require any or all of the following to the extent needed to reduce the adverse affects of the development:

a. The design and installation of stormwater detention basins and flow retardation structures to control the rate of runoff may be required within or outside the subdivision.

b. The existing floodway lying within or immediately adjacent to the subdivision shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened, and improved to the extent required to prevent overflow beyond the limits of the floodway.

c. Site improvement shall provide for the grading of all building sites and streets to an elevation where all lots, building areas, and streets will not be subject to overflow, and in a manner that will provide for the rapid runoff of all rainfall; however, such improvements shall be carried out in a manner that will preserve and protect large trees and attractive physical features of the area.

d. Whenever channel improvement is carried out, sodding, backsloping, cribbing, and other bank protecting shall be designed and constructed to control erosion for all the anticipated conditions of flow for the segment of channel involved.

e. A drainage channel shall not be located in a street easement unless it is placed in an enclosed storm sewer, or unless a paved street surface is provided on both sides of a paved channel to give access to abutting properties.

f. Culverts, bridges, and other drainage structures shall be constructed in accordance with the specifications of the city at all locations where drainage channels intersect with continuous streets or alleys.

18-110. MINOR TRIBUTARIES AND SURFACE DRAINAGE IMPROVEMENTS.

All minor tributaries and surface drainage located within or immediately adjacent to and serving the subdivision shall be improved by the developer, as follows:

1. All minor tributary channels shall be improved in accordance with the standards set forth on Figures B, C, D, or E, or other equivalent standards, as determined by the City Engineer. Sections on Figure E shall be used only for channels of minor tributaries which drain less than eighty (80) acres, and which are designed as an integral part of the landscape of the area so that maintenance of sodded slopes will be the responsibility of the property owners abutting the channel. All channels shall be designed to carry a 100 year maximum flood, shall be designed for self-cleaning and ease of maintenance, shall have sufficient hard surface along the flow line to prevent ponding of water, and shall have design characteristics of alignment, materials of construction and cross-sectioned elements that will be hydraulically efficient and visually harmonious with the adjacent landscape.

2.a. The design and installation of storm water detention basins and flow retardation structures to control the rate of runoff maybe required within or outside the subdivision. The developer shall furnish to the city an engineering study determining the amount of water developed by the proposed subdivision, and to determine whether retention/detention ponds are necessary to provide for the 100 year flood levels the development would create.

b. The areas so provided shall be free from erosion, and shall be properly sodded all at the expense of the developer.

c. When the retention/detention pond is completed as required, the developer shall request and receive an inspection and report by the municipal building inspector.

d. One (1) year after approval; the facility will again be inspected by the municipal Building Inspector, and after any requirements have been meant, the property comprising the retention/detention facility will be conveyed to the City of Weatherford, which will assume responsibility for maintenance thereafter.

3. Enclosed storm sewers may be required by the City Engineer where special or unusual conditions make open channels hazardous or otherwise unfeasible.

4. A drainage channel shall not be located in a street easement unless it is placed in a closed storm sewer, or unless a paved street surface is located on both sides of a paved drainage channel to give access to abutting properties.

5. Site grading shall be carried out in such a manner that surface water from each lot shall flow directly to a storm sewer, improved channel or paved street without crossing more than two (2) adjacent lots.

6. Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six (6) inch high curbs during a fifty (50) year frequency rain for the area and grades involved; provided; however, that in no case shall the drainage area served by one street exceed twenty (20) acres, regardless of the amount of flow.

7. Drainage easements of satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers. In no case shall the total easement be less than twenty (20) feet.

8. Bridges and Culverts.

a. Bridges or culverts shall be provided where watercourses cross continuous streets or alleys.

b. Bridges and culverts shall be sized to accommodate a 100-year frequency rain, based on the drainage area involved.

c. Design of bridges and culverts shall conform to city construction specifications.

9. Closed Storm Sewers. Closed storm sewers shall be constructed of precast or prefabricated pipe or built in place of closed box design to conform with city construction specifications to serve a 100-year frequency rain for the drainage area involved.

10. Open Paved Storm Drainage.

a. Open paved storm drainage channels shall be constructed in accordance with city specifications.

b. Side slopes above the paved section shall be shaped and sodded on a slope of four horizontal to one vertical (4:1) or flatter.

c. Fences shall be outside of the 100-year frequency flooding line, shall not be erected below the shoulder of the sodded section, and in no case shall fences be closer than six feet (measured horizontally) to the edge of the paved section, except on Figure C sections.

d. Hand-laid rip rap may be substituted for sodded shoulders where desired for landscape purposes.

(Amended 12/29/04, Ordinance No. 2004-15)

18-111. DRAINAGE CHANNELS AND STORM SEWERS OUTSIDE ADDITION BOUNDARIES.

The city reserves the right to require improvements, provisions of drainage easements, and for provision of agreements beyond the boundaries of the subdivision to facilitate flow of water through the addition, to avoid probability of law suits based on damage from changed runoff in the subdivision, and to provide continuous improvement of overall storm drainage system.

Requirements outside the addition may include the following:

1. Improvements may be required in channels or storm sewers flowing to or from the addition, or in channels or storm sewers located in adjacent areas that are affected by flow of water from the addition.

2. The following kinds of improvements may be required:

a. Enlargement or replacement of undersized drainage structures to provide free flow.

b. Removal of obstructions.

c. Straightening of channel.

d. Widening or deepening of the channel.

e. Construction of erosion control structures.

f. Back sloping, sodding, and/or rip rapping of bank.

g. Construction of closed or open paved storm sewers for the purposes of closing gap or continuation of overall storm sewer system.

3. Property owner agreements, where required, shall be designed to protect the city from probable law suits for damage caused by changed runoff condition.

4. When subdivision development will result in increased runoff beyond the boundaries of the subdivision which cannot be accommodated through channel improvements without causing downstream flooding, the city Planning Commission may require the construction of one or more retention reservoirs on the subdivision which will temporarily impound and discharge water from the subdivision site at the rate and volume equivalent to the discharge from the undeveloped subdivision site. The design shall be for a 100-year frequency flood. Plans shall be approved by the City Engineer. The construction and maintenance of retention reservoirs shall be the responsibility of the developer.

18-112 - 18-130. RESERVED.

PART 3. VEHICLE TRAFFIC AND PARKING ON PUBLIC EASEMENTS

Article 17. Traffic and Parking on Public Easements.

18-131. RULES AND REGULATIONS.

The particular standards and codes listed below (with revisions as may be hereinafter set forth) are hereby adopted and incorporated in this Code of Ordinances, as fully as if set out at length herein, for the purposes of establishing rules and regulations for the following activities carried on within the corporate limits of the City of Weatherford, Oklahoma.

1. The "Manual on Uniform Traffic Control Devices" as approved by the Federal Highway Administrator as the National Standard in accordance with Title 23, U.S. Code.
2. 47 O.S. 11-1004 (additional parking regulations), item "c".
3. Angle parking spaces shall not be less than eight (8) feet nor more than ten (10) feet wide based on the size of a vehicle and the angle requirement as referenced in 47 O.S. 11-1004.
(Added 12/31/96, Ordinance 1996-11)

Fig. A Design Standards for Urban Streets

Fig. B Improved Drainage Channel

Fig. C Improved Drainage Channel

Fig. D Improved Drainage Channel

Fig. E Improved Drainage Channel

Fig. F Permanent Concrete Marker for Subdivision and Block Corners

***Editor's Note:** The Zoning Ordinance codified herein was originally adopted on 6/30/80.

CHAPTER 18 PLANNING AND COMMUNITY DEVELOPMENT

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