

Appendix A

ZONING*

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***Editor's note**—Printed in this appendix is the city's zoning ordinance, being Ordinance Number 344, section I, as adopted by the Council on August 21, 1978. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions for clarity are indicated by brackets.

State law reference—Zoning, 11 O.S. §§ 43-101 et seq., 44-101 et seq.

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- [Sec. 5.4. R-3 high density residential district.]
- [Sec. 5.5. R-4 mobile home district.]
- [Sec. 5.6. C-1 neighborhood commercial district.]
- [Sec. 5.7. C-2 central business district.]
- [Sec. 5.8. C-3 highway commercial district.]
- [Sec. 5.9. I-1 light industrial district.]
- [Sec. 5.10. I-2 heavy industrial district.]
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- b. Skirting of the mobile home is encouraged, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard.
- c. Each mobile home shall be appropriately anchored to its mobile home stand to acceptably meet minimum established standards for high wind tie-down. Anchorage shall consist of 1½-inch steel strapping which shall be placed over the top of the four corners or attached to the frame at each of the four corners with two additional ties on each side.

- (4) The minimum area for development of a mobile home subdivision shall be ten acres. The platting requirements of the Medford subdivision regulations shall also be applicable.

(Ord. No. 471, § 2, 11-9-2015)

[Sec. 5.6. C-1 neighborhood commercial district.]

Sec. 5.6.1. *C-1 neighborhood commercial district.*

Sec. 5.6.2. *Purpose.* The purpose of this district is to provide for the retail commercial sales and services necessary to a residential neighborhood. Development of commercial uses is regulated for compatibility with the surrounding residential areas. Districts are located to create commercial centers or clusters and to discourage commercial strip development.

Sec. 5.6.3. *Permitted uses.* The following uses are permitted in the C-1 district as provided and subject to other applicable requirements of the regulations:

- (1) Barber[shops] and beauty shops.
- (2) Dairy stores.
- (3) Drugstores.
- (4) Dry cleaning.
- (5) Convenience stores, including the sale of fuel.
- (6) Hardware stores.
- (7) Laundromats.
- (8) Offices, professional only.
- (9) Public uses and facilities including buildings, structures, and uses of the land by a unit of government such as public schools, parks, playgrounds, recreation centers, water and sewer facilities, administrative buildings, and fire stations.
- (10) Restaurants or other eating places, excluding drive-ins.
- (11) Churches.
- (12) Banks.
- (13) Clinics.

(14) Gift shops.

(15) Signs, as follows:

- a. Name plate, two square feet.
- b. Directional sign, six square feet.
- c. Business identification, 30 square feet.
- d. Church bulletin, 20 square feet.
- e. Storefront sign, 30 square feet.
- f. Projecting sign, 15 square feet.
- g. Detached sign for store group, 60 square feet.
- h. Temporary window sign, 20 square feet.

(16) Accessory buildings and uses customarily incidental to the above uses.

Sec. 5.6.4. *Area, yard, and height requirements.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) Minimum lot area: No minimum required.
- (2) Minimum lot width: No minimum required.
- (3) Minimum front yard setback: 25 feet.
- (4) Minimum rear yard setback: 20 feet.
- (5) Minimum side yard setback: Ten feet, except where buildings [are] joined by a two-hour fire retardant wall.
- (6) Maximum height: 35 feet.

Sec. 5.6.5. *Special requirements.* Applicants requesting use of this zoning district or erecting commercial structures in this zone shall submit a site development plan for the proposed structure or use, showing the boundaries of the property lines, building site and use, proposed landscaping, building orientation, traffic ingress and egress, and off-street parking facilities.

Sec. 5.6.6. *Off-street parking.* See article VIII.

[Sec. 5.7. C-2 central business district.]

Sec. 5.7.1. *C-2 central business district.*

Sec. 5.7.2. *Purpose.* This district is intended to establish and preserve an attractive, safe and convenient central business district, in a manner that will accommodate a wide range of retail uses and businesses, financial offices and uses, governmental and professional offices and uses, and places of entertainment, in a setting conducive to, and safe for, a high volume of pedestrian traffic.

Sec. 5.7.3. *Permitted uses.* The following uses are permitted in the C-2 district as provided and subject to other applicable requirements of these regulations:

- (1) All uses permitted in C-1.
- (2) Garages, general service.
- (3) Garages, storage and parking.
- (4) Automobile and truck sales and services.
- (5) Mobile home sales and service.
- (6) Antique stores.
- (7) Apparel and accessory stores.
- (8) Appliance stores, sales and storage.
- (9) Art supply stores.
- (10) Auctions.
- (11) Bakeries, retail.
- (12) Bookstores.
- (13) Business machine stores.
- (14) Candy, ice cream, and confectionery stores.
- (15) Camera and photographic supply.
- (16) Delicatessens.
- (17) Department stores.
- (18) Discount stores.
- (19) Dressmaking, seamstresses.
- (20) Floral sales.
- (21) Garden supplies stores.
- (22) Gifts, novelties, and souvenir stores.
- (23) Gunsmiths.
- (24) Health clubs.
- (25) Health equipment stores.
- (26) Hobby shops.
- (27) Interior decorators.
- (28) Jewelry stores.
- (29) Laboratories, dental or medical.
- (30) Liquor stores.

- (31) Locksmiths.
- (32) Mortuaries.
- (33) Music stores, including musical instruments and phonographic record stores.
- (34) Newsstands.
- (35) Offices of any type.
- (36) Optical goods.
- (37) Paint and wallpaper stores.
- (38) Painting and decorating contractors.
- (39) Photo studio and picture processing.
- (40) Repair, rental and servicing of any article, the sale of which is permitted in this district.
- (41) Shoe repair stores.
- (42) Sporting goods stores.
- (43) Stationery stores.
- (44) Ticket agencies.
- (45) Toy stores.
- (46) Travel bureaus or agencies.
- (47) Variety stores.
- (48) Bowling alleys.
- (49) Clubs or lodges.
- (50) Catalog services and mail order houses.
- (51) Furniture stores.
- (52) Restaurants, cocktail lounges and other eating or drinking establishments, including drive-ins.
- (53) Shipping and storage of merchandise solely intended to be retailed by the established principal permitted use.
- (54) Theaters, excluding drive-ins.
- (55) Schools, private.
- (56) Apartments located above the ground floor.
- (57) Churches.
- (58) Public uses and facilities including buildings, structures, and uses of land by a unit of government such as public schools, parks, playgrounds, recreation centers, water and sewer facilities, administrative buildings, and fire stations.

- (59) Hotels and motels.
- (60) Any other similar retail or service establishments.
- (61) Business signs such as poster boards, bulletin boards, detached, flat, marquee, projecting directional, storefront and temporary window signs. Signs shall comply with the special requirements listed under section 5.7.5.
- (62) Accessory buildings and uses customarily incidental to the above uses.
- (63) Grocery stores.
- (64) Messenger or telegraph services.

Sec. 5.7.4. *Area, yard, and height requirements.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) Minimum lot area: No minimum required.
- (2) Minimum lot width: No minimum required.
- (3) Minimum front yard setback: No minimum required.
- (4) Minimum rear yard setback: No minimum required except where adjacent to a residential district, in which case, a 20-foot setback shall be provided.
- (5) Minimum side yard setback: No minimum required except where adjacent to a residential district, in which case, a ten-foot setback shall be provided.
- (6) Maximum height: 50 feet.

Sec. 5.7.5. *Special requirements.*

- (1) In the C-2 district, business signs not exceeding in the aggregate one square foot of display surface area per one lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs shall not exceed 30 feet in height. No signs shall be located within 50 feet of a residential district if visible from such district; and illumination, if any, shall be by constant light.
- (2) A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed 50 square feet in surface area nor [or] 15 feet in height; and illumination, if any, shall be by constant light.
- (3) All signs in the C-2 district shall not encroach upon any public street or walk except as provided by the applicable codes of the city, and the applicable regulations found in article VII.

Sec. 5.7.6. *Off-street parking.* See article VIII.

[Sec. 5.8. C-3 highway commercial district.]

Sec. 5.8.1. *C-3 highway commercial district.*

Sec. 5.8.2. *Purpose.* This district is intended to provide for the normal range of commercial services within the community in such a manner that the district will accommodate both quick-stop and longer visit shopping, as well as provide for additional retail, cultural and entertainment trade along major highways. Additionally, district regulations are intended to minimize traffic congestion and noise, provide adequate and controlled parking and expansion area, allow safe pedestrian movement, minimize adverse impacts on residential areas, encourage improved commercial site design and layout, promote the reuse and development of existing commercial structures and encourage improved visual quality in commercial development.

Sec. 5.8.3. *Permitted uses.* The following uses are permitted in the C-3 district as provided and subject to other applicable requirements of these regulations:

- (1) Any use permitted in C-2.
- (2) Boat sales.
- (3) Farm implements and machinery, new and used, sales.
- (4) House trailer sales.
- (5) Metal and wood fencing, ornamental grillwork and decorative wrought [iron] and play equipment sales.
- (6) Monument sales.
- (7) New and used car and truck sales.
- (8) Outdoor amusement enterprises.
- (9) Prefabricated house sales.
- (10) Kennels.
- (11) Animal hospitals.
- (12) Ambulance services.
- (13) Assembly halls including union halls, conference halls, civic halls, and activities of a similar nature.
- (14) Major auto repair and paint shops designed in such a manner that will not emit smoke, odor, or dust, and which will not produce noise that will carry beyond the walls of the building enclosures.
- (15) Auto upholstery shops.
- (16) Bicycle and sporting goods shops.
- (17) Bookbinding and related work; photo engraving, typesetting, electrotyping, and stereotyping, and publishing and printing establishments which will not generate odor, noise, or fumes beyond the walls of the building enclosure.
- (18) Business service establishments.

- (19) Building materials stores including electrical, lumber, hardware, paint, glass, plumbing and heating materials.
- (20) Light repair services conducted within an enclosed building and which does not generate noise, odor, or fumes beyond the walls of the building enclosure.
- (21) Outdoor advertising services including construction, repair, and maintenance of outdoor advertising signs, provided such activity is within a building or fence enclosure.
- (22) Planned shopping centers and/or office complexes with three or more uses utilizing a permanent enclosed building with a single continuous facade and providing common parking, access, and service.
- (23) All signs provided for under the C-2 district regulations, along with billboards. Signs shall comply with the special requirements listed under section 5.8.5.
- (24) Accessory buildings and uses customarily incidental to the above uses.

Sec. 5.8.4. *Area, yard, and height requirements.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) Minimum lot area: No minimum required.
- (2) Minimum lot width: No minimum required.
- (3) Minimum front yard setback: 35 feet.
- (4) Minimum rear yard setback: 20 feet.
- (5) Minimum side yard setback: Ten feet, except where buildings are joined by a two-hour fire retardant wall.
- (6) Maximum height: 35 feet.

Sec. 5.8.5. *Special requirements.*

- (1) In the C-3 district, business signs not exceeding in the aggregate one square foot of display surface area per one lineal foot of street frontage may be erected on each street frontage of the parcel. Ground signs and billboards shall not exceed 30 feet in height. No sign or billboard shall be located within 50 feet of a residential district if visible from such district; and illumination, if any, shall be by constant light.
- (2) A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the development. The sign shall not exceed 50 square feet in surface area nor 15 feet in height; and illumination, if any, shall be by constant light.
- (3) All signs in the C-3 district shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the city, and the applicable regulations found in article VII.

- (4) Incidental signs indicating services, products, prices, trade information, or other information not including product advertising, may be attached to the structure or may be listed on one permanently installed sign structure at least 20 feet from any property line.
- (5) A site development plan shall be submitted as provided for under section 5.6.5.

Sec. 5.8.6. *Off-street parking.* See article VIII.

[Sec. 5.9. I-1 light industrial district.]

Sec. 5.9.1. *I-1 light industrial district.*

Sec. 5.9.2. *Purpose.* The purpose of this district is to provide for light manufacturing operations, transportation, storage, wholesale trade and distribution, and related activities. The regulations of the district are designed to enable combinations of related uses in suitable locations with minimal effect on surrounding areas.

Sec. 5.9.3. *Permitted uses.* The following uses are permitted in the I-1 district as provided and subject to other applicable requirements of these regulations:

- (1) Manufacturing establishments which do not use water in the manufacturing operation either for processing, cooling, or heating, and which shall emit minimal noise, odor, dust, vibrations, or fumes beyond the walls of the building enclosure.
- (2) Dairies and bottling plants.
- (3) Animal hospitals.
- (4) Assembly halls including union halls, conference halls, civic halls, and activities of a similar nature.
- (5) Bookbinding and related work; photo engraving, typesetting, electrotyping, and stereotyping, and publishing and printing establishments which will not generate odor, noise, or fumes beyond the walls of the building enclosures.
- (6) Noncommercial clubs or lodges.
- (7) Industry associated with research and training facilities.
- (8) Heliports within a fenced enclosure.
- (9) Planned office complexes of three or more uses utilizing a permanent enclosed building with a single continuous facade and providing common access, parking, and service. Such complexes may include the following uses:
 - a. Accounting, auditing, and bookkeeping offices.
 - b. Engineering, surveying, and architectural offices.
 - c. Finance, real estate, and insurance offices and financial institutions.
 - d. Health services clinics including a pharmacy as an accessory use.
 - e. Legal services offices.

- f. Licensed health services practitioner offices.
 - g. Medical and dental laboratories.
 - h. Research and testing laboratories.
 - i. Telephone business offices.
 - j. Other general office uses.
- (10) Electric transformer stations, gas regulator stations, and telephone exchange, subject to supplementary regulations in article VI.
 - (11) Public uses and facilities including buildings, structures, and uses of the land by a unit of government such as public schools, parks, playgrounds, recreation centers, water and sewer facilities, administrative buildings, and fire stations.
 - (12) Sales of goods produced on premises.
 - (13) Wholesale sales offices.
 - (14) Storage yards, including fertilizer storage, but not including the parking of vehicles for sale or lease or the storage of confiscated or damaged vehicles. Such yards, whether a primary use or accessory to a permitted use, shall be enclosed by a fence of not less than six feet in height to provide visual screening.
 - (15) Trade shops and heavy repair including sheet metal, upholstery, electrical, plumbing, carpentry, sign painting, and other similar activities.
 - (16) Upholstery, major appliance and furniture repair.
 - (17) Commercial vocational schools.
 - (18) Special trades, general building, and heavy construction contracting.
 - (19) Warehousing and storage.
 - (20) Wholesale trade and distribution establishments conforming to the nuisance abatement requirements as provided for in number (1) of the permitted uses [listed in this section].
 - (21) Truck terminals.
 - (22) Sleeping quarters for night watchmen or caretakers.
 - (23) Signs shall be permitted in this zone for each industrial establishment, one identity sign for each street frontage, each with a maximum area of one square foot for each linear foot of building street frontage of street that the sign faces or one-half square foot for each linear foot of property street frontage, whichever is greater.
 - (24) Accessory buildings and uses customarily incidental to the above uses.

Sec. 5.9.4. *Area, yard, and height regulations.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) Minimum lot area: No minimum required.

- (2) Minimum lot width: No minimum required.
- (3) Minimum front yard setback: 35 feet.
- (4) Minimum rear yard setback: 20 feet.
- (5) Minimum side yard setback: Ten feet, except where buildings are joined by a two-hour fire retardant wall.
- (6) Maximum height: 45 feet.

Sec. 5.9.5. *Off-street parking.* See article VIII.

[Sec. 5.10. I-2 heavy industrial district.]

Sec. 5.10.1. *I-2 heavy industrial district.*

Sec. 5.10.2. *Purpose.* The purpose of this district is to provide suitable areas for general industrial uses, heavy manufacturing and processing operations, and related uses. The district requirements are intended to enable and encourage development of such uses where suitable sites of adequate size and needed facilities are available or proposed, but in a manner compatible with the surrounding area.

Sec. 5.10.3. *Permitted uses.* The following uses are permitted in the I-2 district as provided and subject to other applicable requirements of these regulations:

- (1) Any uses permitted in the I-2 [I-1] district.
- (2) Manufacturing establishments other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing operations that will generate liquid wastes from the manufacturing process or air pollutants will comply with anti-pollution standards established by the state and county, and the special requirements of section 5.10.6.
- (3) Automobile repair and paint shops, provided such use is not adjacent to or directly across a street from a residential district.
- (4) General building, heavy construction, and special trade contractors.
- (5) Commercial laundries.
- (6) Petroleum bulk stations.
- (7) Automobile junkyards, provided that all activities are conducted within the yard, the yard is enclosed by a fence of not less than eight feet in height which provides visual screening, and a minimum of one parking space per employee [is provided].
- (8) Outdoor advertising services, including the construction, repair, and maintenance of outdoor advertising signs, and providing all activities are conducted in a building or fenced area providing visual screening.

- (9) Signs shall be permitted in this zone, for each industrial establishment, one identity sign for each street frontage, each with a maximum area of one square foot for each linear foot of building street frontage of street that the sign faces or one-half square foot for each linear foot of property street frontage, whichever is greater.
- (10) Accessory buildings and uses customarily incidental to the above uses.

Sec. 5.10.4. *Uses permitted on review.* The following uses may be permitted by the planning commission after a public hearing, provided they meet the requirements noted for each use in addition to applicable area regulations.[:]

- (1) Sanitary landfills or waste disposal areas, provided that:
 - a. Refuse shall be covered with dirt at least daily;
 - b. No nuisance due to smoke, odor or blowing debris shall be created;
 - c. An access road, having at least a graveled surface, shall be provided;
 - d. At least five parking spaces shall be provided;
 - e. The site shall be restored to a condition compatible with the surrounding area upon conclusion of the operation; and
 - f. No landfill or waste disposal area shall be located closer than one-fourth mile to any residential dwelling, park, school or place of public assembly.
- (2) Acid or explosives manufacturing plants, provided that the special requirements under section 5.10.6 are met.

Sec. 5.10.5. *Area, yard, and height regulations.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) Minimum lot area: One-half acre.
- (2) Minimum lot width: 75 feet.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum rear yard setback: 25 feet.
- (5) Minimum side yard setback: 15 feet, except where buildings are joined by a two-hour fire retardant wall.
- (6) Maximum height: 65 feet.

Sec. 5.10.6. *Special requirements.* All manufacturing plants or bulk storage areas for liquid fertilizer and petroleum products under pressure shall meet the following:

- (1) Such use is not located closer than 500 feet to any existing residential dwelling unit, park, church, school or other place of public assembly;
- (2) Such use is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the community;
- (3) At least one loading space shall be provided for each 10,000 square feet of plant floor area;

- (4) One parking space for each employee, plus one space for each vehicle used by the industry, be provided; and
- (5) A site development plan shall be submitted as provided for under section 5.6.5.

Sec. 5.10.7. *Off-street parking.* See article VIII.

[Sec. 5.11. F-1 floodplain district.]

Sec. 5.11.1. *F-P [F-1] floodplain district.*

Sec. 5.11.2. *Purpose.* This district is intended to comprise those areas which are subject to periodic or occasional inundation and therefore are unsuited for all residential uses and the usual commercial and industrial uses. The areas of special flood hazard have been identified by the Federal Insurance Administration.

Sec. 5.11.3. *Permitted uses.* The following uses are permitted in the F-1 district as provided and subject to other applicable requirements of these regulations:

- (1) The growing of agricultural crops and nursery stock and gardening.
- (2) The keeping of agricultural livestock in accordance with the municipal ordinances relating thereto.
- (3) Public recreation.
- (4) Parking and loading areas.

Sec. 5.11.4. *Area, yard and height requirements.* There are no minimum requirements.

[Sec. 5.12. PUD planned unit development district.]

Sec. 5.12.1. *PUD planned unit development district.*

Sec. 5.12.2. *Purpose.* The purpose of these regulations is to permit and encourage coordinated developments which will be as good or better than that resulting from the traditional lot-by-lot developments. The size and scope of each development may range from the minimum of ten acres to a complete neighborhood. Residential and commercial uses are permitted with public and recreational uses necessary to serve the development. The emphasis of the regulation is on the compatibility of overall design rather than individual minimum specifications. Innovation and ingenuity in design are encouraged.

Sec. 5.12.3. *Permitted uses.* The following uses are permitted in the PUD district as provided and subject to other applicable requirements of these regulations:

- (1) Single-family residences.
- (2) Multiple-family residences.
- (3) Churches or other places of religious worship.
- (4) Schools, public, private or parochial, offering a curriculum similar to that of a public school.

- (5) Recreation areas such as golf courses, parks, playgrounds, tennis courts, swimming areas, country clubs and similar uses.
- (6) Retail sales of food, drugs, clothing, sporting goods, hardware, appliances, books, flowers, toys, notions, and similar items.
- (7) Automobile service stations.
- (8) Banks.
- (9) Restaurants.
- (10) Studios of art, photography and similar uses.
- (11) Private clubs, lodges, [and] meeting halls.
- (12) Clinics.
- (13) Office spaces.
- (14) Veterinarians.
- (15) Parking lots.
- (16) Uses customarily accessory to the above.
- (17) Signs, as follows:
 - a. Name plate, two square feet.
 - b. Directional sign, six square feet.
 - c. Business identification, 30 square feet.
 - d. Church bulletin board, 120 square feet.
 - e. Storefront sign, 30 square feet.
 - f. Projecting sign, 15 square feet.
 - g. Detached sign for store group, 60 square feet.
 - h. Temporary window sign, 120 square feet.

Sec. 5.12.4. *Area, yard, and height requirements.* Except as otherwise required above or elsewhere in these regulations, the following shall apply:

- (1) The minimum tract size shall be ten acres with at least 100 feet access to an existing public street.
- (2) No building shall be located closer than ten feet to any tract boundary, 50 feet to any existing public right-of-way or 25 feet to any proposed street within the development.
- (3) The maximum building height shall be five stories or 60 feet.
- (4) No building shall be located closer to any other building than ten feet.
- (5) When buildings are arranged around a court, the court, between buildings which are opposite and parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings and 50 feet for buildings with three or more stories.

- (6) Maximum density permitted shall be ten dwelling units per gross acre of the tract.
- (7) The maximum area devoted to commercial uses and related parking and accessory uses shall be ten percent of the total area.
- (8) The minimum area devoted to public use open space shall not be less than ten percent of the total area. Schools, churches, and recreation areas may be considered as part of the public use open space.
- (9) Proposed school sites shall be subject to the approval of the Medford board of education.

Sec. 5.12.5. *Procedures.* Community developments shall be laid out, developed and used according to a plan prepared in accordance with the provisions of this section.

- (1) *Application.* The owners shall submit to the zoning administrator a plan for the development and use of a tract meeting the requirements set forth in this section. The plan shall include the following:
 - a. A site plan indicating:
 1. North arrow and scale.
 2. Topography, not more than five-foot intervals.
 3. Uses of buildings and areas.
 4. Building locations and sizes.
 5. Off-street parking areas, drives, walks.
 6. Points of access and egress.
 7. Utility services supplied.
 8. Owner's name and address.
 9. Developer's name and address.
 - b. A copy of any deed restrictions or restrictive covenants to be recorded.
 - c. A drainage plan approved by the city engineer.
- (2) *Review and approval.* The plan of the proposed planned unit development with the required supplementary information shall be referred to the planning commission. Additional requirements may be recommended by the planning commission for the protection of adjoining property or for the benefit and enhancement of the development. The planning commission shall report its recommendation for approval or disapproval with reasons and any additional requirements to the City Council for action. If no report is submitted by the municipal planning commission within 30 days of referral, the City Council may take action without such a report. A PUD rezoning request shall follow the same procedures of review and public hearings as provided for in article XIII [article XI].
- (3) *Delay in construction.* In the event that construction is not begun within three years from the date of approval by the City Council, or is begun but is halted for a period of more than one year, said approval shall be void and the property shall return to the

original zoning classification. Re-approval must follow the procedure set forth in numbers (1) and (2) of this section. The only exception to this regulation shall occur if the developer can show reasonable cause to the City Council for the delay, in which case, the City Council may extend the time.

- (4) *Amendment to the plan.* The plan may be amended in accordance with the procedures set forth in numbers (1) and (2) of this section.

Sec. 5.12.6. *Off-street parking.* The total required off-street parking facilities shall be not less than the sum of the required parking facilities for the various uses, computed separately, as provided for in article VIII.

ARTICLE VI. SUPPLEMENTARY REGULATIONS

The regulations set forth in this section [article] qualify or supplement the district regulations in article V of this ordinance.

Sec. 6.1. Height, area and bulk regulations.

Sec. 6.1.1. *Mixed uses, height, area and bulk requirements.* Where more than 25 percent of the total floor area of any building in a commercial district is used for dwelling purposes, and may also contain nonresidential uses, the minimum height, area, and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modifications for mixed uses contained elsewhere in this article. Where 25 percent or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the height, area and bulk requirements applicable to nonresidential buildings in the district.

Sec. 6.1.2. Modifications of height regulations.

- (1) The height limitations of this ordinance shall not apply to:
 - a. Belfries.
 - b. Chimneys.
 - c. Church spires.
 - d. Cooling towers.
 - e. Elevator bulkheads.
 - f. Fire towers.
 - g. Flagpoles.
 - h. Ornamental towers and spires.
 - i. Public monuments.
 - j. Commercial radio and television towers less than 125 feet in height.
 - k. Smokestacks.
 - l. Stage towers or scenery lofts.

- m. Tanks.
 - n. Water towers and standpipes.
 - o. Wind-powered generators or solar collectors for heating and/or cooling the principal buildings.
- (2) Public [and] semi-public service buildings, hospitals, institutions, and schools, when permitted in a district, may be erected to a height not exceeding 100 feet, and churches and temples may be erected to a height not exceeding 75 feet, provided the required side and rear yards are such increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Sec. 6.1.3. *Lot area.*

- (1) If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner required title to such lot was of record prior to the application of any zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area per family and lot width regulations shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.
- (2) Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
- (3) Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge, tourist home or to rooms in a rooming[house] or boardinghouse.

Sec. 6.1.4. *Yards and open space generally.*

- (1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- (2) Where these regulations refer to side streets, the administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
- (3) Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
- (4) More than one main building may be located upon a lot or tract in the following instances:
- a. Institutional buildings.

- b. Public or semi-public buildings.
- c. Multiple-family dwellings.
- d. Business or commercial buildings.
- e. Homes for the aged.

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot or the intermingling of uses.

- (5) In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purposes, there may be more than one main building on the lot when such buildings are arranged around a court, provided that said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for buildings of three or more stories, and in no case may such buildings be closer to each other than ten feet.
- (6) Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 30 feet for one-story buildings, 40 feet for two-story buildings and 50 feet for three-story buildings.

Sec. 6.1.5. *Front yards.*

- (1) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (2) On through lots, the required front yard shall be provided on each street.
- (3) Open, unenclosed porches, platforms or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six feet.
- (4) When the setback of existing buildings which are located within 200 feet of each side of a lot which are within the same block and zoning district, and which front on the same street as such lot, is less than the minimum required setback, the setback on such lot may be the average of the existing setbacks.

Sec. 6.1.6. *Side yards.*

- (1) Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under [this] section 6.1 of this article, the side yard requirements for residential development shall be applied only to the lower floor which contains more than 25 percent of its area used for dwelling purposes. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

- (2) For the purpose of side yard regulations, a group of business or commercial buildings separated by common or party walls shall be considered as one building occupying one lot.
- (3) The minimum width of side yards for schools, libraries, churches, community houses and other public and semi-public buildings in residential districts shall be 15 feet, except where a side yard is adjacent to a business or commercial district, in which case, the width of that yard shall be as required for the district in which the building is located.
- (4) There shall be a setback of at least 20 feet on the side street of a corner lot in any district.

Sec. 6.1.7. *Rear yards.* Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

Sec. 6.2. Corner visibility.

No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three feet above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines.

Sec. 6.3. Accessory buildings and structures.

(a) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(b) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from street lines.

(c) An ornamental fence or wall not more than 3½ feet in height may project into or enclose any required front yard, or side yard when it is situated on a corner lot. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.

(d) Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided that they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier approved by the zoning administrator, and shall meet the requirements of the county health department.

(e) Accessory storage of a boat, boat trailer or camp trailer shall not be permitted in a front yard.

(f) Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than 30 percent of the area of the required rear yard, and provided it is not located closer than five feet to the rear lot line nor closer than three feet to the side lot line. For corner lots, an accessory building shall not be closer to the side street line than the required principal building line, and, where a side yard adjoins the rear lot line for such corner lot, an accessory building shall not be closer to the rear lot line than the required side yard of the adjoining lot.

Sec. 6.4. Special regulations for two-family dwellings.

(a) Each dwelling unit of a two-family dwelling must comply with the minimum lot area specified in the appropriate district regulations.

(b) The dwelling units and individual lots of a two-family dwelling or townhouse may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

Sec. 6.5. General regulations for screening.

(a) Screening or a buffer zone shall be required when nonresidential property (commercial or industrial) abuts residential property. Where the Medford municipal planning commission determines special circumstances exist, additional buffer zone requirements may be required. Screening shall meet the following requirements:

- (1) Screening shall be of a permanent nature. Wood, plastic, masonry or evergreen plant materials shall be acceptable materials.
- (2) Screening shall be at least six feet in height and a minimum width of 12 feet. It shall block at least 75 percent of the view.
- (3) Screening shall be located not more than six feet from the boundary of the property being screened.

(b) The design of all proposed screening shall be subject to the approval of the planning commission prior to any construction of said screening.

Sec. 6.6. Group housing projects.

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing project, the application of such requirements of such housing project shall be done by the City Council in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher, and a standard of open space at least as high as required by this ordinance in the district in which

the proposed project is to be located. In no case shall a use or building height be permitted which is less than the requirement of the district in which the housing project is to be located.

Sec. 6.7. Sewer service.

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the county public health officer certifies that a septic tank or any substitute disposal system can be installed and operated effectively. As a basis for making his decision, the public health officer may require such percolation tests as he deems to be necessary. Such tests are to be made at the expense of the property owner.

Sec. 6.8. 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 Medford and the regulations of the liquefied petroleum gas administration of the State of Oklahoma.

Sec. 6.9. Use of solar collectors.

Use of solar energy collectors (a device which relies on sunshine as a source of energy) is subject to the restraints imposed by the topography within the corporate limits of the City of Medford, Oklahoma, existing trees, and the zoning district height and setback limitations contained within the zoning ordinance. No guarantee is hereby given that all property within the corporate limits of the City of Medford, Oklahoma, is entitled to the use of solar collectors; however, as a general policy, reasonable care shall be taken to provide the opportunity for the utilization of solar collectors at all available locations.

Sec. 6.10. Use of TV antenna dish.

[TV antenna dishes] must have a six-foot-high screening fence.

ARTICLE VII. GENERAL SIGN REGULATIONS

The purpose of this article is to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs, and all advertising structures.

Sec. 7.1. Sign definitions.

For the purpose of this section [article], certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in article II are applicable to these definitions:

Sign. See *Sign* under article II.

Sign area means that area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

Accessory sign means a sign relating only to uses of the premises on which the sign is located, or products sold on the premises on which the sign is located, or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.

Bulletin board means a sign used to announce activities to be held at any noncommercial place of public assembly.

Canopy sign means a sign on or attached to an overhanging shelter that projects from the face of the building and is supported only partially by the building.

Detached sign means a sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a detached sign.

Double-face[d] sign means a sign with two parallel, or nearly parallel, faces, back-to-back, and located not more than 24 inches from each other.

Flashing sign means an illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.

Flat sign means any sign attached to, and erected parallel to the face of, or erected or painted on the outside of, a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall.

Identification sign means any sign other than a bulletin board sign indicating the name of a permitted use, the name or address of a building, or the name of management thereof.

Illuminated sign means any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.

Indirectly illuminated sign means any sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself, or a sign of translucent nontransparent material illuminated from within but [with] no exposed or exterior bulbs, tubes or other light source.

Marquee sign means any sign attached to or hung from a marquee. For the purpose of this article, a marquee is a covered structure projecting from and supported by the building, with independent roof and drainage provisions, and which is erected over a doorway or doorways as protection against the weather.

Official sign means any sign, symbol of [or] device erected and maintained by a government or governmental agency for the purpose of informing or guiding the public.

Outdoor advertising. See *Billboard* under article II.

Political sign means a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office that is up to 32 square feet for each premises. These signs shall be confined within private property and removed within 14 days after the election for which they were made.

Portable sign means a freestanding sign not permanently anchored or secured to either a building or the ground such as, but not limited to, A-frame, T-shaped, or inverted T-shaped sign structures.

Projecting sign means a sign which is attached to and projects more than 18 inches from the face of a wall of a building. The term "projecting sign" includes a marquee sign.

Roof sign means any sign erected, constructed or maintained upon a roof of a building.

Temporary real estate sign means a nonpermanent sign pertaining only to the sale, rent, or lease of the property on which it is located.

Sec. 7.2. General regulations.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this ordinance:

- (1) No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained or relocated, except as provided in this section and in these regulations, until a permit is issued, and application especially provided by the administrator shall be filed, together with three sets of drawings and/or specifications (one to be returned to the applicant) as may be necessary to fully advise and acquaint the administrator with the location, construction, materials, manner of illuminating, securing, or fastening, number of signs applied for, and the wording of the sign or advertisement to be carried on the sign. All signs shall be erected on or before the expiration of one year from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required. Each sign requiring a permit shall be clearly marked with the number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the office of the administrator.
- (2) Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for

use unless it has been inspected by the building official and is found to be in compliance with all the requirements of this ordinance and applicable technical codes.

- (3) Each permit shall contain an agreement to indemnify and save the city harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the city, on request, a certificate of liability insurance prior to the issuance of a sign permit.

Sec. 7.3. Signs exempted from permit requirements.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit, so long as they are in accordance with the structural and safety requirements of the applicable codes and are permitted uses in the district in which constructed:

- (1) Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- (2) Changing of the copy on a bulletin board, poster board, display encasement or marquee.
- (3) Temporary non-illuminated signs, not more than ten square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
- (4) Temporary non-illuminated signs, not more than six square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate, and located on the premises, one such sign for each street frontage.
- (5) Non-illuminated signs, not exceeding ten square feet in area with letters not exceeding one foot in height, painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
- (6) Non-illuminated signs warning trespassers or announcing property as posted.
- (7) Temporary non-illuminated portable signs, not exceeding six square feet in area, in a commercial or industrial district, one for each 50 feet of street frontage. These signs, however, shall not obstruct the street right-of-way.
- (8) Signs on a truck, bus or other vehicle, while in use in the normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.

Sec. 7.4. Temporary permit requirements.

The administrator, upon application as required in section 7.2(1) of this ordinance, may issue temporary permits for the following signs and displays for a period not exceeding 30 days, when, in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property:

- (1) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
- (2) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes.
- (3) Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- (4) Political campaign signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of 32 square feet for each premises. These signs shall be confined within private property and removed within 14 days after the election for which they were made.

Sec. 7.5. Special requirements.

(a) Pennants, banners, streamers and all other fluttering, spinning, or similar types of signs and advertising devices are prohibited except for national flags and flags of political subdivisions of the United States, and except for flags of bona fide civic, charitable, fraternal and welfare organizations, provided that during nationally recognized holiday periods, or during a special civic event, pennants, banners, streamers and other fluttering, spinning or similar types of advertising devices pertaining to said periods or events may be displayed by temporary permit as provided above in this article.

(b) No flashing signs or exposed neon tubing shall be permitted in any district.

(c) No sign which is not an integral part of the building design shall be fastened to and supported by the roof of a building, and no projecting sign shall extend over or above the roof line or parapet wall of a building.

(d) Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the zoning administrator to the board of adjustment for the purpose of interpretation by the board and recommendation for action on the application by the administrator. If, in the opinion of the board, the application is not adequately covered by these regulations, the board may make recommendations for amendment of this ordinance.

(e) No sign shall be constructed, erected, used, operated, or maintained, which:

- (1) Displays intermittent lights resembling, or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire or ambulance vehicles or for navigation purposes.

(2) Is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from the normal approaching position of a vehicle at a distance of 25 to 300 feet.

(f) Permitted signs for a nonconforming business or commercial use in a residential district shall consist of those signs permitted in the C-1 neighborhood commercial district.

(g) Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of article IX governing nonconforming uses.

(h) Except as otherwise provided, any sign may be a flat, detached, or projection sign, and, except as otherwise provided, no detached sign shall exceed a height of 15 feet.

(i) Signs of permitted types and sign area may be placed on walls of buildings other than the front, except on side or rear walls facing, that are within 50 feet of a residential district.

(j) Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located, provided that one accessory sign may occupy required yards in a district where such sign is permitted by these regulations, if such sign is not more than 30 square feet in area and other requirements of these regulations are complied with.

(k) No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.

(l) No signs shall be attached to trees, utility poles or any other unapproved supporting structure.

(m) The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. The sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the building official.

(n) All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.

(o) The administrator shall remove, or cause to be removed, any sign erected or maintained in conflict with these regulations, if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the administrator. Removal of a sign by the administrator shall not affect any proceedings instituted prior to removal of such sign.

ARTICLE VIII. OFF-STREET PARKING REGULATIONS

Sec. 8.1. Off-street parking requirements by use.

Except as otherwise provided in this ordinance, when any building or structure hereafter erected or structurally altered, or any building or structure hereafter erected is converted for

APPENDIX A—ZONING

§ 8.1

the uses listed in column 1 of the chart below, accessory off-street parking spaces shall be provided as required in column 2 or column 3 or as required in subsequent sections of this article.

<i>Column 1— Use or Use Category</i>	<i>Column 2— Space Required per Basic Measuring Unit</i>	<i>Column 3— Additional Requirements</i>
One-, two- or three-family dwelling	Two spaces per dwelling unit	
Church or temple, auditorium or place of assembly	One per six seats or bench seating spaces	Seats in main auditorium only
College or high school	One per five seats in main auditorium	Or eight per classroom, whichever is greater
Elementary, junior high, nursery school or day care center	One per ten seats in main assembly room	Or one per classroom, whichever is greater
Country club or golf club	One per five members	
Public library, museum, art gallery, or community center	Ten per use	Plus one additional space for each 300 square feet of floor area in excess of 1,000 square feet
Multiple-family dwelling more than three dwelling units	Two per dwelling unit	Plus one per two roomers
Private clubs, fraternities, sororities and lodges, with sleeping rooms	Two per three sleeping rooms or suites	Or one per five active members, whichever is greater
Private clubs, fraternities, sororities and lodges, with no sleeping rooms	One per ten active members	One additional space for each four seats in a dining room
Sanitarium, nursing or convalescent home, home for the aged or similar institution	One per five patient beds	One additional space for each two employees
Tourist court, motel, motor hotel, motor lodge or hotel	One per sleeping room or suite	One additional space for each two employees; One additional for each four seats in dining room
Rooming[house], boarding[house] or lodginghouse	One per two sleeping rooms	
Hospital	One per two patient beds	One additional for each staff member
Office or office building, post office, studio or clinic	One per 400 square feet of floor area	Three spaces minimum; Ten spaces minimum for a clinic
Funeral home	One per 50 square feet of floor area excluding storage and work area	30 spaces minimum
Restaurant or other establishment for consumption of food or beverages on the premises	One per four seats in dining area	One additional space for each two employees
Retail store, personal service establishment or bank	One per 200 square feet of floor area	Retail food stores over 4,000 square feet; One per 100 square feet of floor area

<i>Column 1— Use or Use Category</i>	<i>Column 2— Space Required per Basic Measuring Unit</i>	<i>Column 3— Additional Requirements</i>
Furniture or appliance store, machinery, equipment, automobile or boat sales and services	One per 300 square feet of floor area	Two spaces minimum; automobile sales and service ten minimum
Auditorium, theater, gymnasium, stadium arena or convention hall	One per five seats or seating spaces	
Bowling alley	Five per alley	
Food storage locker	One per 200 square feet customer service area	
Amusement place, dance hall, skating rink, swimming pool, natatorium or exhibition hall, without fixed seats	One per 100 square feet of floor area	
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	One per two employees on premises plus one space per 300 square feet of sales or customer space	Auditorium for broadcasting station requires space as above
Animal hospital	One per 400 square feet of floor area	Four spaces minimum
Manufacturing or industrial establishments, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment	One per two employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with the business or industry

Sec. 8.2. Interpretation of parking requirements chart.

(a) The use regulations for each district are not affected by arrangement of uses in the chart.

(b) The parking requirements in the chart are in addition to space for storage of trucks or other vehicles in connection with any use.

(c) The parking requirements in the chart do not limit other parking requirements contained in the district regulations.

(d) The parking requirements in the chart do not limit special requirements which may be imposed with special use exceptions.

(e) Floor area, as used in the chart, shall be as defined in article II, section 2.2.

(f) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

(g) Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

(h) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

(i) In the case of mixed uses, or uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking space required shall equal the sum of the requirements of the various uses computed separately.

(j) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of ten percent or more than those required before the change or enlargement, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together would result in a need for an increase in parking space of ten percent or more.

Sec. 8.3. Joint use and off-site facilities.

(a) All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed 300 feet.

(b) Up to 50 percent of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls and nightclubs, and up to 100 percent of the parking spaces required for a church auditorium, may be provided and used jointly for (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed in (a), and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.

(c) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use, and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be valid for the total period the use or uses for which the parking is needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the administrator.

Sec. 8.4. Design standards.

Sec. 8.4.1. *Minimum area.* For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

Sec. 8.4.2. *Drainage and maintenance.* Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee, and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, supplies, or materials.

Sec. 8.4.3. *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a fence, wall, curbing, or other approved protective device, or by distance so that vehicles cannot protrude over publicly-owned areas.

Sec. 8.4.4. *Entrances and exits.* Location and design of entrances and exits shall be in accord with the applicable requirements of city traffic regulations and standards. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

Sec. 8.4.5. *Interior drives.* Interior drives shall be of adequate width to serve the particular design arrangement of parking spaces.

Sec. 8.4.6. *Marking.* Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operations of the lot.

Sec. 8.4.7. *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in any residential district.

Sec. 8.4.8. *Screening.* When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided a continuous, visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge of foliage screening or a louvered wall or fence.

Sec. 8.5. Off-street loading requirements.

Sec. 8.5.1. *Off-street loading requirements by use.* Except as otherwise provided in this ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter

converted, for the uses listed in column 1 of the chart below, when such buildings contain the floor areas specified in column 2, accessory off-street loading spaces shall be provided as required in column 3 or as required in subsequent sections of this section.

<i>Column 1— Use or Use Category</i>	<i>Column 2— Floor Area as Defined in Article II, Section 2.2 (Square Feet)</i>	<i>Column 3— Loading Spaces Required</i>
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing or industrial establishment	2,000—10,000	One
	10,000—20,000	Two
	20,000—40,000	Three
	40,000—60,000	Four
	Each 50,000 over 60,000	One additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions, or places of public assembly	5,000—10,000	One
	10,000—100,000	Two
	100,000—200,000	Three
	Each 100,000 over 200,000	One additional
Funeral home or mortuary	2,500—4,000	One
	4,000—6,000	Two
	Each 10,000 over 6,000	One additional

Sec. 8.5.2. *Interpretation of the chart.*

- (1) The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
- (2) The loading space requirements in this article do not limit special requirements which may be imposed in connection with special use exceptions, which may be permitted under article X.
- (3) Under the provisions of article IX [article X], the board of adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

Sec. 8.5.3. *Mixed uses in one building.* Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the administrator may make reasonable requirements for the location of required loading spaces.

Sec. 8.5.4. Design standards.

- (1) *Minimum size.* For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum area of 811 square feet, a minimum width of 13½ feet, a minimum depth of 60 feet and a vertical clearance of at least 14½ feet.
- (2) *Loading space for funeral homes.* Loading spaces for a funeral home may be reduced in size to ten [feet] by 25 feet and vertical clearance reduced to eight feet for all but one space when multiple spaces are provided.
- (3) *Drainage and maintenance.* Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable city specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee, and not used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
- (4) *Entrances and exits.* Location and design of entrances and exits shall be in accord with applicable requirements of city traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space.

ARTICLE IX. NONCONFORMING LOTS, STRUCTURES AND USES**Sec. 9.1. Intent.**

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights.

Sec. 9.2. Nonconforming structures and uses.

Lawful nonconforming uses, buildings, and structures existing at the time of the time [sic] of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

- (1) A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. Also, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged

or designed for such use at the time of adoption or amendment of this zoning ordinance, but no such use shall be extended to occupy any land outside such building.

- (2) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (3) A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged or extended to either additional land or buildings after the effective date of this ordinance.
- (4) When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of six months, it shall not be re-established or changed to any use not in conformity with the provisions of this zoning ordinance. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park, the nonconformity of such structure and use of land shall lapse.
- (5) Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God or man may be reconstructed and used as before, if it be done within six months of such damage, unless damaged to extent of more than 60 percent of its fair market value immediately prior to damage, in which case, any repair or reconstruction shall be in conformity with the provisions of this zoning ordinance.
- (6) A nonconforming use of a structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the zoning district in which it is located (including a use permitted on review); such change shall be construed as an abandonment of the former nonconforming use.

Sec. 9.3. Nonconforming lots of record.

In any zoning district in which a lot of record exists at the effective date of the adoption or amendment of this zoning ordinance, which does not conform in size or area to the provisions of this zoning ordinance, structures for the uses permitted in such zoning district may be constructed on such lot, notwithstanding certain other provisions of this zoning ordinance, provided that:

- (1) Such lot is in separate ownership;
- (2) Such lot is not of continuous frontage with other lots in the same ownership; and
- (3) Front, side and rear yard requirements are met (or a variance obtained from the board of adjustment).

ARTICLE X. BOARD OF ADJUSTMENT*

Sec. 10.1. Board of adjustment created.

There is hereby created within and for the City of Medford a board of adjustment with the powers and duties as hereinafter set forth.

Sec. 10.2. Membership.

(a) The board of adjustment shall be composed of five members, citizens of the City of Medford, each appointed by the mayor with the approval of the Council for a term of three years; provided, however, that for the first appointment under the provisions of this ordinance, one member shall be appointed for a term of one year; two members shall be appointed for a term of two years; and two members shall be appointed for a term of three years. All appointments thereafter shall be for a term of three years.

(b) Not less than two members shall be appointed from the membership of the planning commission.

(c) The board shall elect a chairman from its membership to serve for a term of two years.

(d) If any board member shall be absent without cause as determined by a public hearing called by the City Council, for three consecutive meetings, he or she shall thereupon cease to be a board member.

Sec. 10.3. Procedures.

The board of adjustment shall adopt rules in accordance with the provisions of this ordinance. Meetings of said board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of said board shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a matter of public record. The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Sec. 10.4. Appeals to the board of adjustment.

(a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Medford, Oklahoma, affected by any decision of the building official or zoning administrator. Such appeal shall be taken within thirty days from the date of the decision by filing with the city clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of \$20.00 at the office of the city

*State law reference—Board of adjustment, 11 O.S. § 44-104 et seq.

clerk at the time the notice is filed. The city clerk shall forthwith transmit to the chairman of the board of adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the city clerk certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in their [his] opinion, cause imminent peril to life or property. In such cases, 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 and notice to the city clerk and on the cause shown.

(b) The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

Sec. 10.5. Powers.

(a) The board of adjustment shall have only the following powers:

- (1) *Powers relative to errors.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the interpretation or enforcement of this ordinance.
- (2) *Powers relative to variances.* Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this ordinance would result in peculiar and exceptional practical difficulties or to [in] exceptional and undue hardship upon the owner of such property, the board of adjustment is hereby empowered to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this ordinance. Before relief is granted, however, consideration should be given to ensure that the variance will not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance or the comprehensive plan.
- (3) *Powers relative to exceptions.* Upon appeal, the board of adjustment is hereby empowered to permit the following exceptions:
 - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record;
 - b. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the zoning map fixing the several districts, which map is made a part of this ordinance; and

- c. To grant exceptions to off-street parking requirements when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

(b) In exercising the above-mentioned powers, the board of adjustment may, in conformance with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers from whom the appeal is taken. In considering all appeals from rulings made under this ordinance, the board of adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the City of Medford, Oklahoma. Every ruling made upon any appeal to the board of adjustment shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by said board and shall specify the reason for granting or denying the appeal.

Sec. 10.6. Appeal to district court.

(a) 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, or any taxpayer, or any officer, department, board, or bureau of the City of Medford to the district court by filing notice of appeal with the city clerk and with the board of adjustment within ten days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said board shall forthwith transmit to the court clerk of the county the original or certified copy of the papers constituting the record in the case, together with the order, decision, or ruling of the board.

(b) An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board of adjustment, from which the appeal is taken, certifies to the court clerk, after the notice of appeal shall have 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 other 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 this ordinance, and upon notice to the chairman of the board of adjustment for [from] which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

Sec. 10.7. Notice of public hearing procedures.

(a) Notice of public hearing before the board of adjustment shall normally be given by publication in a newspaper of general circulation within the City of Medford, Oklahoma, and by mailing written notice by the secretary of the board of adjustment to all owners of property within a 300-foot radius of the exterior boundary of the subject property. Publication and mailing shall be accomplished at least ten days prior to the hearing.

(b) Said notice shall contain:

- (1) Legal description of the property and the street address or approximate location in the city;
- (2) Present zoning classification of the property and the nature of variance or exception requested; and
- (3) The date, time and place of the hearing.

(c) A copy of the published notice may be mailed in lieu of written notice.

(d) Notice requirements for hearings involving minor variances or exceptions shall follow all the requirements listed in subsections 1[(a)] and 2[(b)] of this section except that notices shall only be mailed to adjacent property owners of the subject property. The board of adjustment shall set forth in its statement of policy what constitutes a minor variance or exception.

ARTICLE XI. ADMINISTRATION AND ENFORCEMENT**Sec. 11.1. Administration of the ordinance.**

Except as otherwise provided, no structure or land shall, after the effective date of this ordinance, be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and [the] general welfare of the community. Where other ordinances, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

Sec. 11.2. The enforcement officer.

The provisions of this ordinance shall be administered by the Medford building official and/or the zoning administrator. The building official and/or zoning administrator shall administer and enforce this ordinance and, in addition, he or she shall:

- (1) Issue all building permits and make and maintain records thereof.
- (2) Issue all certificates of occupancy and make and maintain records thereof.

- (3) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- (4) Maintain and keep current zoning maps, and records of amendments thereto.
- (5) Conduct inspections as required in this ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this ordinance. The building official shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his or her authorized duties.

Sec. 11.3. Building permits.

(a) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, in an amount exceeding \$100.00, until the building official has issued for such work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made in writing to the building official on forms provided for that purpose.

(b) It shall be unlawful for the building official to approve the plans or issue a building permit for any excavation or construction until he or she has inspected such plans in detail and found them to be in conformity with this ordinance. To this end, the building permit for excavation, construction, moving or alteration shall be accompanied by a plot plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this ordinance:

- (1) The actual shape, location, and dimensions of the lot to be built upon.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot.
- (3) The existing and intended use of all such buildings or other structures.
- (4) Existing zoning classification of the property.
- (5) Location and design of off-street parking areas and off-street loading areas [and] such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

(c) If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provisions of this ordinance, and building permits shall be void after six months from [the] date of issue unless substantial progress on the project has been made by that time.

Sec. 11.3.1. *Exceptions to building permits.* The zoning ordinance requirement for a building permit shall not, however, apply to the use or construction of farm buildings for agricultural purposes or the planting of agricultural crops; such buildings shall, however, observe setback requirements of all municipal ordinances.

Sec. 11.4. Certificate of occupancy.

(a) No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building official shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

(b) 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.

Sec. 11.5. Procedure for authorizing uses permitted on review.

The uses listed under the various districts herein as 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. The following procedure is established to integrate properly 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 procedure:

- (1) An application for a use permitted on review shall be filed with the planning commission, through the office of the city clerk.
- (2) The minimum fee for filing of a use permitted on review application with the city clerk shall be \$5.00; however, because the fee for filing such application must cover the costs related to such application (including the costs of publication and mailing of notice for the public hearing), the city clerk may automatically make subsequent increases in the fee schedule due to increases in mailing or publication costs, if the minimum fee becomes insufficient to cover such costs.
- (3) This application shall contain the location and proposed use of the site, the names of all property owners and the types of existing land uses within 300 feet of the site, and any other pertinent material required by the planning commission or specified in the particular zoning district.

- (4) The city clerk shall notify the building official and the chairman of the planning commission of the application, and cause the application to be placed on the agenda for the next scheduled meeting of the planning commission.
- (5) The planning commission shall hold one or more public hearings thereon, giving adequate and legal notice to all adjacent property owners and community residents.
- (6) The planning commission shall, within 45 days of the date of application, transmit to the City Council its report as to the effect of such proposed structure or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, as well as the recommendations of the planning commission concerning the approval or denial of the application. Persons in attendance at the planning commission's public hearing shall be informed at that time of the probable meeting date at which the City Council will consider the approval or denial of the application. The City Council may subsequently authorize or deny the issuance of a building permit for the use or structure requested in the application.
- (7) Approval by the planning commission shall not constitute issuance of a building permit; application for a building permit shall be considered a separate process.

Sec. 11.6. Rezoning and amendment applications.

(a) Any person, firm or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of the zoning ordinance of [or] official zoning district map, by obtaining, filling out and filing a formal application for rezoning or zoning ordinance amendment with the city clerk. The applicant for the change or amendment should state on the application the reason for the change.

(b) The fee for filing such application shall include the notice and publication costs of such application, the review costs incurred by municipal personnel, and other administrative costs; the minimum fee for such applications shall be \$10.00. The city clerk may automatically increase the fees, due to increases in the costs of mailing or publication.

(c) The city clerk shall notify the municipal building official and the chairman of the planning commission and cause said application to be placed on the agenda for the next scheduled meeting of the planning commission.

(d) The planning commission shall consider any rezoning or zoning ordinance amendment application at a regular public meeting prior to making and submitting recommendations to the City Council; notice of consideration of such an application shall be by newspaper publication, at least ten days prior to such meeting.

(e) No rezoning, amendment, change or supplement shall become effective until a public hearing shall have been held by the City Council, at which parties in interest and other citizens shall have an opportunity to be heard; notice of such public hearing (to include the time and place of such hearing) shall be given at least 15 days prior to such hearing by publication in the official newspaper of the city, and in addition to publication, notice shall

also be given by mailing written notice signed by the city clerk to all owners of property within a 300-foot radius of the exterior boundary of the subject property. Such notice shall be mailed not less than 20 days before the date set for hearing and the notice shall contain:

- (1) Legal description of the property and the street address or approximate location in the city;
- (2) Present zoning district classification of the property and the classification sought by the applicant; and
- (3) The date, time and place of the public hearing.

(f) In the event of a protest against a proposed rezoning or request for amendment or supplement (filed more than three days prior to said public hearing), by the owners of 20 percent or more of the area of the lots included in such proposed change, or by the owners of 50 percent or more of the area of the lots immediately abutting any side of the property included in such proposed change, or separated therefrom only by an alley or street less than 300 feet wide, such rezoning, change or amendment shall not become effective without the favorable vote of four-fifths of all of the members of the City Council.

(g) The City Council or the planning commission may, from time to time, initiate studies or administrative proposals for changes or amendments to the zoning ordinance, provided that they are in the public interest, and provided also that, before taking action on any such study or proposal, the city shall have submitted the same to the planning commission for its recommendations and adequate and legal public hearings shall have been held by said City Council.

(h) An application for a zoning amendment affecting the same land shall not be accepted more often than once every six months.

(i) All amendments, changes, supplements or rezonings shall become final and effective upon passage and publication of an ordinance indicating said amendment, change, supplement or rezoning.

Sec. 11.7. Classifications of new additions.

(a) All new additions and annexations of land to the City of Medford shall be in an R-A residential zone unless otherwise classified by the City Council for a period of time not to exceed one year from the effective date of the ordinance annexing said addition.

(b) Within this one-year period of time, the City Council shall instruct the city planning commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare in accordance with the comprehensive city plan; and upon receipt of such recommendations, the City Council shall, after public hearings as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

Sec. 11.8. Violations and penalties.

(a) A violation of this zoning ordinance shall be deemed an offense and shall be punishable by fine.

(b) Any person, firm or corporation who violates or refuses to comply with any of the provisions of this zoning ordinance shall be fined not more than \$35.00 for each offense. Each day upon which a violation is permitted to continue shall constitute a separate offense.

(c) In case any building or structure or land is constructed, altered, converted, maintained or used in violation of this zoning ordinance, the City of Medford, Oklahoma, in addition to other remedies available, may institute any proper action or proceedings to prevent such unlawful activities, in order to restrain, correct or abate such violation.

Sec. 11.9. Separability.

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, and to this end, the provisions of this zoning ordinance are declared to be separable.

Sec. 11.10. Repeal of conflicting ordinances.

Any ordinance now in effect that conflicts with any provisions of this ordinance is hereby repealed, held to be invalid, and to no effect.

Sec. 11.11. Emergency clause.

Whereas, it being necessary for the immediate preservation of the public health, peace and safety of the inhabitants of the City of Medford, that this ordinance shall become immediately operative, an emergency is hereby declared to exist, and by reason hereof, this ordinance shall take full force and effect from and after its adoption.