

Planning, Zoning and Development

PART 12

PLANNING, ZONING AND DEVELOPMENT

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PLANNING COMMISSION

SECTION 12-101 PLANNING COMMISSION CREATED.

There is hereby created a planning commission of the town. The commission shall be composed of five (5) members, nominated by the mayor and confirmed by the town board of trustees. The mayor shall be an ex-officio member of the commission. Each appointed member shall hold office for a period of three (3) years, or until his successor takes office. The appointed members of the commission shall be nominated and appointed solely with reference to their fitness and without reference to party affiliation and shall serve without compensation. Members may be removed by the town board of trustees only for inefficiency, neglect of duty or malefaction in office. Vacancies occurring otherwise than through the expiration of term shall be filled only for the unexpired terms by the mayor with confirmation by the town board of trustees. The mayor shall receive no compensation for his service on the commission.

State Law Reference: Planning commissions, 11 O.S. 45-101 et seq.

SECTION 12-102 QUORUM.

Three (3) members of the planning commission shall constitute a quorum for the transaction of business. Any action taken shall be official when concurred in by not less than a majority of all appointed members of the planning commission entitled to vote.

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SECTION 12-103 ORGANIZATION AND RULES.

Each year the commission shall elect a chairman, a vice chairman and a secretary, and may create and fill such other offices as it may deem necessary. The term of the chairman, vice chairman, and secretary shall be one year. The planning commission shall adopt rules for the transaction of business and regulations necessary to effectuate the purposes of this Part 12 of the town code.

SECTION 12-104 POWERS AND DUTIES.

The planning commission shall have the power to prepare and recommend to the town board of trustees for adoption a comprehensive plan for the physical development of the town. In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the town and may make recommendations as it may deem advisable concerning the adoption thereof to the town board of trustees. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. Before final action is taken by the town board of trustees on the location or design of any public buildings, statute, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. In the preparation of the comprehensive plan, the planning commission may from time to time prepare and recommend to the town board of trustees for adoption a part or parts thereof, which parts shall cover one or more major geographical divisions of the town or one or more major elements of the comprehensive plan. The planning commission may from time to time recommend extending, amending or changing any portion of the comprehensive plan.

SECTION 12-105 PURPOSES OF PLAN.

In the preparation of such plan, the planning commission may make careful and comprehensive surveys and studies of present conditions and future growth of the town with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, and wise and efficient expenditure of public funds.

SECTION 12-106 SUBDIVISION OF LAND.

The planning commission may prepare and recommend to the town board of trustees for adoption rules and regulations governing the subdivision of land within the corporate limits for the town. All plans, plats or replats of land laid out in lots, plots, blocks, streets, alleys or other ways intended to be dedicated to public or private use within the corporate limits of the town may first be submitted by the town board of trustees to the planning commission for its recommendation. The disapproval of any such plan, plat or replat by the town board of trustees shall be deemed a refusal of the dedications shown thereon. No plat or replat of subdivision of land, or dedication of street or alley or other easement shall be entitled to record unless it bears the signature of the mayor, attested by the town clerk, certifying the approval and acceptance thereof by the town board of trustees.

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SECTION 12-107 ZONING COMMISSION.

The planning commission shall also act as the zoning commission, which shall have the power to prepare and to recommend to the town board of trustees for adoption a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structure, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes.

SECTION 12-108 UNIFORMITY OF REGULATIONS.

The planning commission may recommend the division of the town into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

SECTION 12-109 COMPREHENSIVE PLAN, PURPOSE OF REGULATIONS AND MATTERS CONSIDERED.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

ARTICLE B

BOARD OF ADJUSTMENT

SECTION 12-121 BOARD OF ADJUSTMENT ESTABLISHED.

There is hereby created a zoning board of adjustment consisting of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the town board of trustees upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. It is specifically provided, however, that on the effective date of the zoning ordinance such board of adjustment as was legally in existence immediately prior to such date shall be constituted as the board of adjustment hereby created, and the terms of the then members of the board shall expire after a period of three (3) years, or until their successors are duly appointed and qualified. The board of adjustment shall be appointed by the mayor and confirmed by the town board of trustees.

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SECTION 12-122 ORGANIZATION AND PROCEDURES.

The zoning board of adjustment shall elect one of its members as chairman. The board shall operate in accordance with state law and shall adopt rules in accordance with the provisions of the zoning ordinance. Meetings of the 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 by subpoena. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to 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 board and shall be a public record. All meetings of the board shall be open to the public.

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ESTABLISHMENT OF ZONING DISTRICTS

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Section 12-211	Zoning map incorporated.
Section 12-212	District boundaries established.
Section 12-213	Maintenance of official zoning map.

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ARTICLE A

TITLE, PURPOSE, INTERPRETATION AND APPLICATION,
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SECTION 12-201 TITLE.

This chapter shall be known as and may be cited and referred to as the "Zoning Ordinance of the Town of Disney, Oklahoma".

SECTION 12-202 PURPOSE.

These regulations are enacted for the purposes of:

1. Promoting the health, safety, morals, and general welfare of the community;
2. Lessening congestion in the streets, securing safety from fire, panic, and other dangers;
3. Providing adequate light and air;
4. Preventing the over-crowding of land;
5. Avoiding undue concentration of population;
6. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
7. Conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and
8. Promoting the development of the community in accordance with a comprehensive plan.

SECTION 12-203 INTERPRETATION AND APPLICATION.

As concerns interpretation and application, the provisions of these regulations shall be held to be minimum requirements. Where these regulations imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinance, the provisions of these regulations shall control. Terms and words are to be used and interpreted as defined in Article C of these regulations. Words used in the present tense include the future; the singular shall include the plural, and the plural the singular; the word "building" shall mean as well the word "structure"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word "shall" is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

SECTION 12-204 JURISDICTION.

These regulations shall be in full force and effect in the corporate limits of the town. Territory annexed to the corporate limits of the town, subsequent to the effective date of these regulations shall immediately be subject to the provisions of these regulations and shall be deemed to be designated as R-General Residential District until altered or reclassified in the manner

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provided by law.

SECTION 12-205 SEVERABILITY CLAUSE.

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

SECTION 12-206 REPEAL OF CONFLICTING ORDINANCES.

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

ARTICLE B

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 12-210 ZONING DISTRICTS ESTABLISHED.

For the purpose of these regulations and the promotion of public health, safety, and general welfare of the community, the following districts are hereby established for the town:

1. R-General residential district;
2. C-General commercial district; and
3. I-General industrial district.

SECTION 12-211 ZONING MAP INCORPORATED.

The locations and boundaries of the zoning districts shall be established by ordinance and shall be delineated and shown on a map entitled "Zoning map of the Town of Disney, Oklahoma", and the zoning map is hereby incorporated as a part of these regulations.

SECTION 12-212 DISTRICT BOUNDARIES ESTABLISHED.

The boundaries of a zoning district shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the "zoning map", the planning commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the board of adjustment, and the board of adjustment shall make the final determination.

SECTION 12-213 MAINTENANCE OF OFFICIAL ZONING MAP.

It shall be the duty of the zoning administrator to maintain an up-to-date official "zoning map" including all amendments directly adopted by the town board of trustees.

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ARTICLE C

DEFINITIONS

SECTION 12-215 INTERPRETATION OF WORDS AND TERMS

For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter:

1. "Accessory use or structure" means a use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith;
2. "Agriculture" means the use of land for agricultural purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the commercial feeding of swine or other animals, stockyards or commercial feed lots for cattle;
3. "Alley" means a minor right-of-way dedicated to public use not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation;
4. "Automobile or trailer sales area" means an open area, other than a street, used for the display, sales or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done;
5. "Automobile repair, major" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall; painting or paint shop; vehicle steam cleaning;
6. "Automobile repair, minor" means incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) ton capacity;
7. "Automobile service station or filling station" means any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels;
8. "Automobile wash or automatic car wash" means a building or structure or chain conveyor, blowers, steam cleaners and other mechanical devices used primarily for the purpose of washing motor vehicles;
9. "Block" means and refers to the legal description in describing the boundaries of a district. In all other cases, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersecting street and a railroad right-of-way or between an intersecting street and a watercourse;
10. "Boarding house and rooming house" means meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities;

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11. "Board of adjustment" means the board of adjustment of the town; also referred to as the "board";
12. "Building" means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals, or property;
13. "Building accessory" - see "accessory use" or "structure";
14. "Building height" means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof or the average height of the highest gable of a pitch or hip roof;
15. "Building line" means a line established beyond which no part of a building shall project, except as otherwise provided by these regulations;
16. "Building, principal" means a building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site;
17. "Bulletin board" means any sign announcing the activities of an educational, religious, institutional or similar use;
18. "Cemetery" means the land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes;
19. "Child care center" means any place, home or institution which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within their institutional building while their parents or legal guardians are attending services or meetings or classes and other church activities;
20. "Board of trustees" means the official governing body of the town;
21. "Clinic" means a place for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises;
22. "Club" means a non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise;
23. "Comprehensive plan" means the official town plan of the town; also refers to the specific document, "General Development Plan";
24. "Convalescent home" means also a nursing home, a rest home; a home for the aged, recuperating, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation,

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but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury;

25. "Coverage" means the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs;

26. "Dwelling" means any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, mobile home, boarding or rooming house, hotel or motel;

27. "Dwelling, single-family" means a building containing one dwelling unit and designed for or used exclusively by one family;

28. "Dwelling, two-family" means a building containing two (2) dwelling units and designed for or used exclusively by two (2) families; also includes the word "duplex";

29. "Dwelling, multi-family" means a building or portion thereof containing three (3) or more dwelling units and designed for or used by three (3) or more families; also includes the word "apartments";

30. "Dwelling unit" means a room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one family living independently of any other family;

31. "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings;

32. "Family" means a person living alone or two (2) or more persons related by blood or marriage, living together as a single housekeeping unit, using a single facility in a dwelling unit, for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house, or sorority house;

33. "Floor area" means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings;

34. "Frontage" means the lineal measurement of a lot boundary which is abutting a street;

35. "Garage apartment" means a dwelling for one family erected as a part of a private garage;

36. "Garage, parking" means any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided;

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37. "Garage, public" means the structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles;

38. "Garage, private" means a detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles or trailers;

39. "Garage, repair" means a building in which are provided facilities for the care, servicing, repair, or equipping of automobiles;

40. "Height" means the vertical measurement of any structure on any parcel of land measured from the average elevation of the lot or parcel to the uppermost point of the structure;

41. "Home occupation" means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated name plate, not more than two (2) square feet in area, attached to the main or accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes. A tea room, restaurant, rest home, clinic, barber shop, beauty parlor, doctor's or dentist's office, child care center, tourist home or cabinet shop, metal shop, lawn mower repair, or auto repair garage shall not be deemed a home occupation;

42. "Hospital" - see "Medical facilities";

43. "Hotel" means a building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer parks, or camp, hospital, asylum, orphanage, or building where persons are housed under restraint;

44. "Industry" means storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use;

45. "Institutional uses" means those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non-profit basis;

46. "Junk or salvage yard" means a place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations;

47. "Kennel" means any structure or premises on which three (3) or more dogs over four (4) months of age are kept;

48. "Loading space" means a space on the same lot as the principal use of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen

Planning, Zoning and Development

(14) feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials;

49. "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by these regulations, and having access on a public street;

50. "Lot, corner" means a lot which has at least two (2) adjacent sides abutting on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees;

51. "Lot, depth" means the mean horizontal distance between the front and rear lot lines;

52. "Lot, double frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot;

53. "Lot, interior" means a lot other than a corner lot;

54. "Lot line" means any boundary of a lot;

55. "Lot line, front" means the boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line;

56. "Lot line, rear" means the boundary of a lot which is most distant from and most nearly parallel to the front lot line;

57. "Lot line, side" means any boundary of a lot which is not a front lot line or a rear lot line;

58. "Lot, wedge shaped" means a lot situated so that the front is either wider or narrower than the rear of the lot;

51. "Lots or record" mean a separate and distinct parcel designated on a legally recorded subdivision plat or a legally recorded deed filed in the records of Delaware County, State of Oklahoma;

52. "Mean lot elevation" means the average elevation of a lot;

53. "Medical facilities" mean:

a. Nursing home, rest or convalescent homes: See "convalescent home";

b. Dental or medical clinic: A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions except as provided for in Section 405.2;

c. Dental or doctor's office: The same as dental or medical clinic, including the various dental and medical specialties;

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- d. Hospital: An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities; and
- e. Public health center: A facility primarily utilized by a health unit for providing public health services, including related facilities;

54. "Mobile home" means a detached residential dwelling unit designed for transportation after fabrication, on streets or highways on its own wheels or on flat-beds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, and connection to utilities;

55. "Mobile home lot" means a portion of a mobile home park allocated to the exclusive use of the occupants of a single mobile home;

56. "Mobile home park" means a parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences;

57. "Motel" means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons;

58. "Open space" means the area included in any side, rear, or front yard, or any other unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices and eaves of porches;

59. "Parcel" means a lot as defined herein;

60. "Parking space" means a permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles;

61. "Planning commission" - see "Town Planning Commission";

62. "Rooming house" - see "Boarding house";

63. "Sign" means any word, lettering, part of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant, or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event used for a public purpose in the public interest;

64. "Sign, display surface area" means the net geometric area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations, provided that only one face of a double-faced sign shall be included in the computation of display surface area;

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65. "Sign, illuminated" means a sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial;
66. "Sign, projecting" means a sign erected on the face or outside wall of a building which projects out at any angle therefrom;
67. "Sign, temporary" means signs of temporary nature used to advertise the premises for sale, rent, or lease;
68. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it;
69. "Street" means a public right-of-way more than thirty (30) feet in width which provides the primary public means of access to abutting property and used primarily for vehicular circulation;
70. "Street, arterial" means any street designated on the thoroughfare plan as an arterial, primary arterial, secondary arterial, major street, etc.;
71. "Street, minor" means any street not designated on the thoroughfare plan as an arterial;
72. "Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders;
73. "Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improvement areas);
74. "Thoroughfare plan" means the part of the comprehensive plan referring to transportation development goals, principles, and standards; also includes use of the words "major street plan" and "trafficways plan";
75. "Town planning commission" means the Disney Town Planning Commission, as established by the statutes hereinbefore cited, also referred to as "Planning Commission". The town planning commission shall also be the Zoning Commission for the town;
76. "Trailer" means a portable or mobile unit, other than a mobile home, used or designed to carry or transport material or animals;
77. "Yard" means a required space on a lot unobstructed except as expressly permitted;
78. "Yard, front" means a yard extending across the full width of a lot from side lot line to side lot line abutting on a street, into which a building may not protrude;
79. "Yard, rear" means a yard extending across the rear of a lot measured from side lot line to side lot line; and
80. "Yard, side" means a yard extending from front yard to the rear yard abutting the side lot line, into which no building may protrude.

ARTICLE D

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

SECTION 12-220 APPLICATION OF REGULATIONS IN DISTRICTS AUTHORIZED:
USE LIMITATION.

No land, building, structure, or improvement shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the district in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by Article E, Non-conformities.

SECTION 12-221 APPLICATION OF REGULATIONS TO THE USES OF A MORE
RESTRICTED DISTRICT; USE LIMITATION.

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

SECTION 12-222 RESIDENTIAL USES RESTRICTED TO RESIDENTIAL LOTS; USE
LIMITATION.

It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes except that one accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

SECTION 12-223 DIVISION OF LOTS.

An improved lot shall not hereafter be divided into two (2) or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the zoning district in which located.

SECTION 12-224 USE OF YARDS.

No building, structure, or improvement shall be permitted to encroach upon required yard spaces set forth in the provisions of these regulations; provided, however, that surfaced parking facilities, signs, fences, and gasoline pumping service units may be permitted to occupy required yard space unless otherwise prohibited in those districts permitting such improvements and provided that no inoperative vehicle may be stored in the front yard of a lot in a residential district.

SECTION 12-225 STREET ACCESS.

No principal building shall hereafter be constructed on a lot which does not abut a public dedicated street.



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2020-02**

**AN ORDINANCE RELATING TO PART 12, ARTICLE D GENERAL PROVISIONS
APPLYING TO ALL OR SEVERAL DISTRICTS, AND AMENDING SECTION 12-226
TRAILERS AND COMMERCIAL VEHICLES, STORAGE AND PARKING IN
RESIDENTIAL DISTRICTS.**

WHEREAS the current ordinance does not appropriately define all synonyms for camping vehicles of; and

WHEREAS the new ordinance provides the appropriate descriptors inclusive of campers, trailers, recreational vehicles, motor coaches, etc.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

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

1. No more than one commercial vehicle, which does not exceed one and one-half (1½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No more than three campers, trailers, travel trailers, recreational vehicles, or motor coaches on the premises shall be permitted, nor shall the above mentioned be parked or stored for more than 96 hours unless it is located behind the front yard building line. A camper, recreational vehicle, motor coaches, or travel trailer shall not be occupied for more than 96 hours without an emergency permit.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the town.

Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

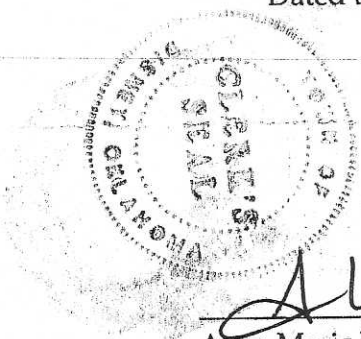
BOOK 1410 PAGE 900

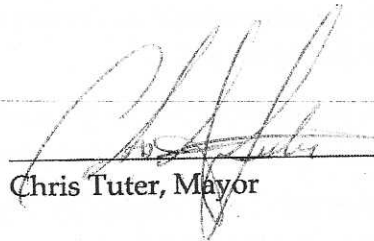
① 10⁰⁰ Town of Disney


Section Three: In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

ORDAINED THIS 11th day of May, 2020; BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

Dated this 8 day of June, 2020



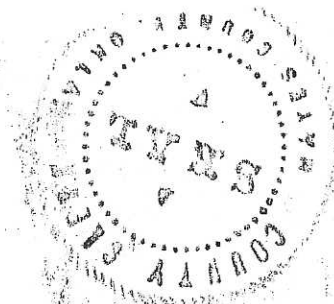

Chris Tuter, Mayor


Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., Town Attorney

BOOK 1410 PAGE 901



**TOWN OF DISNEY, OKLAHOMA
ORDINANCE NO. 2019-05**

**AN ORDINANCE RELATING TO PART 12, ARTICLE D GENERAL PROVISIONS
APPLYING TO ALL OR SEVERAL DISTRICTS, AND AMENDING SECTION 12-226
TRAILERS AND COMMERCIAL VEHICLES, STORAGE AND PARKING IN
RESIDENTIAL DISTRICTS.**

WHEREAS the current ordinance discourages public participation in the many local events held within the corporate limits of the Town of Disney; and

WHEREAS the current ordinance does allow future growth of the many local events held within the corporate limits of the Town of Disney.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

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

1. No more than one commercial vehicle, which does not exceed one and one-half (1 ½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No more than three trailers in total per family living on the premises shall be permitted. The trailer shall not be parked or stored for more than 96 hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied for more than 96 hours without an emergency permit.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the town.

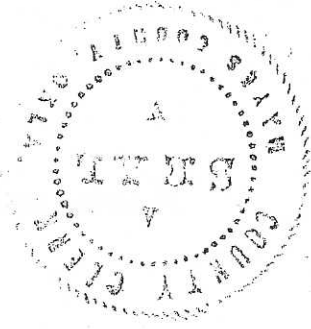
Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

BOOK 1393 PAGE 0600

\$ 10.00 Town of Disney

Town of Disney, Oklahoma

ORDINANCE NO. 2019-01



I-1996-693859 01/28/2019 2:48 pm
Book 1374 Page(s) 0494-0495
Fee: \$ 15.00 Doc: \$ 0.00
Brittany True-Howard - Mayes County
State of Oklahoma

AN ORDINANCE RELATING TO SECTION 12 - PLANNING, ZONING AND DEVELOPMENT AND CHAPTERS 2&3 – GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS AND REGULATIONS OF THE CODE OF ORDINANCES OF THE TOWN OF DISNEY, OKLAHOMA; IN AMENDING 12 -227 - TRAILERS AND COMMERCIAL VEHICLES; DISPLAY IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

WHEREAS the current ordinance does not limit the length of time a commercial trailer, a commercial vehicle, food service, retail sales, or product displays shall be parked or stored.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

Section 12, Chapters 2 & 3: Section 12-227 of the Code of Ordinances of the TOWN OF DISNEY is hereby modified and amended, and shall read as follows:

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing their manufacture; provided, however, that they are in accordance with the following provisions:

1. The vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the town.
2. All commercial trailers, commercial vehicles, food service vehicles and trailers, retail sales vehicles, product display(s) shall not be parked for more than 10 days or stored for more than 10 days unless it is located behind the front building line.

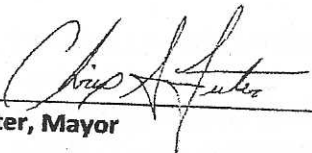
Section Two: If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

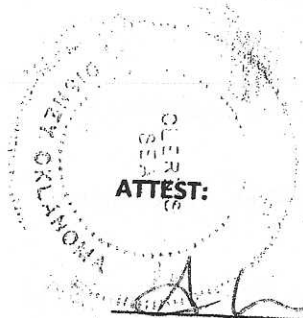
Section Three: In order to assure the public safety and wellbeing of the Town of Disney, and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is there by declared, with such emergency being voted on and approved separately.


BOOK 1374 PAGE 494

Town of Disney /
1000 Anna Marie Davidson

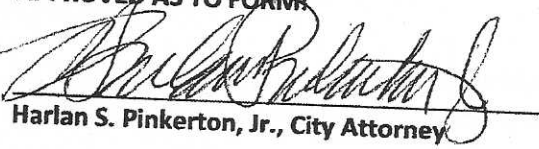
Dated this 18th day January, 2019


Chris Tuter, Mayor




Anna Marie Davidson, City Clerk

APPROVED AS TO FORM:


Harlan S. Pinkerton, Jr., City Attorney

Planning, Zoning and Development

SECTION 12-226 TRAILERS AND COMMERCIAL VEHICLES, STORAGE AND PARKING IN RESIDENTIAL DISTRICTS

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

1. No more than one commercial vehicle, which does not exceed one and one-half (1 ½) tons rated capacity, per family living on the premises shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted;
2. No more than one camping trailer, one boat trailer and one hauling trailer per family living on the premises shall be permitted. The trailer shall not be parked or stored for more than 72 hours unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied for more than 72 hours without an emergency permit.
3. A mobile home shall be parked or stored only in a mobile home park which is in conformity with ordinances of the town.

SECTION 12-227 TRAILERS AND COMMERCIAL VEHICLES; DISPLAY IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Commercial vehicles and trailers of all types may be displayed in such commercial districts allowing sales of the vehicles or in such industrial districts allowing their manufacture; provided, however, the vehicles may not be used for dwelling purposes either temporarily or permanently except in a mobile home park authorized under the ordinances of the town.

SECTION 12-228 OFF-STREET PARKING; PURPOSE AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided on off-the-street areas for each use of land within the town. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 12-229 OFF-STREET PARKING REQUIRED OPEN SPACE

Off-street parking space may be a part of the required open space associated with the permitted use, unless otherwise prohibited; provided, however, the off-street parking requirements shall not be reduced or encroached upon in any manner.

SECTION 12-230 OFF-STREET PARKING LOCATION

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

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SECTION 12-231 OFF-STREET PARKING; JOINT PARKING AND OFF-SITE PARKING FACILITIES.

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces, for each use. Owners jointly provide for their individual parking needs through a joint facility or facilities, provided that the total number of spaces so provided shall not be less than the sum of the individual requirements and that each business or other use is within two hundred (200) feet of the parking facility.

SECTION 12-232 SIZE OF OFF-STREET PARKING SPACE.

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet plus adequate area for ingress and egress.

SECTION 12-233 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED.

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

1. Dwelling, single-family or duplex: One parking space for each separate dwelling unit within the structure;
2. Dwelling, multi-family: The number of spaces provided shall not be less than one and one-half (1 1/2) times the number of units in the dwelling;
3. Boarding or rooming house or hotel: One parking space for each sleeping room;
4. Hospitals: One space for each four (4) patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles;
5. Medical or dental clinics or offices: Six (6) spaces per doctor plus one space for each two (2) employees;
6. Convalescent or nursing homes: One space for each six (6) patient beds plus one space for each staff or visiting doctor plus one space for each two (2) employees including nurses;
7. Community center, theater, auditorium, church sanctuary: One parking space for each four (4) permanent seats, based on a maximum seating capacity, or each fifty (50) square feet of floor area in rooms without permanent seating but intended to be used for assembly purposes;
8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building;
9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service;
10. Commercial establishments not otherwise classified: One parking space for each one

Planning, Zoning and Development

hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public; and

11. Industrial establishments: One off-street parking space for each five hundred (500) square feet of gross floor area or one off-street parking space for each two (2) employees, whichever is greater, and one loading or unloading berth for each twenty-five thousand (25,000) square feet or fraction thereof of gross floor area.

SECTION 12-234 OFF-STREET PARKING LOTS LOCATED WITH OR ADJACENT TO A RESIDENTIAL DISTRICT.

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

1. All sides of the lot within or abutting the residential district shall be enclosed with a screening wall or fence as specified under Section 12-235;
2. No parking shall be permitted within a front yard when the parking lot is located in a residential district;
3. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns;
4. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;
5. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses; and
6. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted.

SECTION 12-235 SCREENING WALL OR FENCE SPECIFICATIONS.

When the provisions of these regulations require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence shall:

1. Be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation;
2. Not be less than five (5) feet nor more than eight (8) feet in height; and
3. Be constructed with all braces and supports on the interior.

SECTION 12-236 SCREENING WALL OR FENCE MAINTENANCE.

The screening wall or fence shall be maintained by the owner of the zoning lot containing the use requiring the construction of the screening. Failure to maintain after notice by the zoning administrator shall constitute an offense hereunder.

Planning, Zoning and Development

SECTION 12-237 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.

ARTICLE E

NON-CONFORMITIES

SECTION 12-240 INTENT.

Within the districts established by these regulations or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before these regulations were passed or amended but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendment. It is the intent of these regulations to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses in the districts involved. It is further the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of these regulations.

SECTION 12-241 NONCONFORMING LOTS OR RECORD.

In any district in which a lot exists of record at the effective date of adoption or amendment of these regulations which does not conform in size or area to the provisions of these regulations, buildings for the uses permitted in such district may be erected on such lot, notwithstanding limitations imposed by other provisions of these regulations, provided that such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

SECTION 12-242 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity;
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of these regulations; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 12-243 NONCONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by these regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. 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 these regulations, but no such use shall be extended to occupy any land outside such building;

3. 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 district in which such structure is located, and the nonconforming use may not thereafter be resumed;

4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located; and

5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 12-244 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of these regulations, lawful uses of land exist that are no longer permissible under the terms of these regulations as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. No such conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations;

2. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations; and

3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by these regulations for the district in which such land is located.

SECTION 12-245 CHANGES IN NONCONFORMITY.

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 district in which located; except that the board of adjustment may permit a change to a more restricted nonconforming use and such change

shall be construed as an abandonment of the former permitted nonconforming use.

ARTICLE F

SPECIFIC DISTRICT REGULATIONS

SECTION 12-250 R-GENERAL RESIDENTIAL DISTRICT; GENERAL DESCRIPTION.

The R-General Residential District is established as a district in which the use of land is for residential purposes and uses directly incidental thereto. It is the purpose and intent of this district to promote the development and the continued use of the land for family dwellings and to prohibit commercial and industrial use or any other use which would substantially interfere with or adversely affect the desirable quality of a residential environment. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area.

SECTION 12-251 USES PERMITTED.

Property and buildings in the R-General Residential District may be used for the following purposes:

1. Single-family detached dwellings;
 2. Duplex;
 3. Multi-family dwellings;
 4. Rooming or boarding house;
 5. Mobile home trailer park when in compliance with Section 12-258;
 6. Public schools, and private schools where the curriculum is similar in nature and preparation of course work to the public schools;
 7. Churches;
 8. Public park, playground, fire station, community center, hospital, or other similar public facility;
 9. Agricultural uses of the garden type that are not intended for commercial purposes;
- or
10. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

SECTION 12-252 MINIMUM LOT SIZE.

No structure or use shall be constructed or commenced in the "R" District which does not conform with the following minimum requirements for lot size:

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<u>Permitted Use</u>	<u>Minimum Lot Area</u>	<u>Minimum Frontage</u>
Single-family	6,000 Sq. Ft. per dwelling unit	50 ft.*
Two-family	3,500 Sq. Ft. per dwelling unit	75 ft.*
Multi-family	2,500 Sq. Ft. per dwelling unit	100 ft.*
Churches	1 acre	100 ft.
Mobile home parks	2-1/2 acres	200 ft.
All other uses	1 acre	80 ft.

* If the lot is a wedge-shaped lot which meets the requirements of minimum lot size, it may have less than the minimum requirement for frontage as long as the front building line of the lot meets the requirements hereinabove.

SECTION 12-253 MAXIMUM COVERAGE.

The maximum coverage of any lot in the "R" District shall not exceed sixty percent (60%) of the area for interior lots nor seventy-five percent (75%) of the lot area for corner lots.

SECTION 12-254 YARD REQUIREMENTS.

The following minimum requirements for yards shall apply to any use that is constructed or commenced on a parcel of land in the "R" District:

<u>Permitted Use</u>	<u>Front Yard</u>	<u>Both</u>	<u>Side Yards</u>	
			<u>One</u>	<u>Rear Yard</u>
Single-family	25'	10'	5'	20% lot depth
Two-family	25'	10'	5'	20% lot depth
Multi-family	20'	15'	5'	20% lot depth
All other uses	20'	30'	15'	15'

SECTION 12-255 HEIGHT LIMIT.

No dwelling structure in the "R" District shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation.

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SECTION 12-256 OFF-STREET PARKING.

Off-street parking as required in Article D of these regulations.

SECTION 12-257 SIGNS.

No signs, posters, bulletin boards, or other similar displays shall be permitted in the "R" District except as follows:

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

2. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;

3. Official public notices may be erected on affected property;

4. One non-illuminated name plate not exceeding two (2) square feet in area, and not containing lettering other than the name of the owner or occupants or name or address of the premises; and

5. All signs shall be erected on the lot and no portion of the sign shall encroach on public right-of-way or other public property.

SECTION 12-258 MOBILE HOME PARK.

Upon compliance with the provisions as set forth herein, the planning commission may authorize a mobile home park within the "R" District:

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

2. The proposed site shall be a minimum of two and one-half (2 1/2) acres in size and shall contain no more fifteen (15) mobile stands per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as a major street or collector street in the thoroughfare plan. All ingress or egress by automobile shall be on such streets. The proposed site shall be a minimum of two hundred (200) feet in depth;

3. The mobile home park shall accommodate primarily permanent occupants, with no more than forty percent (40%) of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents;

4. The proposed site shall have a front yard of not less than twenty (20) feet from any mobile home stand to the street boundary of the park. The site shall have side and rear yards of fifteen (15) feet from any solid fencing or wall of six (6) feet in height, or forty (40) feet where only a screen planting is provided;

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5. The proposed site shall be screened or buffered on all sides with a solid wall fence in accordance with Sections 12-235 and 12-236;

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

7. The proposed site shall provide a connection for each mobile home stand to all public utilities.

Cross Reference: See Sections 12-401 et seq on mobile homes and park regulations.

SECTION 12-260 C-GENERAL COMMERCIAL DISTRICT; GENERAL DESCRIPTION.

The C-General Commercial District is designed for the conduct of personal and business services and the general-retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises.

SECTION 12-261 USES PERMITTED.

Property and buildings in a "C" District may be used for the following purposes:

1. Any of the following uses shall be permitted:
 - a. Advertising signs or structures;
 - b. Artist supplies and hobby shop;
 - c. Automobile, new and used, sales or service;
 - d. Bakery shop;
 - e. Barber and beauty shops;
 - f. Boot sales;
 - g. Book store;
 - h. Bowling alley;
 - i. Clothing or wearing apparel shops;
 - j. Dance hall;
 - k. Department store;
 - l. Drive-in restaurant;
 - m. Drug store;
 - n. Dairy products store;

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- o. Delicatessen;
- p. Florist shop;
- q. Frozen food locker;
- r. Furniture store;
- s. Funeral parlor;
- t. Garden stores;
- u. Gift shop;
- v. Golf course, miniature, or practice range;
- w. Grocery store;
- x. Hardware store;
- y. Hotel;
- z. Laundry and dry cleaning;
- aa. Liquor store;
- bb. Lumber yard;
- cc. Medical facility;
- dd. Motels;
- ee. Music, radio, and television sales or repair;
- ff. Office, general;
- gg. Pharmacy;
- hh. Pawnshop;
- ii. Pet shop;
- jj. Printing plant;
- kk. Public uses;
- ll. Restaurants;
- mm. Roller skating rink;
- nn. Self-service laundries;

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- oo. Shoe repair;
- pp. Sporting goods;
- qq. Sign painting shop;
- rr. Tailor shop;
- ss. Tavern;
- tt. Theater;
- uu. Toy store;
- vv. Utility service installation; and
- ww. Variety store.

- 2. Any retail, personal service, business service, professional or commercial use not already mentioned; RV Park.
- 3. Any public buildings or uses;
- 4. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments; or
- 5. Mobile home park provided it meets all requirements previously set forth in these regulations.

SECTION 12-262 MINIMUM LOT SIZE.

Twenty-five (25) feet times seventy-five (75) feet.

SECTION 12-263 MAXIMUM COVERAGE.

The maximum coverage of any lot in the "C" District shall not exceed thirty percent (30%) of the area of the lot except no maximum coverage requirements is required for the following described property, designated as the central business district, provided that off-street parking requirements as set forth in Article D of these regulations are satisfied:

No exemptions

SECTION 12-264 YARD REQUIREMENTS.

None except where abutting a residential district, in which case a side yard setback of one foot shall be provided for each one foot of height.

SECTION 12-265 HEIGHT LIMIT.

No structure in the "C" District shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation.

SECTION 12-266 OFF-STREET PARKING.

Off-street parking as required in Article D of these regulations.

SECTION 12-267 SIGNS AND BILLBOARDS.

Signs, billboards, posters, bulletin boards, or other similar displays in the "C" District shall conform to the following requirements:

1. One business sign not exceeding thirty-two (32) square feet in surface area may be erected on each street frontage of the parcel. Ground signs shall not exceed the height of the building in which the principal use is located or twenty (20) feet, whichever is lower. No business sign shall be located within fifty (50) feet of a residential district if visible from such district. 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 sixteen (16) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light; and

3. All signs in the "C" 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 town and then they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

SECTION 12-270 I-GENERAL INDUSTRIAL DISTRICT; GENERAL DESCRIPTION.

The purpose of the I-General Industrial District is to provide a location for industries and to preserve such land for industry that is most beneficial to industries and to prohibit non-industrial uses. Because of the traffic generated and other objectionable influences which may be created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district.

SECTION 12-271 USES PERMITTED.

Property and buildings in an "I" District may be used for the following purposes:

1. Any of the following uses shall be permitted:
 - a. Building materials sales;
 - b. Bottling works, cannery, or preserving factories;
 - c. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages;
 - d. Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation;
 - e. Fuel sales and storage;

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- f. General and administrative office;
 - g. Machine shops and metal products manufacture and tool and die shops, provided they do not include any of the following equipment: automatic screw machines, drop forges or riveting machines;
 - h. Mail-order houses;
 - i. Manufacturing and assembling (or any combination of such processes) products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials;
 - j. Manufacturing and assembling electrical and electronic products and equipment;
 - k. Milk bottling and distribution;
 - l. Milling companies and grain elevators;
 - m. Motor freight terminals;
 - n. Printing and binding plants;
 - o. Research laboratories;
 - p. Sheet metal shops;
 - q. Sign painting;
 - r. Utility service installation;
 - s. Warehouses and storage facilities;
 - t. Water filtration plants, pumping stations, reservoirs, and lift stations; or
 - u. Welding shops;
2. Any other manufacturing process or establishment similar to the above;
 3. Any public building or use; and
 4. All uses listed in paragraphs 1 through 3 of Section 12-261 inclusive.

SECTION 12-272 MINIMUM LOT SIZE.

There are no requirements for minimum lot area in the "I" District.

SECTION 12-273 MAXIMUM COVERAGE.

Buildings shall not cover more than forty percent (40%) of the site on which the use is

located.

SECTION 12-274 YARD REQUIREMENTS.

No structure shall be erected, commenced, or maintained which has a front yard setback of less than fifty (50) feet. A side yard or rear yard of fifty (50) feet or two (2) feet of setback for each one foot of height, whichever is greater, shall be provided when adjacent to residential.

SECTION 12-275 HEIGHT LIMIT.

There are no requirements for minimum height in the "I" District.

SECTION 12-276 OFF-STREET PARKING AND LOADING.

Off-street parking as required in Article D of these regulations.

SECTION 12-277 SIGNS AND BILLBOARDS.

Signs, billboards, posters, bulletin boards, or other similar displays in the "I" District shall conform to the following requirements:

1. 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 thirty (30) feet in height. No sign or billboard shall be located within fifty (50) feet of a residential district if visible from such district. 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 fifty (50) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light; and
3. All signs in the "I" 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 town and then they shall not overhang at a height of less than nine (9) feet and shall not have a maximum projection greater than seventy-two (72) inches.

SECTION 12-278 USES NOT PERMITTED.

The following uses are not permitted:

1. Single family dwellings;
2. Multiple family dwellings; or
3. Duplex dwellings.

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CHAPTER 4

MOBILE HOME PARKS AND REGULATIONS

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ARTICLE A

GENERAL PROVISIONS

SECTION 12-401 CITATION.

These regulations shall be known as the "Mobile Home Park Regulations" of the town and may be cited as such.

Cross Reference: See Section 12-258 on mobile home park zoning.

SECTION 12-402 PURPOSE AND SCOPE.

The purpose of these regulations is to promote the public health, safety and general welfare of the mobile home inhabitants of the town by establishing basic and uniform standards governing the design, operation and maintenance of mobile home parks. The minimum standards herein set forth are provided to insure the development of a safe, healthful environment for the occupants of mobile homes in mobile parks.

SECTION 12-403 APPLICATION.

No person shall develop or operate a mobile home park which does not comply with the requirements set forth in these regulations.

SECTION 12-404 DEFINITIONS.

A. For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter. When not inconsistent with the context, words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular in the feminine or neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular. The word "shall" mandatory and not directory.

B. For the purpose of this chapter, the following terms shall have the meaning as follows:

1. "Access drive" means a private street in a mobile home park designed to provide vehicular access to two (2) or more mobile home park spaces;

2. "Access drive, minor" means an access drive providing vehicular access to not more than fifty (50) mobile home spaces;

3. "Access drive, collector" means an access drive designed to collect traffic from minor access drives and which provides the most direct access to the public street system;

4. "Accessory building or structure" means any structural addition to a mobile home, including but not limited to awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures and any building customarily incidental and appropriate and subordinate to the mobile home and located on the same space with a mobile home;

5. "Frontage" means that part of a mobile home space which abuts an access drive;

6. "Inspection officer" means the designated inspecting official of the town or his authorized agent;

7. "Licensee" means any person licensed to operate and maintain a mobile home park under the provisions of these regulations;

8. "Living unit" means facility or structure providing complete, independent living facilities for one family on a permanent basis including sleeping, eating, and cooking facilities, and sanitation facilities including flush toilet and a bath tub or shower;

9. "Mobile home" means a transportable living unit eight (8) feet or more in width, thirty-two (32) feet or more in length, constructed on a chassis and provided with the following mechanical systems and equipment:

- a. Plumbing;
- b. Heating;
- c. Electrical;
- d. Cooking; and
- e. Refrigeration;

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10. "Mobile home, double wide or triple wide" means a sectional mobile home consisting respectively of two (2) or (3) sections combined horizontally at the side to form a single living unit;

11. "Mobile home, expandable" means a mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living space;

12. "Mobile home, free-standing" means any mobile home not located either in a mobile home park licensed by the town or in a mobile home subdivision approved by the town;

13. "Mobile home, non-residential" means a mobile home being used for any purpose other than a residential living unit;

14. "Mobile home park" means a unified development for two (2) or more mobile home spaces arranged in a tract of land under single ownership and complying with all the requirements of these regulations;

15. "Mobile home space" means a plot of land within a mobile home park designed and delineated for the accommodation of one mobile home;

16. "Mobile home stand" means that part of an individual mobile home space which has been designated for the placement of a mobile home;

17. "Mobile home subdivision" means a unified development of contiguous delineated and designated lots divided for the purpose of individual ownership of mobile home sites and which is governed by the requirements for land subdivision in the town;

18. "Parking space" means a surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced means of ingress and egress. For purposes of these regulations, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress;

19. "Permittee" means any person to whom a temporary permit is issued to maintain or operate a mobile home park under the provisions of these regulations;

20. "Person" means natural individual, firm, trust, partnership, association, or corporation;

21. "Public water system or public sewer system" means any such system built and owned by, or dedicated to and accepted by the town; and

22. "Recreation vehicle" means all vehicles and portable structures built on a chassis, designated as temporary living unit during travel, recreational, and vacation activities.

SECTION 12-405 FREE-STANDING MOBILE HOME NOT PERMITTED.

No free-standing mobile home shall be permitted in the corporate limits of the town unless it is being offered for sale or parked for storage. Those free-standing mobile homes which are now nonconforming uses under the provision of the zoning ordinance of the town may continue as nonconforming uses provided that they shall not be stored in front yards or on side yards

abutting a street or corner lots, and provided that they conform to all the regulations of this article.

SECTION 12-406 SALE OF FREE-STANDING MOBILE HOMES.

Except for mobile homes within regular commercial mobile home sales lots, each such free-standing mobile home offered for sale must be clearly marked as such, shall not be occupied for either living or sleeping purposes and must be removed from the premises if not sold within one hundred twenty (120) days. Free-standing mobile homes located within regular commercial mobile homes sales lots need be neither individually marked for sale nor removed within one hundred twenty (120) days if not sold. A property owner shall not store, nor permit to be stored, more than one mobile home on a residential parcel under single ownership.

SECTION 12-407 TIEDOWNS REQUIRED FOR NONCONFORMING MOBILE HOMES.

All free-standing mobile homes, except those within regular commercial mobile homes sales lots, shall within a period of one year from the effective date of these regulations be provided with a system of tiedown in accordance with the recommendations set forth by the Defense Civil Preparedness Agency, U.S. Department of Defense; provided, however, that concrete pads shall not be constructed in residential neighborhoods.

SECTION 12-408 IMPROVEMENT AND REPLACEMENT OF NONCONFORMING MOBILE HOME.

Free standing mobile homes allowed to continue as nonconforming uses under the provisions of this article shall not be improved, expanded or relocated except for the performance of normal maintenance and repairs, and once such a mobile home is removed from its nonconforming location it may not be replaced by another free-standing mobile home except where all of the following conditions are met:

1. The replacing mobile home shall be newer and in better condition than the mobile home to be replaced;
2. The replacing mobile home shall be provided for the occupancy of the same person(s) as occupy the mobile home to be replaced; and
3. The approval of the inspection officer shall be obtained in writing prior to replacement.

ARTICLE B

LICENSE AND TEMPORARY PERMIT

SECTION 12-411 LICENSE REQUIRED.

It shall be unlawful for any person to construct, maintain or operate any mobile home park within the limits of the town unless he holds a valid license issued annually by the town clerk, with the approval of the inspection officer of the town in the name of such person for the specific mobile home park; except that the maintenance or operation of a mobile home park in existence on the effective date of these regulations may be continued under a temporary permit for such period of time and under such conditions as are hereinafter set forth.

SECTION 12-412 ISSUANCE OF LICENSE.

Application shall be made to the inspection officer who shall authorize the town clerk to issue a license upon compliance by the applicant with all pertinent provisions of these and other regulations of the town. Every person holding such a license shall notify the town clerk in writing within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of, interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

SECTION 12-413 APPLICATION FOR ORIGINAL LICENSE.

Application for original license shall be in writing signed by the applicant, and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

1. Name and address of the applicant;
2. The interest of the applicant in and the location and legal description of the park;
3. A complete plan of the park neatly drafted at a scale of one inch equal one hundred (100) feet showing:
 - a. The area and dimensions of the tract of land;
 - b. The number, locations, and size of all mobile home spaces to the nearest one foot;
 - c. The location and width of access drives, walkways, buffer strips, and recreation areas;
 - d. The location and dimensions of all on-street and off-street parking spaces;
 - e. The location of service buildings and other proposed structures;
 - f. The location and size of utility lines and treatment facilities; and
 - g. Such further information as may be requested by the inspection officer.

SECTION 12-414 PLANNING COMMISSION CONSIDERATION REQUIRED.

Prior to the issuance of an original license for a mobile home park the complete plan of the park as required above shall be considered as an agenda item by the planning commission, if such exists. The planning commission shall recommend approval or disapproval of the plan to the town board of trustees within sixty (60) days of the date of submission of a complete plan of the park. If the planning commission fails to take action within the time limit specified immediately above, a recommendation of approval shall be presumed unless an extension of time is agreed to by the owner of the proposed park. A recommendation for disapproval shall be accompanied by a written statement which specifies those parts of these regulations with which the plan does not conform.

SECTION 12-415 BOARD OF TRUSTEES APPROVAL REQUIRED.

Prior to the issuance of an original license for a mobile home park the complete plan of the park as required above shall be approved by the board of trustees. Such approval shall be shown on the plan by the signature of the mayor as authorized by the board of trustees. Such approved plan shall be filed as a permanent record with the town.

SECTION 12-416 APPLICATION FOR RENEWAL OF LICENSE.

A. A mobile home park or travel trailer park license shall be renewed each year. A request for the renewal of a license shall be considered by the planning commission and approved by the board of trustees if one or more of the following changes to the approved plan are proposed:

1. The park is to be enlarged;
2. The alignment of any road is changed or additional roads are proposed;
3. The water distribution system or the sanitary sewer system is expanded; or
4. New spaces are proposed to be added.

B. In all other cases the inspection officer is authorized to approve the renewal of a license if he finds the park to be in compliance with the approved plan and with these regulations. Provided, however, that the inspection officer may submit a request for renewal to the planning commission and board of trustees for review, at his discretion, if he has any doubts concerning the propriety or legality of authorizing the issuance of a renewed license.

C. The applications for renewal of a license shall be made in writing by the holder of the license and shall contain the following:

1. Any change in the information submitted since the time the original license was issued or the latest renewal granted; and
2. Other information requested by the inspection officer.

SECTION 12-417 TEMPORARY PERMIT FOR A MOBILE HOME PARK EXISTING AT THE TIME OF ADOPTION OF THESE REGULATIONS.

A. The owner of any mobile home park may elect to make application for either an original license or a temporary permit.

B. The purpose for authorizing the issuance of a temporary permit is to allow the owner of park not in compliance with these regulations a reasonable amount of time to conform with these regulations.

C. A temporary permit, upon written request therefore, shall be issued by the inspection officer for every mobile home park in existence upon the effective date of these regulations permitting the park to be maintained and operated during the period ending one year after the effective date of these regulations, without being subject to the provisions of these regulations, except such of the provisions as are made expressly applicable to permittees.

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SECTION 12-418 TERM OF PERMIT.

A. The term of the temporary permit may be extended, upon written request, for not to exceed one additional period of up to one hundred eighty (180) days, if:

1. Permittee shall have filed application for a license in conformity with these regulations within one year after the effective date of these regulations;

2. The park plans and specifications accompanying the application for license comply with all provisions of these regulations and all other applicable regulations and statutes; and

3. The permittee has diligently endeavored to make the existing park conform fully to the plans and specifications submitted with the application but has failed to do so due to circumstances beyond his control.

B. Provided, however, that mobile home parks in existence upon the effective date of these regulations which have concrete pads indicating the location of mobile home spaces need not comply with those sections of these regulations which would require the moving of concrete pads. They must, however, comply with all other requirements. In addition, any park expansion shall be in full compliance with provisions of these regulations.

SECTION 12-419 LICENSE AND TEMPORARY PERMIT FEES FOR MOBILE HOME PARK.

The town clerk shall charge and collect for each mobile home park an initial license or temporary permit in such sum as set by motion or resolution per space. However, the maximum charge for each mobile home park shall not exceed the sum set by motion or resolution of the board of trustees per park. The initial license or temporary permit shall expire one year from the date of issue, unless renewed upon such conditions as the board of trustees may direct.

Cross Reference: See Fee Schedule.

ARTICLE C

MOBILE HOME PARK DESIGN AND IMPROVEMENTS

SECTION 12-421 SITE.

All mobile home parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water; drainage shall not endanger any water supply. A mobile home park, or any part thereof, shall not be located within the limits of any flood plain delineated either by the "flood of record" or the "one-hundred year flood" whichever be the greater. Provided, however, that a mobile home park may be located in a flood plain if the elevation of all access drive, parking areas, sidewalk and mobile home spaces are raised by fill to a point one foot above flood elevation as certified by a qualified engineer registered in the State of Oklahoma.

SECTION 12-422 MINIMUM STANDARDS APPLICABLE.

All improvements shall be designed and installed in a manner such that they either meet or exceed the minimum standards established by the regulations set forth in this article.

SECTION 12-423 PLAN PREPARATION RESPONSIBILITY.

Plans for all improvements required by this article shall be prepared by a qualified engineer registered in the state ~~of the engineering department of the town.~~

SECTION 12-424 OCCUPANCY BY MOBILE HOMES.

Mobile home spaces shall not be rented or occupied by a mobile home prior to the installation of all required improvements and the approval thereof by the inspection officer.

SECTION 12-425 MINIMUM PARK SIZE.

The minimum area of any park shall be three (3) acres. However, parks in existence on the effective date of these regulations can continue to operate with less than three (3) acres, but if the park is to be expanded it must at that time have a minimum area of three (3) acres.

SECTION 12-426 INTENSITY OF USE.

Intensity of development shall be limited to no more than eight (8) mobile homes per gross acre for a mobile home park. Area used for sewerage treatment facilities and area included in streets dedicated to the public shall not be included in density computations. Each mobile home space shall have a minimum of three thousand five hundred (3,500) square feet. Area included in parks, access drive rights-of-way and other community facilities shall not be included as a part of the required area of a mobile home space.

SECTION 12-427 STREETS AND ACCESS DRIVES.

A. The right-of-way width of all streets adjacent to a mobile home park and dedicated to the public shall be in compliance with the standards and regulations adopted by the town.

B. The right-of-way width of all streets in the interior of a mobile home park that are either dedicated to the public or are proposed to be dedicated to the public shall be in compliance with the standards and regulations adopted by the town.

C. All the streets within and adjacent to a mobile home park which are located in a right-of-way dedicated to the public shall be improved in accordance with the adopted standards and specifications of the town.

D. Where the size of a mobile home park is of such a magnitude that collector streets are deemed desirable and appropriate, the town may require the developer to plat and dedicate such collector streets to the town. The determination of need, desirability and appropriateness in requiring the platting and dedication of collector streets within mobile home parks shall be made by the planning commission of the town, with final approval by the board of trustees.

E. All mobile home spaces shall abut an access drive having unobstructed access to a public street or highway.

F. Access drive surface width shall be constructed in accordance with the following schedule:

<u>Component</u>	<u>Minor Access Drive</u>	<u>Collector Access Drive</u>
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Driving lane	12 ft.	13 ft.
Parallel parking	7 ft.	8 ft.

G. The right-of-way limits of an access drive shall be not less than six (6) feet beyond the outer limits of a cross section of the driving surface and surface drainage facility of the adjacent roadway.

H. All access drives, parking spaces and access ways to parking spaces shall be constructed with adequate grade to accommodate the runoff of surface water with no problem of residual ponding of water; street grades shall not exceed ten percent (10%).

I. All access drives, parking spaces and access ways to parking spaces shall be improved with a dust free surface impervious to water.

J. All access drives which connect with public streets shall be constructed in accordance with "Standard Design of Driveway Entrances for Oklahoma Highways," as amended, prepared by the Oklahoma State Highway Department.

K. It shall be unlawful to provide ingress or egress to any mobile home space from a public street located adjacent to the perimeter of a mobile home park.

SECTION 12-428 PARKING.

A. In new mobile home parks at least two (2) clearly defined parking spaces shall be provided for each mobile home space either on or adjacent to the mobile home space.

B. For new mobile home parks a parking space shall be defined as a rectangular plot having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

SECTION 12-429 WALKWAYS.

Sealed surface walkways not less than three (3) feet in width shall be provided either along the rear of mobile home spaces or adjacent to access ways in such a manner that a continuous interconnected system providing direct access to all mobile home spaces and accessory uses in the mobile home park is available to the occupants of the mobile home park.

SECTION 12-430 MOBILE HOME SPACES.

A. Each mobile home space shall have a minimum of not less than three thousand five hundred (3,500) square feet exclusive of park land access drive right-of-way and any other area which is a part of a community facility.

B. Every mobile home space shall be clearly defined.

C. The minimum mobile home space width, measured parallel to the abutting street or access drive, at the front yard setback line shall be thirty-five (35) feet. All mobile home spaces shall abut a street or an access drive, for a distance of not less than twenty-five (25) feet.

SECTION 12-431 SETBACKS.

A. No mobile home shall be parked less than ten (10) feet from any property line of

a mobile home park.

B. It shall be unlawful to locate a mobile home less than twenty-five (25) feet from any public street or highway right-of-way, or so that any part of such mobile home will obstruct any roadway or walkway of such park.

C. The following minimum yard setbacks shall be provided for mobile homes:

1. Mobile homes and all other structures shall be located not less than forty-five (45) feet from the center line of an access drive;

2. Mobile homes shall be located not less than five (5) feet from interior mobile home space lines;

3. Mobile homes shall be located not less than fifteen (15) feet from the rear mobile home space line; and

4. An accessory building shall be located not less than three (3) feet to any interior or rear mobile home space line.

SECTION 12-432 COVERAGE.

A mobile home and accessory structures shall not cover more than thirty-five percent (35%) of a mobile home space.

SECTION 12-433 PADS AND TIEDOWNS.

A. New mobile home parks must provide each mobile home space with a concrete pad or a series of concrete footing which conform to the recommendations set forth by the Defense Civil Preparedness Agency (D.C.P.A.), U.S. Department of Defense (U.S.D.D.), prior to the placement of any mobile home upon a park space. All mobile homes within a new mobile home park shall be placed upon the pad or footings provided and piers which conform to the recommendations set forth by the D.C.P.A., U.S.D.D. All mobile homes in a new mobile home park must be provided with a system of tiedowns which conform to the recommendations of the D.C.P.A., U.S.D.D., within seventy-two (72) hours of the time of arrival of the mobile home in the mobile home park.

B. No mobile home park existing on the effective date of these regulations and operating under a temporary permit issued by the town shall be permitted to obtain a mobile home park license without fully conforming to all of the provisions for mobile home pads or footings, piers and tiedown systems as set forth above for new mobile home parks.

C. Whenever practical, mobile home pads or footings should be so oriented as to minimize the exterior area of mobile homes exposed to prevailing storm winds.

SECTION 12-434 RECREATION AND SERVICE AREA.

Each mobile home park shall provide a minimum of five percent (5%) of the gross land area within the park for permanent community recreation or service areas; provided, however, that in no case shall such area be less than one-half (1/2) acres. Permanent community recreation or service areas should be centrally located and upon a site suitable for both active and passive recreational activities. Improvements may include a service structure, however, in no case shall

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such a structure be used for commercial activities other than the operation of coin-operated machines and appliances to serve park residents.

SECTION 12-435 SCREENING.

All mobile home parks shall provide suitable screening, as determined by the planning commission of the town, and approved by the board of trustees, where abutting single-family residential areas. Suitable screening or buffer zones, in amounts and of a type deemed appropriate by the planning commission of the town and approved by the board of trustees, may be required where mobile home parks abut residential areas other than single family, commercial areas, and industrial areas.

SECTION 12-436 FIRE PROTECTION CAPABILITY.

A. The water distribution system of a mobile home park shall include the components necessary to provide fire protection equivalent to that which is required in other residential areas in the town.

B. In the absence of requirements concerning fire protection capacity in the town, the following requirements shall govern:

1. Fire hydrants shall exist or be installed in such a manner that each and every mobile home space and community building is located within five hundred (500) feet of a fire hydrant, measured along the shortest available route to be used by a fire truck laying hose; and

2. Each and every fire hydrant included as a part of the fire protection system of the mobile home park shall be capable of supporting two (2) one and one-half (1 1/2) inch hose streams delivering at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch with the hose nozzles located four (4) feet above the ground at any location within the mobile home park, and further provided that such fire protection system shall be capable of maintaining this minimum specified volume of water and minimum pressure for a continuous duration of not less than two (2) hours.

SECTION 12-437 WATER SUPPLY.

A. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available within one thousand (1,000) feet, connection shall be made thereto and its supply used exclusively. When a satisfactory public water system is not available, a private water supply system may be developed and used as approved by the State Health Department.

B. The water supply shall be capable of supplying a minimum of two hundred fifty (250) gallons per day per mobile home space and shall be designed and constructed in accordance with the following:

1. Every well or suction line of water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distances between wells and various sources of contamination shall be required:

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Contamination Sources

Well or Suction Line

Building sewer	50 ft.
Septic tank	50 ft.
Disposal field	100 ft.
Seepage pit	100 ft.
Dry well	50 ft.
Cesspool	150 ft.

2. No well-castings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground; and

3. The treatment of a private water supply shall be in accordance with the applicable laws and regulations as approved by the State Health Department.

C. All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

D. The water distribution system shall be designed and constructed in accordance with the following:

1. The water supply system of the mobile home park shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water;

2. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the State Health Department;

3. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage; and

4. The system shall be so designed and maintained to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.

E. Individual water-riser connections shall be designed and constructed in accordance with the following:

1. Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position;

2. Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe shall be at least three-quarter (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot;

3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe;

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4. A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home space; and
5. Underground stop and waste valves shall not be installed on any water service.

SECTION 12-438 SEWAGE DISPOSAL

A. An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the requirements of the State Health Department.

B. In the event that a public sewer system either is or becomes reasonably accessible as determined by the planning commission and the board of trustees the sanitary sewer system shall be connected to the public sewer system.

C. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two (2) feet per second when flowing full. All sewer lines shall be constructed of materials approved by the State Health Department, shall be adequately vented, and shall have water-tight joints.

D. Individual sewer connections shall be designed and constructed in accordance with the following:

1. Each mobile home stand will be provided with a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position;

2. The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings;

3. All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth; and

4. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

E. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the State Health Department prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the State Health Department.

SECTION 12-439 ELECTRICAL DISTRIBUTION SYSTEM.

A. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

B. Power distribution lines within a mobile home park shall be in conformance with

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the following:

1. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure; and

2. All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines.

C. Individual electrical connections for each mobile home space shall be in conformance with the following:

1. Each mobile home space shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes;

2. Outlet receptacles at each mobile home stand shall be located not more than twenty-five (25) feet from the overcurrent protective devices in the mobile home and a three-pole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1;

3. The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug; and

4. Where the calculated load of the mobile home is more than fifty (50) amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

D. All exposed noncurrent carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

SECTION 12-440 FUEL SUPPLY AND STORAGE

A. A natural gas system shall be in conformance with the following:

1. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems; and

2. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. A liquified petroleum gas (LPG) system shall be in conformance with the following:

1. Liquified petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems;

2. Systems shall be provided with safety devices to relieve excessive pressures and shall

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be arranged so that the discharge terminates at a safe location;

3. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition;

4. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes;

5. Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) not more than sixty (60) U.S. gallons gross capacity; and

6. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the health authority.

ARTICLE D

MOBILE HOME PARK OPERATION AND MAINTENANCE

SECTION 12-441 RESTRICTION ON OCCUPANCY.

A mobile home shall not be occupied for dwelling purpose unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities.

SECTION 12-442 RESPONSIBILITY OF THE PARK MANAGEMENT.

A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park management shall notify park occupants of all applicable provisions of these regulations and inform them of their duties and responsibilities under these regulations.

C. The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

D. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

E. The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

SECTION 12-443 RESPONSIBILITY OF PARK OCCUPANTS.

A. The park occupant shall comply with all applicable requirements of these regulations and shall maintain his mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the

instructions of the park management.

C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park.

SECTION 12-444 REFUSE HANDLING.

A. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, or fire hazards or air pollution.

B. All refuse shall be stored in flytight, water tight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

C. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

D. All refuse containing garbage shall be collected weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

E. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the health authority.

F. Refuse incinerators shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the State Health Department or other authority having jurisdiction.

G. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

SECTION 12-445 INSECT AND RODENT CONTROL.

A. Grounds, buildings and structures shall be maintain free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the State Health Department.

B. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

C. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one foot above the ground.

D. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

E. The growth of brush, weeds and grass shall be controlled to prevent harborage of

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ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SECTION 12-446 IDENTIFICATION OF MOBILE HOMES.

Each mobile home shall be identified while in a park space by some clear, legible and orderly external method of identification or numbering system.

SECTION 12-447 GROUND COVER.

All land areas which are not covered by an impervious surface shall be landscaped and maintained with appropriate vegetation.

SECTION 12-448 FIRE PROTECTION.

A. Mobile home parks shall be kept free of litter, rubbish and other flammable materials.

B. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

C. Cooking shelters, barbecue pits, fireplaces, woodburning stoves and incinerators shall be so located, constructed, maintained and used to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

SECTION 12-449 POSTING OF LICENSE OF PERMIT.

The license certificate or temporary permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

ARTICLE E

ADMINISTRATION

SECTION 12-451 ENFORCEMENT, COOPERATION.

A. These regulations shall be enforced by an inspection officer appointed or designated by the town. Such inspection officer may, by appropriate arrangement, be a member of the State Health Department.

B. The inspection officer of the town may cooperate with or otherwise obtain the assistance of the State Health Department for the purpose of enforcing these regulations provided, however, that these regulations shall not be construed as limiting the responsibilities and duties of the State Health Department in any manner.

SECTION 12-452 INSPECTION OF MOBILE HOME PARKS.

A. The inspection officer is hereby authorized and directed to make such inspections

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as are necessary to determine satisfactory compliance with these regulations.

B. The inspection officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of these regulations.

C. The inspection officer shall have the power to inspect the register containing a record of all residents of the mobile home park.

D. It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the inspection officer free access to such premises at reasonable times for the purpose of inspection.

E. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with these regulations, or with any lawful order issued pursuant to the provisions of these regulations.

SECTION 12-453 NOTICES, HEARINGS AND ORDERS.

A. Whenever an inspection determines violations of pertinent regulations exist, the inspection officer shall notify the licensee or permittee of such alleged violation. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Contain an outline of remedial action, which if taken, will effect compliance with provisions of these regulations and other pertinent regulations;
4. Allow a reasonable time, not to exceed ninety (90) days for the performance of any act it requires; and
5. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.

B. Whenever it is established that an emergency exists which requires immediate action to protect the public health, the inspection officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of these regulations, such order shall be effective immediately.

C. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of trustees shall be afforded a hearing at the next regular meeting.

SECTION 12-454 ALTERATIONS AND ADDITIONS.

A. All plumbing and electrical alterations or repairs in a mobile home park shall be made in accordance with the applicable regulations of the town.

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B. Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage or rodents, or create a fire hazard.

C. A permit issued by the inspection officer shall be required before any construction on a mobile home space or any structural addition or alteration to the exterior of a mobile home takes place. No construction or addition or alteration to the exterior of a mobile home located in a mobile home park shall be permitted unless it is of the same type of construction and materials as the mobile home affected. All such constructions, additions, or alterations shall be in compliance with applicable regulations of the town. No permit shall be required for the addition of steps, canopies, awnings, or antennas.

SECTION 12-455 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter or any legal rule or regulation made by the town board of trustees of the town, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act when an ordinance provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which any such violation continues, shall constitute a separate misdemeanor.

CHAPTER 5

FLOOD PLAIN REGULATIONS

(RESERVED)

June 2017
2019-03



FLOOD DAMAGE PREVENTION ORDINANCES

PART 12, CHAPTER 5: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION 1.1. STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Disney Town Council of *Disney*, Oklahoma, does hereby ordain that these Flood Damage Prevention Ordinances as set forth herein, including Sections 1.1 through 5.8, and any lawfully enacted amendments thereto, be hereby enacted.

SECTION 1.2. FINDINGS OF FACT

(1) The flood hazard areas of are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION 1.3. STATEMENT OF PURPOSE

It is the purpose of these Flood Damage Prevention Ordinances to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION 1.4. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, these Flood Damage Prevention Ordinances use the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

CHAPTER 2: DEFINITIONS

SECTION 2.1. DEFINITIONS

Unless specifically defined below, words or phrases used in these Flood Damage Prevention Ordinances shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ACCESSORY STRUCTURE - Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principal structure, but not limited to garages and storage sheds.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION- The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for zones A, AE, AH, A1-30 and AR that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding in any given year - also called the base flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE PREVENTION ORDINANCES - means Sections 1.1 through 5.8, and any lawfully enacted amendments or revisions thereto.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of

a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in floodplains.

CHAPTER 3: GENERAL PROVISIONS

SECTION 3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

These Flood Damage Prevention Ordinances shall apply to all areas of special flood hazard with the jurisdiction of Town of Disney.

SECTION 3.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Town of Disney dated March 13, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated March 13, 2019} are hereby adopted by reference and declared to be a part of these Flood Damage Prevention Ordinances.

SECTION 3.3. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION 3.4. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION 3.5. ABROGATION AND GREATER RESTRICTIONS

These Flood Damage Prevention Ordinances are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these ordinances and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 3.6. INTERPRETATION

In the interpretation and application of these Flood Damage Prevention Ordinances, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 3.7. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by these Flood Damage Prevention Ordinances is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These Flood Damage Prevention Ordinances do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These Flood Damage Prevention Ordinances shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

CHAPTER 4: ADMINISTRATION

SECTION 4.1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is hereby appointed to administer and implement the provisions of these Flood Damage Prevention Ordinances and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION 4.2. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit applications to determine whether to ensure that the proposed building site projects, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of these Flood Damage Prevention Ordinances.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Chapter 3, Section 3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Chapter 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that

the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

(11) Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601-1620, as amended.

(12) After a disaster or other type of damage occurrence to structures in the community of Disney, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement.

(13) Maintain a record of all actions involving an appeal from a decision of the Board of Trustees.

SECTION 4.3. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Chapter 5, Section 5.2(2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Chapter 4, Section 4.2(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION 4.4. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of these Flood Damage Prevention Ordinances.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or

determination made by the Floodplain Administrator in the enforcement or administration of these Flood Damage Prevention Ordinances.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these Flood Damage Prevention Ordinances.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 4.3(2) of this Chapter have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of these Flood Damage Prevention Ordinances, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these Flood Damage Prevention Ordinances (Chapter 1, Section 1.3).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would

result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Chapter 4, Section 4.4(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

CHAPTER 5: PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 5.1. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 5.2. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Chapter 3, Section 3.2, (ii) Chapter 4, Section 4.2(8), or (iii) Chapter 5, Section 5.3(3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Chapter 4, Section 4.3(1)(a) is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such bottom of the I-beam of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the

provisions of paragraph (4) of this section be elevated on a permanent foundation such that the bottom of the I-beam of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles – Require that recreational vehicles placed on sites within Zones A, A1-30, AH and AE on the Community name FIRM either:

- (a) Be on the site for fewer than 180 consecutive days, or
- (b) Be fully licensed and ready for highway use, or

(c) Meet the permit requirements of Chapter 4, Section 4.3, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(6) Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Disney, OK shall comply with the following:

- (a) The structure shall be used only for parking and limited storage;
- (b) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
- (c) The structure shall be unfinished on the interior.
- (d) Structures shall be small in size, not exceed 600 square feet in size.
- (e) Structures exceeding 600 square feet in size will be required to meet all applicable standards of Chapter 3 Section 3.3, Chapter 4, Section 4.4, Chapter 5, Sections 5.1 and 5.2, including relevant subsections.
- (f) Service facilities such as electrical and heating equipment must be elevated to or above the BFE plus one (1) foot Freeboard;
- (g) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (h) The structure shall be considered low in value, designed to have low flood damage potential and constructed with flood resistance materials;
- (i) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
- (j) Floodway requirements must be met in the construction of the structure;
- (k) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and be placed on opposing walls with the net

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area of not less than 1 square inch for every square foot of the size of the footprint of the structure (Flood Vents);

- (l) The Openings (Flood Vents) shall be located no higher than 1 foot above grade;
- (m) The openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 5.3. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Chapter 1, Sections 1.2, 1.3, and 1.4 of these Flood Damage Prevention Ordinances.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Chapter 3, Section 3.3; Chapter 4, Section 4.3; and the provisions of Chapter 5 of these Flood Damage Prevention Ordinances.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Chapter 3, Section 3.2 or Chapter 4, Section 4.2(8) of these Flood Damage Prevention Ordinances.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 5.4. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Chapter 3, Section 3.2, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where

velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

a) have the lowest floor (including basement) elevated at or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Chapter 4, Section 4.3 are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION 5.5. FLOODWAYS

Floodways - located within areas of special flood hazard established in Chapter 3, Section 3.2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Chapter, Section 5.5(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION 5.6. SEVERABILITY

If any section, clause, sentence, or phrase of these Flood Damage Prevention Ordinances are held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of these Flood Damage Prevention Ordinances.

SECTION 5.7. Community of Disney, OK Floodplain Management Fee Schedule

Disney, OK Board of Trustees establishes the following fee schedule not to exceed \$500.00 for any one service:

- a. Notice of Intent Fee- \$25.00 maximum
- b. Floodplain Development Permit Application Review-\$100.00
- c. Floodplain Development Permit Fee-\$25.00
- d. Inspection Fee-per inspection-\$50.00
- e. Variance Request Filing Fee-\$25.00

SECTION 5.8. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than one (1) year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Disney, OK Town Council

from taking such other lawful action as is necessary to prevent or remedy any violation.

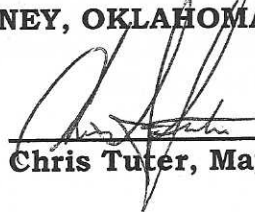
It is hereby found and declared by Disney, OK that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program, and in order to effectively remedy the situation described herein, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect and after its passage and approval.

SECTION 5.9. In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

SECTION 5.10. CERTIFICATION OF ADOPTION

ORDAINED THIS 8 DAY OF JULY, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

APPROVED:



Chris Tuter, Mayor

ORDINANCES BECOME EFFECTIVE: 7-18-2019
(effective date)

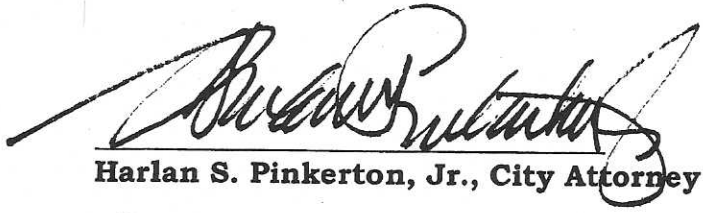
ATTEST:



Anna Marie Davidson, Town Clerk

APPROVED AS TO FORM:




Harlan S. Pinkerton, Jr., City Attorney

