

CITY OF GUTHRIE, OKLAHOMA

GUTHRIE ZONING CODE 1985

**CONTAINING ALL OF THE AMENDATORY ORDINANCES
TO ORDINANCE NUMBER 2422 OF THE CITY OF
GUTHRIE, OKLAHOMA, PASSED PRIOR TO MAY 7, 1985
AND STILL IN EFFECT ON THAT DATE**

COMPILED, REVISED, AND CODIFIED

By

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PREFACE

The zoning ordinance of the City of Guthrie, Oklahoma, was revised and updated in 1964 and adopted as Ordinance No. 2422. Since the adoption of Ordinance No. 2422, numerous modifications of the text have been accomplished by amendatory ordinances and Title 11 of the Oklahoma Statutes has been amended and codified. In addition, city officials expressed the need to update and modify additional elements of Ordinance No. 2422, as amended.

With the assistance of city officials, additional amendatory ordinances to Ordinance No. 2422, as amended, were drafted, studied, revised and adopted. This document entitled, "GUTHRIE ZONING CODE 1985" incorporates the various changes and modifications to Ordinance No. 2422 through May 7, 1985.

Robert L. Lehr

Norman, Oklahoma
May 7, 1985

ZONING CODE - CITY OF GUTHRIE

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ARTICLE I

CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE

SECTION 1

CITATION:

1.1 This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Article XLIII, Sections 43-101 through 43-109 and 44-101 through 44-110 both inclusive of the Oklahoma Statutes, shall be known as the “Zoning Ordinance of the City of Guthrie,” and may be cited as such.

SECTION 2

PURPOSE:

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

SECTION 3

NATURE AND APPLICATION:

3.1 This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of Guthrie, State of Oklahoma, as hereinafter set forth by dividing the town into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population, and the provision of off-street

parking. Provision for relief from unique and undue hardship due to the enforcement of this Ordinance is provided by a Board of Adjustment.

3.2 Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

ARTICLE II

DEFINITIONS

SECTION I

INTERPRETATION OF WORDS AND TERMS:

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

1. ACCESSORY BUILDING: A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is customarily incidental and appropriate and subordinate to that of the dominant use of the building or premises.

2. ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

2a. ADULT USES:

- a. Adult Bookstores: An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises *by* use Of motion picture devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- b. Adult Entertainment Cabaret: A public or private establishment which is licensed to serve food and/or alcoholic beverages or which is licensed as a private club, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.
- c. Adult Mini Motion Picture Theater: An enclosed building or open air theater with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- d. Adult Motion Picture Theater: An enclosed building or open air theater with a capacity of fifty (50) or more persons used regularly and routinely for presenting

motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

- e. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, including but not limited to topless or bottomless dancers, strippers, male or female impersonators or similar entertainment.

2b. ADULT USES, INTERPRETATIVE DEFINITIONS:

- a. Specified Anatomical Areas: Are less than completely and opaquely covered: human genitals, pubic region, pubic hair, buttock, or female breast below a point immediately above the top of the areola.
 - b. Specified Sexual Activities: Are any of the following conditions:
 - (1) Human genitals in a state of sexual stimulation or arousal.
 - (2) Acts or representations of acts of human masturbating sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.
 - (3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
 - (4) Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.
3. ADVERTISING SIGN OR STRUCTURE: Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including a statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this Ordinance.
4. AGRICULTURE: The use of land for agricultural purposes, including farming, dairy, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the

- produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs and agricultural marketing and processing establishments shall be deemed an industrial and not an agricultural use.
5. ALCOHOLIC BEVERAGES: "Alcoholic Beverage" means beverages controlled by the Oklahoma Alcoholic Beverage Control Board.
 6. ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
 7. APARTMENT HOUSE: See Dwelling, Multiple.
 8. AUTOMOBILE: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, busses, motor scooters and motor cycles.
 9. AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
 10. AUTOMOBILE REPAIR, MINOR: Incidental replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 ½) ton capacity.
 11. AUTOMOBILE SERVICE STATION OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, accessories and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.
 12. AUTOMOBILE WASH OR LAUNDRY: A structure designed primarily for washing automobiles using production line methods with a chain conveyor, blower, steam cleaner, high pressure spray or other mechanical device.
 13. AUTOMOBILE WRECKING OR SALVAGE YARD: An area where motor vehicles are disassembled, dismantled, junked or "wrecked," or where motor vehicles not in operable condition or used parts of motor vehicles are stored.
 14. BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

- 14 (A) **BED and BREAKFAST.** A commercial establishment with twelve (12) or less units for rent that provides a combination of overnight lodging, off-street parking and breakfast for a fee. Any such establishment that has more than twelve (12) units for rent to guests shall be considered to be either a motel or hotel.
15. **BOARDING HOUSE:** A dwelling other than a hotel where for compensation and by prior arrangement for definite periods, meals, or lodging and meals are provided for three (3) or more, but not exceeding twelve (12) persons on a weekly or monthly basis.
16. **BUILDING:** Any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
17. **COVERAGE:** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
18. **BUILDING HEIGHT:** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
19. **BUILDING, LINE:** A line established beyond which no part of a building shall project, except as otherwise provided by this Ordinance.
20. **BUILDING MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
21. **CHILD CARE:**
- (a) **Child Care Facility:** Any place, home or institution which receives three or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

(b) Day Care: The provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person for a part of a day.

(c) Family Day Care Home: A single family dwelling unit used as living quarters for one family in which said family or individual members of said family provide care and protection for compensation for a part of a 24-hour day for five (5) or less children under the age of sixteen (16) years. The total number of children placed in any one home shall be limited to five (5) including the family day care operators' own pre-school children under five (5) years of age living in the home who are related to said operator by blood, marriage, or adoption. The operation of such a Family Day Care Home shall be classified as a home occupation as defined herein.

(d) Child Care Center, Commercial: Any building licensed by the Department of Public Welfare of the State of Oklahoma in which the operator provides care and protection for compensation for six (6) or more children under the age of sixteen (16) years. The operation of such Day Care Center shall not be classified as a home occupation as defined herein. Provided, however, this definition shall not apply to public or private schools operated or licensed as such under the laws of the State of Oklahoma or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, meetings, classes, or other church activities.

1. Senior Citizen Day Care Center, Commercial: Any person provided a permit number of the Department of Human Services of the State of Oklahoma in which the operator provides care and protection for compensation for senior citizens between the hours of seven a.m. (7:00 a.m.) to nine p.m. (9:00 p.m.) daily. The operation of such day care center shall not be classified as a home occupation as defined herein. (Ord. 2850)

(e) Child Care Center, Institutional: Any place, home or institution which receives six (6) or more children under the age of sixteen (16) years for specialized care apart from their natural parents, legal guardians or custodians on an intermittent or continuous basis, including such establishments as a juvenile shelter, orphan's home, school for physically handicapped and drug addiction treatment center; provided, however, this definition shall not include 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, meetings, classes or other church activities.

22. DENSITY, GROSS RESIDENTIAL: The number of dwelling units per acre of the gross area of a residential development.

23. DENSITY, NET RESIDENTIAL: The number of dwelling units per acre of net residential site area excluding land dedicated to the public such as streets, alleys,

drainage channels and parks, and excluding land used for other purposes such as institutional and commercial uses.

24. DISTRICT: Any section or sections of the City of Guthrie for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.
25. DWELLING: Any building or portion thereof, which is designed or used as living quarters for one or more families but not including mobile homes. (See Mobile Home)
26. DWELLING, ATTACHED: A dwelling having any portion of a wall or walls in common with an adjoining dwelling or dwellings.
27. DWELLING, DETACHED: A dwelling having open space on all sides.
28. DWELLING, SINGLE-FAMILY: A detached dwelling designed to be occupied by one family.
29. DWELLING TWO-FAMILY: A detached dwelling designed to be occupied by two families living independently of each other.
30. DWELLING, MULTIPLE: A detached dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.
31. DWELLING, ROW HOUSE OR TOWN HOUSE: Three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied by one family.
32. FAMILY: One or more persons related by blood, marriage, or adoption, or a group of not to exceed five persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.
33. FLOOD: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
34. FLOOD OR RAIN, 100-YEAR: A flood or rainfall having an average statistical frequency of occurrence in the order of once in 100 years, although the flood or rainfall may actually occur in any year.
35. FLOOD HAZARD DISTRICT OR AREA: All of the land within the jurisdiction which is subject to inundation by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any one year. The "Flood Hazard District" includes both the floodway and the flood fringe.

36. FLOOD FRINGE: That portion of the “Flood Hazard District” located outside the “Floodway.”
37. FLOODWAY: The stream channel and adjacent area that provides for the downstream movement of the 100-year flood at a rate of 1/10 foot per second or greater.
38. FLOOD FRINGE DISPLACEMENT - ALTERNATIVE IMPROVEMENTS: The Channel improvements in the floodway which are required to prevent increased flooding resulting from the reduced floodwater storage capacity in the flood fringe area due to filling or other flood proofing or development of the flood fringe area.
39. FLOOR AREA: The sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.
40. FLOOR AREA RATIO: A mathematical expression determined by dividing the floor area of a building by the area of the lot on which it is located, as
- $$\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$$
41. GARAGE APARTMENT: A dwelling unit for one family erected above a private garage.
42. GARAGE, PARKING: Any building, or portion thereof, used for the storage of four 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.
43. GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory.
44. GARAGE, REPAIR: See Automobile Repair.
45. GASOLINE SERVICE OR FILLING STATION: See Automobile Service Station or Filling Station.
46. GRANDFATHER CLAUSE: That part or parts of the zoning ordinance that provides for the continuation, and the conditions thereof, of a nonconforming use or condition that either existed within the corporate limits at the time of adoption of the zoning ordinance (February 4, 1964), or at the time of annexation to the City, or was created either by a redistricting ordinance or by an ordinance amending the text of the zoning ordinance or by other lawful action. (See Nonconforming Use.)

47. GRANDFATHERING (to grandfather): The act of or the action, procedure, or clause providing for the continuation, either unconditionally or conditionally, of a previously lawful or allowable use or condition that is disallowed subsequent to the adoption of an ordinance. (See Grandfather Clause and Nonconforming use.)
48. HOME ASSOCIATION: An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot and/or home owner in a planned unit or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.
49. HOME OCCUPATION: Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes. A beauty or barber shop, tea room or restaurant, rest home or clinic, doctor's or dentist's office, child care center, tourist home, or cabinet, metal or auto repair shop shall not be deemed a home occupation.
50. HOTEL: A building or group of buildings under one ownership containing six 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 court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.
51. INSTITUTIONAL USES: 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 nonprofit basis.
52. KENNEL: Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.
- 52(A) KENNEL, BOARDING. An establishment that specializes in boarding pets for a fee.
- 52(B) KENNEL, ACCESSORY BOARDING. A use accessory to and on the same site of a hotel, motel, bed and breakfast or similar lodging establishment that provides for the accommodation of pets of guests of the lodging establishment.

53. LOT: Any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this Ordinance and other laws or ordinances, and having its principal frontage on a street.
54. LOT, CORNER: A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).
55. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.
56. LOT, DOUBLE FRONTAGE : A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
57. LOT, INTERIOR: A lot other than a corner lot.
58. LOT, AREA: The total area measured on a horizontal plane, included within lot lines.
59. LOT, FRONTAGE: That dimension of a lot or Portion of a lot abutting on a street, excluding the side dimension of a corner lot.
60. LOT LINES: The lines bounding a lot.
61. MEDICAL FACILITIES:
- (a) Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
 - (b) Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions.
 - (c) Offices for Dentists, Doctors, Oculists, Optometrists, Osteopaths and Chiropractors: Same as dental or medical Clinic.
 - (d) Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
 - (e) Public Health Center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

- (f) Sanatorium: An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.
62. MOBILE HOME, TYPE I: A transportable structure intended for permanent occupancy as a residential unit, larger than four hundred (400) square feet, fabricated in a factory in compliance with the Federal mobile home construction and safety standards adopted June 15, 1976, as amended, and which is in compliance with all of the following requirements, each constructed in accordance with the Code of the City of Guthrie and the manufacturer's standards and specifications:
- (a) placed on a support system,
 - (b) completely enclosed around the base of the unit with foundation or siding or skirting,
 - (c) anchored to the ground,
 - (d) with all utilities connected,
 - (e) with driveway and off street parking, and
 - (f) have wheels, axles, hitch and any other such mechanisms removed
63. MOBILE HOME, TYPE II: A transportable structure intended for permanent occupancy as a residential unit, larger than three hundred and twenty (320) square feet, fabricated in a factory prior to or not in accordance with Federal mobile home construction and safety standards adopted June 15, 1976, as amended, and which is in compliance with all of the following requirements each constructed in accordance with the Code of the City of Guthrie:
- (a) placed on a Support system,
 - (b) completely enclosed around the base of the unit with foundation or siding or skirting,
 - (c) anchored to the ground,
 - (d) with all utilities connected, and
 - (e) with driveway and off street parking.
64. MOBILE/MANUFACTURED HOME: A transportable structure intended for human occupancy as a residential unit, and six hundred fifty (650) square feet, fabricated in a factory in compliance with either the building and construction codes of the City of Guthrie or the Federal mobile/manufactured home construction and safety standards

adopted June 15, 1976, as amended, and which is in compliance with all of the following requirements each constructed in accordance with the Code of the City of Guthrie and the manufacturer's standards and specifications:

- (a) Placed on a permanent and complete foundation,
- (b) anchored to the ground,
- (c) have wheels, axles, hitch and any other such mechanisms removed,
- (d) have siding and roofing material of a type, quality and appearance customarily used on site-constructed homes,
- (e) have a minimum on-site assembled home width of twenty (20) feet, as measured across the narrowest portion (this is not intended to prohibit offsetting portions of the home),
- (f) have a minimum pitch of the main roof of two and one-half (2 ½) feet rise for each twelve (12) feet of horizontal run and a minimum roof overhang of six (6) inches per side,
- (g) have all utilities connected,
- (h) located on a site served by public streets and utilities, and
- (i) with driveway and offstreet parking.

65. MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for placement of two (2) or more mobile homes to be occupied as residences with the ownership of the site different from the ownership of the mobile home.

66. MOBILE/MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended for residential use where residence is primarily in mobile/manufactured dwelling units with ownership of the dwelling unit and the lot by the same person(s).

67. NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the District in which it is situated.

67(A) PET GROOMING A commercial enterprise that, for a fee, has as a primary function the grooming of pets including bathing, clipping and other similar services to enhance the well being and appearance of pets.

68. PLANNED UNIT DEVELOPMENT: An authorized form of predominately residential development incorporating some relief from the specification standards of traditional zoning by means of a negotiation process with a justification based on the provision of equivalent or superior environmental amenities at an equivalent or reduced cost to the consumer and the public. Such development is characterized by a unified, innovative design that incorporates one or more of the following: clustering buildings, common open space, a mix of building types and land use, a homes association for the maintenance of common property and private streets.

69. PLANNED UNIT DEVELOPMENT SKETCH PLAN: A plan consisting of one (1) or more maps and overlays drawn at a scale of not less than fifty (50) feet equals one (1) inch which shows the topographic characteristics of the site with a contour interval of not less than one (1) foot; the location of uses and the type, number and location of each residential category; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts, and other significant features; the use of each building and area; the height of buildings; adjacent streets, alleys, utility, drainage and other easements; and the relationship of the development to adjacent areas which it may affect.
70. PLANNED UNIT DEVELOPMENT SUBDIVISION PLAT: A final plat in a form suitable for filing of record prepared in accordance with the Subdivision Regulations of the City of Guthrie and the laws of the State of Oklahoma, and including on the face of the plat a clear and accurate delineation of flood hazard area, building sites, common open space, private roads, approved land use, the number of dwelling units per building site, appropriate reference and documentation of any home owners association, a set of restrictive covenants, specific and detailed in their content, that clearly sets forth the type, location, maximum square footage and number of each and every use approved by the City and provision for enforcement of restrictive covenants by the City of Guthrie, here the approved plan is violated.
71. PRIVATE CLUB: Any association, person, firm, or corporation, key club, bottle club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home.
72. RECREATION VEHICLE: All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use, including tent trailers, travel trailers and motor driven vehicles.
73. RECREATION VEHICLE PARK: Any plot of ground on which two or more recreation vehicles, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
74. RESTAURANT, CONVENTIONAL: Any establishment where food, frozen dessert and/or beverage is sold to the consumer and where through design and function such food, frozen dessert and/or beverage is consumed by the customer while seated at a table or counter within a structurally delineated space of the establishment.
75. RESTAURANT, DRIVE-IN: Any establishment where food, frozen dessert and/or beverage is sold to the consumer either by means of counter service, Superb service or self service and where through design and function of the establishment such food,

frozen dessert and/or beverage may be consumed in a motor vehicle parked upon the premises of the establishment.

a. Rest Home/Personal Care Home, Intermediate Care Facility Skilled Nursing Home and Specialized Home as defined by the State Health Department of the State of Oklahoma are for the purpose of this ordinance, considered multi-family dwelling. (Ord. 2855)

76. ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty persons shall be defined as a hotel under the terms of the ordinance.
77. SEALED SURFACE PAVEMENT: A surface of Portland cement or asphaltic concrete, paving brick or stone including double bituminous pavement, constructed in accordance with the standards and specifications of the City of Guthrie.
78. SELF-SERVICE LAUNDRY OR DRY CLEANING ESTABLISHMENT: Any attended or unattended place, building or portion thereof available to the general public or for the purpose of washing, drying, extracting moisture from, or, dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.
79. STABLE, PUBLIC: A stable, other than a private stable, with a capacity for more than two (2) horses or mules.
80. STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
81. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.
82. STREET: Any public or private thoroughfare that affords the principal means of access to abutting property.
83. STREET, INTERSECTING: Any street, which joins another street at an angle, whether or not it crosses the other.
84. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

85. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the roof or in the exterior walls.
86. TOURIST COURT: An area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients.
87. TOURIST HOME: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.
88. TRAILER, HAULING: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities including boats.
- 88(A) VETERINARY CLINIC, GENERAL. An establishment of a licensed practitioner(s) primarily engaged in the practice of veterinary medicine, dentistry or surgery for agricultural livestock, pets and other animals within a complex that may include enclosed and unenclosed structures, loading and unloading docks, livestock pens, staging area, off-street parking space and accessory uses customarily associated with such practice.
- 88(B) VETERINARY CLINIC, SMALL ANIMAL; ALL WITHIN ENCLOSED STRUCTURE. An establishment of a licensed practitioner(s) primarily engaged in the practice of veterinary medicine, dentistry, or surgery for pets such as dogs and cats and for other small animals all within an enclosed structure and including adequate site space for off-street parking and traffic circulation.
89. YARD: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
90. YARD, FRONT: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
91. YARD, REAR: A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

- 92. YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.
- 93. BAR, SALOON, TAVERN: An establishment or room, typically with a counter, where alcoholic drinks are served to customers for consumption on the premises.
- 94. BEER GARDEN: Any enclosed or defined outdoor space where beer and other beverages are purchased and consumed by customers of the establishment.
- 95. DANCE HALL: A place or a part of a structure that is used on a regular or intermittent basis for dancing and which may or may not have a charge for admission.
- 96. LODGE, LODGE HALL: The place where members of a local chapter of an association hold their meetings and social events.
- 97. NIGHT CLUB: A place of entertainment having a floorshow that is open at night for eating and drinking.

Amendments to Ordinance No. 2422, Article 2, Section 1, Definitions (Added).

- 14. (a) Bed and Breakfast: A commercial establishment with twelve or less units for rent that provides a combination of overnight lodging, off-street parking and breakfast for a fee. Any such establishment that has more than twelve (12) units for rent to guests shall be considered to be either a motel or hotel. Ordinance 2811
- 52. (a) Kennel, boarding: An establishment that specializes in boarding pets for a fee. Ordinance 2811
- 52. (b) Kennel, accessory boarding: A use accessory to and on the same site of a hotel, motel, bed and breakfast or similar lodging establishment that provides for the accommodation of pets of guests of the lodging establishment. Ordinance 2811
- 67. (a) Pet grooming: A commercial enterprise that, for a fee, has a primary function of groom pets including bathing, clipping and other similar service to enhance the well being and appearance of pets. Ordinance 2811
- 88. (a) Veterinary clinic, general: An establishment of a licensed practitioner(s) primarily engaged in the practice of veterinary medicine, dentistry or surgery for agricultural livestock, pets and other animals within a complex that may include enclosed and unenclosed structures, loading and unloading docks, livestock pens, staging area, off-street parking space and accessory uses customarily associated with such practice. Ordinance 2811

88. (b) Veterinary clinic, small animals; all within enclosed structure: An establishment of a licensed practitioner(s) primarily engaged in the practice of veterinary medicine, dentistry, or surgery for pets such as dogs and cats and for other small animals all within an enclosed structure and including adequate site space for off-street parking and traffic circulation. Ordinance 2811
21. (d)(1): Senior Citizen Day Care Center, Commercial: Any person provided a permit number by the Department of Human Services of the State of Oklahoma in which the operator provides care and protection for compensation for senior citizens between the hours of seven a.m. (7:00 a.m.) to nine p.m. (9:00 p.m.) daily. The operation of such day care center shall not be classified as a home occupation as defined herein. Ordinance 2850
75. (a) Rest Home/Personal Care Home, Intermediate Care Facility, Skilled Nursing Home, and Specialized Home as defined by the State Health Department of the State of Oklahoma are for the purpose of this ordinance, considered multi-family dwellings. Ordinance 2855

ARTICLE III
ESTABLISHMENT OF DISTRICTS

SECTION 1

NUMBER OF DISTRICTS

1.1 For the purpose of this Ordinance, the following districts are hereby established for the City of Guthrie.

Agricultural Districts:

- A-1 General Agriculture District
- A-2 Suburban District

Residential Districts:

- R-1 One-Family District
- R-2 General Residential District
- R-4 Mobile Home Park District
- R-5 Planned Urban Development District
- R-6 Manufactured Housing District

Commercial Districts:

- C-1 Neighborhood Shopping District
- CBD Central Business District
- C-2 General Commercial District
- C-3 Highway Commercial District

Industrial Districts:

- I-1 Restricted Manufacturing and Wholesale
- I-2 General Industry

Other:

- F Flood Plain District

1.2 The City of Guthrie is hereby divided into districts as shown on the zoning map, filed with the City Clerk. The zoning map, and all of the explanatory material thereon, is hereby made a part of this Ordinance.

ARTICLE IV

SPECIFIC DISTRICT REGULATIONS

SECTION I

A-1 GENERAL AGRICULTURAL DISTRICT

1.1 GENERAL DESCRIPTION:

This district is intended to provide an area primarily for agricultural uses or the extraction of the various products such as oil, minerals, rock and gravel from the earth. The rural nature and low density of population in this district requires only that the buildings and extraction facilities related to the uses of this district have a reasonable setback from streets and highways. It is the purpose of this district to protect such uses from unplanned urbanization so long as the land therein is devoted primarily to agriculture or extraction of minerals.

1.2 USES PERMITTED:

See the table in Section 2.6 of this Article.

1.3 USES PERMITTED ON REVIEW:

See the table in Section 2.6 of this Article.

1.4 AREA REGULATIONS:

See the tables in Sections 2.7 and 2.8 of this Article.

SECTION 2

A-2 SUBURBAN DISTRICT

2.1 GENERAL DESCRIPTION:

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

2.2 USES PERMITTED:

See the table in Section 2.6 of this Article.

2.3 USES PERMITTED ON REVIEW:

See the table in Section 2.6 of this Article.

2.4 AREA REGULATIONS:

See the tables in Sections 2.7 and 2.8 of this Article.

2.5 HEIGHT REGULATIONS:

See the table in Section 2.8 of this Article.

2.6 USES PERMITTED:

The uses provided for in the A-1 General Agricultural and the A-2 Suburban Districts are set forth in the table below. Where the letter "P" appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters "SP" appear on the line of a use and in the column of a district, the listed use may be permitted by the Guthrie Municipal Planning Commission as provided in Ordinance 3107 providing that the Board of Adjustment be eliminated as governmental body reviewing Special Uses. In both cases all uses shall be in compliance with all applicable provisions of this Zoning Ordinance and the Code of the City of Guthrie.

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	A-1 General Agricultural	A-2 Suburban
Use		
RESIDENTIAL		
Dwelling, Single Family	P	P
Dwelling, Two Family	P	SP
Mobile Home, Type I	SP	SP
Mobile Home, Type II (e)	-	-
Mobile-Manufactured Home	SP	SP
AGRICULTURAL		
Commercial feed pen for livestock	SP	-
Field Crops (011) (a)	P	P
Fruits, tree nuts and vegetables (016) (017)	P	P
General Farms (019)	P	P
Kennel	P	P
Livestock (b) (021) (025) (027) (029)	P	P
Miscellaneous agriculture (019)	P	-
Plant nursery or greenhouse	P	P
Sale Barn	SP	-
Veterinary clinics and hospitals		
Large Animal	SP	-
Small Animal, outside	-	-
Small Animal, all inside	SP	-
MINING		
Mining, quarrying (144)	P	-
Oil and gas production and drilling (131) and (132)	P	P
INSTITUTIONAL, NONPROFIT		
Cemetery, public or private	SP	SP
Church, mission, temporary revival tent or arbor	P	P
Golf course or country club	SP	SP
Library	P	P
Municipal use, public building	P	P
Park, playground, public recreation area	P	P
Public school or equivalent private school	P	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	A-1 General Agricultural	A-2 Suburban
Use		
UTILITIES, COMMUNICATION AND TRANSPORTATION, LOCAL AND RAIL		
Alley easements	P	P
Railroad easements	P	P
Road easements	P	P
Lift, booster or pressure station	P	P
Local service lines		
Water	P	P
Sewer	P	P
Telephone	P	P
Gas	P	P
Electricity	P	P
Cablevision	P	P
Public utility buildings and facilities	P	P
Major service lines		
Water	P	P
Sewer	P	P
Electricity	P	P
Gas	P	P
MISCELLANEOUS		
Accessory building(s) or use(s)	P	P
Advertising sign	P	P
Airport or landing field	SP	SP
Child day care	P	P
Family day care home	P	P
Full service funeral home	-	SP
Child care center, commercial	P	P
Child care center, institutional	SP	SP
Drainage easement	P	P
Drainage structure	P	P
Driving range	SP	SP
Flood control facility	P	P
Home beauty shop (c)	SP	SP

LEGEND P - Permitted as a matter of right SP - May be permitted by the Planning Commission CATEGORY Use	A-1 General Agricultural	
	A-2 Suburban	
MISCELLANEOUS (Continued)		
Parking lot for permitted use	P	P
Parking lot associated with a commercial use	-	-
Private outdoor recreation	SP	SP
Private marina or boat docks	SP	SP
Public stable or riding academy	SP	SP
Temporary roadside stand for sale of farm products grown on premises (d)	P	P
Temporary sign forty (40) square feet or less in area relating to real estate transaction of premises	P	P

NOTES TO TABLE:

- a. A three-digit number enclosed in parentheses following a listed use indicates that a detailed list of individual uses included in this use group is provided in the Standard Industrial Classification Manual, 1972 Edition of the Federal Office of Statistical Standards.
- b. On tracts of less than ten (10) acres in areas, the raising of hogs shall be prohibited; on all other tracts the number of hogs weighing more than twenty-five (25) pounds shall not exceed twenty (20) grain fed or three (3) garbage fed hogs; hogs shall not be located closer than two hundred (200) feet to the property line of the tract on which they are located.
- c. A home beauty shop shall be located within the main dwelling, operated by the inhabitants of the dwelling and shall be restricted to one (1) operator. The use shall be incidental in nature and shall not change the character of the main dwelling. One (1) nonilluminated nameplate not exceeding two (2) square feet in area and attached to the main dwelling shall be permitted.
- d. Roadside stands shall be subject to regulations concerning setback and location to reduce traffic hazards as determined by the City Engineer.
- e. Shall be in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended and shall have a minimum square footage of floor space equal to or in excess of eighty Percent (80%) of existing homes within a three hundred (300) foot radius of a mobile home location and shall have piers and footings, tiedowns and perimeter enclosure as specified in Article 7A of Chapter 4 of the Code of the City of Guthrie.

2.8 INTENSITY OF USE, LOT WIDTH, COVERAGE AND HEIGHT REGULATIONS

Uses and lots in the A-1 Agricultural and the A-2 Suburban Districts shall comply with the following requirements:

Item	A-1 Agricultural	A-2 Suburban
AREA, MINIMUM Dwelling, Single-Family Dwelling, Two-Family Mobile Home, Type I Mobile Home, Type II Mobile/Manufactured Home All other uses	22,500 sq. ft. 40,000 sq. ft. 22,500 sq. ft. 22,500 sq. ft. 22,500 sq. ft.	22,500 sq. ft. 40,000 sq. ft. 22,500 sq. ft. 22,500 sq. ft. 22,500 sq. ft. Adequate to provide yards and parking (b)
LOT WIDTH, MINIMUM Street R.O.W. Line Front Building Line	50 Feet 75 Feet	50 Feet 75 Feet
COVERAGE, MAXIMUM Interior Lot Total Lot Rear Yard (a) Corner Lot Total Lot Rear Yard (a)		25 percent 20 percent 30 percent 20 percent
HEIGHT, MAXIMUM (c) Stories Feet		2 ½ 35 feet

NOTES TO TABLE:

- a. Accessory buildings may cover up to a maximum of twenty (20) percent of a required rear yard, but in no case shall the coverage of the total lot exceed the amount specified.
- b. See Article 5, Section 10 for off-street parking requirements.
- c. See Article 5, Section 3 for exceptions to these height limitations.

SECTION 3

R-1 SINGLE-FAMILY DWELLING DISTRICT

3.1 GENERAL DESCRIPTION:

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

3.2 USES PERMITTED:

See the table in Section 7.5 of this Article

3.3 USES PERMITTED ON REVIEW:

See the table in Section 7.5 of this Article.

3.4 AREA REGULATIONS:

See the tables in Sections 7.6 and 7.7 of this Article.

3.5 HEIGHT REGULATIONS:

See the table in Section 7.7 of this Article.

SECTION 4

R-2 GENERAL RESIDENTIAL DISTRICT

4.1 GENERAL DESCRIPTION:

This is a residential district to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses, are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the District.

4.2 USES PERMITTED:

See the table in Section 7.5 of this Article.

4.3 USES PERMITTED ON REVIEW:

See the table in Section 7.5 of this Article.

4.4 AREA REGULATIONS:

See the tables in Sections 7.6 and 7.7 of this Article.

4.5 HEIGHT REGULATIONS:

See the table in Section 7.7 of this Article.

SECTION 5

R-4 MOBILE HOME PARK DISTRICT

5.1 GENERAL DESCRIPTION:

This residential district is designed to specifically provide for mobile home park development in accordance with the Guthrie Municipal Code. Primary uses include single, two, and multi-family dwelling units and mobile home parks and subdivisions with lots, parcels, or plots of land containing two or more mobile home units. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the District.

5.2 USES PERMITTED:

See the table in Section 7.5 of this Article.

5.3 USES PERMITTED ON REVIEW:

See the table in Section 7.5 of this Article.

5.4 AREA REGULATIONS:

See the tables in Sections 7.6 and 7.7 of this Article.

5.5 HEIGHT REGULATIONS:

See the table in Section 7.7 of this Article.

SECTION 6

R-5 PLANNED UNIT DEVELOPMENT DISTRICT "PUD"

6.1 GENERAL DESCRIPTION/APPLICATION:

In order to encourage developments with desirable living environments brought about through unified development and to provide for the application of design ingenuity in such developments and achieving the goals of the Comprehensive Plan, the "PUD" Planned Unit Development District designation is hereby established.

To enable the district to operate in harmony with the plan for land use and population density embodied in these zoning regulations, the "PUD" Planned Unit Development District is created as a special district to be classified as "PUD" with boundaries on the Zoning Map. The housing type, minimum lot requirements, maximum height, minimum yard requirements, and accessory uses shall prevail over conflicting requirements of this Zoning Ordinance.

6.2 MINIMUM DISTRICT AREA:

The area shall be large enough to permit the development of a complete community or neighborhood having a range of dwelling types; necessary local shopping facilities, and off-street parking compounds; parks, playgrounds, or reservation of area therefore; and reservation for education facilities, wherever these are deemed necessary, and for business and industry to provide local employment opportunities, if appropriately located and in harmony with the Comprehensive Plan.

The area shall be adaptable to complete community development, being bounded by major thoroughfares, streets, railroads, or other external barriers and, as far as possible, shall have within or through it no major thoroughfare or other physical feature which will tend to destroy the neighborhood or community cohesiveness.

The area proposed for development shall be of sufficient size to provide living space for a minimum of approximately 100 families at the permissible gross density when fully developed. (See Section 6.4D.)

6.3 USES PERMITTED:

See the tables in Sections 7.5 and 10.5 of this Article.

6.4 AREA REGULATIONS:

See the tables in Sections 7.6 and 7.7 of this Article.

- A. Every structure containing dwelling units shall have access to a public street directly or via a court, walkway or other area dedicated to public use or owned and maintained by a homeowners association, but need not front on a public street.
- B. No minimum lot size or setbacks shall be required for residential structures of the district, except residential structures of the district they abut.
- C. No minimum lot size setbacks shall be required for commercial or nonresidential uses within this district, except such uses on the perimeter of this district shall meet the requirements of the C-1 Neighborhood Commercial District.
- D. Large-scale developments shall be subject to the following requirements:
 - 1. The over-all density shall not exceed eight (8) dwelling units per gross acre.
 - 2. For the purposes of this section, the gross area shall include all land within the area intended for use for residence, residential parking space, reservation for community recreational and educational facilities, interior streets and to the center line of bounding street but not more than fifty (50) feet from the property lines abutting such street.
 - 3. Areas used or reserved for large regional parks or parkways, land subject to recurring flood, swamp or marshland and nonresidential uses shall be excluded in computing the gross area.

6.5 ZONING PROCEDURE:

Sketch Plan

- A. A sketch plan of the site shall be submitted to the Planning Commission for review of the area and proposed uses relative to the compatibility of a Planned Unit Development project with existing development in the surrounding area and the Comprehensive Plan.
- B. Upon review of sketch plan and with knowledge of conditions in the general area, the Planning Commission shall make recommendations to the applicant aimed at improving the desirability of this type of development.
- C. The sketch plan shall include the following:
 - 1. Boundaries of the property involved.

2. Existing zoning of the area and the zoning of adjoining properties.
3. Existing roadways, easements and waterways.
4. Information revealing the availability of all utilities.
5. General plan of development.

6.6 APPLICATION/PRELIMINARY PLAN:

- A. After the sketch plan has been reviewed by the Planning Commission, the applicant shall submit an application for a Planned Unit Development to the Planning Commission. The application shall be processed following the procedure for rezoning. In addition, the supporting documents required for rezoning and a pre-site plan shall accompany the application.
- B. The Preliminary plan shall include the following:
 1. Proposed title of the project and the name of the engineers, architect, developer, landscape architect or company responsible for the plan.
 2. North point, scale and date.
 3. Boundaries of the property involved in all existing easements, section lines and property lines, existing streets, existing buildings, water courses, waterways or lakes and other existing physical features in and adjoining the project.
 4. Location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in and adjacent to the project.
 5. General area location of different uses, dwellings by types, recreational, commercial uses, street layout, open space, and other nonresidential uses proposed within the boundary of the "PUD".
 6. Tabulation of the total number of gross acres in the project, and the percentages thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, streets, parks, schools and other reservations.
 7. Tabulation of the total number of dwelling units of various types in the project and the overall projected density in dwelling units per gross acre left after subtracting gross acreage used for purposes designated in Section 4A.4D.(3).
 8. Topography of the project area with contour intervals.

- C. After a public hearing conducted by the Planning Commission for rezoning, the granting of a Planned Unit Development District may be recommended for approval to the City Council. If the City Council adopts the change of zoning classification by Ordinance and the Planning Commission adopts the Preliminary Plan, it becomes the Final Plan and the development may proceed in phases as outlined in the following sections.

6.7 FINAL PLAN:

- A. The Final Plan, after adoption by the Commission, shall be deemed an Official Plan. The Official Plan shall be signed by the Commission's Chairman and Secretary and by the property owner.
- B. The Commission shall file with the City Council or County Commissioners a certified copy of the Official Plan for each approved Planned Unit District after which the Plan may be developed by stages. A copy of the Official Plan shall be filed in County Clerk's Office. The information and exhibits listed in Section 6.6 shall be shown on the Plan or shall accompany and be a part of the Plan.
- C. A homeowners association shall be required, if other arrangements satisfactory to the planning commission have not been made, for improving, operating and maintaining common facilities including streets, drives, service and parking and recreational areas.

The proposed development shall follow all applicable procedures, and state laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development or part thereof is approved and recorded.

6.8 REVIEW STANDARDS:

The Planning Commission shall investigate and ascertain that the plans for a Planned Unit Development meet the following conditions.

- A. That the proposed project constitutes an environment of potential sustained desirability and stability.
- B. That the project is in conformity with the requirements of the Planned Unit Development District and is consistent with the intent and purposes of this section.
- C. That the property adjacent to the proposed development will not be adversely affected.

- D. That every structure containing dwelling units shall have access to a public street directly or via a court, walkway or other area dedicated to public use or owned and maintained by a homeowners association or the developer.

6.9 AMENDMENTS AND ADDITIONS:

Amendments or additions to an approved plan or to the boundaries of a "PUD" District shall be accomplished subject to the same regulations and procedures as those which apply to a new application.

SECTION 7

R-6 MANUFACTURED HOUSING DISTRICT

1.1. GENERAL DESCRIPTION:

This district is intended to provide an area primarily for mobile/manufactured homes located on a typical urban lot. The principal use of land is for detached mobile/manufactured homes each occupied by a single family. Related recreational, religious and educational facilities normally required to provide an orderly and desirable residential area are included as appropriate uses. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to a residential environment. Stability of property value, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for residential units and related facilities and through consideration of the proper functional relationship of the different uses.

7.2 USES PERMITTED:

See the table in Section 7.6 of this Article.

7.3 USES PERMITTED ON REVIEW:

See the table in Section 7.6 of this Article.

7.4 AREA REGULATIONS:

See the tables in Sections 7.7 and 7.8 of this Article.

7.5 HEIGHT REGULATIONS:

See the table in Section 7.8 of this Article.

7.6 USES PERMITTED:

The uses provided for in the R-1 Single Family Dwelling, the R-2 General Residential, the R-4 Mobile Home Park, the R-5 Planned Unit Development and the R-6 Manufactured Housing

Districts are set forth in the table below. Where the letter “P” appears on the line of a use and in the column of a District, the listed use is permitted as a matter of right. Where the letters “SP” appear on the line of a use and in the column of a District, the listed use may be permitted by the Planning Commission as provided in Ordinance 3107 providing that the Board of Adjustment be eliminated as governmental body reviewing Special Uses. In both cases, all uses shall be in compliance with all applicable provisions of this Zoning Ordinance and the Code of the City of Guthrie.

LEGEND						
P - Permitted as a matter of right						
SP - May be permitted by the Planning Commission						
CATEGORY	Use	<i>R-1 One Family</i>	<i>R-2 General Residential</i>	<i>R-4 Mobile Home Park</i>	<i>R-5 Planned Urban Development</i>	<i>R-6 Manufactured Housing</i>
RESIDENTIAL						
	Dwelling, Single Family	P	P	P	P	P
	Dwelling, Garage Apartment		P	SP		
	Dwelling, Two-Family		P	SP	P	
	Dwelling, Multiple		P	SP	P	
	Dwelling, Row House or Town House		P	SP	P	
	Mobile Home, Type I			P		P
	Mobile Home, Type II	SP	SP	P		
	Mobile/Manufactured Home	SP	SP			P
	Boarding House		P	SP		
	Rooming House		P	SP		
	Mobile Home Park			P		
	Mobile/Manufactured Home Subdivision			P		P
	Planned Unit Development				P	
	Housing Specifically Designed for the Elderly		P	SP		
INSTITUTIONAL, NONPROFIT						
	Church, Mission, Temporary Revival Tent or Arbor	P	P	P	P	P
	Country Club	SP	SP	SP	P	P
	Golf Course	SP	SP	SP	P	P
	Library	P	P	SP		P
	Lodges		SP	SP		

LEGEND P - Permitted as a matter of right SP - May be permitted by the Planning Commission CATEGORY Use					
	<i>R-1 One Family</i>	<i>R-2 General Residential</i>	<i>R-4 Mobile Home Park</i>	<i>R-5 Planned Home Park Development</i>	<i>R-6 Manufactured Housing</i>
INSTITUTIONAL, NONPROFIT (Continued)					
Municipal Use	SP	SP	SP		SP
Park, Playground, Public Recreation Area	P	P	P		P
Private Clubs				SP	
Public Building	SP	SP	SP		SP
Public School or Equivalent, Private School	P	P	SP	P	P
Sororities and Fraternities		SP	SP		
Religious, Educational or Philanthropic Institutions	P	P	P	P	P
UTILITIES, COMMUNICATION AND TRANSPORTATION, LOCAL AND RAIL					
Alley Easements	P	P	P	P	P
Railroad Easements	P	P	P	P	P
Road Easements	P	P	P	P	P
Lift Station	P	P	P	P	P
Local Service Lines					
Water	P	P	P	P	P
Sewer	P	P	P	P	P
Telephone	P	P	P	P	P
Gas	P	P	P	P	P
Electricity	P	P	P	P	P
Cablevision	P	P	P	P	P
Major Service Lines					
Water	P	P	P	P	P
Sewer	P	P	P	P	P
Electricity	P	P	P	P	P
Gas	P	P	P	P	P
Public Utility	SP	SP	SP	P	P

LEGEND P - Permitted as a matter of right SP - May be permitted by the Planning Commission CATEGORY Use					
	<i>R-1 One Family</i>	<i>R-2 General Residential</i>	<i>R-4 Mobile Home Park</i>	<i>R-5 Planned Urban Development</i>	<i>R-6 Manufactured Housing</i>
MISCELLANEOUS					
Accessory Building(s) or Use(s)	P	P	P	P	P
Agricultural Crops (011)(016)(019) c	P	P	SP		P
Bed and Breakfast (Ord. 2811)	SP	P			
Commercial Uses Permitted in the C-1 Neighborhood Commercial District of This Ordinance				P	
Child Day Care	P	P	P	P	P
Family Day Care Home	P	P	P	P	P
Child Care Center, Commercial	SP	SP	SP		SP
Child Care Center, Institutional		SP	SP		
Church Bulletin Board or Sign Fifteen (15) Sq. Ft. or Less in Area Attached to the Main Bldg or Located Within the Bldg Lines on the Same Lot with the Church	P	P	SP		P
Group Reception Center (Ord. 3134)		SP			
Home Barber Shop	SP	SP	SP		SP
Home Beauty Shop (b)	SP	SP	SP		SP
Home Occupation	P	P	SP		P
Medical Facility	SP	SP	SP	SP	SP
Museum (Ord. 3118)	SP				
Office Business (Ord. 3135)		SP			
Parking Lot for Permitted Use	P	P	P	P	P
Parking Lot Associated with a Commercial Use		SP	SP		
Plant Nursery without Building or Structure	SP	SP	SP		SP
Recreation Vehicle Park, Permanent		SP	SP	SP	
Recreation Vehicle Park, Temporary		SP	SP		
Retail Antique Shop, all in an enclosed structure (Ord. 2811)	SP	SP			
Senior Citizen Day Care Center, Commercial (Ord. 2850)		P			

LEGEND P - Permitted as a matter of right SP - May be permitted by the Planning Commission CATEGORY Use					
	<i>R-1 One Family</i>	<i>R-2 General Residential</i>	<i>R-4 Mobile Home Park</i>	<i>R-5 Planned Urban Development</i>	<i>R-6 Manufactured Housing</i>
MISCELLANEOUS (Continued)					
Sporting Apparel and Outdoor Gear Mfg. (Ord. 3122A)	SP				
Temporary Buildings at Time of Construction	P	P	P	P	P
Temporary Sign Twelve (12) Sq. Ft. or Less in Area Relating to Real Estate Transaction of Premises	P	P	SP		P

NOTES TO TABLE:

- a. When located on a separate lot or on the same lot with another dwelling use.
- b. The home beauty shop shall be located within the main dwelling, conducted by the inhabitants of the dwelling and shall not exceed two (2) operators. The use shall be incidental in nature and shall not change the character of the main dwelling. One (1) nonilluminated nameplate not exceeding two (2) square feet in area and attached to the main dwelling shall be permitted.
- c. A three-digit number enclosed in parentheses following a listed use indicates that a detailed list of individual uses included in this use group is provided in the Standard Industrial Classification Manual, 1972 Edition of the Federal Office of Statistical Standards.

7.7 YARD SETBACK REQUIREMENTS

All buildings and structures in the R-1 Single Family, the R-2 General Residential, the R-4 Mobile Home Park, the R-5 Planned Urban Development and the R-6 Manufactured Housing Districts shall be set back from the street right-of-way and lot lines to comply with the following yard requirements:

District Condition	Minimum Front Yard Depth (a)(b)	Minimum Side Yard			Minimum Rear Yard
		Interior			
		Exterior	Front 90 ft	Rear Balance	
R-1 and R-2 Districts All residential structures (1) Single story (2) Each additional story	25 feet 25 feet	15 ft or 20 ft (d)	5 ft (c) 5 ft	5 ft 5 ft	The lessor of 20 ft or 20% of lot depth
Structures accessory to residential (1) Alley (2) No alley	25 ft 25 ft	15 ft or 20 ft (d)	5 ft 5 ft	3 ft 3 ft	3 ft 10 ft (e)
All other buildings and structures	25 ft	25 ft	25 ft	25 ft	25 ft
R-4 District Mobile home (1) Public Street	Same as residential structure in R-1 and R-2				
(2) Private Street	25 ft from edge of street pavement	10 ft	10 ft	10 ft	10 ft (f)
Structures accessory to mobile homes (1) Alley (2) No alley	25 ft from edge of street pavement	10 ft (g) 10 ft (g)	10 ft 10 ft	5 ft 5 ft	3 ft 5 ft
R-5 District	Yards adjacent to exterior boundaries shall comply with the requirements of the adjacent district(s); all other yards shall be as approved in the Planned Unit Development Subdivision Plat.				
R-6 District	Same as the R-1 and R-2 Districts				

NOTES TO TABLE:

- (a) If twenty-five percent (25%) or more of the lots on one side of a street between two intersecting streets are improved with buildings, all of which have observed an average setback line with a variation of not more than six (6) feet, the minimum depth of the front yard shall be the average setback line established by the existing buildings; but

- this regulation shall not require a front yard of greater depth than forty (40) feet.
- (b) When a lot has double frontage the front yard requirements shall be complied with on both streets.
 - (c) Except as hereinafter provided in Article 5, Section 2.
 - (d) The setback from the adjacent street shall be fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.
 - (e) Garage apartments located in a rear yard shall not be located closer than ten (10) feet to the rear lot line.
 - (f) When a lot has double frontage, front yard requirements shall be complied with on both streets.
 - (g) If the adjacent street is a public street, the exterior side yard setback shall be the same as in the R-1 and R-2 Districts.

7.8 INTENSITY OF USE, LOT WIDTH, COVERAGE AND HEIGHT REGULATIONS:

Uses and lots in the R-1 Single Family, the R-2 General Residential, the R-4 Mobile Home Park, the R-5 Planned Urban Development and the R-6 Manufactured Housing Districts shall comply with the following requirements:

Item	R-1 Single- Family	R-2 General Residential	R-4 Mobile Home Park	R-5 Planned Urban Dev.	R-6 Manufactured Housing
AREA, MINIMUM					
Dwelling, Single Family	6,000 sq. ft	6,000 sq. ft			6,000 sq. ft
Dwelling, Garage Apt.		6,000 or (d) 8,000 sq. ft			
Dwelling, Two-Family		8,000 sq. ft			
Dwelling, Multiple		8,000 sq. ft + 2,000 sq. ft additional unit (e)			
Dwelling, Row Hse-Twn Hse					
Mobile Home, Type I			5,000 sq. ft (g)		6,000 sq. ft
Mobile Home, Type II			5,000 sq. ft (g)		
Mobile/Manufactured Home					6,000 sq. ft
Church	21,000 sq. ft	21,000 sq. ft			21,000 sq. ft
All other main and accessory uses	Adequate to provide yards and parking (c)	Same as R-1			Same as R-1
LOT WIDTH, MINIMUM					
Street R.O.W. Line	35 ft	35 ft (f)	25 ft (h)		35 ft
Front Building Line	50 ft	50 ft+ (f)	50 ft		50 ft
COVERAGE, MAXIMUM					
Interior Lot					
Total Lot (a)	25%	35%	45%		30%
Rear Yard (a)	20%	30%	40%		25%
Corner Lot					
Total Lot (a)	30%	35%	45%		35%
Rear Yard (a)	20%	30%	40%		25%
HEIGHT, MAXIMUM (b)					
Stories	2 ½	2 ½	1		2 ½
Feet	33	35	(i)		35

NOTES TO TABLE:

- (a) Accessory buildings may cover up to a maximum of twenty percent (20%) of a required rear yard, but in no case shall the coverage of the total lot exceed the amount specified.

- (b) See Article 5, Section 3, for exceptions to these height limitations.
- (c) See Article 5, Section 10, for off-street parking requirements.
- (d) Minimum lot area shall be six thousand (6,000) square feet for a garage apartment located on a lot and eight thousand (8,000) square feet for a garage apartment and a single family dwelling unit on the same lot.
- (e) For each dwelling structure there shall be a lot area of not less than eight thousand (8,000) square feet for the first two dwelling units and an additional area of not less than two thousand (2,000) square feet for each family, more than two (2) occupying a dwelling structure.
- (f) There shall be a minimum lot width of fifty (50) feet at the front building line for a single family dwelling and ten (10) feet additional width at the front building line for each family, more than one (1) occupying a dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet, a lot shall abut on a street not less than thirty-five (35) feet.
- (g) The minimum area of a mobile home space shall be not less than five thousand (5,000) square feet; however, the gross density in a mobile home park shall not exceed eight (8) mobile homes per gross acre of the mobile home park area.
- (h) The minimum lot width shall be twenty-five (25) feet at the right-of-way line of a publicly dedicated street and twenty-five (25) feet at the edge of the street surface of a private access street.
- (i) The average height of a mobile home frame above ground elevation, measured at ninety degrees (90°) to the frame, shall not exceed four (4) feet.

SECTION 8

C-1 NEIGHBORHOOD SHOPPING DISTRICT

8.1 GENERAL DESCRIPTION:

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

8.2 USES PERMITTED:

See the table in Section 10.5 of this Article.

8.3 AREA REGULATIONS

- A. The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District.
- B. See the tables in Sections 10.6 and 10.7 of this Article for the area regulations for all other uses permitted in this District.

8.4 HEIGHT REGULATIONS:

See the table in Section 10.7 of this Article.

SECTION 8A

CBD CENTRAL BUSINESS DISTRICT

8A.1 GENERAL DESCRIPTION

This Commercial District is intended to be the focus of commercial, retail, office and service activities of the community and surrounding trade area, especially for those sales and service uses that require a central location, generate substantial pedestrian traffic, and that are mutually benefited by close proximity to other uses of similar nature and requirements. The regulations of this district reflect previously established regulations for construction and are intended to provide a method for the recognition and conservation of unique architectural structures and the continued development of such area in a manner consistent with its heritage and value to the community. (Ord. 3028, 10/31/97)

8A.2 USES PERMITTED:

See the table in Section 10.5 of this Article. (Ord. 3028, 10/31/97)

8A.3 AREA REGULATIONS:

- A. The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District. (Ord. 3028, 10/31/97)
- B. See the tables in Sections 10.6 and 10.7 of this Article for the area regulations for all other uses permitted in this District. (Ord. 3028, 10/31/97)

8A.4 HEIGHT REGULATIONS

See the table in Section 10.7 of this Article. (Ord. 3028, 10/31/97)

SECTION 9

C-2 GENERAL COMMERCIAL DISTRICT

9.1 GENERAL DESCRIPTION:

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

9.2 USES PERMITTED:

See the table in Section 10.5 of this Article.

9.3 AREA REGULATIONS:

- A. The area regulations for dwellings shall be the same as the requirements for the R-2 General Residential District. The following requirements shall apply to all other uses permitted in this District.
- B. See the tables in Sections 10.6 and 10.7 of this Article for the area regulations for all uses other than dwellings.

9.4 HEIGHT REGULATIONS:

- A. The height regulations for dwellings and buildings accessory to dwellings shall be the same as those of the R-2 General Residential District.
- B. For uses other than dwellings and buildings accessory to dwellings, see the table in Section 10.7 of this Article.

SECTION 10

C-3 HIGHWAY COMMERCIAL

10.1 GENERAL DESCRIPTION:

This commercial district is for the conduct of commercial enterprises catering to the traveling public, for personal and business services, for general retail trade and for a limited number of other uses that are compatible with commercial activity. Because of the relationship of these uses to the adjacent highway and residential districts, appropriate considerations are necessary to protect the integrity of the function of the highway and to reduce the adverse impact on adjacent residential districts.

10.2 USES PERMITTED:

See the table in Section 10.5 of this Article.

10.3 AREA REGULATIONS:

- A. The area requirements for dwellings shall be the same as the requirements of the R-2 General Residential District.
- B. See the tables in Sections 10.6 and 10.7 of this Article for the area regulations for all other uses permitted in this District.

10.4 HEIGHT REGULATIONS:

- A. The height regulations for dwellings and buildings accessory to dwellings shall be the same as those of the R-2 General Residential District.
- B. For uses other than dwellings and buildings accessory to dwellings, see the table in Section 10.7 of this Article.

10.5 USES PERMITTED:

The uses provided for in the C-1 Neighborhood Shopping, CBD, the C-2 General Commercial, and the C-3 Highway Commercial Districts are set forth in the table below. Where the letter “P” appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters “SP” appear on the line of a use and in the column of a district, the listed use may be permitted by the Planning Commission as provided in Ordinance 3107 providing that the Board of Adjustment be eliminated as governmental body reviewing Special Uses. In both cases, all uses shall be in compliance with all applicable provisions of this Zoning Ordinance and the Code of the City of Guthrie.

LEGEND P - Permitted as a matter of right SU - May be permitted by the Planning Commission CATEGORY Use	<i>R-5 Planned Urban Development</i>	<i>C-1 Neighborhood</i>	<i>CBD</i>	<i>C-2 General</i>	<i>C-3 Highway</i>
RESIDENTIAL					
Any use permitted in an R-2 Residential District unless the use enumerated below in this legend of this section requires a special use permit (d)(Ord. 3122,9/2/03)	P	P	P	P	P
Any use permitted on Review in an R-2 Residential District (a)	P	P	P	P	P
Any use permitted by the Board of Adjustment in an R-2 Residential District except mobile homes (2) (Ord. 2811)		P			
COMMERCIAL, MISCELLANEOUS (b)(c)					
Adult use, by license only (g)				P	
Advertising sign or structure				P	
Amusement Enterprises (indoor), to include Recreation Center	P	P	P	P	P

LEGEND P - Permitted as a matter of right SU - May be permitted by the Planning Commission CATEGORY Use	R-5 Planned Urban Development	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
COMMERCIAL, MISCELLANEOUS (Continued)					
Antique Shop	P	P	P	P	P
Appliance Store	P	P	P	P	P
Architecture and Engineer Retail Sales	P	P	P	P	P
Arts school, gallery or museum	P	P	P	P	P
Artists materials, supply studio	P	P	P	P	P
Auto Supply Store	P	P	P	P	P
Automobile Parking Lot	P	P	P	P	P
Automobile Service Station	P	P	P	P	P
Automobile repair, minor, in conjunction with a service station	P	P	P	P	P
Automobile repair and garages, including those in conjunction with a dealership			SP		
Baby Shop	P	P	P	P	P
Bakery Goods Store	P	P	P	P	P
Bank	P	P	P	P	P
Barber Shop	P	P	P	P	P
Beauty Shop	P	P	P	P	P
Book, magazine, newspaper or stationery	P	P	P	P	P
Camera Shop	P	P	P	P	P
Candy Store	P	P	P	P	P
Catering Establishment	P	P	P	P	P
Cleaning, pressing, laundry collection agency	P	P	P	P	P
Clothing or Apparel Store			P		
Curio or gift shop	P	P	P	P	P
Church			SP		
Commercial School or Hall			P		
Dance Hall, studio			P	P	
Delicatessen	P	P	P	P	P
Dental Laboratory			P		
Department or Variety Store			P		

LEGEND P - Permitted as a matter of right SU - May be permitted by the Planning Commission CATEGORY Use	R-5 Planned Urban Development	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
COMMERCIAL, MISCELLANEOUS (Continued)					
Dress Shop	P	P	P	P	P
Drug Store or fountain	P	P	P	P	P
Drygoods Store	P	P	P	P	P
Dairy products or ice cream store	P	P	P	P	P
Educational			P		
Florist Shop			P		
Florist Shop, greenhouse, nursery	P	P	P	P	P
Funeral parlor or Mortuary			P		
Furniture Store	P	P	P	P	P
Grocery Store or retail food sales			P		
Grocery Store or supermarket	P	P		P	P
Hardware Store	P	P	P	P	P
Hardware, paint and decorating store			P		
Hotel	P	P	P	P	P
Jewelry or notion store	P	P	P	P	P
Key shop, locksmith			P		
Kennel boarding, Kennel Accessory Boarding, Ord. 2811		SP		SP	
Leather goods shop			P		
Liquor Store			SP		
Lodge Hall	P	P	P	P	P
Machine Shop			P	P	P
Meat Market	P	P	P	P	P
Medical Facility	P	P	P	P	P
Messenger or telegraph service	P	P	P	P	P
Mobile Manufactured Homes		SP		SP	
Musical Instrument sales	P	P	P	P	P
Music, radio or television shop, sales and service			P		
Office business	P	P	P	P	P
Optometrists sales and service	P	P	P	P	P

LEGEND P - Permitted as a matter of right SU - May be permitted by the Planning Commission CATEGORY Use	R-5 Planned Urban Development	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
COMMERCIAL, MISCELLANEOUS (Continued)					
Optical Manufacturing			P		
Pawn Shop			P		
Photographer sales and service	P	P	P	P	P
Photographer studio			P		
Pharmacy			P		
Restaurant, conventional	P	P	P	P	P
Restaurant, not to include a drive-in			P		
Self service laundry or dry cleaning	P	P	P	P	P
Sewing machine sales, instruction	P	P	P	P	P
Shoe store or repair shop	P	P	P	P	P
Sporting goods sales	P	P	P	P	P
Tailor Shop	P	P	P	P	P
Theater, not to include a drive-in			P		
Toy Store	P	P	P	P	P
Travel Agency			P		
Variety store	P	P	P	P	P
Name plate and sign relating to the use of the store and premises or to products sold on the premises (h)		P	P	P	P
Accessory buildings and uses customarily incidental to the above uses		P	P	P	P
Frozen food locker				P	P
Kennel - Boarding and accessory (30)		SP		SP	SP
Laboratories, testing			P	P	P
Laboratories, experimental	P	P	P	P	P
Laboratories, research			P	P	P
Printing, publishing and allied industries (27)			P	P	P
Veterinary clinic for small animals all within enclosed structure(s)			SP	SP	SP
Groom Pet Shop		P	P		

LEGEND					
P - Permitted as a matter of right					
SU - May be permitted by the Planning Commission					
CATEGORY					
Use					
	<i>R-5 Planned Urban Development</i>	<i>C-1 Neighborhood</i>	<i>CBD</i>	<i>C-2 General</i>	<i>C-3 Highway</i>
OPEN DISPLAY COMMERCIAL					
Boat Sales, service and minor repair				P	P
Farm implement and machinery, new and used, sales				P	P
Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales				P	P
Mobile home and travel trailer sales				P	P
Monument sales				P	P
New and Used Automobile Sales			SP	P	P
Prefabricated house sales				P	P
Trailers for hauling, rental, and sales			SP	P	P
WHOLESALE TRADE					
Motor vehicles and automotive equipment (501)			SP	P	P
Drugs, and allied products (512e)				P	
Lumber Yard, Retail/Wholesale			SP		
Piece goods, notions, apparel (515)			P	P	
Groceries and related products (514)			P	P	P
Electrical Goods (506)			P	P	P
Hardware, and plumbing and heating equipment and supplies (507)			P	P	P
Machinery equipment and supplies				P	P
RETAIL TRADE					
Building materials, hardware, and farm equipment dealers (52)			SP	P	P
General Merchandise			P	P	P
Food stores (54)			SP	P	P

LEGEND					
P - Permitted as a matter of right					
SU - May be permitted by the Planning Commission					
CATEGORY	R-5 Planned Urban Development	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
Use					
RETAIL TRADE (Continued)					
Automotive dealers and gasoline service stations (55)			SP	P	P
Apparel and accessory stores (56)			P	P	P
Furniture, home furnishings and equipment stores (57)			P	P	P
Eating Places (5812)			P	P	P
Drinking Places					
Bars			SP	P	P
Beer Gardens			SP	P	P
Bottle Clubs			SP	SP	SP
Private Clubs	SP		SP	SP	SP
Night Clubs			SP	P	P
Taverns			SP	P	P
Miscellaneous retail stores (59)			P	P	P
FINANCE, INSURANCE, AND REAL ESTATE					
Banking (60)			P	P	P
Credit Agencies other than banks (61)			P	P	P
Security and commodity brokers, dealers, exchanges and services (62)			P	P	P
Insurance carriers (63)			P	P	P
Insurance agents, brokers and service (64)			P	P	P
Real Estate (65)			P	P	P
Holding and other investment companies (67)			P	P	P
SERVICES					
Hotels, tourist courts, and motels (701)	SP		P	P	P

LEGEND					
P - Permitted as a matter of right					
SU - May be permitted by the Planning Commission					
CATEGORY					
Use					
	<i>R-5 Planned Urban Development</i>	<i>C-1 Neighborhood</i>	<i>CBD</i>	<i>C-2 General</i>	<i>C-3 Highway</i>
SERVICES (Continued)					
Rooming and Boarding houses (702)			P	P	P
Personal services (72)			P	P	P
Miscellaneous business services (73)			P	P	P
Automobile repair, automobile services, and garages (75)			SP	P	P
Miscellaneous repair services (76)			P	P	P
Motion Pictures (78)			P	P	P
Amusement and recreation services, except motion pictures (79)			P	P	P
Medical and other health services (80)			P	P	P
Legal Services (81)			P	P	P
Educational Services (82)			P	P	P
Museums and art galleries (841)			P	P	P
Nonprofit membership organizations (86)			P	P	P
Miscellaneous Services			P	P	P
TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS AND SANITARY SERVICES					
Railroad transportation (40)			SP	P	P
Local and suburban transit and interurban highway passenger transportation (41)			SP	P	P
Motor freight transportation and warehousing (42)				P	P
Arrangement of transportation (472)			SP	P	P
Communication (48)			SP	P	P
Electric, gas and sanitary services (49)			SP	P	P

<p style="text-align: center;">LEGEND</p> <p>P - Permitted as a matter of right</p> <p>SU - May be permitted by the Planning Commission</p> <p>CATEGORY</p> <p>Use</p>	R-5 Planned Urban Development	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
SERVICES (Continued)					
ACCESSORY					
Buildings, structures and uses customarily incidental to any of the above uses, provided that these shall be no manufacture processing or compounding of products other than those expressly permitted except those that are customarily incidental and essential to commercial establishments.			P	P	P

NOTES TO TABLE:

- (a) Includes all uses listed and permitted as "P" and "SP" in the R-2 General Residential District.
- (b) Retail stores and shops which do not exceed fourteen thousand (14,000) square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience.
- (c) In the C-1 Neighborhood Shopping District a building used for any of the uses enumerated in this category may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses of this category shall be displayed or stored outside of a building.
- (d) The uses enumerated in this category shall comply with the following provisions:
 1. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

2. Driveways used for ingress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
 3. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets and shall not be of a flashing or intermittent type.
- (e) A two (2), three (3), or four (4) digit number enclosed in parentheses following a listed use indicates that a detailed list of individual uses included in this use group is provided in the Standard Industrial Classification Manual, 1972 Edition of the Federal Office of Statistical Standards.
 - (f) Subject to regulations and laws of the State of Oklahoma and the City of Guthrie.
 - (g) Shall not be allowed: (1) within one thousand feet (1 000') of another existing adult use, or (2) within three hundred feet (300') of any residential zoning district, or (3) within three hundred feet (300') of a preexisting school, public park or church. See ARTICLE VIII, Section 2 for measurement of distances and license administration.
 - (h) Subject to Guthrie Historic Preservation Commission approval.

10.6 YARD SETBACK REQUIREMENTS

All buildings and structures in the C-1 Neighborhood Shopping, CBD, the C-2 General Commercial and the C-3 Highway Commercial Districts shall be set back from the center line of state and federal highways and lot lines to comply with the following yard requirements.

Minimum Yards	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
FRONT YARD DEPTH				
Major Road (a)	25 ft	----	----	The greater of 75 ft from center line or 25 ft from lot line
Minor Road (b)	25 ft	----	----	25 ft
SIDE YARD				
Adjoining a residential zoning district	25 ft	----	----	20 ft
Adjoining other district	10 ft	----	----	12 ft
Intersecting street	20 ft	----	----	25 ft
REAR YARD				
Alley, service court, rear yard or combination thereof	30 ft	----	30 ft	30 ft

NOTES TO TABLE:

- a) State or federal highway.
- b) All public streets and roads other than a state or federal highway.

10.7 INTENSITY OF USE, LOT WIDTH, COVERAGE AND HEIGHT REGULATIONS

Uses and lots in the C-1 Neighborhood Shopping, CBD, C-2 General Commercial and C-3 Highway Commercial Districts, other than those uses and lots regulated by reference to the mandated requirements of the R-2 General Residential District, shall comply with the following requirements:

Item	C-1 Neighborhood	CBD	C-2 General	C-3 Highway
AREA, MINIMUM	Adequate to provide yards and parking as required (a)			----
LOT WIDTH, MINIMUM	----	----	----	----
COVERAGE, MAXIMUM	----	----	----	----
HEIGHT, MAXIMUM (b)				
Stories	2 ½	4		
Feet	35	45	45	45
		Whichever is less		

NOTES TO TABLE:

- a) See Article 5, Section 10, for off-street parking requirements.
- b) See Article 5, Section 3, for exceptions to these height limitations.

SECTION 11

I-1 RESTRICTED MANUFACTURING AND WAREHOUSING DISTRICT

11.1 GENERAL DESCRIPTION:

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

11.2 USES PERMITTED:

- A. No dwelling uses except sleeping facilities for caretakers and nightwatchmen employed on the premises shall be permitted in the I-1 Restricted Manufacturing and Warehousing District.
- B. All of the uses permitted in the I-1 Restricted Manufacturing and Warehousing District shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street.
- C. See the table in Section 12.6 of this Article for an enumeration of the uses allowed in the I-1 Restricted Manufacturing and Warehousing District.

11.3 AREA REGULATIONS:

See the tables in Sections 12.7 and 12.8 of this Article.

11.4 HEIGHT REGULATIONS:

See the table in Section 12.8 of this Article.

SECTION 12

I-2 GENERAL INDUSTRIAL DISTRICT

12.1 GENERAL DESCRIPTION:

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

12.2 USES PERMITTED:

- A. No dwelling use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-2 Industrial District.
- B. The uses permitted in the I-2 General Industrial District shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.
- C. See the table in Section 12.6 Of this Article for an enumeration of the use allowed in the I-2 General Industrial District.

12.3 USES PERMITTED ON REVIEW:

See the table in Section 12.6 of this Article for an enumeration of the uses permitted on review in the I-2 General Industrial District.

12.4 AREA REGULATIONS:

See the tables in Section 12.7 and 12.8 of this Article.

12.5 HEIGHT REGULATIONS:

See the table in Section 12.8 of this Article.

12.6 USES PERMITTED:

The uses provided for in the I-1. Restricted Manufacturing and Warehousing and the I-2 General Industrial Districts are set forth in the table below. Where the letter “P” appears on the line of a use and in the column of a district, the listed use is permitted as a matter of right. Where the letters “SP” appear on the line of a use and in the column of a district, the listed use may be permitted by the Planning Commission as provided in Ordinance 3107 providing that the Board of Adjustment be eliminated as governmental body reviewing Special Uses. In both cases all uses shall be in compliance with all applicable provisions of this Zoning Ordinance and the Code of the City of Guthrie.

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
MISCELLANEOUS USES		
Any use, except a residential use, permitted in a C-2 General Commercial District (b)	P	P
Buildings, structures and uses accessory and customarily incidental to any of the uses permitted herein	P	P
Machine Shop	-	P
Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage (e)	SP	SP
Sale Barn	-	P
Any use not otherwise authorized herein	-	P
AGRICULTURAL SERVICES		
Agricultural services except animal husbandry and horticulture services (071) (c) (072)	-	P
Animal husbandry services (074)(075)Ord. 3131)	-	-
Horticulture services (078)	-	P
MINING		
Crude petroleum and natural gas, oil and gas field services (138)	-	P
CONTRACT CONSTRUCTION		
General Building contractors (15)	-	P
Highway and street construction (161)		P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
CONTRACT CONSTRUCTION (Continued)		
Heavy Construction (162)	-	P
Special trade contractors (17)	-	P
MANUFACTURING (d)		
Food Products		
Meat Products (201)	-	SP
Dairy Products (202)	P	P
Canned and preserved fruits, vegetables and seafood (203)	P	P
Grain mill products (204)	-	P
Bakery products (205)	P	P
Sugar (206)	-	P
Confectionery and related products (206)	P	P
Beverages (208)	P	P
Miscellaneous food preparation (209)	-	P
Tobacco		
Tobacco Products (21)	-	P
Textile mill products		
Textile mill products (22)	-	P
Apparel and other finished products		
Apparel and other (23)	-	P
Lumber and wood products		
Sawmills and planing mills (242)	-	SP
Wooden containers (244)	-	P
Miscellaneous wood products (249)	-	SP
Furniture and fixtures (25)	-	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
MANUFACTURING (d) (Continued)		
Paper and allied products		
Converted paper and paperboard products (264)	P	P
Paperboard containers and boxes (265)	P	P
Building paper and building board mills (266)	-	SP
Printing, publishing and allied industries	-	
Printing, publishing (27)	P	P
Engraving and plate printing (2753)	P	P
Chemicals and allied products		
Industrial inorganic and organic (281)	-	SP
Plastic materials and synthetics (282)	-	SP
Drugs (283)	-	P
Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations (284)	-	P
Paints, varnishes, lacquers, enamels and allied products (285)	-	SP
Miscellaneous chemical products (289)	-	SP
Petroleum refining and related industries		
Petroleum refining (291)	-	SP
Petroleum bulk stations and terminals (5171)	SP	SP
Wholesale bulk storage of gasoline, propane or butane, or other petroleum products	SP	SP
Paving and roofing materials (295)	-	SP
Miscellaneous products (299)	-	SP
Rubber and miscellaneous plastic products		
Tires and inner tubes (301)	-	P
Rubber footwear (302)	-	P
Reclaimed rubber (303)	-	SP
Other fabricated rubber products (306)	-	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
MANUFACTURING (d) (Continued)		
Leather and leather products		
Leather tanning and finishing (311)	-	SP
Industrial leather belting and packing	-	P
Boot and shoe cut stock and findings (313)	-	P
Footwear, except rubber (314)	P	P
Leather gloves and mittens (315)	P	P
Luggage (316)	P	P
Handbags and other personal leather goods (317)	P	P
Leather goods not elsewhere classified (319)	P	P
Stone, clay, glass, and concrete products		
Flat glass (321)	-	SP
Glass and glassware, pressed or blown (322)	-	SP
Glass products made of purchased glass (323)	-	P
Cement, hydraulic (324)	-	SP
Structural clay products (325)	-	SP
Pottery and related products (326)	-	P
Concrete, gypsum and plaster products (327)	-	SP
Cut stone and stone products (328)	-	SP
Abrasive, asbestos and miscellaneous (329)	-	SP
Primary metal industries		
Nonferrous foundries (336)	-	P
Fabricated metal products		
Metal cans (341)	-	P
Cutlery, hand tools and general hardware (342)	-	P
Heating apparatus (343)	-	P
Fabricated structural metal products (344)	-	P
Screw machine products (345)	-	P
Metal stampings (346)	-	P
Coating, engraving, and allied services (347)	-	P
Miscellaneous fabricated wire products	-	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
MANUFACTURING (d) (Continued)		
Machinery, except electrical		
Farm machinery and equipment (352)	-	P
Construction, mining, and materials handling machinery and equipment (353)	-	SP
Metal working machinery and equipment (354)	-	SP
Special industry machinery (355)	-	SP
General industrial machinery and equipment (356)	-	SP
Office computing and accounting machines (357)	-	SP
Service industry machines (358)	-	SP
Miscellaneous machinery (359)	-	SP
Electrical machinery, equipment and supplies		
Electric transmission and distribution equipment (361)	-	SP
Electric industrial apparatus (362)	-	SP
Household appliances (363)	P	P
Electric lighting and wiring equipment (364)	P	P
Radio and television (365)	P	P
Communication equipment (366)	-	SP
Electronic components and accessories (367)	P	P
Miscellaneous electrical (369)	-	P
Transportation equipment		
Motor vehicles (3711)	-	P
Passenger car bodies (3711)	-	SP
Truck and bus bodies (3713)	-	SP
Motor vehicle parts and accessories (3714)	-	SP
Truck trailers (3715)	-	SP
Aircraft and parts (372)	-	SP
Boat building and repairing (3732)	SP	P
Motorcycles, bicycles and parts (375)	-	P
Miscellaneous transportation equipment (379)	-	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY	I-1 (a) Restricted	I-2 General
Use		
MANUFACTURING (d) (Continued)		
Professional, scientific and controlling instruments; Photographic and optical goods, watches and clocks		
Engineering, laboratory, and scientific and research instruments and associated equipment (381)	P	P
Instruments for measuring, controlling, and indicating physical characteristics (382)	P	P
Optical instruments and lenses (383)	P	P
Surgical, medical, and dental instruments and supplies (384)	P	P
Ophthalmic goods (385)	-	P
Photographic equipment and supplies (386)	-	P
Watches, clocks, clockwork operated devices and parts (387)	P	P
Miscellaneous manufacturing industries		
Jewelry, silverware, and plated ware (391)	P	P
Musical instruments (393)	-	P
Toys, amusement, sporting and athletic goods (394)	-	P
Sporting and athletic goods (3949)	P	P
Pens, pencils, and other (395)	P	P
Costume jewelry, costume novelties and other (396)	P	P
Miscellaneous manufacturing industries (399)	-	P
		SP
TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES		
Railroad transportation (40)	P	P
Local and suburban transit and other (41)	P	P
Motor freight transportation and warehousing (42)	P	P
Transportation services (47)	P	P
Communication (48)	P	P

LEGEND		
P - Permitted as a matter of right		
SP - May be permitted by the Planning Commission		
CATEGORY		
Use	I-1 (a) Restricted	I-2 General
TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES (Continued)		
Electric, gas and sanitary services		
Electric companies and systems (4911)	P	P
Natural gas transmission (4922)	P	P
Natural gas transmission and distribution (4923)	P	P
Natural gas distribution (4924)	P	P
Mixed manufactured or L.P. gas production and/or distribution (4925)	-	SP
Combination companies and systems (493)	P	P
Water supply (494)	P	P
Sanitary services (495)	-	SP
Steam supply (496)	P	P
WHOLESALE (d) AND RETAIL TRADE		
Wholesale trade (50)	P	P

NOTES TO TABLE:

- (a) All uses permitted in the I-1 Restricted Manufacturing and Warehousing District shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street.
- (b) No dwelling uses except sleeping facilities for caretakers and nightwatchmen employed on the premises shall be permitted in either the I-1 Restricted Manufacturing and Warehousing District or the I.2 General Industrial District.
- (c) A two (2), three (3), or four (4) digit number enclosed in parentheses following a listed use indicates that a detailed list of individual uses included in this use group is provided in the Standard Industrial Classification Manual, 1972 Edition of the Federal Office of Statistical Standards.

(d) All manufacturing and wholesale uses permitted as a matter of right shall be conducted within a completely enclosed building.

(e) All salvage operation shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

12.7 YARD SETBACK REQUIREMENTS

All buildings and structures in the I-1 Restricted Manufacturing and Warehousing and the I-2 General Industrial Districts shall be set back from lot lines to comply with the following yard requirements:

Minimum Yards (a)	I-1 Restricted	I-2 General
FRONT YARD DEPTH (a)	25 ft.	----
SIDE YARD DEPTH		
Adjoining a dwell district	25 ft.	25 ft.
Other	15 ft.	----
REAR YARD DEPTH		
Serviced from rear by alley, service court, alley or combination thereof (b)	30 ft.	30 ft.
Adjoining a dwelling district	25 ft.	25 ft.
Other	25 ft.	----

NOTES TO TABLE:

- (a) All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.
- (b) Either thirty (30) feet or adequate area and width to provide for maneuver of service vehicles, whichever is the greater.

12.8 INTENSITY OF USE, LOT WIDTH, COVERAGE AND HEIGHT REGULATIONS

Uses and lots in the I-1 Restricted Manufacturing and Warehousing and the I-2 General Industrial Districts shall comply with the following requirements:

Item	I-1 Restricted	I-2 General
AREA, MINIMUM	Adequate to provide yards and Parking as required (a)	
LOT WIDTH, MINIMUM	--	--
COVERAGE, MAXIMUM	80%	--
HEIGHT, MAXIMUM (b)	35 ft.	35 ft.

NOTES TO TABLE:

- (a) See Article 5, Section 10, for off-street parking requirements.
- (b) See Article 5, Section 3, for exceptions to these height limitations.

SECTION 13

F-FLOOD PLAIN DISTRICT

13.1 GENERAL DESCRIPTION

This district is intended to comprise those areas which are subject to periodic or occasional flooding and therefore are unsuited for all residential uses and for most commercial and industrial uses. It is intended that the area be retained for agricultural and recreational uses only until danger from flooding is eliminated.

13.2 USES PERMITTED

Property and buildings in the F-Flood Plain District shall be used only for the following purposes:

- A. The growing of agricultural crops and nursery stock and gardening.
- B. The raising of poultry and livestock in accordance with the municipal ordinances relating thereto, but not the operation of commercial feed pens for cattle or hogs.
- C. Public recreation.

ARTICLE V

PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

SECTION 1

APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT

- 1.1 Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.
- 1.2 It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used for nonresidential purposes.

SECTION 1 A

ESTABLISHMENT OF SPECIAL USE PERMIT

- 1A.1 A Special Use Permit may be granted by the City Council for certain uses specified as permitted on review in each zoning district or in this chapter. The purpose of this special review provision is to closely scrutinize those uses, which, because of the size of the land they require or the specialized nature of the improvements or land use, have great impact on surrounding properties. Therefore, they may or may not be compatible with the surrounding land uses depending upon the particular details of the development. The uses requiring a Special Use Permit are also unusual in that there may be only one or two in a community, and therefore it is difficult to place them in a particular zoning district. (Ord. 3105, 8/6/02)

1A.2 Uses permitted in zoning districts upon grant of a Special Use Permit.

Upon consideration of all pertinent information as required by this chapter, the City Council, after review by the Planning Commission, may grant a Special Use Permit to authorize the uses listed in the individual zoning districts under the category “Special Permit Uses”.

1A.3 Application and site plan review procedure for Special Use Permit.

1. Application requirements:

An application for Special Use Permit shall be filed with the City Planning Commission. At time of filing the applicant shall pay a fee of \$150.00 to cover the cost of publication notice and investigation. Said applicant shall submit a list of all record property owners and their current addresses within a 300 foot radius of the boundaries of the total site used for the Special Use Permit described or the boundaries of the property ownership.

2. Site Plan.

A complete site development plan shall be filed with each application, which shall show the location of buildings on the property, the elevation of the buildings and general description of the materials to be used on the building and including any landscape plan.

3. Hearing Procedure.

The City Planning Commission shall hold one or more public hearings on the application and shall within forty-five (45) days of the application transmit to the City Council its report as to the effect of such proposed building conditions, public utilities and other matters pertaining to the general welfare, and the recommendations of the Planning Commission concerning the use thereon. Thereupon, the City Council will hold one or more public hearings at which time they may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

4. Factors to be considered.

The action of the City Council with any application may include the requirements of landscaping, fencing, walls, and other features deemed necessary to further the purposes of this chapter and such features shall be provided and maintained during the continuance of any use of which they are appurtenant. The following factors should be considered.

- a) The location and area of main and accessory buildings on the site and in relation to each other and to adjacent use;

- b) The number and arrangement of parking spaces, traffic spaces, traffic circulation areas, the adequacy and manner of lighting thereof, and its effect on surrounding properties.
- c) The relationship between the off-street parking areas and points of ingress and egress and the traffic circulation both within and without the site;
- d) The provisions of adequate off-street loading and service facility;
- e) The provision for proper facilities for the accumulation and disposal of garbage and trash.
- f) The provision of fences, walls and landscaping in the facilities and manner of maintenance thereof.
- g) Such other factors as may be necessary to secure and protect the public health, safety, comfort, convenience and general welfare.

5. Special Condition for Special Use Permit

- 1. No use approved under Special Use Permit shall be commenced or maintained upon a lot or parcel except in accordance with the approved site plan.
- 2. Special permits shall expire by default:
 - a) If the use is not established within twelve (12) months and no building permit has been issued or no extension is approved. If a building permit has been issued and construction commences within the time provided before expiration of the building permit then the special use permit shall be extended. When a building permit has not been issued for construction within twelve (12) months of the city council approval of the special use permit the applicant or owner may request a hearing for an extension of the special use permit. Good cause for an extension shall mean that the owner or applicant shows evidence that he has contractors or applications for continual development within the next year following the original approval. (Ord. 3136, 4/20/04)
 - b) If the use once established has been discontinued for a period of twelve (12) months or abandoned.
 - c) Whenever the building inspector finds that any proposed construction or occupancy will not, in his opinion, substantially

comply with the Special Use Permit, he shall refer the question to the City Council for its review.

- d) When the holder of the Special Use Permit determines that an extension of time or modification of site development and plan or other requirements is necessary, he may apply for amendment in the same manner as the original application. The amendment shall be processed in the same manner as the original application.

SECTION 2

OPEN SPACE

- 2.1 The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulation set forth in Article 4 herein.
 - A. An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.
 - B. Within any residential subdivision platted, filed of record and developed prior to 1950 with yard space or lot size or lot width less than herein required, relief from these requirements shall be provided as follows:
 - (1) Front yard - where the lots on both sides of a proposed dwelling have been developed with a front yard depth less than herein required, the front yard of the proposed dwelling shall be not less than the average depth of the adjacent dwellings or fifteen (15) feet, whichever amount is greater.
 - (2) Side yard - for dwellings and accessory buildings located on interior lots under separate ownership on or prior to February 4, 1964, there shall be a side yard on each side of the building(s) of not less than ten percent (10%) of the width of the lot, but in no instance shall the side yard have a depth of less than three (3) feet nor greater than required by the district regulations within which it is located.
 - (3) Rear yard - no relief shall be provided.
 - (4) Intensity of use - any parcel of less than six thousand (6,000) square feet under separate ownership on or prior to February 4, 1964, and located in a residential zoning district shall be developed only with a single-family residential unit.
 - (5) Height - no relief shall be provided.

- C. Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet.
- D. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement.
- E. No dwelling shall be erected on a lot which does not abut on at least one street, at least fifty (50) feet in width, for a distance of not less than thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
- F. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of this Ordinance. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty (30%) of the rear yard.
- G. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this Ordinance that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.
- H. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.
- I. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.
- J. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

SECTION 3

HEIGHT

- 3.1 The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 4 herein.

- A. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.
- B. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- C. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the District if the minimum depth of rear yards and the minimum width of the side yards required in the District are increased one (1) foot for each two (2) feet by which the height of such public or semi-public building exceeds the prescribed height limit.

SECTION 4

GROUP HOUSING PROJECTS

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

SECTION 5

STORAGE AND PARKING OF TRAILERS, RECREATION VEHICLES AND COMMERCIAL VEHICLES

- 5.1 Commercial vehicles and trailers of all types, including recreation vehicles hauling trailers 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:
 - A. Not more than one commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied

petroleum products be permitted.

- B. Not more than one recreation vehicle or hauling trailer per family living on the premises shall be permitted and said recreation vehicle or trailer shall not exceed thirty-two (32) feet in length, or eight (8) feet in width; and further provided that said recreation vehicle or trailer shall not be parked or stored for more that forty-eight (48) hours unless it is located behind the front yard building line. A recreation vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a recreation vehicle park authorized under the ordinances of the City of Guthrie.
- C. "A mobile home shall be parked or stored only in a recreation vehicle park which is in conformity with the ordinances of the City of Guthrie."

SECTION 6

ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES

- 6.1 The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.
- 6.2 The following requirements are intended to provide for the regulating of fences and walls in all districts. (Ord. 3065, 7/11/2000)
 - A. Fences, walls, and hedges in any district may be erected in a required yard, or along the edge of any yard, provided that:
 - 1. No fence, wall or hedge in residential districts located in front of the front building line shall exceed four (4) feet in height and no other fence or wall shall exceed seven (7) feet in height.
 - 2. Fences, walls and hedges in residential districts enclosing single property of five (5) acres or more and/or subdivision of ten (10) acres or more shall not exceed eight (8) feet in height.
 - 3. Fences, walls and hedges in commercial and industrial districts shall not exceed ten (10) feet in height.
 - a. Barbed wire may be permitted at the top of fences for security reasons provided that the bottom strand of barbwire shall not be less than six (6) feet above grade.

- B. No fence, wall or hedge more than two (2) feet in height above the curb or sidewalk level, shall be located within a triangular area measuring twenty-five (25) feet in two directions along the right-of-way lines from the point of street right-of-way intersection.
- C. Fences and walls in residential districts located in front of the front building line or along the front or side yard lines parallel to any street shall not be constructed of solid non-see-through material. Fences shall not have opacity of more than 30%.
- D. Fence Types Permitted:
 - 1. Masonry walls
 - 2. Ornamental iron
 - 3. Woven wire
 - 4. Wood or other similar material
 - 5. Hedges
- E. Fence Types Prohibited:
 - 1. Barbed wire and electric fences in all districts except:
 - a. Agriculture Districts including where abutting other districts.
 - 2. Any fence, if in the opinion of the chief building inspector, that would constitute a hazard to the health of any person.

SECTION 7

ANIMALS

- 7.1 Animals in any District shall be kept only in accordance with the Ordinances of the City of Guthrie.

SECTION 8

STORAGE OF LIQUIFIED PETROLEUM GASES

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

SECTION 9

MOBILE HOME AND RECREATION VEHICLE PARK REGULATIONS

- 9.1 Recreation vehicle parks and mobile home parks shall be constructed in accordance with the requirements of the Ordinances of the City of Guthrie.

SECTION 10

OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

10.1 GENERAL INTENT AND APPLICATION:

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the City of Guthrie. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts. Provided, however, that on appeal the Board of Adjustment may grant exceptions to the off-street parking requirements set forth in Article 5, Section 10, when it is determined that the size and shape of a lot or lots is such that off-street parking requirements can not be complied with and that the proposed use will not create undue traffic congestion in the adjacent streets.

10.2 REQUIRED OPEN SPACE:

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

- A. The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-1 Neighborhood Shopping District or an I-1 Restricted Manufacturing and Wholesale District may be used for uncovered parking area; and further provided that the front yard required in a Residential District may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a sealed surface pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Article 5, Subsection 10.8, *infra*.

10.3 LOCATION:

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

10.4 JOINT PARKING FACILITIES:

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

10.5 SIZE OF OFF-STREET PARKING SPACE:

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

10.6 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:

Use	Number of Parking Spaces Per	Unit of Development
RESIDENTIAL		
Single family & two-family	1	Dwelling unit
Multiple-family other than Public housing	1 ½	Dwelling unit
Public Housing	As specified by HUD	
Boarding house and Rooming House	1	Each two (2) guest Accommodations
INSTITUTIONAL		
Hospital	1 Plus 1 Plus 1 Plus 1	Each four (4) patient beds (a) Each staff or visiting doctor Each three (3) employees (b) Each emergency vehicle
Medical or dental clinics Or offices	6 Plus 1	Each doctor Each two (2) employees
Sanatoriums, convalescent Or nursing homes	1 Plus 1 Plus 1	Each six (6) patient beds Each staff or visiting doctor Each two (2) employees
Community Center, Theater Auditorium, Church Sanctuary	1	Each four (4) seats (c)
Convention Hall, Lodge, Club,		

Library, Museum	1	Each fifty (50) sq. ft. used for Assembly or recreation
COMMERCIAL		
Office	1 Plus 1	First two (2) employees Each three hundred (300) sq. ft of gross floor area (d)
Restaurant, Service, etc.	1	Each two (2) employees and one (1) for each three (3) seats
Barber Shop, Beauty Parlor	1	Each two (2) employees and one and one-half (1 ½) for each operator
Retail and Commercial Not Otherwise Classified	1	Each one hundred and fifty (150) sq. ft of retail space and other area used by the public
Place of Amusement or Recreation	1	Each fifty (50) sq. ft used for assembly or recreation
INDUSTRIAL	Adequate area to park all employee, customer and visitor vehicles at all times, plus adequate space for loading, unloading and storing service vehicles.	

NOTES TO TABLE:

- a. Exclusive of bassinets.
- b. Including nurses.
- c. Based on maximum seating capacity.
- d. Exclusive of the area used for storage, utilities and building services.

For all uses not covered in the schedule above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

10.6.1 APPLICATION TO CENTRAL BUSINESS DISTRICT:

The requirements of Section 10.6 of this Article shall not apply to uses within the Central Business District zoning district conducted in structures existing as of December 16, 1997. (Ord. 3028, 10/31/97)

10.7 PAVEMENT STANDARDS:

All off-street parking areas, driveways, and loading berths shall be constructed according to standards approved by the City Council and on file with the Community Development Director. (Ord. 3028, 10/31/97)

10.8 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS:

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

- A. All sides of the lot within or abutting the Residential District shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
- B. No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.
- C. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.
- D. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- E. 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.
- F. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
- G. 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 nonintermittent white lighting of signs shall be permitted.

10.9 PAVED ACCESS DRIVEWAYS REQUIRED IN RESIDENTIAL DISTRICTS:

In residential districts all driveways abutting sealed surface streets shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use; provided, however, that the paved surface, beginning at the edge of the abutting sealed surface street, shall not be required to exceed fifteen (15) feet in length and the remaining length of the

driveway connecting from the required paved section to the residential structure shall be an all-weather surface.

10.10 PAVED ACCESS DRIVEWAYS REQUIRED IN COMMERCIAL AND INDUSTRIAL DISTRICT:

In commercial and industrial districts all driveways used by the public as a regular part of the operation of an establishment shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

ARTICLE VI
NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION I

NONCONFORMING BUILDINGS AND STRUCTURES

A nonconforming building or structure existing at the time of adoption of this Ordinance, February 4, 1964, may be continued, maintained and repaired, except as otherwise provided in this section.

1.1 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES:

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another on the lot unless every portion of said building or structure is made to conform to all of the regulation of the District in which it is located.

1.2 OUTDOOR ADVERTISING SIGNS AND STRUCTURES:

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this ordinance became effective, which does not conform with the provisions hereof shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Ordinance.

1.3 BUILDING VACANCY:

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

1.4 CHANGE IN USE:

A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the District in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise shall be used in conformity with the regulations of the District in which it is located.

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

SECTION 2

NONCONFORMING USES OF LAND

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand (\$1 000) dollars, existing as the time of adoption of this Ordinance, may be continued for a period of not more than three (3) years therefrom, provided that:

- A. Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.
- B. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

ARTICLE VII

BOARD OF ADJUSTMENT

SECTION I

BOARD OF ZONING ADJUSTMENT AND METHODS OF APPEAL

There is hereby created within the City of Guthrie a Board of Adjustment with the powers and duties as hereinafter set forth.

SECTION 2

MEMBERSHIP

2.1 The Board of Adjustment shall be composed of five (5) members, citizens of the City of Guthrie, each appointed by the Mayor and confirmed by the Council of the City of Guthrie for a term of three (3) years; provided, however, that for the first appointment under the provisions of this Ordinance one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years.

2.2 The Board of Adjustment shall elect a chairman from its membership to serve for a term of two (2) years.

SECTION 3

PROCEDURE

The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meeting of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment shall determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board of Adjustment shall keep 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 City Clerk and shall be a public record. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse

any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

SECTION 4

APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Guthrie affected by any decisions of the Building Inspector. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of sixty dollars (\$60.00) at the office of the Clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the office from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that be reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than be a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

SECTION 5

POWERS

The Board of Adjustment shall have the following powers as provided by law:

- A. To hear and decide appeals if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the interpretation or enforcement of this Ordinance.
- B. Powers Relative to Variances: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition or a specific parcel of property, which condition is not generally prevalent in the area, the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this Ordinance.

On the following listed minor variances the application need only contain the names of the adjacent property owners, along with any other material pertinent to the request which the Board of Adjustment may require.

- (1) Yard coverage and front, side and rear yard setbacks
(Amended Ordinance 2907, 01/17/90)

C. Powers Relative to Exceptions: Upon appeal, the Board is hereby empowered to permit the following exceptions.

- (1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (2) To interpret the provisions of the Ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of this Ordinance.
- (3) To grant exceptions to the off-street parking requirements set forth in ARTICLE 5, Section 10, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.
- (4) To review the uses listed in ARTICLE 4 of the specific District Regulations as, "Uses Permitted on Review." These are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. The following procedure is established to relate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:
 - (a) An application shall be filed with the Board of Adjustment for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within three hundred (300) feet, and any other material pertinent to the request which the Board of Adjustment may require.
 - (b) On the following minor exceptions the application need only contain the names of the adjacent property owners, along with any other material pertinent to the request which the Board of Adjustment may require.
 - (1) Location of home beauty parlor
 - (2) Family day care home (five (5) or less children)
 - (3) Location of a mobile home on five (5) acres or more
 - (c) The Board of Adjustment shall hold one or more Public hearings thereon.

- (d) The Board of Adjustment within forty-five (45) days of the date of application, shall study the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and authorize or deny the issuance of a Permit for the use of land or buildings as requested.
- (e) Variances for mobile homes granted under authority of this subsection "C" shall be implemented within six (6) months from the effective date of approval and building construction shall be started within one (1) year of the effective date of approval. Variances not implemented within referenced time limits shall be null and void. (Ordinance 2841).

D. No new application for a variance or exception for review by the Board of Adjustment in the form of the previous application which was denied shall be made within twelve (12) months subsequent to the effective date of such denial, unless it can be shown that the conditions under which such denial were made have substantially changed as determined by the Community Development Director, or that the applicant has adopted the recommendations of the Board of Adjustment. (Ord. 3070, 8/15/2000)

In exercising the above mentioned powers the Board of Adjustment in conformity with the provisions of this Ordinance, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision or determination as ought to be made. In considering all appeals from rulings made under this Ordinance, the Board of Adjustment, in making its findings on any specific case, shall determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of the City of Guthrie. Every ruling made upon any appeal to the Board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board of Adjustment, and shall specify the reason for granting or denying the appeal. The concurring vote of at least three members of the Board of Adjustment shall be necessary to reverse and order, requirement, decision, or determination of any such administrative officer to decide in favor of the applicant, or to decide any matter upon which it is required to pass pursuant to this Ordinance or to effect any variation in this ordinance.

SECTION 6

APPEAL TO DISTRICT COURT

An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the City of Guthrie to the District Court by filing notice of appeal

with the City Clerk and with the Board of Adjustment within ten (10) days from the filing of the decisions of the Board of Adjustment which notice shall specify the ground of such appeal. Upon filing of the notice of appeal as herein provided, the said Board of Adjustment shall forthwith transmit to the Court Clerk of the County the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Board of Adjustment.

An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board of Adjustment, from which the appeal is taken, certifies to the Court Clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Ordinance, and upon notice to the Chairman of the Board of Adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

ARTICLE VIII

ADMINISTRATION

SECTION 1

BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED

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

1.1 BUILDING PERMITS:

Whenever any structure or building is to be improved or to be erected, moved, or structurally altered, a Building Permit shall be obtained from the Community Planning and Development Department. All applications for building permits shall be accompanied by accurate plot plans and floor plans, drawn to scale, showing:

- A. The exact size, shape, and dimensions of the lot to be built upon.
- B. The exact size and location on the lot of all existing buildings and structures.
- C. The exact size and location on the lot of the structure of building proposed to be repaired, altered, erected or moved.
- D. The size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
- E. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- F. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
- G. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor. (See Section 1.4 for applicability.)
- H. All building permits shall be valid for one (1) year, effective from the date of approval. If, at any time, construction ceases and continues to cease for a period of one (1) year,

the applicant shall be required to renew the application before construction begins again. The applicant shall be assessed the current building permit fee and electrical/plumbing permit fees if applicable, upon approval of a renewal permit.

1.2 EXEMPTIONS TO BUILDING PERMIT REQUIREMENTS:

The following items do not require a building permit.

- A. Painting (Interior and Exterior)
- B. Siding
- C. Paneling
- D. Cabinets (providing no outside structural alteration takes place)
- E. Reroofing or patching a roof (including replacement of decking, if necessary)
- F. Fencing (wooden, cyclone, opaque ornamental or brick)
- G. Retaining wall (railroad ties, concrete, brick, block, provided said wall does not exceed three (3') feet in height from the level of the ground at the bottom of the wall to the top)
- H. Installation of storm windows in existing openings. (if a structural alteration is made, in creasing space or decreasing space, a building permit shall be required)
- I. Carpeting (any floor covering)
- J. Replacing interior or exterior doors.

1.3 EXEMPTION TO FEE ASSESSMENT:

Any accessory building which is to be utilized primarily for storage purposes, and has less than two hundred and fifty (250) square feet, shall be exempt from a building fee assessment. The storage building shall include ready-made or home constructed models. (This exemption of fee assessment does not preclude the requirement of filing for a building permit as stated in ARTICLE 8, Section 1.1.)

1.4 PLOT PLAN REQUIRED:

Whenever any structure, building or construction is to be improved, erected, moved or structurally altered in an amount exceeding \$5,000.00, the APPLICANT must submit a plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon, and the exact size specifications and a location of the construction on the lot. In addition, the APPLICANT must furnish a survey prepared by a registered surveyor in the State of Oklahoma of

the boundaries of the lot on which the improvement is proposed to be located. Whenever any structure, building or construction is to be improved, erected, moved or structurally altered in an amount less than \$5,000, the APPLICANT may draw the plot plan of the boundary lines of the lot on which the improvement is proposed to be located. However, these drawings must still be drawn to scale. (NOTE: The plot plan and survey requirements only apply to structural expansion of the existing structure and any new proposed structures.)

1.5 ACTION ON BUILDING PERMIT:

All Building Permits shall be approved or disapproved within two (2) working days after all requirements have been met. If said Building Permit is denied, the staff shall submit in writing and attach to the application stating the reasons why the permit is to be denied.

1.6 FALSIFICATION OF APPLICATION:

Any applicant that falsifies a building permit with the intent of reducing costs or exempting inspections shall have the permit revoked. The applicant shall then be required to resubmit the application for approval with a \$5.00 filing fee assessed. The determination of false information shall be made by the Department of Community Planning and Development.

1.7 CERTIFICATE OF OCCUPANCY:

No change shall be made in the use of any land or building or structure after the passage of this Ordinance until a Certificate of Occupancy is obtained from the City Code Inspector certifying that all of the provisions of this Ordinance are complied with. Whenever a Building Permit is issued for the erection of a new building or structure an Occupancy Permit shall not be required except where the use of the Building or Structure is changed from that for which the Permit is issued or where the intended use is not clearly stated on the Building Permit.

1.8 CONFORMANCE TO HISTORIC DISTRICT:

No building permit shall be issued for the construction, erection, repair, remodeling or modification of any building, structure or sign on property situated within the Capitol Townsite Historic District except in conformity to the regulations for that District. (Ord. 3028, 10/31/97)

SECTION 2

ADULT USE LOCATION AND LICENSE

2.1 THE LIMITATIONS ON ADULT USES:

Adult uses shall be permitted in the C-2 General Commercial district subject to the following restrictions:

- A. An adult use shall not be allowed within one thousand feet (1000') of another existing adult use.
- B. An adult use shall not be located within three hundred feet (300') of any zoning district which is zoned for residential use.
- C. An adult use shall not be located within three hundred feet (300') of a preexisting school, public park or church.
- D. Any adult use doing business at the time Ordinance No. 2752 takes effect shall have thirty (30) days from the effective date of the Ordinance to apply for the issuance of an adult use license, even if such adult use is permitted under the nonconforming use Section of the Zoning Code.

2.2 MEASUREMENT OF DISTANCES

For the purpose of this Ordinance, measurements shall be made from that part of a church, school building, public park, or residential use district boundary nearest to the nearest point of the occupied premises of the applicant for an adult use license, and shall proceed to the most direct route between said places, deviating only around the permanent buildings.

2.3 LICENSE REQUIRED; FILING OF APPLICATIONS; FILING FEE

- A. It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the City of Guthrie, Oklahoma, the operation of an adult use as herein defined, without first having obtained a separate license for such adult use from the City of Guthrie, Oklahoma.
- B. Every applicant for a license to maintain, operate or conduct an adult use shall file an application in duplicate under oath with the City Clerk upon a form provided by the clerk and pay a nonrefundable filing fee of Two Hundred Fifty Dollars (\$250.00) to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the City Clerk.

- C. The City Clerk shall forthwith transmit the application to the City Manager; the City Manager shall within fourteen (14) days after receiving the application notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the City Manager shall advise the applicant in writing whether the application is granted or denied.
- D. Whenever an application is denied or held for further investigation, the City Manager shall advise the applicant in writing of the reason for such action.
- E. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding such application for his or her refusal to submit to or cooperate with any inspection or investigation required by this Section of the Zoning Code shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the City Manager or the License Review Board.
- F. Every adult use license issued pursuant to this Section of the Zoning Code will terminate at the expiration of one (1) year from the date of its issuance, unless sooner revoked.

2.4 CONTENTS OF APPLICATION FOR LICENSE

An applicant for a license shall furnish the following information, and any additional information required by the City Manager, under oath.

- A. Name and home address of applicant
- B. Social Security Number of applicant
- C. Date of Birth of applicant
- D. Written proof that the individual is at least 21 years of age
- E. The exact nature of the adult use to be conducted
- F. The location of the proposed business
- G. Whether or not the applicant has been convicted of a felony or a crime involving moral turpitude

2.5 LICENSE REVIEW BOARD

- A. A License Review Board is established to review and pass upon qualifications of applicants or licenses under this Section of the Zoning Code. The License Review Board shall approve licenses to be issued by the City Clerk to applicants qualified under this Section of the Zoning Code and hear complaints and determine revocations of licenses in proper cases.
- B. The License Review Board shall be composed of five (5) members:
 - 1) The Chief of Police
 - 2) The Fire Chief
 - 3) The Sanitarian of the Health Department
 - 4) The City Clerk
 - 5) The City Manager
- C. The members shall elect a chairman of said Board and the City Clerk shall be secretary.
- D. In the event of the absence of either of the chairman or secretary at the meeting of the License Review Board, the members present may elect a temporary chairman or secretary from among their number.
- E. A simple majority of the members of said Board present at any meeting shall be required before any action.
- F. Three members shall constitute a quorum.

2.6 ISSUANCE OF AN ADULT USE LICENSE

The License Review Board shall issue or cause to be issued a license to maintain, operate, or conduct an adult use unless it finds:

- A. That the applicant is under the age of twenty-one (21) years.
- B. That the applicant has been convicted of a felony or of a crime involving moral turpitude.
- C. That the business location is not in a “C-2 General Commercial District.”

- D. That the proposed business location is within one of the prescribed distances from a school, church, public park, or residential use district.
- E. False or misleading information in the application process.

2.7 SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE

Any license issued for an adult use may be revoked or suspended by the License Review Board if the Board shall find:

- A. That the licensee has violated any of the provisions of the Zoning Code regulating adult uses.
- B. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Section of the Zoning Code or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.
- C. The License Review Board before revoking or suspending any license shall cause the City Clerk to give the licensee at least ten (10) days written notice of the charges against him or her and the licensee shall be advised in the notice that within said ten (10) days they may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use.

2.8 AUTOMATIC SUSPENSION

- A. In the event a person under the age of twenty-one (21) years is on the premises of an establishment operating as an adult use as defined in ARTICLE II of this Zoning Code, and views “specified sexual activities” or “specified anatomical areas” as defined in ARTICLE II of this Zoning Code, then the license shall pursuant to this Section of the Zoning Code be suspended for a period of there (3) months.
- B. In the event a licensee is convicted of violating any of the provisions of Title 21, Oklahoma Statute, 1981, Sec. 1021 as now in force or as may be amended from time to time or is convicted of a felony or of a misdemeanor involving moral turpitude then the license issued pursuant to this Zoning Code shall be suspended indefinitely.
- C. The License Review Board revoking or suspending any license shall cause the City Clerk to give the licensee at least ten (10) days’ written notice of the charges against him or her and the licensee shall be advised in the notice that within said ten (10) days they may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The notice required hereunder may be delivered personally

to the licensee or be posted on the premises of the establishment being used as an adult use.

2.9 EXTERIOR DISPLAY

- A. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.
- B. The exterior display on any building or area licensed as an adult use under this Ordinance shall be permitted to display one and only one sign which can be viewed by the public from outside the licensed building or area. Such sign shall be limited to two (2) words being “Adult Entertainment” and shall be of a design, material, size of lettering, and size of sign, as approved by the City Manager of the City of Guthrie, Oklahoma. The City Manager is expressly authorized to issue a regulation setting forth the exact description for a permitted sign for licensed establishments. (It is the intention of the City Council that signs advertising “Adult Entertainment” be uniform much the same as signs under Oklahoma law advertising the sale of packaged liquor.)

2.10 DISPLAY OF LICENSE

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.

2.11 EMPLOYMENT OF PERSONS UNDER THE AGE OF TWENTY ONE PROHIBITED

It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least twenty-one (21) years of age.

2.12 FRATERNIZATION BETWEEN DANCERS AND SUPSTOMERS

No licensee under this Section of the Zoning Code shall permit fraternization between performing dancers and customers within the licensed establishment during, before, or after a performance; specifically, no contact shall be permitted between performing dancers and customers including but not limited to the passing of money or any other object from customers to performing dancers. Performing dancers shall perform on and only on a stage which shall be at least three feet (3’) in height from the immediate floor level and such stage shall be situated so that no patrons or customers are closer than ten feet (10’).

2.13 ILLEGAL ACTIVITES ON PREMISES

- A. No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit to engage in any activity or conduct in or about the licensed premises which is prohibited by an Ordinance of

the City of Guthrie, or the laws of the State of Oklahoma or of the United States.

- B. Nothing contained in this Section of the Zoning Code shall be interpreted, is intended, or shall be deemed to permit or legalize any act or activity which is illegal under the laws of the State of Oklahoma or of the United States.

2.14 VIOLATION AND PENALTY

Any person who shall violate any of the provisions of this Section of the Zoning Code shall be guilty of an offense. A person who is convicted shall be punished by a fine of Seventy Dollars (\$70.00). Each separate act constituting a violation of this Section of the Zoning Code shall be a separate offense. Continuing violations, such as but not limited to operating an adult use business without a license, shall be deemed a separate offense for each day such continuing violation exists.

SECTION 3

VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Except as otherwise specified, any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be fined not less than thirty-five dollars (\$35.00) nor more than seventy dollars (\$70.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4

AMENDMENTS

4.1 AMENDMENTS AUTHORIZED:

- A. The Council may from time to time, on its own motion or on petition, amend the City's Comprehensive Plan or the zoning regulations and districts herein established. Prior to action of the City Council, every such amendment shall be submitted to the City Planning Commission for investigation, review and recommendation. (Ord. 3028, 10/31/97)
- B. No property, lot, tract or parcel within the City shall be designated on the Comprehensive Plan as appropriate for the Central Business District zoning district except that which abuts another property lot, tract or parcel so designated. For the purpose of determining those properties, lots, tracts or parcels that abut, public rights-of-way or easements shall be excluded. (Ord. 3028, 10/31/97)

4.2 MORE OR LESS THAN ONE ACRE

When the Guthrie Planning Commission is petitioned by an agency of the City, County, State or Federal Government, or by the owner or owners of a tract of land comprising an area of not less than one (1) acre for a change of zoning from an existing district classification to a more intense, or less restrictive use in accordance with the Comprehensive Plan, the Commission at its discretion may make the following recommendations to the City Council.

- A. Recommend against the change in zoning, or
- B. Recommend the zoning change

If said owner or owners make application after the effective date of this Ordinance for a change in zoning on property of less than one (1) acre, said owner or owners shall be referred to the City Board of Adjustment and shall forthwith file an application of waiver from the one (1) acre rezoning limitation. If said waiver is granted by the Board of Adjustment, the applicant shall

petition the Planning Commission for the zoning change, and said Commission, at its discretion shall make the appropriate recommendation to the City Council.

4.3 NOTICE AND PUBLIC HEARING FOR AMENDMENTS:

Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any district regulation, restriction, or boundary shall become effective. At least fifteen (15) days notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the municipality. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams or other significant landmarks in said area.

4.4 ADDITIONAL NOTICE REQUIREMENT:

A. Except as authorized in Subsection B of this section, in addition to the notice requirements provided for in Section 3.2 of this ARTICLE, notice of a public hearing on any proposed zoning change, (except by the City of Guthrie acting pursuant to Sub-section B of this Section), shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the planning commission, to all the owners of real property within a three hundred (300) foot radius of the exterior boundary of the subject property. The notice shall contain the:

- 1) legal description of the property and the street address or approximate location in the City of Guthrie; and
- 2) present zoning of the property and the zoning sought by the applicant; and
- 3) date, time, and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of said hearing on the affected property at least twenty (20) days before the date of the hearing.

B. If the City of Guthrie proposes zoning reclassifications, in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to flood plain, drainage, historic preservation, and blighted areas, the governing body may require, in addition to the notice requirements provided for in Section 3.2 of this ARTICLE, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall state:

- 1) the date, time, and place of the public hearing; and

- 2) who will conduct the public hearing; and
- 3) the desired zoning classification; and
- 4) the proposed use of the property; and
- 5) other information as may be necessary to provide adequate and timely public notice.

4.5 PROTESTS OF AMENDMENTS:

Regulations, restrictions and district boundaries of the City of Guthrie may be amended, supplemented, changed, modified or repealed. The requirements of Section 3.2 of this ARTICLE on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.

Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

- A. the owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
- B. The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three fourths of all the members of the municipal governing body where there are more than seven members in the governing body, and by three fifths favorable vote where there are seven or less members in the governing body.

SECTION 5

CLASSIFICATION OF ANNEXED AREAS

5.1 ZONING CLASSIFICATION MANDATED:

All territory that is annexed to the City of Guthrie, Oklahoma, after the effective date of this Ordinance, shall be appropriately classified and placed in a zoning district either at the time of annexation or within a time period not to exceed six (6) months from the effective date of the Ordinance of annexation. The classification and districting shall be accomplished in compliance with the following subsections.

5.2 STUDY REQUIRED:

Either prior to or at the time of annexation the City Council, by appropriate means, shall notify the Planning Commission of the need for a zoning study with recommendations for the area included within the annexation. The Planning Commission shall accomplish the study and submit their recommendations to the City Council in a timely manner.

5.3 INTERIM STATUS:

During the interim period following annexation but prior to official zoning designation by ordinance, existing and requested uses and activities shall be administered as follows:

- A. All existing uses and any construction in progress shall be allowed to continue subject to compliance with the Code of the City of Guthrie.
- B. Application for building permits for any use allowed in the R-1 Single Family Residential District shall be processed and issued subject to compliance with the Code of the City of Guthrie.
- C. Requests for building permits for uses other than those uses allowed in the R-1 Single Family Residential District shall be evaluated by the Planning Commission and submitted with a recommendation to the City Council for their decision which shall be binding on the applicant and the Code Enforcement Office. This process shall be accomplished in a timely manner.
- D. Nothing in this section shall be construed as allowing the initiation or continuation of a use of activity in violation of state law or the Code of the City of Guthrie.

5.4 GUIDELINES FOR CLASSIFICATION AND DISTRICTING:

To the maximum extent feasible the Planning Commission in their study and recommendations and the City Council in their final decision by ordinance shall comply with the following guidelines in the classification and districting of annexed territory.

- A. The study and recommendations of the Planning Commission and the Districting Ordinance of the City Council shall be in conformance with the General Land Use Plan.
- B. Any territory previously zoned by the County should be placed in an equivalent zoning district category.
- C. To the maximum extent possible sub-areas of the annexed territory shall be given a zoning district classification that will allow existing uses to continue in conformance with the Zoning Ordinance of the City of Guthrie.

- D. Any existing use of land not in conformance with the predominant surrounding uses shall be considered either for conforming zoning classification or designation as a nonconforming use supported by a variance from the Board of Adjustment.

SECTION 6

VACATION OF PUBLIC EASEMENTS

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

SECTION 7

INVALIDITY OF A PART

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

SECTION 8

REPEAL OF CONFLICTING ORDINANCES

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