

CREEK COUNTY
PLANNING AND ZONING REGULATIONS



CREEK COUNTY PLANNING AND ZONING DEPARTMENT
THE COLLINS BUILDING
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Resolution No. 2023-16

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AMENDMENTS TO THE PLANNING AND ZONING REGULATIONS

<u>Book / Page Reso. Recorded</u>	<u>Date of Reso.</u>	<u>Commissioners Journal Book/Page Location or Reso. #</u>	<u>Summary of Resolution</u>
251 / 2037	July 05, 1966	12-625	Resolution establishing A-1 for all territory and Board to adopt entire Zoning Ordinance.
251 / 2038:2040	Jan. 16, 1967	12-401	Resolution adopting zoning for District #1 and adopting A-1 for all territory in jurisdiction. Clarifying Resolution on July 05, 1966.
251 / 2041:2042	March 20, 1967	12-412:413	Resolution establishing County BOA.
1024 / 2:56	Apr. 10, 1967*	12-418	Resolution establishing zoning districts & regulations for all territory within jurisdiction of MAPC.
251 / 2045:2046	Dec. 04, 1967	12-437	Resolution amending subsection C Sec. 8.6 Art IV & zoning Distr. & Zoning Regulations C-1, neighborhood shopping.
251 / 2047:2048	Jan. 15, 1968	12-441	Resolution amending subsection K of Sec. 8.6 of Art V of Zoning Regulations – parking & loading for commercial & industrial.
251 / 1810; 2009:2033	May 31, 1973	13-565	Resolution approving (1) amendment to map #23 of the Comprehensive Plan (2) amending County Zoning Regulations, document titled “Amendment to the Creek County & Sapulpa Zoning Regulations” dated June 30, 1971 (3) amending county Zoning Regulations to include PUD district (4) Adopting proposed

<u>Book / Page Reso. Recorded</u>	<u>Date of Reso.</u>	<u>Commissioners Journal Book/Page Location or Reso. #</u>	<u>Summary of Resolution</u>
			Subdivision regulations relating to subdivisions in PUDs

* Effective April 17, 1967

251 / 1811	May 31, 1973	13-566	Resolution amending sheet 23 of the Creek County Zoning Map to change an area from A-1 to R-2 & PUD
251 / 1812	May 31, 1973	13-568	another resolution amending sheet 23
_____	March 03, 1975	14-78; 433	Resolution amending the Zoning Regulations and Zoning Districts to add a new chapter to be known as "Flood Plain Ordinance and Regulations." Superseded by Resolutions 85-3, 87-50, & 2004-85.
54 / 1540; 252 / 7	Jan. 23, 1976	14-478:479	Resolution to include all portions of Creek County except those within incorporated city limits, inclusive for the purpose of Zoning Control, Subdivision Regulations, & other particulars
201 / 1863	March 03, 1986	Resolution 86-24	Resolution amending the Zoning Regulations Section 9.3 – posting of signs
251 / 2062	June 01, 1987	Resolution 87-46	Resolution amending Zoning Code to allow retail & wholesale garden centers on approval in A-1 and A-2. Superseded by Resolution 0102.32.02006-38
Book / Page Reso. Recorded	Date of Reso.	Commissioners Journal Book/Page Location or Reso. #	Summary of Resolution
251 / 2063:2065	Aug. 03, 1987	Resolution 87-69	Resolution amending Res. 1/23/76 Creek County Zoning Code Article 4, A-1, RMH-1, RMH-2, RMH-3, & changing on map. Superseded in part by Resolution 98-12 and in part by Resolution 2006-38.
251 / 2066	May 01, 1989	Resolution 89-16	Resolution amending Creek County Zoning Code (passed 5-31-73) deleting Article 4, PUD
_____	Oct. 01, 1990	Resolution 90-36	Resolution amending the Creek County Zoning Ordinance to require approval for taverns, nightclubs, and liquor stores in the C-2 district. Also deleted Section 4.10.2.B "Amusement enterprises" from the uses permitted in the C-2 district. Superseded by Resolution 2006-38.

_____	Nov. 19, 1990	Resolution 90-48	Resolution amending the Creek County Zoning Regulations to add the O Office District. Superseded by Resolution 2015-26.
_____	Feb. 28, 1994	Resolution 94-20	Resolution amending the Creek County Zoning Regulations to require BOA approval of a Use Permitted on Review for dog kennels. Superseded by Resolution 2006-38.
Book / Page Reso. Recorded	Date of Reso.	Commissioners Journal Book/Page Location or Reso. #	Summary of Resolution
_____	Dec. 11, 1995	Resolution 95-93	Resolution amending the Creek County Zoning Regulations to require BOA approval of Telecommunications Towers. Superseded by Resolution 2006-38.
_____	Feb. 02, 1998	Resolution 98-12	Resolution amending the Creek County Zoning Regulations to require BOA approval Use Permitted On Review for mobile homes in the A-1 district. Supersedes Resolution 87-69 (in part).
_____	May 04, 1998	Resolution 98-32	Resolution amending the Creek County Zoning Regulations “Article B. Section 82.3” (Probably intended to say “Article 8 Section 8.2.3;” see Resolution 2006-38) to state three (3) members of the County Board of Adjustment shall constitute a quorum.
_____	Sep. 28, 1998	Resolution 98-69	Resolution amending the Creek County Zoning Regulations Section 4.12.3 to require BOA approval of certain uses in the I-2 General Industrial District. Superseded by Resolution 2006-38.

Book / Page Reso. Recorded	Date of Reso.	Commissioners Journal Book/Page Location or Reso. #	Summary of Resolution
_____	Dec. 14, 1998	Resolution 98-74	Resolution reactivating Resolution 90-48 and amending the Creek County Zoning Regulations to include the O Office District. Superseded by Resolution 2015-26.
_____	Oct. 09, 2000	Resolution 2000-88	Resolution amending the Creek County Zoning Regulations to require BOA approval of Signs and Billboards. Superseded by Resolution 2015-26.
_____	Nov. 29, 2004	Resolution 2004-84	Resolution amending the Creek County Zoning Regulations to add Section 3.2.4 De-annexed Properties.
_____	Sep. 19, 2005	Resolution 2005-65	Resolution amending the Creek County Zoning Regulations to add Chapter Planned Unit Development (PUD) Chapter.
_____	May 08, 2006	Resolution 2006-38	Resolution amending the Creek County Zoning Regulations to add new Special Exception and Variance and Board of Adjustment standards and procedures and amending zoning standards and procedures for communications towers and antennas, and related amendments.

Book / Page Reso. Recorded	Date of Reso.	Commissioners Journal Book/Page Location or Reso. #	Summary of Resolution
_____	March 05, 2007	Resolution 2007-14	Resolution amending the Creek County Planning and Zoning Regulations to amend the definition of Temporary Open Air Facility, provide for the consideration of less-intense districts upon rezoning application, place limitations on certain re-applications, expand the list of and provide standards for Special Exception uses in certain districts, removing the "F," "IH", and "E" districts, re-integrating the PUD chapter, applying parking standards county-wide, modifying BOA provisions, providing for the zoning of rights-of-way, amending the definitions, and other amendments.

Book / Page Reso. Recorded	Date of Reso.	Commissioners Journal Book/Page Location or Reso. #	Summary of Resolution
_____	October 01, 2007	Resolution 2007-60	Resolution amending the Creek County Planning and Zoning Regulations to add a definition of "machine shop," to provide for machine shops in I-1 districts by right, and C-2 districts by Special Exception, and other minor amendments.
_____	March 16, 2015	Resolution 2015-26	Resolution amending the Creek County Planning and Zoning Regulations by amending, adding to, replacing, and/or renumbering the same, to the extent necessary for the purposes to specifically amend ARTICLE 2 - DEFINITIONS, ARTICLE 4 - SPECIFIC DISTRICT REGULATIONS, ARTICLE 6 – NONCONFORMING BUILDINGS, STRUCTURES, USES OF LAND AND LOTS and add ARTICLE 10 - SIGNS; Repealing all Resolutions or parts of Resolutions in conflict here within.
1033/774-75	May 31, 2016	Resolution 2016-43	Resolution amending the Creek County Planning and Zoning Regulations by amending Section 4.3.2.F adding a permitted use, with specific conditions and renumbering the same. Poultry kept in R Districts
1034/300	May 31, 2016	Resolution 2016-44	Resolution amending the Creek County Planning and Zoning Regulations by removing 4.1.2.C and renumbering the same and adding to Section 4.1.3 and renumbering the same. Mining and Earth Extraction Industries.
1088/596	May 30, 2017	Resolution 2017-71	Resolution amending the Creek County Planning and Zoning Regulations by adding to Section 10.2 "Highway Advertising Control Act of 1972, 68 O.S. Sec 1271 § et seq."
1088/598	May 30, 2017	Resolution 2017-72	Resolution amending the Creek County Planning and Zoning Regulations by adding "Uses Permitted" to Section 4.9.1; defining "event center" in Section 2.1
Book / Page	Date of Res.	Res. Number	Summary of Resolution
1088/602	May 30, 2017	2017-73	Resolution amending the Creek County Planning and Zoning

Regulations by adding a “Use Permitted”
In Section 4.1.2; removing a “Special Exception” Use
from Section 4.1.3; remove Section 4.1.4.E.1

1128/372	March 5 th , 2018	2018-25	Resolution amending the Creek County Planning and Zoning Regulations by amending “area regulation” In Section 4.1.4.D; Lot Width
1203/988-1236	August 19th, 2019	2019- 87	Resolution adopting new Creek County Planning and Zoning Regulations And Subdivision Regulations
1328/811	August 23 rd , 2021	2021- 116	A resolution amending the Planning and zoning regulations for Creek County, Oklahoma, by amending, adding to, replacing, and/or renumbering the same, to the extent necessary for the purposes of this amendment, specifically to add definitions, modify lot-split rules, and adjustments to special exceptions in various districts; repealing all resolutions or parts of resolutions in conflict here within.
1422/248	February 21st, 2023	2023-16	A resolution amending the Planning and zoning regulations for Creek County, Oklahoma, by amending, adding to, replacing, and/or renumbering the same, to the extent necessary for the purposes of this amendment, specifically to add definitions, modify lot-split rules, and adjustments to special exceptions in various districts; repealing all resolutions or parts of resolutions in conflict here within.

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**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
CREEK COUNTY, OKLAHOMA**

2023 – 16

A RESOLUTION AMENDING THE PLANNING AND ZONING REGULATIONS FOR CREEK COUNTY, OKLAHOMA, BY AMENDING, ADDING TO, REPLACING, AND/OR RENUMBERING THE SAME, TO THE EXTENT NECESSARY FOR THE PURPOSES OF THIS AMENDMENT, SPECIFICALLY TO ADD DEFINITIONS, MODIFY LOT-SPIT RULES, AND ADJUSTMENTS TO SPECIAL EXCEPTIONS IN VARIOUS DISTRICTS; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERE WITHIN.

WHEREAS, pursuant to 19 O.S. § 865.51 et seq, Creek County, Oklahoma, has availed itself of land use regulation laws, established a planning commission by resolution of the board and by a vote of the majority of the people voting at an election called for such purpose in the county, reaffirmed the Creek County Board of Adjustment as created under prior resolution, and appropriated funds in the amounts necessary to carry out the purpose of land use regulation and planning pursuant to Oklahoma law;

WHEREAS, the Board of County Commissioners of Creek County, Oklahoma has deemed it necessary and proper and for the benefit of the people of Creek County, Oklahoma, 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 undue traffic congestion and its accompanying hazards, and to create a comprehensive and stable pattern of land uses within the County by adopting the attached regulations; and

WHEREAS, the attached, proposed amendments to the regulations established for the purposes above are necessary to further the promotion of the public health, safety, comfort, convenience, and general welfare;

NOW THEREFORE BE IT RESOLVED THAT, THE BOARD OF COUNTY COMMISSIONERS OF CREEK COUNTY DOES:

At the recommendation of the Creek County Planning Commission and Creek County Board of Adjustment, amend the planning and subdivision regulations for all the unincorporated territory within Creek County, Oklahoma, and those incorporated territories within the County that elect to utilize the County Land Use Regulations pursuant to 19 O.S. § 865.69;

Provide that an approved copy of this resolution and its approved attachments is ordered placed on record in the office of the County Clerk of Creek County.

Expressly repeal all resolutions or parts of resolutions in conflict herewith, if any, to the extent of the conflict. However, nothing in this resolution shall be construed to prevent the enforcement of other resolutions, laws, or regulations which prescribe more restrictive limitations. If any one or more of the sections, sentences, clauses or parts of this resolution or its attachments shall for any reason be held invalid, the invalidity of such section, sentence, clause or part shall not affect or prejudice in any way the applicability and validity of any other section, sentence, clause or part of this resolution or its attachments.

For the purposes of maintaining the proper and orderly growth of Creek County and preserving the public peace, health, safety, and general welfare of this County, this resolution shall take effect and be in force immediately.

DONE THIS __ 21st __ DAY OF __ February ____, 2023 ____.

BOARD OF COUNTY COMMISSIONERS
CREEK COUNTY, OKLAHOMA

NEWT STEPHENS JR., CHAIRMAN

ATTEST:

LEON WARNER, VICE-CHAIRMAN

JENNIFER MORTAZAVI
COUNTY CLERK

JARROD WHITEHOUSE, MEMBER

**ARTICLE 1
CITATION, PURPOSE, NATURE,
AND APPLICATION OF PLANNING AND ZONING REGULATIONS**

**SECTION 1.1
CITATION**

- 1.1.1 These Regulations, pursuant of the authority granted by the Legislature of the State of Oklahoma in 19 O.S. § 865.51 *et seq.* as amended, shall be known as the “Planning and Zoning Regulations for Creek County, Oklahoma” and may be cited as such.

**SECTION 1.2
PURPOSE**

- 1.2.1 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 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 these Regulations, they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

**SECTION 1.3
NATURE AND APPLICATION**

- 1.3.1 These Regulations classify and regulate the use of land, buildings, and structures within certain portions of the unincorporated area of Creek County, Oklahoma which portions are described on the zoning map which is a part of these regulations. These regulations are necessary to promote the health, safety, convenience, and welfare of the inhabitants of the County by dividing the said unincorporated portions into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.
- 1.3.2 Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvements 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.
- 1.3.3 A lot shall not be divided into two (2) or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which located.

ARTICLE 2 DEFINITIONS

SECTION 2.1 INTERPRETATION OF WORDS AND TERMS

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

ABUT- To be separated by common property lines or an alley. This term implies a closer proximity than the term “adjacent.”

ACCESSORY BUILDING: A subordinate building or a portion of the main building, the use of which is incidental to that of the dominate use of the building or premises. Accessory structures include garages, decks, and fences.

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

ACRE: Land area of 43,560 square feet.

AGRICULTURAL ANIMALS- Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

AGRICULTURAL LAND: Land used actively in the production of crops, fiber, or livestock.

AGRICULTURAL PROCESSING: Activities involving a variety of operations on crops, livestock or deer which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include but are not limited to slaughterhouses, mills, refineries, canneries, and milk processing plants and cannabis operations.

AIRPORT: a complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers.

ALLEY: A public thoroughfare that affords only a secondary means of access to an abutting property.

ANIMAL SANCTUARY: An animal sanctuary is a facility where animals are brought to live and to be protected for the rest of their lives.

ANTENNA: A transmitting and/or receiving device used in telecommunications that radiates or captures a signal.

ANTENNA SUPPORT STRUCTURE: A telecommunications facility that consists of a stand-alone support structure which has as its principal or accessory use the support of antenna(s) and associated equipment and improvements, to include, but not necessarily be limited to communications towers.

ANTICIPATED DEVELOPMENT: Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

APARTMENT HOUSE: See Dwelling, Multiple Family.

APPLICANT – Owner of land proposed to be subdivided or his representative.

ASSISTED LIVING CENTER: A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living, and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

AUCTION: Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

AUTOMOBILE: A self-propelled mechanical vehicle designed to use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motor cycles.

BARN, POLE: Nonresidential structure where] wooden post and beam act as the main structural support for roof and walls. No concrete/masonry support under posts; walls and roof covered with metal skin.

BASEMENT: A story partly or wholly underground. For the purpose 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.

BATHHOUSE: A use or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.

BLOCK- A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines

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

BOARD OF ADJUSTMENT (BOA): The Board of Adjustment of Creek County, Oklahoma.

BREWERY: An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

BUILDING – Any permanent structure built for the support, shelter, or enclosure for persons and animals.

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

BUILDING LINE- A line, usually fixed parallel to the lot limit, beyond which a building cannot extend.

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

BUILDING SETBACK- The line or lines designating the area outside of which buildings may not be erected.

BUS TERMINAL: means any premises for the storage or parking of buses or the loading or unloading of passengers, excluding public transportation service.

BUTCHER SHOP: A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from preprocessed carcasses.

CHILD CARE CENTER: Any place, home or institution which receives six (6) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation, provided, however, this definition will not include public or 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.

CHILD CARE HOME: See Family Day Care Home.

COMPREHENSIVE PLAN: The official plan for the physical development of Creek County.

CONCESSION STAND: A structure devoted to the sales of confections, snacks or other light meals.

CONTRACTORS STORAGE YARD: storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business.

CO-LOCATION: The placement of the communications antennas of two (2) or more service providers upon a single tower or other antenna support structure.

COUNTY: Creek County, Oklahoma.

COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all over hanging roofs.

CUSTOMARY RESIDENTIAL EXTERIOR FINISHING MATERIALS: Roof and siding materials traditionally used to provide the finished exterior of single family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturer's specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or

other wood siding, masonry (stucco, brick, stone, block, tilt up panel) and wood grain weather resistant pressboard siding.

DESIGNATED RESIDENTIAL DEVELOPMENT AREA: An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD).

DEVELOPMENT: Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DWELLING: A building or structure which is designed or used, in whole or in part, for human habitation.

DWELLING, SINGLE-FAMILY: A building designed exclusively for and occupied exclusively by one family

DWELLING, TWO FAMILY (DUPLEX): A building containing two (2) dwelling units and designed for occupancy by not more than two (2) families.

DWELLING, MANUFACTURED HOME: A manufactured dwelling, as defined by the Federal Government, other than a recreational vehicle which is either:

A. Fully assembled into one unit or one expandable/telescoping unit of more than eight (8) feet in width and 40 feet or more in length and is fully habitable upon arrival at a site except for minor and incidental installation activities and utility connections and is installed on either temporary or permanent foundations; or

B. A dwelling manufactured in two (2) or more units but either fails to utilize customary siding materials or retains chassis or other equipment related to being towed or is not placed on a permanent foundation; or

C. Any combination of A or B above which does not meet Building Code requirements for conventional site-built single-family homes but does meet the Federal Manufactured Housing Construction and Safety Standards Act, as revised April 1, 1995 and bears a HUD label.

DWELLING, MODULAR: See Dwelling, Single Family Detached

DWELLING, MULTI-FAMILY: A detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.

DWELLING, SINGLE FAMILY DETACHED:

A. Site Built: A building, other than a manufactured home, containing one dwelling unit designed for occupancy by not more than one family, which is constructed to a locally adopted or nationally recognized Building Code, such as the ICC Code. In the absence of locally adopted Building Codes, the codes adopted by the State of Oklahoma shall apply.

B. Modular: A single-family manufactured dwelling partially preassembled into two (2) or more sections, none of which are habitable individually, and which are to be permanently joined together. The dwelling shall utilize customary construction, residential siding and roofing materials and be built to the Building Code standards as adopted by the Creek County, Oklahoma, or absent such Code, as adopted by the State of Oklahoma for conventional site-built housing. Certification of construction to said Building Code standards shall be provided by the stamp or seal of a professional engineer or architect licensed to practice in the State of Oklahoma.

DWELLING, TOWNHOUSE: A building containing three (3) or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

DWELLING UNIT: A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

EASEMENT: Authorization by a property owner for a general or specific use by another of any designated part of, or tract of land.

ELDERLY/RETIREMENT HOUSING: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

EVENT CENTER: A facility located on private property that primarily functions to provide a place for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbeque facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances.

EQUINE THERAPY: Typically, equine-assisted therapy is a team effort where a mental health professional works with a horse specialist. Clients who participate in equine-assisted therapy are usually seeking help for emotional or behavioral problems. Clients work with specially trained horses and learn about caring for them.

FAMILY DAY CARE HOME: A dwelling, which shall be the primary residence of the owner/operator, used to house and provide supervision and care for seven (7) children. The total shall include those preschool children under five (5) years of age who reside in the residence.

FAMILY, IMMEDIATE: Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law

FAMILY USE ONLY: Relation to the property owner by 3rd degree of consanguinity or affinity.

FARM STAND: A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

FOSTER HOME: A dwelling which shall be the primary residence of the owner/operator, used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but are under their supervision. A maximum of five (5) children are allowed to reside in the home including any natural children living in the home, if any children in the home are age two or younger. If no children are under two years, the maximum number of children residing in the home is six (6).

FLASHING ILLUMINATION: A light source or other image which, in whole or in part, physically changes in light intensity or gives the appearance of such change.

FLOODPLAIN: The land area adjoining a watercourse or drainage way which would be inundated by the floodwater of the 100-year frequency flood, based on full urbanization of the watershed and shown on the officially adopted floodplain maps.

FLOOR AREA:

- a. The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

- b. For the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas is not included.
- c. Floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, means the smallest rectangular area encompassing the display or customer seating area.

FLOOR AREA RATIO (FAR): The floor area of all of the buildings on a lot divided by the lot area.

FREEWAY: A Street designated as a freeway or expressway on the Major Street and Highway Plan.

FRONTAGE: The lineal measurement of a lot boundary which abuts a public street.

GARAGE APARTMENT: A dwelling unit for one family erected above or attached to a private garage.

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.

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

GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

GASOLINE SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic automobile washing or the sale of butane or propane fuels.

GREENHOUSE: a glass building in which plants are grown that need protection from cold weather.

"GROWER" OR "COMMERCIAL GROWER: An individual or entity that has been licensed by Oklahoma Medical Marijuana Authority pursuant to 63 O.S. § 422A, which allows the grower to grow, harvest, dry, cure, and package medical marijuana according to this Chapter for the purpose of selling to a dispensary or processor.

HABITABLE FLOOR: Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a “habitable floor.”

HALFWAY HOUSE: A building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage, who are undergoing care or rehabilitation for alcoholism or other forms or drug abuse.

HEIGHT, BUILDING: The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under the Zoning Code shall apply.

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.

HOME OWNERS OR OWNERS ASSOCIATION: An incorporated nonprofit organization operating under recorded land agreements through which:

A. Each lot and/or homeowner in a Planned Unit Development or other described land area is a member on a mandatory basis as required by the deeds of dedication and restrictive covenants;

B. Each lot is automatically subject to a charge for a proportionate share of the organization's activities and costs, such as maintaining a common property; and

C. The charge, if unpaid, becomes a lien against the property.

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

HUNDRED YEAR-FREQUENCY FLOOD: A flood having an average frequency of occurrence once in 100 years (although this flood may occur in any year) based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

INDUSTRIAL: Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

INDUSTRY, HEAVY: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process

INDUSTRY, LIGHT: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

INTERNET SALES: means the advertisement, promotion and sale of Products to individual consumers who submit orders for such Products directly through an E-Commerce Website consistent with the terms of this Agreement.

JUNK YARD: A place where scrap is collected before being recycled or discarded.

KENNEL: Any lot or premises used for the purpose of selling, breeding, boarding or training cats or dogs, or both, or any lot or premises on which are kept 10 or more cats or dogs or any combination thereof.

LAND AREA: The area of a lot plus one half or 30 feet, whichever is less, of the right of way of any abutting street to which the lot has access.

LAND COVERAGE: The area of a lot covered by buildings, not to include area used for structural parking.

LANDING FIELD: is a field where aircraft may land and take off.

LANDSCAPED AREA: The unpaved area within a lot which contains grass, shrubs, flowers, natural ground cover, trees or native plant materials and which may include decorative fixtures such as rocks, boulders, stones, ponds and planters.

LIBRARY: a building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to.

LIFE CARE RETIREMENT CENTER: A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

LIVABILITY SPACE: The open space of a lot which is not allocated to or used for off street parking or loading areas or for paved access to the off-street parking or loading area.

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 these regulations and other laws, and having its principal frontage on a street.

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.

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

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

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

LOT AREA: The total area measured on a horizontal plane, included within lot lines.

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

LOT LINES: The lines bounding a lot.

LOT SPLIT: The division of a tract or parcel of land into two lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development

MACHINE SHOP: A lower-intensity industrial/manufacturing establishment primarily engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling. (NAICS Code 332710 2007)

MANUFACTURED HOME: See Dwelling, Manufactured Home.

MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

MANUFACTURED HOME SUBDIVISION: A parcel of land which has been subdivided to permit individual ownership of manufactured home lots.

MANUFACTURED HOME PARK: A parcel of land or property which is used or intended to be used or rented for occupancy by two (2) or more manufactured homes.

MARINA: Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travel lift services, slip rental, gasoline, sanitary pump out service and food, drink and transient lodging accommodations.

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 out-patients, provided that patients are not kept overnight except under emergency conditions.
- C. DENTAL OFFICE OR DOCTORS OFFICE: Same as dental or medical clinic.
- D. HOSPITAL: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- E. PUBLIC HEALTH CENTER: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- F. SANATORIUM: An institution providing health facilities for in-patient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

MEDICAL MARIJUANA COMMERCIAL DISPENSARY: includes an individual or entity that has been issued a medical marijuana business license by Oklahoma Medical Marijuana Authority, which allows the dispensary to purchase medical marijuana or medical marijuana products from a licensed processor, grower, or dispensary; to sell medical marijuana and medical marijuana products to a licensed patient, to the licensed patient's parent(s) or legal guardian(s) if licensed patient is an minor, and a licensed caregiver; and to sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana or medical marijuana products to another licensed dispensary, a research facility, and an educational facility; and to transfer to testing laboratories.

MEDICAL MARIJUNA COMMERCIAL GROWER: includes an individual or entity that has been issued a medical marijuana business license by Oklahoma Medical Marijuana Authority, which allows the grower to grow, harvest, dry, cure, package, sell, transfer, and transport or contract with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law and this Chapter to a dispensary, processor, grower, research facility, education facility, or testing laboratory.

MEDICAL MARIJUANA EDUCATION FACILITY: includes an individual or entity that has been issued a license by Oklahoma Medical Marijuana Authority to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging, or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging, or creation of medical-marijuana-infused products or medical marijuana products for the limited education and research purposes permitted under state and federal law and these Rules; to transfer, by sale or donation, medical marijuana grown within its operation to licensed research licensees; and to transfer to licensed testing laboratories.

MEDICAL MARIJUANA PROCESSOR: includes an individual or entity that has been issued a medical marijuana business license by Oklahoma Medical Marijuana Authority, which allows the processor to: purchase medical marijuana or medical marijuana products from a grower or processor; process, package, sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana and medical marijuana products that they processed to a licensed dispensary, processor, or testing laboratory in accordance with Oklahoma law and this Chapter; and process medical marijuana received from a licensed patient into a medical marijuana concentrate, for a fee.

MEDICAL MARIJUANA RESEARCH FACILITY: includes an individual or entity that has been issued a license by Oklahoma Medical Marijuana Authority to grow, cultivate, possess, and transfer to testing laboratories, and to transfer by sale or donation to other licensed research facilities, medical marijuana for the limited research purposes permitted under state and federal law and these Rules.

MEDICAL MARIJUANA RESEARCH PROJECT: includes a discrete scientific endeavor to answer a research question or a set of research questions related to medical marijuana and is required for a medical marijuana research license.

MEDICAL MARIJUANA WASTE DISPOSAL FACILITY: means an individual or entity that has been issued a medical marijuana waste disposal facility license by Oklahoma Medical Marijuana Authority to dispose of medical marijuana waste as authorized in Oklahoma law and these Rules.

MEDICAL MARIJUANA TRANSPORTATION SERVICE: Establishments primarily engaged in undertaking the transportation of goods for compensation, and which may in turn make use of other transportation establishments in effecting delivery. This definition includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

MOBILE HOME: See Dwelling, Manufactured Home

MODULAR HOME: See Dwelling, Single Family Detached.

NIGHT WATCHMAN: a person whose job is to guard a building at night.

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.

NURSEY: A nursery is a place where plants are propagated and grown to usable size.

PARK: a large public green area, used for recreation.

PARKING SPACE: A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

PERMANENT FOUNDATION: A perimeter foundation which meets the minimum Building Code requirements as adopted by Creek County, or absent such Code, the Building Code adopted by the State of Oklahoma for conventional site-built single-family homes shall apply.

PLANNED UNIT DEVELOPMENT (PUD): A supplemental or overlay zoning district which allows discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility and arrangement of principal land uses, lot sizes, and accessory uses not otherwise available in conventional zoning districts.

PLANNING COMMISSION: The Creek County Planning Commission (CCPC).

PLAYGROUND: an outdoor area provided for children to play in, especially at a school or public park.

POOL HOUSE: a pool house is a free-standing structure that exists separate and apart from your home, and is located within close proximity to your pool. Although the fact that “house” is part of this structure's name, don't be confused—a pool house is not intended as a living or guest quarter.

RECREATIONAL VEHICLE (RV): A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells which are attached to a pickup truck are not considered a recreational vehicle.

RECREATIONAL VEHICLE PARK: A parcel of land on which two or more recreational vehicles, travel trailers, or campers are parked or any zoning lot on which space for the parking of recreational vehicles, travel trailers, or campers is rented or offered. The term does not include premises on which unoccupied recreational vehicles, travel trailers, or campers, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

RESTAURANT: Any establishment where food and drink are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed.

ROAD FRONTAGE- Minimum of 35 feet of County maintained road frontage that is on the county maintained road system or dedicated road.

ROADSIDE STAND: may be just a table on the lawn, where surplus garden products can be displayed for sale from time to time. It may be a more permanent stand in front of the home or on a nearby highway, with a display counter or shelves, and a roof to protect the produce and the attendant from both sun and rain. It may still be more ambitious, a fairly large structure where several farm families cooperate to sell most of their fruit and vegetables and other products to steady customers and passing motorists who like to buy direct from the growers to get freshness and high quality.

ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel under the terms of these regulations.

SALVAGE YARD: A place where old cars and machines are taken apart so that the metal and other parts they contain can be used again

SCHOOL: an organization that provides instruction: such as. A: an institution for the teaching of children. B: college, university. C (1): a group of scholars and teachers pursuing knowledge together that with similar groups constituted a medieval university.

SECRETARY: The administrative staff of the Board of Adjustment of Creek County, Oklahoma, also known as the County Planner.

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

SETBACK: The minimum distance by which any building or structure must be separated from a street right – of-way or lot line.

SHORT TERM RENTAL (Airbnb): Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days;

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

(See ARTICLE 9– SIGNS for detailed definitions of all sign typology and related terminology)

SITE DEVELOPMENT PLAN: A plan drawn at a scale of not less than one inch equals 50 feet which shows:

- A. The topographic characteristics of the site at two (2) foot contour intervals;
- B. The location and dimensions of buildings, yards, courts, parking spaces and other features; and
- C. The use of each building and area, adjacent streets, alleys, utility, drainage and other easements, and the relationship of the development to adjacent areas which it may affect.

SNACK SHOP: snack shop (See also recreation, outdoor concession)An establishment that serves a snack usually for consumption between meals; specifically, items such as donuts, ice cream, yogurt, or cookies are considered snacks, and the planning commission may consider additional items as snacks. An establishment similar to a restaurant, but limited to the extent that no food is cooked on the premises other than heating by microwave oven.

SPECIAL EXCEPTION: A use or a design element of a use which is not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the Planning and Zoning Regulations, and in accordance with the substantive and procedural standards of the Planning and Zoning Regulations.

STABLE, PRIVATE: A stable which does not accept compensation.

STABLE, PUBLIC: A stable which accepts compensation.

STORY: A room or set of rooms on one floor level of a building.

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.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

STREET CENTERLINE: For the purposes of bulk and area calculations, the center line of the street is defined as the centerline of the planned right-of-way.

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

STREET INTERSECTION: The point at which any street joins another street at an angle, whether or not it crosses the other.

STREET WALL: The wall or part of the building nearest to the street line.

STREET YARD: See Yard, Street.

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

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.

SUBDIVISION REGULATIONS: The Subdivision Regulations of Creek County.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred.
- C. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration affects the external dimensions of the structure. However, Substantial Improvement does not include:
 1. Any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which is required to improve safety or living conditions; or
 2. Any alteration of a structure listed on the National Register of Historic Places or the State of Oklahoma Inventory of Historic Places.

SUPPLEMENTAL DISTRICT: A Zoning District to be mapped as an overlay to a Zoning District. The Overlay modifies or Supplements the regulations of the underlying Zoning District in recognition of distinguishing circumstances such as historic preservation or unit development. The Overlay must also maintain the character and purposes of the general Zoning District over which it is superimposed. A Planned Unit Development (PUD) is an example of a Supplemental or Overlay Zoning District.

TEMPORARY OPEN AIR FACILITY: Any tract, parcel, lot, or site, or any combination thereof, or any part thereof, on which are conducted certain open air land uses which can be objectionable to certain other uses and are, therefore, permitted in certain districts only by Special Exception, in accordance with these Regulations. Provided that compensation is accepted, said uses shall include, but not necessarily be limited to: Boat, car, and motorcycle shows, carnivals, circuses, tent revivals, motorcycle rallies, trade shows, and other such large outdoor activities having in attendance fifty (50) or more persons, but shall not include public gatherings or assemblies on municipal, school, or other publicly-owned lands, including, but not necessarily limited to: sporting events, public auctions, emergency housing shelters, political rallies, town or County fairs, and town hall meetings or other public gatherings or assemblages.

“Compensation,” as used in these regulations, shall mean that, in exchange for admission and/or participation at any level in any of the events taking place, or in exchange for any goods or services available on site, there is submitted money (including payment of a fee or compulsory or voluntary donation), goods or services or other valuable effects (bartering), or any other form of consideration or benefit.

TINY HOME: A dwelling that is less than 900 square feet of livable space.

TOP PLATE: The horizontal timber directly carrying the trusses of a roof or the rafters.

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 families and intended primarily for automobile transients.

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

TRACT: An area, parcel, site, piece of land, or property which is subject of a residential development.

TOWNHOUSE DEVELOPMENT: A subdivision containing at least three (3) townhouse lots.

TRAILER COURT OR MOBILE HOME PARK: See Manufactured Home Park.

TRAILER HOME OR MOBILE HOME: See Dwelling, Manufactured.

TRAILER, TRAVEL OR CAMPING: See Recreational Vehicle (RV).

TRAILER, HAULING: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

TRUCK TERMINAL: Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

VARIANCE: A relaxation of a restriction of these Planning and Zoning Regulations, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property at the time of the original adoption of these regulations or other extraordinary exceptional situation or condition of a specific parcel or property, which condition is not generally prevalent in this area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and demonstrative undue hardship upon, the owner of such property.

WILD OR EXOTIC ANIMALS: As regulated by herein, wild or exotic animals are

Primates: Any non-human primate.

Carnivore: Non-domestic flesh-eating mammals.

Venomous Reptiles: Venomous snakes and lizards.

Non-Venomous Reptiles: Those reaching eight feet or more in length and/or weighing 40 pounds or more at maturity.

WRECKING YARD: Any place where damaged, inoperable, or obsolete machinery including but not limited to cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.

YARD: An open, unoccupied space on a lot between a building and a lot line. In measuring a yard for the purpose of determining the width of the side yard, 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.

YARD, FRONT: A yard extending along the full length of the front lot lines between the side lot lines.

YARD, REQUIRED: The minimum required distance of open unoccupied space between a building and a lot line.

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

**ARTICLE 3
ESTABLISHMENT OF DISTRICTS**

**SECTION 3.1
NUMBER OF DISTRICTS**

3.1.1 For the purposes of these regulations, the following zoning districts are hereby established for the unincorporated portions of Creek County:

AG- Agricultural District

Residential Districts

LR-Light Residential District

HR-Heavy Residential District

RMH-Residential Manufactured Home District

C-Commercial District

I-Industrial District

Other

PUD - Planned Unit Development

SECTION 3.2
ZONING MAP AND DISTRICT BOUNDARIES

- 3.2.1 The zoning map of Creek County, Oklahoma, is hereby established. Said map is filed with the County Clerk by reference herein to its physical location in the office of the County Planner. Said map and all of the notations, references, and other matters shown thereon shall be made as much a part of these Regulations as if the notations, references, and other matters set forth by said map were all fully described herein.
- 3.2.2 The unincorporated positions of Creek County that are bounded by zoning district lines on said maps are divided into zoning districts, as shown on said map.
- 3.2.3 The original permanent copy of the initial zoning map approved by Resolution of the Board of County Commissioners upon recommendation of the Creek County Planning Commission after public hearing, shall be kept, unaltered, on file as a public record in the office of the County Planner.
- 3.2.4 All rezoning and other changes thereto shall be separately similarly so filed and maintained.
- 3.2.5 RESERVED
- 3.2.6 When any property shall be brought into the zoning jurisdiction of Creek County by de-annexation, such property shall be deemed to be in an A- Agricultural District, provided that properties which have been approved for rezoning by Resolution of the Board of County Commissioners prior to annexation shall be deemed to have the zoning classification as most recently approved by Resolution. All de-annexed properties which have been assigned a residential, office, commercial, or industrial classification by a municipality prior to de-annexation shall be assigned a comparable zoning classification by the Board of County Commissioners, provided the owner of such property requests the Board of County Commissioners, in writing, within 90 days of the action de-annexing the property in question. Said request shall include the specific legal description of the property in question, the zoning classification prior to de-annexation, the signature of the owner of record, and the date of the request. An appeal from the classification assigned by the Board of County Commissioners shall be processed as an application for zoning map amendment in accordance with the procedural requirements set out in Section 8.2 Amendments.

**ARTICLE 4
SPECIFIC DISTRICT REGULATIONS**

**SECTION 4.1
A- AGRICULTURAL DISTRICT**

4.1.1 GENERAL DESCRIPTION

This district is intended to provide an area primarily for agricultural uses or the extraction of various products such as oil, minerals, rock and gravel from the earth with approval of Special Exception. 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 the streets and highways. It is the purpose of this district to protect such uses from un-planned urbanization so long as the land therein is devoted primarily to agricultural or extraction of minerals.

4.1.2 USES PERMITTED

Property and buildings in an A- Agricultural District shall be used only for the following purposes.

- A. Single family detached dwelling, provided, this shall not be construed to allow the erection of more than one (1) dwelling for residential purposes on a single lot unless such lot is 10 acres or more, but not more than 2 dwellings for family use only and not a dwelling for rental property or other purposes on a lot of 10 acres or more.
- B. All agricultural land uses, buildings and activities.
- C. The raising of farm animals, but not the operation of commercial feed pens for livestock. On all tracts of land containing less than ten (10) acres the raising of hogs is prohibited, and on all other tracts the number of hogs weighing more than twenty-five 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.
- D. Oil well or gas well drilling and operations.
- E. Transportation, pipeline and utility easements and right-of-way.
- F. Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to one-third of the display area for produce may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway an adequate distance to permit the parking and ingress and egress, and shall not be constructed in such a location as would create an undue traffic hazard subject to the determination of the County.

All of the following uses:

- Cemetery allowing only persons related to the property owner by blood or marriage
- Church
- Home occupation
- Library
- Park or playground or public recreation area
- Plant nursery or greenhouse
- Public utility buildings and facilities
- School

- Internet Sales
- Medical Marijuana Grow
- Home Beauty Shop located in a dwelling. Provided such shop is conducted within the main dwelling, and is operated solely by the homeowner. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character of the home. No sign shall be permitted except one (1) non-illuminated name plate not exceeding two (2) square feet in area, attached to the main building.

- G. Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings and private garages.
- H. Tent revivals not accepting compensation, auctions, yard sales, and multi-family yard sales not lasting more than three (3) days or occurring more than three (3) times in a calendar year;
- I. One (1) manufactured home on 2.5 acres or more.

4.1.3. SPECIAL EXCEPTION USES - The following uses may be permitted by Special Exception granted by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

- Adult or child care center
- Airbnb / Bed and Breakfast
- Signs and billboards
- Airport or landing field
- Antennas and antenna support structures, to include communications towers
- Brewery
- Campground, not to include a recreational vehicle park
- Public Cemetery
- Commercial special event when activities are primarily conducted outdoors
- Distillery
- Electric regulation stations
- Fire protection facilities
- Fireworks sales facility
- Government services buildings and facilities, public monument or statue, or public art
- Gun or archery shooting range, indoor or outdoor.
- Halfway House/Transitional Living (not more than 8 residents and not on less than 5 acres)
- Kennel or any domestic animal selling, breeding, boarding and/or training enterprise
- Medical Marijuana Processing
- Mining, quarrying and earth-extraction industries
- Pressure control stations (gas or liquid, excluding storage or service garages and yards)
- Private marina, boat docks, golf course or driving range, or other private outdoor recreation activity
- Public stable or riding academy
- Retail or wholesale garden center
- Rodeo or other equine- or bovine-related performance arena, indoor or outdoor
- Sale barn or commercial feed pen for livestock
- Temporary construction facilities
- Temporary open air facilities
- Truck driving training facility, outdoor
- Wedding chapel or outdoor wedding or family special event facility
- Wild/exotic animals: Maintaining, selling, breeding, boarding, and/or training.

4.1.4 AREA REGULATIONS

A. FRONT YARD

All buildings and mining operations, except temporary roadside stands for the sale of farm products grown on the premises, shall be set back from road and street right-of-way lines to comply with the following yard requirements:

1. All buildings shall be set back from a state or federal highway or county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.
2. On all public roads or streets, other than federal, state or county highways and section line roads, all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

B. SIDE YARD

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story, except as hereinafter provided in Article V, Section 2.
2. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. REAR YARD

1. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

D. LOT WIDTH

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

E. INTENSITY OF USE

1. For each dwelling and building accessory thereto, there shall be a lot area of not less than two and one half (2.5) Acres

2. For churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and off-street parking areas required in Article 5, Section 8.

F. COVERAGE

1. Main and accessory buildings shall not cover more than twenty-five per cent (25%) of the lot area of interior lots, and thirty per cent (30%) of the lot area on corner lots;
2. Accessory buildings shall not cover more than twenty per cent (20%) of the rear yard.

SECTION 4.2
LR- LIGHT RESIDENTIAL DISTRICT

4.2.1 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. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

4.2.2 USES PERMITTED

Property and buildings in an LR- Light Residential District shall be used only for the following purposes:

- A. Single family detached dwelling, other than a manufactured home. Square footage must be 900 feet or greater of living space.
- B. Churches, but not including missions or revival tents or arbors.
- C. Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- D. Public Park and playground.
- E. Library.
- F. Agricultural crops, but not the raising of farm animals. Poultry may be kept under the following conditions:
 - 1. Poultry, not to exceed six (6) adults and fourteen young (14) chicks under the age of 8 weeks.
 - 2. Poultry must be confined in a separate building located no closer than 100 feet to any adjoining residence.
 - 3. The floors of such building shall be maintained in a sanitary condition not offensive or dangerous to the public health by routinely and properly disposing of the droppings.
- G. Home occupation.
- H. Transportation and utility easements, alleys, and rights-of-way.
- I. Accessory buildings which are not a part of a main building, including one private garage, or accessory buildings.
- J. A church bulletin board or sign, not exceeding twelve (12) square feet in area, located behind the front building line on the same lot with the church building.
- K. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this District, and which shall be removed when construction work is completed.
- L. Parking lot required to serve the uses permitted in this District.

M. Tent revivals not accepting compensation, auctions, yard sales, and multi-family yard sales not lasting more than three (3) days or occurring more than three (3) times in a calendar year; The same shall not be considered a temporary open air facility as defined in these regulations.

4.2.3. SPECIAL EXCEPTION USES - The following uses may be permitted by Special Exception granted by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

- Adult or child care center
- Airbnb
- Golf Course
- Municipal use, public building and public utility
- Plant nursery
- Tiny Home (see definition)
- Medical Marijuana Commercial grow
- Medical Marijuana Processing

4.2.4 AREA REGULATIONS - All buildings shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

A. FRONT YARD

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

B. SIDE YARD

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of two or more stories, except as hereinafter provided in Article 5, Section 2.
2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersection street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
4. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

C. REAR YARD

1. There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.
2. The parking and storage of one recreational vehicle is permitted provided that:
 - a. The vehicle is not used for dwelling purposes;
 - b. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
 - c. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

D. LOT WIDTH

1. For dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

E. INTENSITY OF USE

1. For each dwelling, there shall be a lot area of not less than (.50) half an acre.
2. For churches and main accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article 5, Section 8; provided, however, that the lot area for a church shall not be less than one (1) acre.

F. COVERAGE

1. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

4.2.5 HEIGHT REGULATIONS

1. No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except as provided in Article 5, Section 3.
2. No more than 2 inoperable vehicles for 30 consecutive days in the Light Residential District.

SECTION 4.3
HR - HEAVY RESIDENTIAL DISTRICT

4.3.1. GENERAL DESCRIPTION

This is a residential district to provide for moderately higher population density and a wider range of dwelling types than in the LR District, but otherwise similar to that District. The principal uses of land are single family, two family and low-density multiple family dwellings and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through the consideration of the proper functional relationship of the different uses.

4.3.2 USES PERMITTED

Property and buildings in an HR- Heavy Residential District shall be used only for the following purposes:

1. Any uses permitted in the LR- Light Residential District.
2. Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.
3. Assisted living center.
4. Elderly/retirement housing.
5. Garage apartment, when located on a separate lot or on the same lot with another dwelling use
6. Life care retirement center.
7. Multiple family dwelling, other than one comprised of manufactured homes.
8. Rooming or boarding house.
9. Two family dwellings or a single family detached dwelling and a garage apartment; not to include a manufactured home.
10. Airbnb

4.3.3. SPECIAL EXCEPTION USES

The following uses may be permitted by Special Exception by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

- Any use permitted by Special Exception in LR- Light Residential District.
- An off-street parking lot associated with a C- Commercial use as required under the provisions of Article 5, Section 8, of these regulations.
- Institutions of a religious, educational and philanthropic nature.
- Medical Facility.
- Private clubs, sororities, fraternities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- Tiny home (see definition)
- Townhouse development.

4.3.4. AREA REGULATIONS

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

FRONT YARD

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

SIDE YARD

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story except as hereinafter provided in Article 5, Section 2.
2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet from the front lot line.
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

REAR YARD

1. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single family dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building but they shall not cover more than thirty percent (30%) of the rear yard.
2. The parking and storage of one recreational vehicle is permitted provided that:
 - a. The vehicle is not used for dwelling purposes;
 - b. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
 - c. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

LOT WIDTH

1. For single family dwellings, two family dwellings or single family dwellings and garage apartments, there shall be a minimum lot width of sixty (60) feet at the front building line, and such lot shall abut a street for a distance of not less than thirty-five (35) feet.

INTENSITY OF USE

1. There shall be a lot area of not less than half an acre for a single family dwelling, not less than one acre for a two family dwelling, and an additional area of not less than half an acre for each family, more than two, occupying a dwelling.
2. There shall be a lot area of not less than half an acre where a garage apartment is located on the same lot with a single family dwelling. When a garage apartment is located in the rear yard of a two family or multiple family dwelling, the lot area shall not be less than four thousand (4,000) square feet more than is required for the two family or multiple family dwelling.
3. For churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article 5, Section 8; provided, however, that the lot area for a church shall not be less than one acre.

COVERAGE

1. Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

4.3.5. HEIGHT REGULATIONS

1. No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as provided in Article 5, Section 3.

SECTION 4.4
RMH- MANUFACTURED HOME DISTRICT

4.4.1. GENERAL DESCRIPTION

This is a Manufactured Home district. It permits manufactured homes on individual lots and manufactured home subdivisions.

4.4.2. USES PERMITTED

Property and buildings in the RMH District shall be used only for the following purposes:

1. Any uses permitted in the LR- Light Residential District.
2. One Manufactured home per tract of land.
3. Tiny Home

4.4.3. SPECIAL EXCEPTION USES

The following uses may be permitted by Special Exception by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

A. Manufactured Home Parks/ Tiny Home development

Manufactured home parks shall meet the following minimum requirements:

1. Site area: Five thousand (5,000) square feet per manufactured home space, with the total site area being not less than five (5) acres.
2. Individual mobile home space: Twenty-five hundred (2,500) square feet.
3. Manufactured home parks shall be planned in such a manner that no manufactured home, or related building, shall be located closer than ten (10) feet to any side lot line.

4.4.4. AREA REGULATIONS

FRONT YARD

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

SIDE YARD

1. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one story, and of not less than ten (10) feet for dwellings of more than one story, except as hereinafter provided in Article 5, Section 2.
2. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersection street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
4. Accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

REAR YARD

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

4.4.5. HEIGHT REGULATIONS

1. No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except as provided in Article 5, Section 3.

SECTION 4.5
C-COMMERCIAL DISTRICT

4.5.1. 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.

4.5.2. USES PERMITTED

Property and buildings in a Commercial District shall be used only for the following purposes:

A. New automobile sales and services, new machinery sales and services, and public garages, provided no gasoline is stored above ground; used automobile and machinery sales and service, and automobile and machinery repairing if conducted in conjunction with a retail agency and wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards.

- Auto court or tourist court
- Ambulance service, office or garage
- Antique shop
- Appliance store
- Artists materials supply studio
- Arts school, gallery or museum
- Automatic automobile wash
- Automobile parking lot
- Automobile retail gasoline service station
- Automobile service station
- Bait sales
- Bakery
- Bank
- Barber shop
- Bath house
- Beauty shop
- Billboard
- Boat sales
- Book or stationary store
- Bus terminal
- Butcher Shop
- Candy store
- Catering establishment
- Commercial school or hall
- Dairy products or ice cream store
- Dance hall
- Deli
- Department store
- Dispensary
- Drive-in theater or restaurant
- Dry goods store
- Electric transmission station
- Event Center
- Feed and seed store
- Florist shop
- Frozen food locker
- Funeral parlor or mortuary
- Furniture or interior decorating store
- Furniture repair and upholstery
- Gift shop
- Golf course, miniature or practice range
- Grocery store or supermarket
- Hardware store
- Heating, ventilating or plumbing supplies, sales and services
- Hotel
- Ice vending machine
- Jewelry or notion store
- Lock Smith
- Laboratories; research, testing and experimental
- Leather goods shop
- Liquor store
- Lodge hall
- Marina
- Meat market
- Medical facility
- Messenger or telegraph service

- Motel
- Musical instrument sales
- Newspaper or magazine sales
- Nursery or garden supply store
- Office business
- Office supply
- Optometrist's sales and service
- Paint retail store
- Pawn shop
- Pet shop
- Pharmacy
- Photographer store
- Printing plant
- Radio and television sales and service
- Recreation center
- Restaurant
- RV and Boat storage
- Self-service laundry or dry cleaning
- Sewing machine sales, instruction and service
- Shoe repair shop
- Sign painting shop
- Sporting goods sales
- Stock and bond broker
- Storage Facility
- Storage warehouse
- Tailor shop
- Theater
- Transporting
- Toy store
- Used automobile sales
- Variety store
- Wholesale distributing center

- A. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.
- B. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

No article or material stored or offered for sale in connection with uses permitted in paragraph A through E above shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences, or a planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.

4.5.3. SPECIAL EXCEPTION USES

The following uses may be permitted by Special Exception by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

1. Antennas and antenna support structures, to include communications towers
2. Electric regulation stations
3. Halfway House/Transitional Living Facility
4. Fire protection facilities
5. Home delivery services office and vehicle and product storage
6. Off-site service contractor's office and vehicle and equipment storage, to include such uses as:
 - a. Electrician services
 - b. Heating, ventilation, and air-conditioning services
 - c. Home repair services
 - d. Landscaping services
 - e. Plumbing services
 - f. Yard-working service
7. Pressure control stations (gas or liquid, excluding storage or service garages and yards)

8. Night Club
9. Tavern- Where alcohol is served
10. Liquor store
11. Recreational Vehicle Park- maximum 10-12 RV's per acre
 - a. Each RV parking pad shall be a minimum of 20 feet wide by 40 feet long with a minimum five-foot-wide setback on each side, or otherwise able to accommodate both the RV unit and the tow vehicle
 - b. Utilities:
 1. Electricity shall be provided to each recreational vehicle parking pad. All utility lines in the park shall be underground and shall be approved by the agency or jurisdiction providing the service and other applicable permitting authorities.
 2. Water hookup shall be made available for each RV parking pad.
 3. Sewer hookup utility shall be made available for each RV parking pad.
 4. Environmental approval letter.
 - c. Safety:
 1. There shall be low-intensity night lighting throughout the recreational vehicle park.
 2. There shall be fire hydrants installed within the park or within close proximity to the park, as per the responding fire department's recommendations or requirements.
12. Temporary open air facilities

The uses enumerated in Section 4.5.3 above shall comply with the requirements of the Board of Adjustment upon Special Exception approval and shall comply with the following provisions:

1. Shall not be located within 300 feet of another night club, tavern, or liquor store;
 2. Shall not be located within 300 feet of the property line of a church, school, public or private park;
 3. Shall not be located within 300 feet of the nearest property lines of a lot zoned residential.
- A. Automobile body or collision repair, painting, upholstering, and reconditioning service, or any service offering any combination thereof
 Automobile towing or wrecking services with or without impound lot
 Automobile-related services not elsewhere classified
 Truck repairing and overhauling

The uses enumerated in Section 4.5.3. (C) Above shall comply with the requirements of the Board of Adjustment upon Special Exception approval and shall comply with the following provisions:

1. Shall be so screened by permanent ornamental walls, fences, or planting that no automobile parked or stored in connection with any offered service can be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.
 2. All servicing of vehicles shall be conducted within a completely enclosed building.
 3. Wrecked and/or partially dismantled automobiles and automobiles parked or stored in connection with any offered service shall be removed from the property within 60 days of arrival and shall not be offered for sale.
- D. Machine shop
 Machine shops shall comply with the requirements of the Board of Adjustment upon Special Exception approval and shall comply with the following provisions:
- (1) All machining activities shall be conducted within a completely enclosed building.

- (2) All buildings and product storage areas shall be screened by permanent, sight-proof walls or fences along all streets and all property lines adjoining lots within Agricultural and Residential Districts; Screening shall not be less than six (6) or more than seven (7) feet in height.
- (3) The Board of Adjustment shall be provided and shall consider information detailing the proposed locations and sizes of buildings (width, depth, and height), setbacks from property lines, hours of operation, maximum number of employees, parking areas, lighting, signage, and other such information as the Board deems necessary to determine the anticipated impact of the operation upon adjoining properties.”

4.5.4. OPEN DISPLAY USES PERMITTED

The following uses shall be permitted in the Commercial District provided that they comply with the additional provisions of this sub-section:

- A. Boat sales and service
- B. Farm implement and machinery, new and used, sales
- C. Metal and wood fencing, ornamental grillwork and decorative wrought iron work and play equipment sales
- D. Manufactured home and recreational vehicle sales
- E. Monument sales
- F. New and used automobile sales
- G. Prefabricated house sales
- H. Trailer for hauling, rental and sales

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

- (1) All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level adjacent to the side or the rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale, in addition to complying with the above screening requirements, shall be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.
- (2) All yards, unoccupied with buildings or merchandise or used as traffic ways, shall be landscaped with grass and shrubs and maintained in good condition the year round.
- (3) All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- (4) All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- (5) Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- (6) 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.

4.5.5. AREA REGULATIONS

The area regulations for dwellings shall be the same as the requirements of the Light Residential District. The following requirements shall apply to all other uses permitted in this District.

FRONT AND SIDE YARDS

There is no specific front or side yard requirements for uses other than dwellings.

REAR YARD

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

AREA FOR OFF-STREET PARKING

Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article 5, Section 8.

4.5.6. HEIGHT REGULATIONS

The height regulations for dwellings and buildings accessory to buildings shall be the same as those of the HR-Heavy Residential. For other uses no building shall exceed ninety (90) feet in height except as hereinafter provided in Article 5, Section 3.

4.5.7 COMMERCIAL REZONING REVERSION

If property is rezoned for commercial use and not opened for such use within a (3) three year period after such rezoning approval, the subject property shall revert back to its original zoning classification unless application is made and approval is given by the Board of County Commissioners staying such reversion. Application for such stay must be made in the office of the Creek County Planner no less than 30 days prior to the expiration of the aforementioned (3) year period. Approval of a stay of such reversion is at the sole discretion of the Board of County Commissioners.

SECTION 4.6
I-INDUSTRIAL DISTRICT

4.6.1. 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.

4.6.2. USES PERMITTED

Agriculture processing
Bakery
Bottling works
Book bindery
Candy manufacturing
Engraving plant
Electronic equipment assembly and manufacturer
Food products processing and packing
Furniture manufacturing
Home delivery services office and vehicle and product storage
Instrument and meter manufacturing
Jewelry and watch manufacturing
Laundry and cleaning establishment
Leather goods fabrication
Machine shop
Medical Marijuana Processing
Off-site service contractor's office and vehicle and equipment storage, to include such uses as:
 (1) Electrician services
 (2) Heating, ventilation, and air-conditioning services
 (3) Home repair services
 (4) Landscaping services
 (5) Plumbing services
 (6) Yard-working services
Optical goods manufacturing
Paper products manufacturing
Shoe manufacturing
Sporting goods manufacturing
Wholesale or warehousing enterprise

A. Any use, except dwellings, permitted in the C-Commercial District or in the I-Industrial District. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises.

B. Any of the following uses:

1. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
Freighting or trucking yard or terminal.
Oil field equipment storage yard.
Public utility service yard or electrical receiving or transforming station.
Sale barn

No article or material permitted in B above shall be kept, stored, or displayed outside of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level immediately adjacent to the lot on which the use is located; provided, however, that screening shall not be required in excess of seven (7) feet in height.

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

1. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
2. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
4. The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
5. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
6. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing.
7. Machine shop Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.
8. Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holder and the like.

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

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

4.6.3. SPECIAL EXCEPTION USES

The following uses may be permitted by Special Exception by the Board of Adjustment in accordance with Section 7.7 of these Regulations:

A. Aircraft and aerospace parts manufacturing and remanufacturing.

- Antennas and antenna support structures, to include communications towers.
- Cement, lime or gypsum manufacture.
- Commercial feed pens for livestock.
- Concrete batch plant or transit or ready-mix plant.
- Electric regulation stations.
- Fire protection facilities.
- Hazardous materials: Any manufacturing, compounding, processing, packaging, treatment, warehousing, holding, or distribution enterprise.
- Kennel.
- Manufactured and modular buildings manufacturing.
- Metal fabrication or welding facilities.
- Natural gas production and distribution.

- Petroleum production and refining.
- Pressure control stations (gas or liquid, excluding storage or service garages and yards).
- Rubber manufacturing or recycling.
- Temporary open air facilities.
- Wholesale or bulk storage of gasoline, propane, or butane, or other petroleum products.
- Disposal plants of all types including trash and garbage, sewage treatment including lagoons and compost plants.
- Salvage yards for automobiles, building materials, scrap metal, junk or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences, or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.
- Sandblasting and/or industrial coating or painting facilities.
- Trades, industries, or uses that have heavily objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, dust, or vibration.
- Any use not otherwise authorized by these regulations.

The uses enumerated in Section 4.6.3 above shall comply with the following provisions:

1. All requirements of the Board of Adjustment upon Special Exception approval
2. All materials and products stored or worked upon in connection with any offered service shall be so stored or worked upon within a completely enclosed building, or otherwise shall be so screened by permanent ornamental walls, fences, or planting that no such material or product can be seen from adjoining lots within an Agricultural, Residential, or streets when viewed by a person standing on ground level; provided, however, that no screening in excess of seven (7) feet in height shall be required.
 - A. Night club
 - Tavern where beer is sold
 - Liquor Store

The uses enumerated in Section 4.6.3 above shall comply with the requirements of the Board of Adjustments upon Special Exception approval and shall comply with the following provisions:

- (1) Shall not be located within 300 feet of another night club, tavern or liquor store:
- (2) Shall not be located within 300 feet of the property line of a church, school, public or private park:
- (3) Shall not be located within 300 feet of the nearest property lines of a lot zoned residential.

4.6.4 AREA REGULATIONS

A. FRONT AND SIDE YARD

- (1) There are no specific front or side yard requirements of ruses in this District: provided, however, that a building shall set back a distance of not less than twenty-five (25) from the side lot line that adjoins a dwelling district

B. REAR YARD

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

C. REAR AREA

(1) Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in Article 5, Section 8.

4.6.5 HEIGHT REGULATIONS

No building shall exceed ninety (90) feet in height, except as hereinafter provided in Article 5, Section 3.

4.6.6 INDUSTRIAL REZONING REVERSION

If property is rezoned for industrial use and not opened for such use within a (3) three year period after such rezoning approval, the subject property shall revert back to its original zoning classification unless application is made and approval is given by the Board of County Commissioners stating such reversion. Application for such stay must be made in the office of the Creek County Planner no less than 30 days prior to the expiration of the aforementioned (3) year period. Approval of a stay of such reversion is at the sole discretion of the Board of County Commissioners.

SECTION 4.7
PUD – PLANNED UNIT DEVELOPMENT

4.7.1. PUD AUTHORIZED

- A. A PUD may be authorized by approval of an amendment to the Official Zoning Map after public hearings, review and recommendations by the Creek County Planning Commission (CCPC) and upon consideration and approval by the Creek County Board of Commissioners. The underlying zoning shall be the basis for a PUD in accordance with the standard Zoning Code classifications, regulations and requirements. Flexibility within these standards shall be only as provided for in the Zoning Code and the approved PUD, and is only permitted upon the approval and recording of a PUD Subdivision Plat.
- B. A PUD shall be considered a “Supplemental” or “Overlay” Zoning District, and may only be authorized for use or uses as permitted in these regulations.
- C. Because the PUD provides the opportunity for higher densities and greater design flexibility, the applicant shall provide a series of required amenities and services that may not otherwise be required in a conventionally zoned development. Review and approval of a PUD is, therefore, a planning process between the CCPC, Creek County and the applicant to achieve the intent, purposes and requirements of these regulations and the Comprehensive Plan.
- D. Unless specified and approved in the PUD Master Development Plan, special development regulations and flexibility are not permitted, and the requirements of the most restrictive conventional zoning district in which a proposed use of a structure or land is permitted shall be applied to the development.
- E. An application for the Supplemental District Designation PUD may be processed at the same time as an application for an amendment to underlying Zoning District.
- F. PUD approval may be granted contingent upon approval of an amendment to the underlying zoning.

4.7.2. GENERAL PROVISIONS OF A PLANNED UNIT DEVELOPMENT

- A. Purpose of the PUD: The purpose of the PUD Overlay district is to augment the specific zoning district standards in harmony with the standards of the Subdivision Regulations by providing development and procedural standards for the approval of a PUD development. The PUD regulations have been developed and designed to establish the minimum standards, policies and regulations that apply to PUD developments in Creek County.
- B. PUD as an Overlay: PUD is a “Supplemental”, or “Overlay” zoning district that provides an optional approach to conventional land use controls. The PUD may be used for particular tracts or parcels of land that are under common ownership and to be developed as one unit according to a PUD Master Development Plan. The PUD is subject to special review procedures as provided herein, and once approved by the Creek County Planning Commission (CCPC), it becomes a Supplemental or Overlay zoning classification for the subject property that:
 - (1) Promotes the proper use of land by providing a vehicle for modification of conventional development requirements to allow creative and innovative designs while protecting the public health, safety and welfare;

- (2) Permits flexibility within the development to encourage the preservation of the natural amenities of the land and provides a sustainable environment for the efficient use of land by comprehensive and efficient use of streets, utilities and building sites;
- (3) Includes specific areas dedicated for meaningful common open space with appropriate covenants to ensure permanent private maintenance of said common areas;
- (4) Maintains appropriate limitations on the character and intensity of use while ensuring compatibility with adjoining and proximate properties in accordance with the Comprehensive Plan; and
- (5) Encourages the efficient use of land, facilitates the economic arrangement of buildings and circulation systems, and encourages mixed use development and a continuity of function and design within the development.

C. PUD Master Plan Required for Common Open Space: A PUD shall include a PUD Master Development Plan, which shall be required to ensure harmonious and sustainable development, and such Plan shall include the following minimum standards:

- (1) A minimum percentage, as specified herein, of the total developed area of a PUD is required for landscaped common open space;
- (2) The required open space shall be developed and landscaped by the developer/owner in accordance with an approved PUD Detailed Landscape Plan, which shall be submitted and approved prior to start of construction;
- (3) Landscaped common open space areas shall be defined and delineated on a PUD Detailed Landscape Plan with appropriate protective Deeds of Dedication and Restrictive Covenants to ensure that said Plan is adhered to;
- (4) Required landscaping shall be installed prior to the occupancy of buildings constructed in the PUD;
- (5) Road right-of-way, road easement areas, or parking areas or drives shall not be counted toward the required open space; and
- (6) The 100-year floodplain and elevation shall be shown as established on the FEMA Floodplain Maps.

D. Minimum Development Standards: The standards and specifications contained herein are the minimum standards for PUD proposals. Higher standards may be required as necessary to ensure the public health, safety and welfare. A PUD shall be designed to accomplish the following minimum development standards:

- (1) Provide efficient land utilization;
- (2) Encourage innovative design;
- (3) Provide and preserve a sustainable natural and man-made environment;

- (4) Preserve and protect, where feasible, the character of the existing landscape;
- (5) Adopt a plan for the specific use of required landscaped common open space and recreation areas;
- (6) Ensure compliance with the PUD Master Development Plan by the inclusion of Deeds of Dedication and Restrictive Covenants to which the Creek County Board of Commissioners shall be named as a beneficiary in a PUD Subdivision Plat;
- (7) Establish a positive character and design within the PUD development, and ensure harmony of design and compatibility of use with existing and future adjacent land uses; and
- (8) The design of non-residential centers shall minimize curb cuts on abutting arterial streets and discourage curb cuts onto local streets. Interior streets for access and circulation within the center shall be designed so as to minimize traffic congestion, promote vehicular and pedestrian access, and promote vehicular and pedestrian safety. Non-residential center buildings should be designed and located near the public street with parking facilities in the rear.

E. Goal of the PUD: The goal of the PUD process is to foster desirable and sustainable development through the provision of quality planning and design standards, to be accomplished by the adoption of clear and complete development standards for approval and development of a PUD.

4.7.3. PUD MASTER DEVELOPMENT PLAN REQUIRED

The basis for review and approval of a PUD application shall be the PUD Master Development Plan, which shall be adopted as a part of the PUD zoning in conformance with the following requirements:

- A. PUD Master Plan Requirements: The PUD Master Development Plan shall include the following design standards and shall:
 - (1) Establish densities and intensities, as well as amount, type, and general location of all associated land uses and required amenities;
 - (2) Serve as the basis for review and approval of all PUD subdivision plats, building permits, or other required construction or development approvals; and
 - (3) Include and require the formation of a mandatory private association for maintenance of all common areas.

- B. Standards Established: A PUD shall establish the minimum architectural standards, development timing, types and density of housing, intensity of commercial industrial and office principal and accessory uses, bulk and area standards, traffic patterns, parking design (number of spaces and design standards), and landscaping standards and requirements to be included in the PUD Master Development Plan.

4.7.4. ELEMENTS OF THE PUD MASTER DEVELOPMENT PLAN

- A. Required Elements: Approval of a PUD Overlay zoning district adopts the PUD Master Development Plan, which shall include a graphic and textual representation of the proposed PUD, to include the following elements:
- (1) Proposed development features;
 - (2) Number and layout of off-street parking and loading spaces;
 - (3) The location, number and size of business or other signs;
 - (4) Maximum building heights and minimum building setbacks;
 - (5) Proposed public and private vehicular and pedestrian circulation systems;
 - (6) Proposed density and types of residential uses expressed in number of dwelling units and proposed intensity and types of nonresidential uses expressed in Floor Area Ratio;
 - (7) Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and planned, if known;
 - (8) Proposed locations, types, sizes and amount of landscaping, common open space and screening;
 - (9) Existing topographic character of the land, including identification of the 100- and 500-year floodplain and floodway, water features, rivers, creeks and any other unique natural or man-made characteristics inherent in the land. In instances of probable development constraints due to such physical characteristics as slope and/or soil composition, additional information may be required to further determine the feasibility of the proposed development during the review and approval process;
 - (10) Building facades and elevations;
 - (11) An explanation of the character, development and standards of the proposed PUD;
 - (12) The expected schedule of development; and
 - (13) Such other information as may be required by the CCPC and Creek County Board of Commissioners to evaluate the proposed PUD.
- B. Design Standards: The proposed PUD shall be designed to provide for the unified development of the area in accordance with the goals, policies, and objectives of the Comprehensive Plan, development district plans, corridor plans, other adopted master plans and the land uses and zoning districts within and adjacent to the PUD as follows:
- (1) Design of the PUD may provide for modification of conventional Zoning Code requirements for such elements as yard areas, densities, setbacks, amenities, design standards, bulk and area requirements and building heights on individual lots in accordance with the PUD Master Development Plan and as provided in the Zoning Code;

- (2) Density, land use and intensity of use requirements shall be based on the PUD Master Development Plan and shall be reviewed for conformance to the Comprehensive Plan, development district plans, corridor plans and surrounding land use;
- (3) The perimeter setbacks along the boundary of the PUD shall not be modified from the minimum setbacks specified in the Zoning Code;
- (4) Building code and construction requirements, as applicable, shall not be reduced in the design of a PUD, nor shall drainage and storm water management standards, Engineering Design Criteria, floodplain management standards and requirements, utility construction, road construction requirements or State Highway or Section Line Road and perimeter setbacks or other such related regulations be reduced; and

C. Densities and Intensities:

- (1) General:
 - (a) Densities and intensities shall be calculated as gross and net developed areas;
 - (b) Ponds, floodplain areas and lakes shall not be used in the calculation of net densities and intensities;
 - (c) The location and type of housing shall be established and shown on the PUD Master Development Plan map as well as be described in the text of the Plan; and
 - (d) The proposed uses shall have a beneficial effect, in terms of public health, safety and welfare, on present and future surrounding land uses and shall not adversely impact the public utility and circulation system, surrounding properties, or the environment.
- (2) Residential Densities: Proposed residential densities for one zoning district shall conform to density guidelines in the Comprehensive Plan and any other applicable Development District Plan, and be allocated in a manner and at a scale that will be compatible with adjacent developed areas, and not exceed the maximum number of dwelling units calculated as follows:

Gross area of property located within a Residential District

Divided By

**Minimum land area per dwelling unit permitted in the
Applicable District.**

For the purpose of intensity computations, gross area shall mean the lot area plus one-half (1/2) of the planned right-of-way of any abutting street to which the lot has access not to exceed 30 feet.

The minimum land area per dwelling unit, for the purpose of the above described computation, shall be the least restrictive minimum land area per dwelling unit permitted in the applicable single-family residential zoning district bulk and area requirements in single-family zoning districts, duplex development as a special exception use in single-family residential districts, or townhouses as a special exception use in duplex districts.

Each 600 square feet of a quasi-residential use, such as a care home, shall be calculated as one (1) dwelling unit.

(3) Two or More Residential Districts:

(a) If the PUD is within two (2) or more different Residential Districts, the permitted density will be the sum of the permitted dwelling units computed separately for the gross area within each District.

(b) For a PUD located totally within a Residential District or Districts, the gross area for the purposes of the above described computation shall be reduced by the area or areas designated for any approved non-residential accessory use other than dwelling, quasi-dwellings, residential open space and recreation areas.

(4) The intensity of use of a PUD located within two (2) or more different Residential, Office, Commercial and Industrial Zoning Districts shall be separately calculated and allocated within the PUD by general classification.

(5) Proposed Non-Residential intensities shall conform to intensity guidelines in the Comprehensive Plan and any other applicable Development District Plan, be allocated in a manner and at a scale that will be compatible with adjacent developed areas, and be calculated as follows:

Gross area of property located within a Non-residential district multiplied by the Floor Area Ratio (FAR) permitted either by Right or Special Exception within the Bulk and Area requirements of the applicable Zoning District.

For the purpose of intensity computations, Gross Area means the lot area plus one-half (1/2) of the planned right -of-way of any abutting street to which the lot has access not to exceed 30 feet.

Where an FAR is not specified, a maximum FAR of 0.75 shall apply.

D. Housing: The character, design and layout of the proposed uses in a PUD shall be adequate and appropriate to encourage a desirable and sustainable living environment.

E. Infrastructure:

(1) The number and dimensions of off-street parking and loading areas shall meet the minimum requirements of the Zoning Code. However, the applicant may propose a reduction in the overall required number and size of spaces for shared parking arrangements, which shall be subject to approval by the CCPC and Creek County Board of Commissioners and incorporated into the PUD Master Development Plan.

(2) All parking lots shall be designed with landscaped islands containing some combination of grass, trees, and shrubs.

(3) Landscaping and amenities shall be provided to buffer differing uses, provide for aesthetic design elements, and promote environmental quality and heat abatement.

(4) Preservation of significant natural, historical and architectural features that are integral to the landscape is required.

- (5) Drainage and storm water runoff shall be detained on-site and shall not exceed predevelopment conditions as required by the Subdivision Regulations, Engineering Design Criteria, and these regulations.
 - (6) Erosion control measures shall be required to prevent soil erosion during the development process.
 - (7) Adequate water and sanitary and storm sewerage services shall be provided by the developer.
 - (8) Development within the 100-year floodplain is discouraged; however, if permitted, such development shall be subject to the requirements of all Creek County regulations for a floodplain Development Permit. Factors mitigating any adverse impacts from such development shall be included in the PUD Master Development Plan.
 - (9) Other such factors not listed herein may also be required by the CCPC and Creek County Board of Commissioners in the review and approval process in order to fully evaluate specific infrastructure needs and demands of the proposed development and its relationship to abutting uses.
- F. Uses Requiring Special Zoning Approval: Churches, schools and day care facilities and other such uses permitted by Special Exception or other required special zoning approvals may be permitted in a PUD.

4.7.5. PUD DEVELOPMENT GUIDELINES

- A. Minimum Standards: The following minimum development guidelines are required in a PUD Master Development Plan:
- (1) Amenities are a required element of a PUD.
 - (2) Where gross or net densities are to be increased, or where other flexibility in development design is proposed, meaningful open space is required.
 - (3) Sidewalks and pedestrian ways are required to provide amenities and public safety.
 - (4) Minimum standards and specific locations for common access driveways both within the development and onto abutting streets shall be shown.
 - (5) The PUD Master Development Plan and map shall show the relationship of the proposed development to existing and planned adjacent development(s) and the methods that will be employed to separate and buffer the PUD from abutting properties, including access, landscaping, screening, earth berms, walls, fencing, or other such similar techniques.
- B. General Design Guidelines
- (1) Cut-through non-neighborhood access onto local residential streets, or that directs such traffic onto such streets, is not permitted.
 - (2) Commercial or industrial points of access shall not be oriented onto local minor or local collector streets that primarily serve residential neighborhoods.

- (3) Height limitations shall be established where a transition to more intense uses is proposed or where higher intensity development is proposed to abut a lower intensity area.
- (4) Where non-residential uses in a PUD abut land developed for or designated for single-family use in the Comprehensive Plan, a Designated Residential Area in the PUD, or residentially zoned land abutting the PUD, the maximum height as designated in the PUD shall be 15 feet within 20 feet of the common boundary, and shall increase a minimum of 2 feet for each additional foot above 15 feet. The minimum required setbacks along the perimeter boundary of the PUD shall be met as required by the Zoning Code.
- (5) Where multi-family residential uses in a PUD abut land developed for or designated for single-family use in the Comprehensive Plan, a Designated Residential Area in the PUD, or residentially zoned land abutting the PUD, the maximum height as designated in the PUD shall be 26 feet within 25 feet of the common boundary, and shall increase a minimum of 2 feet for each additional foot above 26 feet. The minimum required setbacks along the perimeter boundary of the PUD shall be met as required by the Zoning Code.
- (6) Site-proof screening is required along common internal PUD boundaries and perimeter PUD/non-PUD boundary lines to separate differing uses and densities from lesser or more intense uses and densities. Such site proofing shall consist of an opaque fence, solid brick or stone wall a minimum of six (6) feet in height, or a combination of an earth berm and a fence or wall to achieve the required height and screening. However, earth berms shall not exceed three (3) feet in height. The method of screening and screening materials shall be shown on the PUD Master Development Plan and described in the project narrative.
- (7) An interior landscaped strip a minimum of 10 feet in width shall be provided along all boundaries where site-proofing is required. Such strips shall be landscaped with trees of evergreen or canopy species at least two (2) inches in caliper. Mandatory provisions shall be made in the Deeds of Dedication or Restrictive Covenants by the developer for a mandatory owners association to maintain such areas, and to keep all trees alive, trimmed and free of disease. All dead or severely diseased trees shall be replaced in the current planting season for which the condition was identified.

C. Required Design Elements: The following PUD design guidelines shall apply to the development proposal:

- (1) Densities and intensities may exceed the general standards of the underlying zoning classifications only as provided for in this PUD Chapter of the Zoning Code and only as specifically approved in the PUD Master Development Plan.
- (2) The focus of the PUD Master Development Plan shall be to promote and maintain the livability and sustainability of the development.
- (3) Livability standards (green space and open space area per dwelling unit) shall exceed the minimums set forth in the Zoning Code as modified by the PUD Master Development Plan.
- (4) Densities shall not exceed the capacity of the infrastructure that serves the proposed PUD. However, if the infrastructure capacity is increased, densities may also be increased in accordance with the approved PUD.

- (5) All open space shall be located for maximum accessibility within the PUD. Open water features shall not be included in open space calculation; however, development incentives and flexibility may be provided recognizing preservation or provision of such features in the PUD Master Development Plan.
- (6) Open space should be interconnected throughout the development and include public access points. The location of access points shall be designed so as to minimize pedestrian travel along or across streets.
- (7) Proposed residential densities shall conform to density guidelines in the Comprehensive Plan and PUD Master Development Plan, and be allocated in a manner and at a scale that will be compatible with adjacent developed areas.
- (8) Densities shall be calculated as gross and net developed areas as provided herein.
- (9) Common areas, ponds, floodplain areas, and lakes shall not be used in the calculation of net or gross density.
- (10) Building setbacks may vary for front and rear yards only in accordance with the approved PUD Master Development Plan. However, side setbacks shall be a minimum of 5 feet.
- (11) Lot sizes may vary and may include livability areas smaller than required in the PUD; however, total open space area shall meet or exceed the overall required minimum of the Zoning Code or PUD Master Development Plan, and must make up the difference per lot in common areas so as to achieve the minimum standards of the Zoning Code as it relates to the proposed densities.
- (12) Within a PUD, minimum landscaped open space shall be required for each type of Non-residential development area as follows:
 - (a) Commercial Use 8%
 - (b) Industrial Use 4%

D. Buffering Requirements:

- (1) Buffering shall be established to separate differing uses within the PUD and to separate the PUD from surrounding uses along the common property lines. All non-residential uses within a PUD shall be separated from Designated Residential Development Areas and abutting residential areas by a minimum 15 foot wide landscaped buffer strip and a sight-proof (opaque) screening fence a minimum of six (6) feet in height. Said buffer strip shall contain trees planted a minimum of every 25 feet that will obtain a height of 15 feet or greater within 3 years.
- (2) Multi-family uses shall be buffered from single-family uses within or abutting a PUD by a minimum 15 foot wide landscaped buffer strip and a sight-proof (opaque) screening fence a minimum of six (6) feet in height. Said buffer strip shall contain trees planted a minimum of every 25 feet that will obtain a height of 15 feet or greater within 3 years. Should the multi-family units be of a multiple-story design, trees shall be planted a minimum of every 25 feet of the buffer strip which shall obtain a height of 25 feet or greater within 3 years.

- (3) A credit for buffering multi-family from single-family may be given if a berm is used as part of the minimum requirements for the sight-proof screening height or for the preservation of trees on the site.
- (4) Buffering between incompatible uses or uses of differing intensities shall be required to minimize any adverse impacts of diverse types of development. Within a PUD, perimeter requirements for screening, landscaping and setbacks are required to ensure compatibility with adjoining and proximate properties, and shall be included in the subdivision plat, construction plans, and landscape plan.
- (5) Buffer areas shall remain free of buildings, parking areas and structures. Buffer areas shall be designed and maintained as specified in the PUD Master Development Plan and as shown on the approved final plats and the approved landscape and construction plans. Construction is not allowed in the buffer area beyond that which has been previously approved through the platting process.
- (6) All multi-family parking and drive areas and non-residential industrial uses shall be screened, buffered and landscaped along the boundaries of adjoining residential areas of a PUD to mitigate any negative visual, noise or other impact.
- (7) Buffer areas shall be established as separate common open space areas in residential areas and shall be conveyed to a mandatory owners association or similar entity created to own and maintain the common space within the project.
- (8) The approved PUD Landscape Plan shall govern the type and species selection of trees. A combination of shade trees, ornamentals, evergreen trees and shrubs may be used to achieve the desired buffering effect.
- (9) Berms may be used as part of the buffering plan and should not be more than three (3) feet in height, graded to appear smooth, rounded and naturalistic, and should not exceed a 3:1 slope. No buffer shall be required for community recreational facilities when constructed as free standing uses internal to a residential area and a golf course internal to a residential PUD.
- (10) When existing wooded areas are located within the entire minimum buffer area, preservation of the wooded areas shall be required and may be allowed as a substitute for the required plant materials if such area meets the minimum landscape requirements.
- (11) Landscape, buffering and planting requirements shall provide effective noise and heat abatement, screening and visual separation from arterial streets, section line roads, collector streets, state highways, interstate highways, incompatible uses and differing residential intensities within a PUD.

E. Landscape Plan and Requirements:

- (1) PUD Landscape Plans shall be included in the PUD Master Development Plan and shall govern the design and layout of PUD uses and the relationship between differing uses.
- (2) The developer shall submit a PUD Landscape Plan as part of the PUD zoning request in graphic and textual format. The landscaping standards and areas shall be included in the PUD Master Plan document and covenants of the PUD.

- (3) Non-residential and multi-family area landscape standards shall conform to the approved PUD Landscape Plan. In a PUD, all parking lots shall be designed to provide a common thoroughfare for vehicular and pedestrian traffic and have internal landscaped islands that include both grass and tree plantings.
- (4) All commercial, industrial and office parking lots shall be landscaped to achieve both of the following minimum standards:
 - (a) One 1.5” caliper tree per 25 feet of street frontage; and
 - (b) One 1.5” caliper tree per 1000 square feet of building floor area.
- (5) All non-residential parking lots shall be required to provide and maintain a 15-foot landscaped strip of grass and trees along all arterial streets, section line roads, and state and interstate highway frontages, and a 10-foot landscaped strip of grass and trees along collector and local streets.

F. Street and Access Requirements:

- (1) Provide a safe, convenient, un-congested and well-defined vehicular and pedestrian circulation system for ingress and egress shall be provided into and within the site.
- (2) Street design should discourage cut-through traffic into residential areas.
- (3) The design of short local streets, such as cul-de-sacs, serving the development is encouraged. Reductions of conventional minor street design widths may be considered appropriate on such streets when they are designed with limited length, consolidate access points, minimize driveway and curb cuts, and serve only the internal areas of the PUD.
- (4) Reduction of design widths on minor streets developed in a conventional pattern may be approved upon review, upon meeting the related requirements of this section.
- (5) Development of a private street system may be considered appropriate, such as where there is no through traffic; however, such private streets shall not provide through access from one public street to another. A private street system shall not serve as a basis for reduction of minimum design and construction standards (i.e. paving thickness, etc.). Private streets shall be constructed to Creek County Standards and include considerations for storm water management. Private streets shall also require the formation of a mandatory property owners association to ensure proper maintenance.
- (6) On-street parking bays or other similar areas where vehicles must be backed into the traffic flow shall not be approved on any public street.
- (7) Interior local or minor residential streets and parking areas shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at points of ingress and egress.
- (8) Engineering standards shall conform to the Subdivision Regulations, Engineering Design Criteria, and Construction Standards and Specifications. Modification of certain elements may

be approved upon review based on demonstrating that the intent and requirements of the regulations are met even though the design is an alternative to the specified conventional practice.

- (9) Proposed private street modifications shall be in accordance with the minimum design criteria for public facility modifications.
- (10) The owner/applicant/developer shall establish by the PUD Subdivision Plat a mandatory property owners association to provide for the ongoing and long-term maintenance of private streets, allies and storm water detention facilities.
- (11) Accessory commercial portions of a residential PUD shall be designed to minimize curbs cuts on public streets. The interior circulation system shall be designed so as to pull traffic, both vehicular and pedestrian, off of the major transportation arteries and direct it towards the internal circulation system. No curb cut shall be allowed closer than 100 feet to an intersection of primary or secondary Arterial Street, or to an intersection of an arterial and a collector street.
- (12) Off-street parking and loading spaces shall be provided as required by the Zoning Code for the applicable uses and designed in accordance with the PUD Master Development Plan. Required spaces shall be located on the lot containing the use or in common parking areas. Common parking areas shall be designed to provide adequate parking for all current and future uses they are intended to serve. Provision for the ownership and maintenance of the common parking areas shall be incorporated into the Deeds of Dedication and Restrictive Covenants included in the PUD Subdivision Plat.

G. Signage:

- (1) A PUD Sign Plan shall be included in the PUD Master Development Plan.
- (2) Accessory signs located in residential areas of a PUD shall conform to the approved PUD development standards and shall in no case exceed the maximums permitted by the Zoning Code.
- (3) Home occupation signs shall only be located on the principle structure, shall not exceed four (4) square feet in display surface area, and shall not be illuminated.
- (4) Roof signs are not permitted in a PUD.
- (5) No sign shall be located in the street, highway, or freeway right-of-way except those permitted by State law and the Zoning Code. Temporary signs shall not be displayed or placed on the street, highway, or freeway right-of-way.
- (6) Wall and building (non-roof) on premise signs when permitted in a non-residential PUD shall conform to the approved PUD and shall in no case exceed the maximums permitted in the Zoning Code.
- (7) Promotional business signs such as banners (On-Premise Signs) shall:
 - (a) Not exceed 32 square feet of display surface area;

- (b) Be utilized only in accordance with the approved PUD;
 - (c) Not exceed the maximums permitted in the Zoning Code; and
 - (d) Not be placed on the street right-of-way on a temporary or permanent basis.
- (8) Monument Signs (On-Premise Signs) are encouraged for use in multi-family and non-residential PUD site plans and shall:
- (a) Not exceed 15 feet in height;
 - (b) Be landscaped at the base;
 - (c) Have only constant lighting that does not interfere with vehicular traffic;
 - (d) Not exceed a maximum display surface area of 300 square feet; and
 - (e) Be setback a minimum of 50 feet from other ground signs and 30 feet from an abutting designated residential development area or an R District.
- (9) On-Premise Ground Signs:
- (a) If less than 300 square feet in Display Surface Area, if visible from an R District not occupied by street or highway right-of-way, or if visible from a Designated Residential Development Area in a PUD, shall not be located within 100 feet of said District or Area;
 - (b) If 300 square feet or larger in Display Surface Area, visible from an R District not occupied by street or highway right-of-way, or if visible from a Designated Residential Development Area in a PUD, shall not be located within 200 feet of said District or Area;
 - (c) Shall maintain a minimum separation of 50 feet from all other ground signs;
 - (d) Along non-freeways in a PUD, signs shall not exceed 20 feet in height, measured from the mean curb level of the lot upon which it is erected, unless, in addition to the minimum setback prescribed in the approved PUD or in the Zoning Code, whichever is greater, the sign is set back one (1) foot for each foot of height exceeding 20 feet;
 - (e) Total sign height shall not exceed 35 feet, provided that in those cases where the abutting street is a designated freeway, the maximum permitted sign height is 50 feet; and
 - (f) No portion of the Sign shall be within 10 feet of the freeway right-of-way. Any sign provision not otherwise specified in these regulations shall conform to the standard requirements of the Zoning Code.
- (10) Off-Premise Advertising Signs:
- (a) Shall not be permitted in Designated Residential Development Areas or office areas of a PUD, shall otherwise be in accordance with the approved PUD, and shall be located only as approved on the PUD Sign Plan.

- (b) If approved, shall be restricted to locations along state and interstate highways and shall maintain a 1320 foot separation from all other Off-Premise Signs and 100 feet from On-Premise Business Signs.
- (c) Off-Premise Advertising Signs shall not be located in required buffer strips.
- (d) Shall not exceed a Display Surface Area of 672 square feet.

H. Parking Lot Lighting

All lighting used for parking lots, off-street parking and loading areas and buildings that abut a Designated Residential Development Area, R District, or a public street, shall be shielded and oriented to direct light downward and away from such areas to avoid causing a glare or condition that is unsafe or a nuisance to such areas.

4.7.6. PUD ADMINISTRATION

- A. Any person, corporation, partnership, association, or combination thereof, owning or possessing a property right or interest in or to a tract of land may make application for a PUD Overlay district. Such application shall be subject to the minimum Zoning Code and PUD Master Development Plan requirements.
- B. All application materials, including the required application fee and sign posting fee shall accompany the application at the time it is submitted. Incomplete or partially complete applications shall not be accepted and all applications shall be submitted in accordance with the application submission deadlines as approved by the CCPC for proper review and processing.
- C. The application shall include all elements of the PUD Master Development Plan including but not limited to graphic and textual representations of the proposed PUD such as maps, exhibits, development standards and site plan, landscaping and signage, and other such text and graphics on paper and also in electronic format, as described in these regulations.

4.7.7. PLANNING COMMISSION ACTION ON A PUD

- A. The CCPC, upon the filing of a completed application, shall set the matter for a public hearing and give 20 days' notice by posting a sign on the property sought for PUD zoning approval and by publication in a newspaper of general circulation.
- B. The CCPC shall review and make a recommendation to the Creek County Board of Commissioners based upon the following:
 - (1) Whether the PUD is consistent with the Comprehensive Plan;
 - (2) Whether the PUD is consistent with the existing and expected development of the surrounding area;
 - (3) Whether the PUD is a unified treatment of the entire development possibilities of the project site;
 - (4) Whether the PUD is consistent with the stated purposes and standards of the Comprehensive Plan, Zoning Code and Subdivision Regulations; and

- (5) Whether the PUD site plan is consistent with the PUD Master Development Plan as written.
- C. The CCPC shall forward its recommendations upon completion of the required public hearing to the Creek County Board of Commissioners for final action.
- D. If the CCPC recommends denial or approval with conditions unacceptable to the applicant, or finds that the necessary and required information has not been submitted, the CCPC may direct or the applicant may request that the public hearing be continued to a date certain in order to make revisions and resubmit the proposal to the CCPC.
- E. If the application is not revised and resubmitted at the meeting specified above and absent any further continuance, the CCPC shall make such recommendation as it determines appropriate and correct based on the available information and shall forward that recommendation to the Creek County Board of County Commissioners for final action.

Section 4.7.8. COUNTY BOARD OF COMMISSIONERS ACTION ON A PUD

- A. The Creek County Board of Commissioners may approve the CCPC recommendations, approve with modifications or additional requirements, refer the PUD back to the CCPC, or deny the application.
- B. If the application is denied, the same application may not be resubmitted within 12 months of the date of such denial for reconsideration by the CCPC.

4.7.9. PUD APPROVAL AND AMENDMENT OF THE OFFICIAL ZONING MAP

Upon completion of public hearings by the CCPC and final approval by the Creek County Board of Commissioners, the Official Zoning Map shall be amended accordingly and the applicant shall be authorized to proceed with the PUD subdivision platting process.

4.7.10. PUD PRELIMINARY PLAT

At the time of submission of the PUD Preliminary Plat the following items shall be submitted:

- A. Deeds of Dedication and Restrictive Covenants that include the applicable development and design standards of the PUD Master Development Plan;
- B. Hydrology, taking into account the full development of the area proposed to be developed, the developed area and the contributing drainage areas, including a storm water management plan showing hydrology calculations and design of detention facilities;
- C. Preliminary construction plans as required by the Subdivision Regulations; and
- D. All other Preliminary Plat requirements as stated in the Subdivision Regulations and Zoning Code.

Section 4.7.11. PUD FINAL PLAT

- A. Prior to PUD Final Plat approval the following plans shall be submitted and approved:
 - (1) Detailed hydrology, storm water detention system information and data;

- (2) Finalized Detailed Site Plans for Building Layout and Design, Signs, Landscape, Trails, Open Space, Screening and Site Proofing, Berming, and Lighting based on the approved PUD Master Development Plan;
 - (3) Final construction plans for infrastructure as required by the Subdivision Regulations;
 - (4) Deeds of Dedication and Restrictive Covenants to which the Creek County Board of Commissioners is named a beneficiary that will ensure that the approved PUD Master Development Plan will be followed and that sufficient dues and resources are collected to provide continued and proper maintenance of the common areas, streets, and utilities not dedicated to the public; and
 - (5) All other PUD Final Plat requirements as stated in the Subdivision Regulations and Zoning Code.
- B. Applicants shall also submit all required plans to state agencies, such as the Oklahoma Department of Environmental Quality or the Oklahoma Department of Transportation. A copy of all required permit applications and approvals shall be submitted to the Creek County Planner prior to approval of the PUD Final Plat.
 - C. All other PUD Final Plat requirements shall be satisfied in accordance with the Subdivision Regulations, and in particular, Section 5 Requirements for Improvements and Bonding.
 - D. Detailed Site Plans, including plans such as for Signs, Lighting, Landscaping, Screening and Fencing shall be submitted prior to approval and filing of the Final PUD Plat and prior to the issuance of a building permit or the start of construction;
 - E. After filing of an approved PUD Final Plat, no building permit shall be approved or construction allowed on lands within the PUD except in accordance with the approved PUD Subdivision Plat, and the approved PUD Master Development Plan and the approved Detailed Site Plans.
 - F. Prior to issuance of a building permit or start of construction, notice of the start of construction shall be given to the Creek County Planner and all submission and approval requirements of the PUD Final Plat process shall be completed.

4.7.12. SUBMISSION AND APPROVAL OF PUD DETAILED SITE PLANS

- 1. Prior to the approval and filing of the PUD Final Plat and prior to the issuance of a building permit or start of construction, applications for approval of Detailed Site Plans as required herein shall be prepared in accordance with the PUD Master Development Plan and submitted to the County Planner for processing.
- B. Notice of any decision to approve, conditionally approve, or deny approval of any application for Detailed Site Plan approval shall be given to the applicant in writing by the County Planner within 30-days of the submission of such application. Said decision may be appealed by any person or persons aggrieved by such action.
- C. When authorized by the Creek County Board of Commissioners at the time of PUD approval, the County Planner may be authorized to approve, conditionally approve, or deny approval of any PUD Detailed Site Plan. In all other cases, such action shall be required by the CCPC.

- D. Appeal to the CCPC of a decision by the County Planner to approve, conditionally approve or deny approval of a Detailed Site Plan shall be made in writing and may be filed by any person or persons aggrieved by said decision. Said appeal shall be made in writing and filed with the County Planner within 15 days of the date of the written notice to the applicant and placed on the next agenda of the CCPC.
- E. Appeal of any action by the CCPC to approve, conditionally approve or deny approval of a Detailed Site Plan may be filed by any person or persons aggrieved by said decision and shall be filed in writing within 15-days of the date of the written notice to the applicant by the CCPC with the County Planner and placed on the next agenda of the Creek County Board of Commissioners for final action.

4.7.13. MINOR AMENDMENTS TO A PUD

A. Minor Amendments to the approved PUD Master Development and/or any Detailed Site Plan (Signage, Screening, Landscape, etc.) may be approved as provided herein by the Creek County Planner. The following changes to a PUD may be considered as Minor Amendments:

- (1) Increase or decrease in densities up to 10% or as would otherwise be permitted by the underlying zoning, whichever is less. However, if an increase is proposed, the minimum requirement for open space per dwelling unit shall not be reduced to less than would be required by the Zoning Code for a PUD;
- (2) Increase or decrease in the Floor Area Ratio by up to 10%; however, such increase shall not be greater than would otherwise be permitted by the Zoning Code;
- (3) Minor changes in road or infrastructure placement due to hardships inherent in the land;
- (4) Adjustment of internal development area boundaries, provided the allocation of intensities or densities to particular uses and the relationship of uses within the project or to abutting existing or planned development are not substantially altered;
- (5) Changes in the points of access, provided traffic ingress and egress design and capacity are not substantially altered;
- (6) Addition of customary accessory buildings and uses within the delineated common open space of the Designated Residential Areas of a PUD, such as swimming pools, cabanas, security buildings, club houses and tennis courts;
- (7) Changes in the approved building setbacks up to 10%; however, side yard setbacks and perimeter setbacks along the boundary of a PUD as required by the Zoning Code shall not be changed;
- (8) Modification of the approved signage, screening or landscaping plans, provided the modification is not substantial from the approved plan and does not affect the approved materials by more than 10%. However, the minimum required number of trees as required in the PUD shall remain unchanged; and
- (9) All such proposed changes shall be shown on revised plans and submitted to the Creek County Planner with the Minor Amendment application with sufficient information for review and consideration.

B. The Creek County Planner shall review all applications for a Minor Amendment and give a written response to the applicant within 30 days of the receipt of such completed application, specifying approval, denial, approval with conditions, or a request for additional information, and shall give written reasons for such findings or requests.

C. If the Creek County Planner denies such requested change, requires conditions of approval not acceptable to the applicant, or determines that the proposed change should be classified as a Major Amendment based on the above criteria, written notice of appeal by the applicant to the CCPC shall be filed with the Planner within 15 days of such receipt of written notice.

D. If an applicant wishes to make changes greater than that permitted as a Minor Amendment, an application for a Major Amendment shall be submitted to the Creek County Planner for public hearings by the CCPC and final action by the Creek County Board of Commissioners.

E. All proposed amendments not identified herein as a Minor Amendment shall be considered a Major Amendment.

4.7.14. MAJOR AMENDMENTS TO A PUD

Amendments to a PUD that would substantially alter the intent or character of the approved PUD, such as changes in use or changes in the relationship to abutting developments or properties, or changes not specified above as a Minor Amendment, shall be considered Major Amendments and are subject to the application, public hearing and notification requirements of the original PUD.

4.7.15. ABANDONMENT OF A PUD

A. Abandonment of a PUD shall require the approval of the Creek County Board of Commissioners, after public hearing and recommendation by the CCPC on an application for an amendment to the Zoning Map repealing the PUD Overlay district and any underlying zoning designation approved with the PUD.

B. Upon final action authorizing the abandonment of the PUD, no construction shall be allowed except in accordance with the restrictions and limitations of the underlying Zoning District or Districts.

C. Upon approval of the abandonment of a PUD, the underlying zoning shall be returned to that which preceded the PUD approval on the Official Zoning Districts Map.

**ARTICLE 5
GENERAL PROVISIONS APPLYING TO ALL OR TO
SEVERAL DISTRICTS**

**SECTION 5.1
APPLICATION OF REGULATION TO THE USES OF A MORE RESTRICTED DISTRICT**

5.1.1 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.

5.1.2 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 primarily for non-residential purposes.

**SECTION 5.2
OPEN SPACE**

5.2.1 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. Open eaves, cornices, window sills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed three (3) feet in height and no other wall or fence shall exceed seven (7) feet in height.
- C. Where the dedicated street right-of-way is less than fifty (50) feet, the front yard depth shall be determined by measuring fifty feet back from the center line of the street easement.
- D. No dwelling shall be erected on a lot which does not abut on at least one street, sufficiently wide to allow for two way simultaneous vehicle traffic, for at least thirty-five (35) feet. A Street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than thirty percent (30%) of the rear yard.
- E. No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of these regulations 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.
- F. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between two feet six inches (2'6") and six (6) feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines

a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

- G. 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.
- H. 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.
- I. Whenever one or more residential, institutional, commercial or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning commission.

SECTION 5.3 HEIGHT

5.3.1 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 structure exceeds the prescribed height limit.

SECTION 5.4 GROUP HOUSING PROJECTS

5.4.1 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 sub-divided 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 these regulations to the individual buildings, in such housing project, the application of such requirements to such housing project may be changed by the Creek County Planning Commission, in a manner that will be harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by these regulations 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 is less than the requirements of the District in which the housing project is to be located.

SECTION 5.5
**STORAGE AND PARKING OF RECREATIONAL VEHICLES,
COMMERCIAL VEHICLES, AND MANUFACTURED HOMES**

5.5.1 Commercial vehicles, recreational vehicles of all types, and manufactured 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 recreational vehicle per family living on the premises shall be permitted and further provided that said recreational vehicle shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line.
 - 1. The vehicle is not permanently connected to sewer lines, water lines, or electricity; and
 - 2. The vehicle is not used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.
- C. A manufactured home used for dwelling purposes shall be parked or stored only in a manufactured home park, or as otherwise provided in these regulations.
- D. No commercial vehicle, recreational vehicle, or manufactured home on a lot occupied by a dwelling or on any lot in any residential district except in accordance with the RMH - Manufactured Home District or Agricultural District Section 4.1.2.A, shall be occupied for dwelling purposes longer than (14) fourteen days in a calendar year.

SECTION 5.6
STORAGE OF LIQUIFIED PETROLEUM GASES

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

SECTION 5.7
RECREATIONAL VEHICLE AND MANUFACTURED HOME PARK REGULATIONS

5.7.1 Recreational vehicle parks (RV Parks) and manufactured home parks shall be constructed in accordance with the requirements of the Creek County Planning Commission.

SECTION 5.8
**OFF-STREET AUTOMOBILE AND VEHICLE
PARKING AND LOADING**

5.8.1 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. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all Districts

5.8.2 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 - Commercial District or an I - Industrial 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 Article 5, Sub-section 8.

5.8.3 LOCATION

- A. 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.

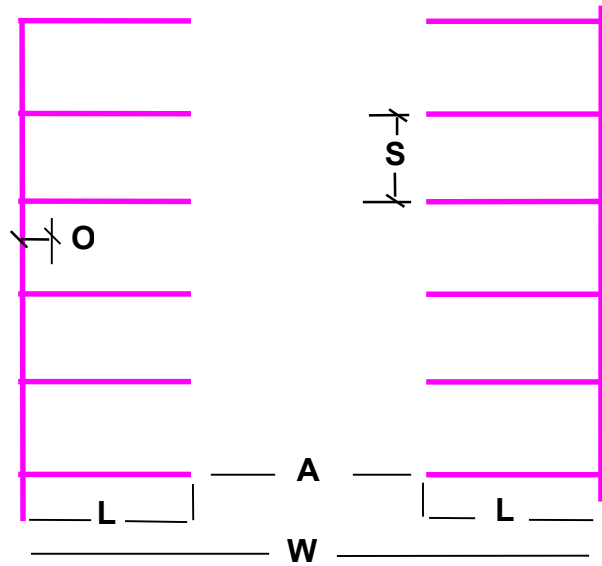
5.8.4 JOINT PARKING FACILITIES

- A. 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.

5.8.5 DESIGN STANDARDS FOR OFF STREET PARKING AREAS

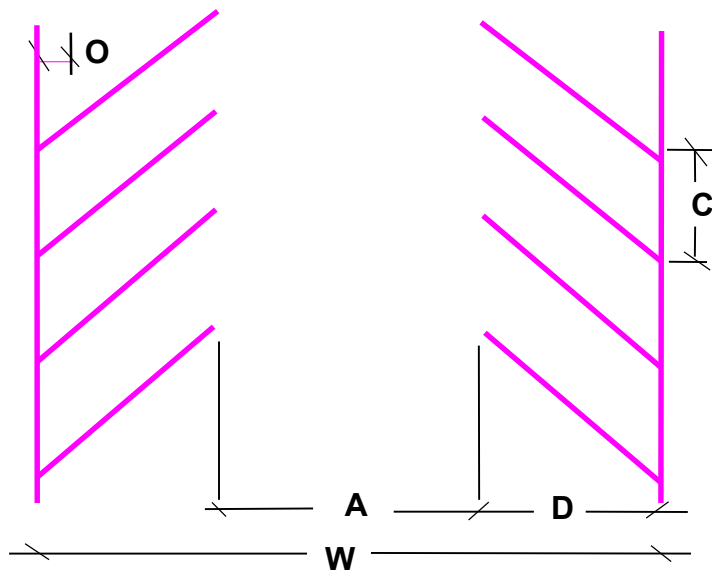
- A. The design and dimensions of off-street parking areas shall be in accordance with the provisions of the following tables.
- B. Off-street parking spaces shall be clearly marked according to the standard stall layout as shown in Figures 1 or 2 below. Parking spaces abutting an adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line. When wheel guards are used, they shall be centered at least 2.5 feet from the property line for 90 degree parking, 2.3 feet for 60 degree angle parking, and 2.0 feet for 45 degree angle parking.

Figure 1
Minimum Required Dimensions for 90° Parking



O	S	A	W	L
Front Overhang	Stall Width	Aisle Width	Bay Width	Stall Length
2.5 feet	9 to 9.5 feet	24 to 27 feet	60 to 65 feet	18 to 20 feet

Figure 2
Minimum Required Dimensions for Angle Parking²

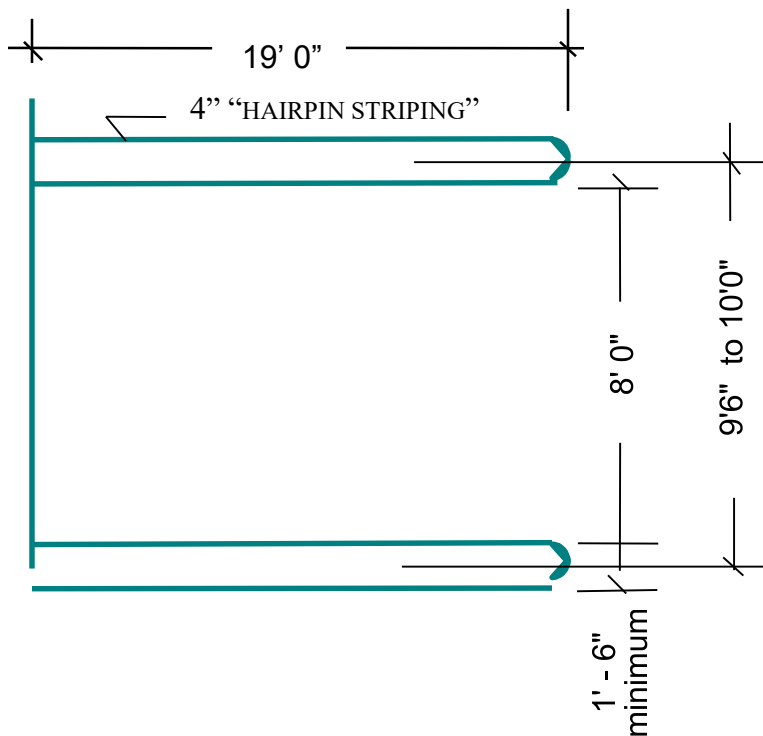


²Dimensions for other angles and other minor modifications may be approved by Creek County Planning Commission upon Site Plan approval.

Application	S Stall Width	C Curb Length	D Stall Length	O Front Overhang	A Aisle Width	W Bay Width
60° Angle	9.5 ft.	11.0 ft.	16.5 ft.	2.3 ft.	22 ft.	55 ft.
45° Angle	9.5 ft.	13.4 ft.	13.5 ft.	2.0 ft.	19 ft.	46 ft.

- C. Pedestrian access to buildings shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one public entrance. Such pathway shall be clear of any and all obstructions and any parking spaces shall be designed so as not to permit any portion of a vehicle to obstruct the sidewalk. Where curbs exist along such pathways, as between a parking lot surface and sidewalks surface, inclined curb approaches or curb cuts having a gradient of not more than one (1) foot in twelve (12) feet and width of not less than four (4) feet shall be provided for access by wheelchair.

Figure 3
Standard Handicapped Stall Layout and Striping



- D. A parking lot servicing each entrance pathway shall have a number of level parking spaces, as set forth in the following table, identified by above-grade signs as being reserved or physically handicapped persons; provided that a maximum of two (2) handicapped spaces shall be required for industrial uses in industrial districts. Each parking space so reserved shall not be less than twelve feet (12) in width.

Table 2
PARKING SPACES FOR THE HANDICAPPED

Total Spaces in Lot	Required No. of Reserved Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	10
over 1000	10 plus 1 for each 100 over/1000

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways and entrances. Parking spaces for the physically handicapped shall be located so that such persons are not compelled to wheel or to walk behind parked cars to reach entrances, ramps, walkways and elevators.

5.8.6 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED

- A. Off-street parking and loading facilities shall be provided in all districts accordance with the following schedule:
- B. Dwelling, Single Family or Duplex: One (1) parking space for each separate dwelling unit within the structure.
- C. Dwelling, Multiple Family: The number of spaces provided shall not be less than one and one-half (1-1/2) times the number of units in the dwelling.
- D. Boarding or Rooming House or Hotel: One (1) parking space for each two (2) guests provided overnight accommodations.
- E. Hospital: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
- F. Medical or Dental Clinics or Offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.
- G. Sanatoriums, Convalescent or Nursing Homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
- H. Community Center, Theater, Auditorium, Church Sanctuary: One (1) parking space for each four (4) seats, based on maximum seating capacity.
- I. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

- J. Office Building: One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service.
- K. Commercial Establishments Not Otherwise Classified: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.
- L. Commercial and Industrial Establishments: Off street loading and unloading facilities consisting of service courts, ramps, wells, berths, parking spaces or similar provisions to be used for the loading and/or unloading of retail or wholesale commercial or industrial products shall be provided on the premises reasonably sufficient to meet the requirements of the particular use contemplated, said area to be, in each case, determined and prescribed by the Planning Commission, after hearing, and shall be contained in its recommendation to the Board of County Commissioners for its consideration and action prior to the issuance of a building permit for the construction of a commercial or industrial use building. Said loading and/or unloading facilities recommended by the Planning Commission may be modified subject to appropriate conditions, by the said Board of County Commissioners.
1. In exercising the above mentioned powers the Planning Commission, in its consideration, shall consider whether or not such facilities will seriously injure the appropriate use of neighboring property or destroy or impair the purposes and intent of the Zoning Plan of the County Commissioner's District Number One.
 2. Where the off-street loading and/or unloading space does not abut on a street, public or private alley, or easement of access, there shall be provided an access drive at least twelve (12) feet in width leading to the loading areas required hereunder; such drive shall be of such design as to permit ready access by semi-trailer trucks.
 3. Such space shall be so located that trucks using same shall not interfere with areas designated for off-street parking required by these regulations nor project into any public right-of-way and shall be contiguous to the building to be served thereby.
 4. Such space may occupy all or any part of any required yard or court.
 5. Each required loading and/or unloading space shall measure not less than twelve (12) feet by thirty (30) feet and shall have an unobstructed height of not less than fifteen (15) feet.
 6. Any required off-street loading and/or unloading facilities shall be so graded and drained to dispose of all surface waters accumulated within the area, shall be paved, and shall be so arranged and marked as to provide for orderly and safe loading and unloading.
 7. Loading areas near residential property – In the event that either of the following conditions exist, such loading space shall be screened from adjacent property in any residential district by the same type of fence, wall, or planting as is required in the applicable district provisions for screening open storage.
 - a. Where such property is across a street from such space and such street has a right-of-way width of less than one hundred fifty (150) feet.
 - b. Where such property is contiguous to a lot on which such space is located and is located within fifty (50) feet of such space.

- c. Such screening shall be at least seven (7) feet in height, measured from the elevation of the loading or unloading space.

For all uses not covered in A through K 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.

5.8.7 PAVED SURFACE REQUIRED

All parking spaces and all driveways shall be paved with a sealed surface pavement or asphalt and maintained in a manner that no dust will result from continued use, with the following exceptions:

- A. Parking spaces and driveways serving single-family detached dwellings, single-family manufactured dwellings on individual lots, agricultural, mining, and mineral extraction uses shall not be subject to the paving requirement.
- B. For all uses other than single-family detached dwellings, single-family manufactured dwellings on individual lots, agricultural, mining, and mineral extraction uses, the Board of Adjustment may waive the paving requirement in accordance with the procedural and substantive standards for a Special Exception as provided in Section 7.7 of these Regulations.

5.8.8 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS

- A. Whenever off-street parking lots for more than six (6) vehicles are to be placed within or adjacent to a residential district, the following provisions shall apply:
- B. All sides of the lot within or abutting the residential district shall be enclosed with an opaque 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.
- C. 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.
- D. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.
- E. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- F. 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.
- G. Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
- H. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only non-intermittent white lighting of signs shall be permitted

**ARTICLE 6
NONCONFORMING BUILDINGS, STRUCTURES,
USES OF LAND AND LOTS**

**SECTION 6.1
NONCONFORMING BUILDINGS AND STRUCTURES**

A nonconforming building or structure existing at the time of adoption of the Original Regulation (January 16, 1967) may be continued, maintained and repaired, except as otherwise provided in this article.

6.1.1 ALTERATION OR ENLARGEMENT OF BUILDINGS OR 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 location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.

6.1.2 BUILDING VACANCY

A building or structure or portion thereof, which nonconforming is 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.

6.1.3 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 the Original Regulation (January 16, 1968), but otherwise it 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 a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this resolution, 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 6.2
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 at the time of adoption of the Original Regulation (January 16, 1967), may be continued for a period of not more than three (3) years there from, 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 the exemption statute June 11, 1963.
- 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.

SECTION 6.3
NONCONFORMING LOTS

6.3.1 Where a lot has an area or width which does not conform with the requirements of the district in which it is located, but such lot was a lot of record at the time of the adoption or subsequent amendment of these regulations, then such lot may be used for any use permitted in the district in which it is located, provided that in the case of dwellings only one single-family dwelling shall be permitted on any such lot.

6.3.2 If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of these regulations and such lots individually are too small to meet the yard, width, frontage, or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size. If the combined lots are less than the minimum required, such groups of lots shall be considered as a single lot having a maximum yard, width, frontage, or area that can be attained by combining such lots.

**ARTICLE 7
BOARD OF ADJUSTMENT**

**SECTION 7.1
BOARD OF ZONING ADJUSTMENT AND METHODS OF APPEAL**

There is hereby, created and/or ratified for all the unincorporated area of Creek County, Oklahoma, a Board of Adjustment with the powers and duties as hereinafter set forth.

**SECTION 7.2
MEMBERSHIP**

7.2.1 The Board of Adjustment shall be composed of five (5) members, residents of Creek County. Each member shall be appointed by the Board of County Commissioners for a term of three (3) years; provided, however, that for the first appointment under these regulations, the term of office of two (2) of said members shall be one (1) year, the term of two (2) said members shall be two (2) years, and the time of office of one (1) of said members shall be three (3) years. All appointments thereafter shall be for a term of three (3) years. A member of such County Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the Board of County Commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the Board of County Commissioners to serve his unexpired term. All members of the County Board of Adjustment shall serve as such without compensation.

7.2.2 Members of the Board of Adjustment may be appointed from the membership of Creek County Planning Commission, provided that there shall not be more than two (2) such members.

7.2.3 The County Board of Adjustment shall elect its own Chairman from its membership to serve for a term of two (2) years. A quorum of the County Board of Adjustment shall be the same as required by Oklahoma Law. All meetings of the County Board of Adjustment shall be open to the public and a public record shall be kept of all proceedings.

**SECTION 7.3
PROCEDURE**

The Board of Adjustment shall adopt rules in accordance with the provisions of these Regulations. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. 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 County Clerk and shall be a public record. All records are considered to be filed with the County Clerk by reference herein to the physical location of the minutes in the Creek County Planning Office, and to the actual recording of the Decision of Record in the land records maintained in the office of the County Clerk. The concurring vote of three (3) members of the Board 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 such Regulations, or to effect any variation in such Regulation.

SECTION 7.4 APPEALS TO BOARD

Appeals to the County Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Creek County affected by any decision of the County Inspecting Officer in administering the county planning and zoning regulations or building line and setback regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the County Board of Adjustment and the County Inspecting Officer, stating the grounds thereof and by paying, at the time the notice is filed, a filing fee in accordance with the duly adopted fee schedule. An appeal to the County Board of Adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown. The officer from whom the appeal is taken shall forthwith transmit to the County Board of Adjustment the papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appeal in person or by agent or by attorney.

SECTION 7.5 POWERS OF BOARD

The County Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the County Inspecting Officer in the enforcement of the County Planning and Zoning Regulations.
2. To hear and decide requests for map interpretations or for decisions on other special questions upon which it is authorized to pass the regulations adopted by the Board.
3. Powers Relative to Variations: Where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property at the time of the original adoption of these regulations or other extraordinary exceptional situation or condition of a specific parcel or property, which condition is not generally prevalent in this area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and demonstrable undue hardship upon, the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation 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 these regulations.

In exercising the above mentioned powers the Board of Adjustment in conformance with the provisions of these Regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In considering all appeals from rulings made under these Regulations, 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 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 Creek County. 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.

An application for Variance, where authorized by these Regulations, shall constitute an appeal from the Planning and Zoning Regulations and the determination of the County Inspecting Officer, Board of Adjustment Secretary, County Planner, or other such administrative official of the County duly authorized and performing in the capacity of any of the same, and shall operate to the perfection of the statutory prerequisite for the same in accordance with Oklahoma Law.

Should the Board of Adjustment deny a request, no application for the same action for the subject tract of land, or any part of the tract, shall be accepted for public hearing for one (1) year unless the request is substantially modified, as determined by the Board of Adjustment or its secretary.

SECTION 7.6 PUBLIC NOTICE REQUIREMENTS

7.6.1 PUBLIC NOTICE REQUIRED

The Board of Adjustment shall give notice and conduct a public hearing before acting on any request for map interpretation, or before granting any Special Exception or Variance, or appeal from a determination of the County Inspecting Officer, Board of Adjustment Secretary, County Planner, or other such administrative official of the County duly authorized and performing in the capacity of any of the same.

7.6.2 SPECIFIC REQUIREMENTS

- A. At least ten (10) days' notice of public hearing shall be given as follows:
 - 1. For map interpretations, Special Exceptions, Variances, or Appeals from a determination of an administrative official:
 - a. By publication one (1) time in a newspaper of general circulation; and,
 - b. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property.
 - 2. For all other special questions upon which it is authorized to pass by the regulations adopted by the Board of County Commissioners, notice shall be required as specified by such legislative directive.

- B. The notice shall contain:
 - 1. The legal description of the property or properties, or part thereof concerned, and the street address or approximate location of the same.
 - 2. The present zoning classification, where applicable, of the property or properties, or part thereof concerned, and the nature of the relief sought, including any waivers of standards requested with the application.
 - 3. The date, time, and place of the hearing.

SECTION 7.7
SPECIAL EXCEPTION USES

7.7.1 GENERAL PROVISIONS

As authorized by Oklahoma Law and Section 7.5 of these Regulations, the Board of Adjustment of Creek County, upon application, and after notice as required for a public hearing, subject to the procedural and substantive standards hereinafter set forth, may grant Special Exceptions as provided in these Regulations.

7.7.2 APPLICATION

- A. A request for a Special Exception shall be initiated by the filing of an application with the Board of Adjustment Secretary and shall be set for public hearing by the Secretary in accordance with the rules established by the Board.
- B. Applications. Unless otherwise specified in these Regulations, Special Exception applications shall include:
1. A completed application form signed by the property owner or their designated agent.
 2. A copy of the current deed to the property.
 3. A site plan, at least one (1) copy of which shall be on paper sized no larger than 11" X 17", that includes:
 - a. All existing property lines and dimensions.
 - b. All existing buildings, improvements and their setbacks from property lines.
 - c. Adjacent road or street right-of-way or easement widths and roadway surface widths.
 - d. The location of all existing and any proposed driveways and driveway approaches onto adjacent streets and roads.
 - e. North Arrow, scale of drawing, drawing preparation date, and name of person preparing the drawing.
 - f. Location of existing easements, setback lines, and access limitations, if applicable.
 4. A survey of the property (if available), at least one (1) copy of which shall be on paper sized no larger than 11" X 17".
 5. The billing address to be used for the legal advertisement in the newspaper.
 6. Certified list of property owners within 300 feet of the subject property boundaries, prepared, signed, and sealed by the Creek County Assessor, unless for Commercial or Industrial zoned property and then by a title abstract company. A certified list shall expire and may not be used for application purposes after 6 months of the date certified by the assessor or title abstract company, for commercial or industrial zoned property.

7. Printed mailing labels including all property owners and addresses as per the certified list of property owners within 300 feet of the subject property boundaries.
8. Application review fee of \$110.00 plus \$8.00 per each name on the certified list, or as otherwise modified by the current adopted fee schedule.

7.7.3 BOARD OF ADJUSTMENT ACTION

The Board of Adjustment shall hold the public hearing and, upon the concurring vote of at least three (3) members, may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the Comprehensive Plan and these Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board of Adjustment, in granting a Special Exception, may require appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions and safeguards attached.

7.7.4 DECISION OF RECORD

The Decision of Record shall be recorded with the Creek County Clerk by the applicant for the Special Exception or the Board of Adjustment Secretary, at the applicant's expense, using an instrument prepared by the Board of Adjustment Secretary. This Instrument shall include a legal description supplied by the applicant and a complete record of the decision of the Board of Adjustment. A Special Exception for which the Decision of Record has not been recorded within 60 days of the Board of Adjustment action shall be disapproved.

7.7.5 TIME LIMITATION ON SPECIAL EXCEPTIONS

A Special Exception which has not been utilized within one (1) year from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, or actual start of construction, provided construction is diligently carried to completion.

7.7.6 SPECIAL EXCEPTIONS FOR TEMPORARY OPEN AIR FACILITIES

Temporary open air facilities may continue for a period not to exceed sixty (60) days per each application for Special Exception approved by the Board of Adjustment.

7.7.7 SPECIAL EXCEPTIONS FOR ANTENNAS AND ANTENNA SUPPORT STRUCTURES

A. Applications. Special Exception applications for antennas and antenna support structures, including towers, shall include:

1. A completed application form signed by the property owner or their designated agent.
2. A copy of the deed to the property and any lease agreements in use (specific monetary terms and other such sensitive information may be omitted).
3. A location map, at least one (1) copy of which shall be on paper sized 11" X 17", identifying:
 - a. The proposed site of the tower or other antenna support structure.

- b. Any existing tower or other antenna support structures sites, or any such sites for which an application is pending, within five (5) miles of the proposed new site and the distances of such other sites relative to the proposed new site measured in mile units to the 1/100th mile.
 - c. Any municipally incorporated areas within five (5) miles of said proposed new site and the distances of such areas to the proposed new site measured in mile units to the 1/100th mile.
- (2) A site plan, at least one (1) copy of which shall be on paper sized 11” X 17”, that includes:
- a. All existing parent tract property lines and dimensions.
 - b. The proposed locations of the tower or other antenna support structure, the lease site compound (fenced areas, etc.), and any guy wire anchors, when permitted by Waiver in accordance with these Regulations.
 - c. The proposed general locations of site screening measures.
 - d. All existing habitable dwellings and other buildings and improvements and their setbacks from property lines as measured in feet.
 - e. Topography at 10-foot contour intervals.
 - f. Adjacent streets, street widths and existing access limitations.
 - g. The location of all existing and any proposed driveways and driveway approaches onto adjacent streets and roads.
 - h. North Arrow, scale of drawing, and drawing preparation date.
 - i. Location of existing easements, if applicable.
- (3) A survey of the property (if available), at least one (1) copy of which shall be on paper sized 11” X 17”.
- (4) A detailed site screening and landscaping plan demonstrating compliance with the screening and landscaping standards of Section 7.7.7, at least one (1) copy of which shall be on paper sized 11” X 17”.
- (5) Certification from applicant’s Oklahoma licensed Radio Frequency (RF) engineer and/or professional engineer responsible for the design of the tower or other antenna support structure shall be submitted with the Special Exception application certifying that the tower or other antenna support structure is designed in such a manner as to accommodate the collocation of a minimum of two (2) wireless telecommunication system providers, and that the facility will meet all standards of the FCC, FAA, and/or other Federal agencies having jurisdiction.
- (6) The billing address to be used for the legal advertisement in the newspaper.
- (7) Certified list of property owners within 300 feet of the “parent tract” subject property boundaries, prepared, signed, and sealed by a title abstract company. A certified list shall expire and may not be used for application purposes after 6 months of the date certified by the title abstract company.
- (8) Printed mailing labels including all property owners and addresses as per the title abstractor’s certified list of property owners within 300 feet of the “parent tract” subject property boundaries.
- (9) Application review fee of \$110.00 plus \$8.00 per each name on the certified title abstractor’s list, plus \$50.00 for each Waiver requested, if any, or as otherwise modified by the current adopted fee schedule.
- (10) All requests for Waivers of standards, as authorized in these Regulations, shall be submitted in writing along with the Special Exception application.
- B. Co-location Requirement. In determining the appropriateness of granting a Special Exception for a proposed new tower or other antenna support structure, the applicant shall demonstrate to the

satisfaction of the Board of Adjustment that no existing tower or other antenna support structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna(s) shall consist of one (1) or more of the following:

- (1) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
- (2) That existing towers or other antenna support structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) That existing towers or other antenna support structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
- (4) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or other antenna support structures, or the antenna on the existing towers or other antenna support structures would cause interference with the applicant's proposed antenna(s).
- (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or other antenna support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) That the applicant adequately demonstrates that there are other limiting factors that render existing towers or other antenna support structures unsuitable.

C. Specific Standards. All new towers or other antenna support structures shall meet the following standards:

- (1) All new towers or other antenna support structures shall be set back a distance not less than 110% of the total height of the tower plus any projecting antennas, as measured at grade, from the following:
 - a. All property lines, including those of the subject property and highway right-of-way lines.
 - b. All habitable structures, including those located on the subject property.
 - c. All R Residential zoning district boundaries.
- (2) All new towers or other antenna support structures shall maintain a minimum separation from other existing towers or other antenna support structures, or any such sites for which an application is pending, of one-quarter ($\frac{1}{4}$) of a mile if located in a C Commercial or I Industrial zoning district and one (1) mile if located in an A Agricultural or O Office zoning district.
- (3) The total height of the proposed tower or other antenna support structure, including any projecting antennas, shall not exceed 200 feet, except when waived by the Board of Adjustment at the time of the Special Exception approval. Requests for a Waiver of this standard shall be submitted in writing with the application for Special Exception, and all public notices shall state that such a Waiver has been requested and describe the requested Waiver. The Board of Adjustment is authorized to waive this maximum height standard when it has been adequately demonstrated to the Board that the proposal meets the following conditions:

- a. The elevation on the subject property at which the proposed tower or other antenna support structure is to be located is not more than twenty-five (25) feet lower in elevation than the highest point on all abutting parcels of land.
 - b. The area within a one (1) mile radius, centered on the proposed tower or other antenna support structure site, has a residential density ratio of not more than one (1) dwelling unit to 10 acres.
 - c. The proposed tower site is not within one (1) mile of an incorporated city or town, exclusive of “fence lines” or other strips of incorporated area less than 300’ in width.
 - d. The proposed tower site is not located in an area designated on a duly adopted (by Creek County and/or by any town or city) Comprehensive Plan land use map as highly preferred for residential development.
- (4) The tower or other antenna support structure shall be of monopole design, unless the tower height is allowed by waiver to exceed 200 feet, and only upon waiver granted by the Board of Adjustment in accordance with Section 7.7.7
- (5) All supports and peripheral anchors for towers or other antenna support structures shall be located entirely within the boundaries of the property and shall not be less than five (5) feet from the property line. Towers, guys, and accessory buildings shall satisfy minimum zoning setbacks.
- (6) To mitigate the operational and visual impacts of such uses from the vantage points of adjacent or abutting major roads, state highways, interstate highways, and abutting and adjacent land uses, all tower or other antenna support structure sites shall be screened by a combination of an opaque wall or fence and a vegetative buffer, in accordance with the following standards:
- a. The opaque screening wall or fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.
 - b. The decorative side of the opaque wall or fence shall face outward.
 - c. When a chain-link fence is to be used, the opaque wall or fence shall be erected in such a manner as to contain the chain-link fence.
 - d. The standard vegetative buffer shall consist of a landscaped strip, a minimum of four (4) feet in width located around the periphery of the opaque wall or fence, which shall contain trees and/or shrubs of a species which will achieve a height of 15 feet or greater within three (3) years.
 - e. An earth berm may be used in combination with the opaque wall or fence to achieve the required height. However, earth berms shall not exceed three (3) feet in height, shall be graded to appear smooth, rounded, and naturalistic, and should not exceed a 3:1 slope.
 - f. When existing wooded areas are located within the entire minimum buffer area, preservation of the wooded areas shall be required and may be allowed as a substitute for the required landscaping if such area meets the minimum landscape requirements.

Provided, however, that the Board of Adjustment, at the time of Special Exception approval, may increase to the extent necessary, reduce, or waive entirely the screening standards set forth above based upon the conditions of the site and the character of the subject property and adjacent areas. Requests for a Waiver of this standard shall be submitted in writing with the application for Special Exception, and all public notices shall state that such a Waiver has been requested and describe the requested Waiver.

- (7) All new towers or other antenna support structures shall be subject to initial and continuing compliance with all other applicable local, state, and federal codes and standards for operation of that particular facility. These requirements shall include, but not necessarily be limited to meeting the standards and requirements of the Federal Aviation Administration (FAA), Federal

Communications Commission (FCC), Electronic Industries Association (EIA), and the American National Standards Institute (ANSI), and specifically, the most current version of the EIA Standard 222 (EIA-222).

- (8) If the operation and use of the facility ceases for a period of 180 days, unless or except an extension of time is granted in writing by the Secretary of the Board of Adjustment upon the receipt of a written request for the same within sixty (60) days of the end of the initial 180 day period, it shall be removed by the owner at the owner's cost or be subject to removal by Creek County at the owner's cost.
- (9) To guarantee the compliance with the removal requirement of Section 7.7.7.C.8, a removal bond, for which Creek County is the named beneficiary, shall be provided to Creek County within sixty (60) days of the approval of the Special Exception and prior to the commencement of construction, and shall be in the amount necessary to wholly and completely remove all above-ground materials related to the facility and its operations. An extension of this sixty (60) day period may be granted by the Secretary of the Board of Adjustment upon the receipt of a written request for the same prior to the expiration of the sixty (60) day period. Failure to comply with this requirement shall give cause and provide grounds for the Secretary to declare the facility in substantial noncompliance, the recourse for which shall be a new application to Board of Adjustment for Special Exception.
- (10) The tower or other antenna support structure shall be designed and constructed in such a manner as to accommodate a minimum of two (2) wireless telecommunications system providers unless it can be demonstrated by the applicant to the Board of Adjustment that such collocation is not technically feasible or that it would unreasonably impede or otherwise impair the operation of the initial or subsequently located facilities.
- (11) Access to the tower or other antenna support structure shall be restricted to publicly-maintained public roads. The location of the proposed driveway approach onto said publicly-maintained public roads shall be subject to the approval of the Board of Adjustment, and its location and construction details shall be clearly represented on the submitted site plan. All proposed driveway approaches onto paved roads shall be paved with similar materials to the extent the driveway approach is within the public right-of-way.
- (12) Upon completion of construction and prior to commencement of operations, the more qualified person of applicant's Oklahoma licensed Radio Frequency (RF) engineer or Oklahoma licensed professional engineer responsible for the design of the tower or other antenna support structure shall provide written certification that the facility:
 - a. Has been constructed in accordance with the design standards and plans approved by Creek County. Satisfaction of this requirement shall include As-built drawings of the tower or other antenna support structure.
 - b. Has been constructed in a manner that complies with all standards and requirements of the FCC, FAA, and other Federal agencies having jurisdiction.
 - c. Has been constructed in a manner that complies with the minimum co-location requirements of these Regulations.
- (13) Operators of towers or other antenna support structures shall give the Secretary of the Board of Adjustment thirty (30) days prior written notice of any change or modification in the operation of the facility that would cause the facility to no longer be in compliance with these regulations

or the conditions of approval of the Special Exception. Said notice shall include detailed information about the nature of all such changes. Further, such changes shall give cause and provide grounds for the Secretary to declare the facility in substantial noncompliance, the recourse for which shall be a new application to Board of Adjustment for Special Exception.

D. Exemptions: A Special Exception shall not be required in the following instances, provided that the tower or other antenna support structure complies with the administrative approval requirements of Section 7.7.7

- (1) The installation of new antennas and antenna support structures on facilities constructed prior to the adoption of special zoning approval requirements, adopted December 11, 1995 per Resolution # 95-93, provided that such facilities were legally conforming at the time of construction.
- (2) The installation of new antennas and antenna support structures on facilities constructed on or after December 11, 1995, provided that such facilities were legally conforming, having fully satisfied the applicable zoning standards and requirements at the time of construction.

E. Administrative Approval. The Board of Adjustment Secretary may administratively approve the placement of additional antenna(s) upon existing towers or other antenna support structures qualifying under Section 7.7.7 in accordance with the following:

- (1) Each applicant requesting an administrative approval under this Section shall submit the following documents and drawings, signed and sealed by licensed professionals, including but not limited to:
 - a. A completed application, including the application review fee.
 - b. Scaled Site Plan representing the dimensioned location of the tower or other antenna support structure in relation to property lines and lease site lines, as applicable, topography at ten (10) foot minimum contours, adjacent streets and street widths, setback and easement lines, parking areas, and existing driveway(s) and their approaches onto adjacent streets or roads, and fencing and landscaping with notation describing the same.
 - c. Scaled profile/elevation view and supporting drawings.
 - d. Certification of a professional engineer licensed to practice in the State of Oklahoma that the existing structure will accommodate the additional antenna load without requiring structural modifications.
 - e. Any other information deemed necessary by the Secretary to assess compliance with these regulations and compatibility with surrounding uses.
- (2) The Secretary shall respond to each application within (5) working days upon receiving a completed application, by either approving or denying the application, or approving with modifications or subject to the submission of additional information. If additional time is necessary to adequately assess the request, the Secretary may exercise an extension of this review period.
- (3) If a request for administrative approval is denied, the applicant may appeal the decision with the Board of Adjustment, which shall be processed as an application for Special Exception.
- (4) The application review fee for an administrative approval request shall be \$50.00 per request, or as otherwise modified by the current adopted fee schedule.”

SECTION 7.8 VARIANCES

7.8.1 GENERAL PROVISIONS

As authorized by Oklahoma Law and Section 7.5 of these Regulations, the Board of Adjustment of Creek County, upon application, and after notice as required for a public hearing, subject to the procedural and substantive standards hereinafter set forth, may grant Variances as provided in these Regulations.

7.8.2 APPLICATION

A. A request for a Variance shall be initiated by the filing of an application with the Board of Adjustment Secretary and shall be set for public hearing by the Secretary in accordance with the rules established by the Board.

B. Applications. Variance applications shall include:

- (1) A completed application form signed by the property owner or their designated agent.
- (2) A copy of the current deed to the property.
- (3) A site plan, at least one (1) copy of which shall be on paper sized no larger than 11" X 17", that includes:
 - a. All existing property lines and dimensions.
 - b. All existing buildings, improvements and their setbacks from property lines.
 - c. Adjacent road or street right-of-way or easement widths and roadway surface widths.
 - d. The location of all existing and any proposed driveways and driveway approaches onto adjacent streets and roads.
 - e. North Arrow, scale of drawing, drawing preparation date, and name of person preparing the drawing.
 - f. Location of existing easements, setback lines, and access limitations, if applicable.
- (4) A survey of the property (if available), at least one (1) copy of which shall be on paper sized no larger than 11" X 17".
- (5) The billing address to be used for the legal advertisement in the newspaper.
- (5) Certified list of property owners within 300 feet of the subject property boundaries, prepared, signed, and sealed by the Creek County Assessor, unless for Commercial or Industrial zoned property and then by a title abstract company. A certified list shall expire and may not be used for application purposes after 6 months of the date certified by the assessor or title abstract company, for commercial or industrial zoned property.
- (6) Printed mailing labels including all property owners and addresses as per the certified list of property owners within 300 feet of the subject property boundaries.
- (7) Application review fee of \$110.00 plus \$8.00 per each name on the certified list, or as otherwise modified by the current adopted fee schedule.

7.8.3 BOARD OF ADJUSTMENT ACTION

The Board of Adjustment shall hold the public hearing and, upon the concurring vote of at least three (3) members, may grant the Variance after finding that the Variance complies with the standards and terms of Section 7.5 of these Regulations. Provided that the Board of Adjustment, in granting a Variance, may require appropriate conditions and safeguards, and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions and safeguards attached.

7.8.4 DECISION OF RECORD

The Decision of Record shall be recorded with the Creek County Clerk by the applicant for the Variance or the Board of Adjustment Secretary, at the applicant's expense, using an instrument prepared by the Board of Adjustment Secretary. This Instrument shall include a legal description supplied by the applicant and a complete record of the decision of the Board of Adjustment. A Variance for which the Decision of Record has not been recorded within 60 days of the Board of Adjustment action shall be disapproved.

7.8.5 TIME LIMITATION ON VARIANCES

A Variance which has not been utilized within one (1) year from the date of the order granting same shall thereafter be void. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, or actual start of construction, provided construction is diligently carried to completion.”

SECTION 7.9 APPEALS TO DISTRICT COURT

An appeal to the District Court from any decision, ruling, judgment or order of said County Board of Adjustment may be taken by any person or persons, firm or corporation jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the Clerk of said board within ten (10) days a notice of such appeal, which notice shall specify the ground for such appeal. No bond shall be required for such appeal, but costs may be required in the District Court as in other cases. Upon filing of such notice, the Clerk of said board shall forthwith transmit to the Clerk of the District Court the originals or certified copies of all papers constituting the record in such case together with the order, judgment or decision of said Board. Said cause shall be tried de nova in the District Court and said Court shall have the same power and authority as the County Board of Adjustment, together with all other powers of the District Court in law or in equity. An appeal to the Supreme Court from the decision of the District Court shall be allowed as in other cases.

**ARTICLE 8
ADMINISTRATION**

**SECTION 8.1
ZONING OF RIGHTS-OF-WAYS**

- A. Whenever any street, alley or other public right-of-way is vacated, the portion vacated shall have the same district classification as the land to which the vacated portion accrues.
- B. The boundary line of each zoning district shall be deemed to extend to the centerline of the abutting streets, alleys, or other rights-of-way not including turnpikes or railroads, and shall be so designated on the official zoning map.

**SECTION 8.2
AMENDMENTS**

- A. The Board of County Commissioners may from time to time, on its own motion or on petition, amend the regulation and districts herein established.
- B. Every petition for amendment shall be submitted to the Creek County Planning Commission for investigation and report to the Board of County Commissioners of Creek County, Oklahoma.
- C. For each petition for amendment, a fee in accordance with the duly adopted fee schedule shall be deposited with the County Treasurer of said county as required by law, and credited to the General Fund of the county. No action shall be taken on any application for amendment unless all fees are paid and all required application elements are submitted.
- D. For each proposed amendment, at least fifteen (15) days' notice shall be published in a newspaper of general circulation in the county to advise of the time and place of the public hearings to be held on such proposed amendment before the Creek County Planning Commission. The Notice shall contain:
 - 1. Date, time, and place of public hearing;
 - 2. Legal description of the property and the street address or approximate location of the property;
 - 3. The present zoning district classification of the property and the proposed zoning classification provided:
 - a. Notice of a proposed LR rezoning shall confer jurisdiction on the Creek County Planning Commission and the Board of County Commissioners to consider and act upon HR, or LR, or combination thereof in the disposition of the application, and in like manner, notice of any R District shall confer jurisdiction to consider any less dense R District, except RMH.
 - b. Notice of a proposed RMH rezoning shall confer jurisdiction on the Creek County Planning Commission and the Board of County Commissioners to consider and act upon RMH, LR, or HR, or combination thereof in the disposition of the application, and in like manner, notice of any RMH District shall confer jurisdiction to consider and act upon R or A, or combination thereof.
 - c. Notice of a proposed C rezoning shall confer jurisdiction on the Creek County Planning Commission and the Board of County Commissioners to consider and act upon C District thereof in

the disposition of the application, and in like manner, notice of a C District shall confer jurisdiction to consider.

- d. Notice of a proposed I rezoning shall confer jurisdiction on the Creek County Planning Commission and the Board of County Commissioners to consider and act upon I, C, combination thereof in the disposition of the application, and in like manner, notice of an I district shall confer jurisdiction to consider and act upon C.
 - e. Specific notice of a proposed A, or PUD District shall be required to confer jurisdiction on the Creek County Planning Commission and the Board of County Commissioners to consider such A, or PUD District.
- E. For each proposed amendment, at least one (1) sign shall be posted on the property that is the subject of the proposed zoning change. The sign must be visible from adjacent public roadways and be continuously on site 15 days prior to the hearing. It shall contain information relative to the requested change such as date of public hearing, existing and proposed zoning and other pertinent information, provided that alternative districts may be considered by the Creek County Planning Commission and the Board of County Commissioners as set forth in preceding Section 9.3.D. Failure to post a sign will result in the request being tabled by the Planning Commission.
- F. Should the request for a rezoning be denied by the Board of County Commissioners, no application for the same zoning classification of the subject tract of land or any part of the tract shall be accepted for public hearing for one (1) year for the same zoning or six (6) months for a lesser zoning after the date of the action of the Board of County Commissioners.

SECTION 8.3 VIOLATIONS AND PENALTIES

Any person who shall violate any of the provisions of the Regulations hereby adopted or who shall fail to comply with any of the requirements hereof, and from which no appeal has been taken, or who shall fail to comply with a lawful order of the County Inspecting Officer, affirmed or modified by the County Board of Adjustment of Creek County, Oklahoma or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and non-compliance respectfully, be guilty of a violation of the provisions of these Regulations, which shall be deemed a misdemeanor and shall be punished by fine or imprisonment or both, as provided by law for misdemeanors. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such person shall be required to correct or remedy such violation within a reasonable time, and when not otherwise specified, each day of such continuing violation shall constitute a separate offense.

SECTION 8.4 ABATEMENT

The imposition of the penalties provided for herein shall not preclude the Board of County Commissioners of said county acting by its duly constituted officers from instituting appropriate action or proceeding to prevent an unlawful act, as defined herein, or to restrain, correct or abate such violation thereof in or about any premises.

**SECTION 8.5
INVALIDITY OF A PART**

In the event any section, portion thereof, or provision of the Regulations adopted hereby is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provisions of these regulations.

SECTION 8.6

All resolutions or parts of Resolutions of the Board of County Commissioners, Creek County, Oklahoma in conflict herewith are hereby rescinded

**SECTION 8.7
EMERGENCY CLAUSE**

For the preservation of the public peace, health and safety, an emergency is hereby declared to exist and these Regulations shall be in full force and effect from and after its passage and approval as required by law.

ARTICLE 9 – SIGNS

Section 9.1 Purpose

The purpose of this article is to promote the proper construction, erection, placement, use and maintenance of signs within the zoning districts of Creek County, Oklahoma; to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetics of the environment and the County's ability to attract and retain sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the Creek County Planning Commission (CCPC) the planning and zoning authority of Creek County in furtherance of the general purposes set forth in the Planning and Zoning Regulations for Creek County, Oklahoma.

Section 9.2 Applicability and Effect

It shall be unlawful and deemed a prima facie violation of this article for any person, firm, corporation, or other entity or association to place, erect, maintain, paint, or create or to cause to be placed, erected, maintained, painted, or created, any sign or alteration thereto except in conformance with the standards, procedures, exemptions, and other requirements of this article.

The effect of this article, as more specifically set forth herein, is:

To establish a permit application system to allow a variety of types of signs in commercial and industrial zoning districts (Commercial and Industrial) and a limited variety of signs in other zoning districts, subject to the standards and the permit procedures of this article;

To provide for the administration and enforcement of the provisions of this article.

This article does not govern and specifically exempts the permitting of Outdoor Advertising devices as defined in the Highway Advertising Control Act of 1972, 68 O.S. § 1271 et seq, under the jurisdiction of the Oklahoma Department of Transportation. Said Act governs such devices located in adjacent area within six hundred sixty (660) feet from the nearest edge of the right-of-way and which are visible and intended to be read from the main traveled way and those which are located in controlled areas beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, visible and intended to be read from the main traveled way and erected with the purpose of being read from the main traveled way.

Section 9.3 Definitions and Interpretation

Words and phrases used in this article shall have the meaning set forth in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Where a question of interpretation arises, the most restrictive meaning of a definition or other provision shall prevail.

Advertising structure: A sign or structure erected or intended for advertising purposes, with or without advertisement display thereon, situated upon or attached to real estate, upon which any poster, bill printing, painting, or device is fastened, affixed, or displayed; provided, however, that said term shall not include a building.

Animated sign: A sign which depicts action or motion or which changes color. An animated sign differs from a flashing sign in that it uses movement to create a special effect or scene, rather than as an attention-getting technique.

Balloon sign: An inflatable sign which may be tethered that advertises a product, service or establishment

Banner sign: Any sign of lightweight fabric or similar material of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry or similar rigid material. National flags and state or municipal flags shall not be considered a banner.

Billboard sign: A structure for the permanent display of off-premises advertising. Off-premises advertising is any commercial message referring to or relating to an enterprise or business that is not conducted on the premises where the sign is located. Pursuant to Oklahoma State Code 69 O.S. § 1271-1286.

Cabinet sign: Any internally illuminated sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.

Changeable Copy sign: Any sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

Channel letter sign: When used in this article the term "channel letter" means a three dimensional letter with a groove, or other indentation or recess in the surface thereof and having an independent physical existence from the building or other structure to which it is attached.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction project sign: A temporary sign identifying an active construction project.

Copy: Any sign or portion thereof designed to accommodate a message composed of characters, letters, or illustrations.

Directional sign: A sign erected by an official governmental agency to denote the name of any thoroughfare; to point out through the County, a municipality, educational institution, public building, historic place, or hospital; to direct and regulate traffic; or to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

Double-faced sign: A sign with two (2) areas of copy.

Establishment: A place of commercial or industrial enterprise with its furnishings and staff.

Façade: An entire building front, including the parapet.

Flashing sign: Any sign which contains a continually intermittent or sequential light source.

Freestanding sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Such signs include "Monument signs." Such signs do not include pole signs.

Gasoline station price sign: Any sign advertising the price of fuel and containing no other business advertising.

Illuminated sign: Any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the property on which the sign is located shall be considered incidental.

Individual letter sign: When used in this article the term "individual letter" means a three dimensional letter having a separate physical existence, separate and apart from the sign structure upon which it is placed such that the same can be removed and placed upon another sign.

Logo: An identifying emblem or insignia containing sign graphics, symbols, or colors typically used for identification and/or advertisement.

Marquee sign: Any hood, awning, canopy, or other roof-like structure of permanent construction projecting beyond a building or extended along and projecting beyond the wall of the building and containing signage.

Menu Board Sign: A freestanding sign that lists the foods or other products available at a drive-through facility. One primary menu board is permitted as an accessory to an establishment with a drive-through in addition to the other permitted signs.

Monument sign: A freestanding sign supported by a continuous foundation or structural base under all or substantially all of the sign. The continuous foundation or structural base shall be flushed with the ground and shall not exceed four feet (4) in height.

Murals: Any mosaic, painting or graphic art technique applied, implanted, or placed directly onto a building, exterior wall, or site that contains no copy, advertising symbols or trademarks.

Mural advertising sign: Any mosaic, painting, or graphic art technique applied, implanted or placed directly onto a wall which contains copy, advertising symbols, or other references to the premises or to the products and/or services offered.

Nameplate: A sign indicating the name or address of the occupant or resident of the dwelling unit to which it is attached.

Neon lighting: Illuminated tubing forming sign graphics or which is otherwise used as an exposed lighting source. For the purpose of this article the term “neon” will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

Neon sign: Neon lighting used to draw attention to a business or building in any manner, including, but not limited to neon sign graphics, logos, or outlining of a building’s architectural features.

Nonconforming sign: Any sign that does not conform to the requirements of this article.

Occupant identification sign: A sign which advertises or directs attention to a use of an establishment located on-premises.

Parapet: A false front or wall extension above the base roof line.

Pennant: Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, not exceeding six (6) inches in width and twenty-four (24) inches in length, suspended from or attached to any staff, cord, building, or other structure that hangs loosely by rope, wire or string for the purpose of attracting attention to its site.

Pole sign: A sign which is supported by one or more poles, posts, columns, pyramids, or other extensions from ground level and which is independent from any building or other structure. Pole signs require Special Exception approval from the Creek County Board of Adjustment (CCBOA) and the Creek County Board of Commissioners (CCBOC). Pursuant to Section 9.13.2(B) (11).

Political sign: A temporary sign advertising a candidate for public office, a political party, or a measure or issue scheduled for an election. Pursuant to Oklahoma State Code 69 O.S. § 1208 (b)

Portable sign: Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich-board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way unless the primary purpose of said vehicle is for use in the normal day-to-day transportation operations of the business.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Pylon sign: A sign attached to or painted on the face of a vertical or horizontal extension of any face of a building constituting an integral part of the building structure.

Reader board: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged, electronically or otherwise, without otherwise altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature or retail gasoline station prices shall not be considered a reader board, attraction board, or animated or flashing sign for purposes of this article.

Real estate sign: A temporary sign indicating that the property on which the sign is located, or any building or structure located thereon, is for sale, rent or lease. One (1) real estate sign per lot is permitted in all zoning districts. Each such sign shall be removed within ten (10) days after the property is sold and the transaction closing the sale is completed.

Roof sign: Any sign erected wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof line.

Roof sign, integral: Any sign erected or constructed as an integral, or essentially integral, part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or to identify a purpose or to communicate information of any kind to the public.

Sign area and height:

- (1) *Computation of area of individual signs:* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Said computation shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the planning and zoning regulations and is clearly incidental to the display itself.
- (2) *Computation of area of multi-faced signs:* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
- (3) *Computation of height:* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating primarily for the purpose of locating or raising the height of the sign. In cases in which the normal grade cannot reasonably be determined from the previous part of this definition, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Sign face: The part of a sign that is or may be used for advertising or communication purposes.

Special event sign: A sign which calls attention to a business grand opening, civic event or meeting, or other similar activity of a temporary nature which has been approved by the Creek County Planning and Zoning Department pursuant to Section 9.10(A) (2).

Street frontage: The linear distance for which a lot line of a property adjoins a public street, from one property line intersecting said street to the furthest distant property line intersecting the same street.

Suspended sign: (Hanging Sign) A sign that is suspended from the underside of a plane surface and is supported by such surface.

Temporary sign: Any sign that is used only for a limited period of time, advertises or calls attention to political candidates, parties, or issues; active construction projects; real estate for sale, rent, or lease; business grand openings; or other events or special events of a temporary nature.

Uniform Signage Plan: An accurate plan of all existing and proposed signage for a development in which the owner proposes to erect two (2) or more signs that require a permit. The intent of this plan is to achieve consistency among all signage within an existing or proposed development.

Wall sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only one sign surface. Pursuant to Section 9.13.2(A).

Window sign: Any sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event, sale, or service that is placed either upon the window panes or inside a window, and is visible from the exterior of the window. Pursuant to Section 9.7 (A) (5) (a) (b).

Section 9.4 No Content Restrictions

It is the intent of the Creek County Board of Commissioners that protection of the First Amendment rights shall be afforded by this article. Accordingly, any sign, display, or device allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with applicable size, lighting, dimension, design, spacing, and permitting requirements of this article and the Creek County Planning and Zoning Regulations.

Section 9.5 Signs Exempt from Regulation

A. The following signs shall be exempt from regulation under this article:

- (1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than four (4) feet beyond the lot line of the lot or parcel on which such sign is located;
- (3) Holiday lights and decorations with no commercial message, but only during the months of June and July, and between October 1 and January 14;
- (4) Traffic Control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Oklahoma Department of Transportation standards and which contain no commercial message of any sort.

Section 9.6 Signs in the Public Right-Of-Way

No signs shall be allowed in the public right-of-way, except for the following:

A. Permanent signs including:

- (1) Directional or other public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company;
- (3) Information signs of a public utility regarding its poles, lines, pipes, or facilities; and

(4) Suspended signs projecting over a public right-of-way in conformity with other requirements of this Article.

B. Emergency signs.

Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. Other signs forfeited.

Any sign installed or placed on public property, except in conformance with the requirements of this section shall be treated as trash, refuse, or litter and subject to removal. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign, the full costs of removal and disposal of such sign.

Section 9.7 Signs Not Requiring Permits or Fees

A. The following signs or types of signs shall not require the filing of an application for the issuance of a permit or the payment of a fee but shall, unless otherwise exempted, be subject to all other requirements set forth within this Article:

1. Real estate signs, excluding banners; One (1) per street frontage and only valid until the property or last unit is sold or leased. Any real estate signs must be removed from the property after fifteen (15) days from final sale or lease.
2. Political signs; pursuant to Oklahoma State Code 69 O.S. § 1208 (b)
3. Construction project signs;
4. Nameplate signs in residential districts;
5. Window signs; Window signs are permitted in all commercial and industrial zoning districts subject to the following restrictions:
 - (a) The total area of all window signs shall not exceed fifty (50) percent of the total area of each individual window (including glass doors). Allowable window sign area may be aggregated.
 - (b) No more than twenty-five (25) percent of the total window sign area permitted shall consist of illuminated signs;
6. Credit card sign, decal, or emblem;
7. Flag, emblem, or insignia;
 - (a) Are limited to Official Governmental Flags on commercial and industrial zoning district, and
 - (b) Shall be limited to no more than three (3) flags on any lot, and
 - (c) Height of flag pole and flag shall be as follows:

BUILDING HEIGHT	POLE HEIGHT	FLAG SIZE
1 STORY	25'	4' X 6'
2 STORY	30'	5' X 8'
3 STORY	35'	5' X 8'
4 OR MORE STORIES	40'	6' X 10'

Height of the flag pole shall be as measured from the crown of the road. Installation of a flag pole shall not be located less than seven (7) feet from any public right-of-way line or less than five (5) feet from any adjacent property line; and

(d) Flag(s) on commercial and industrial zoning districts shall be no larger than as permitted in this section except on federal, state or local governmental properties or on federal legal holidays; and

(e) Shall be in accordance with accepted guidelines for the handling and display of flags;

8. Directional and other public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic;
9. Information signs of a public utility regarding its poles, lines, pipes, or facilities.
10. Seasonal display or decoration not advertising a product, service, or establishment;
11. Street Address signs.

Section 9.8 Signs Prohibited

All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the following section, are prohibited in Creek County, Oklahoma. Such signs include, but are not limited to:

1. Animated signs;
2. Flashing signs;
3. Signs in motion, including but not limited to, swinging, rotating, or revolving attention;
4. Roof signs; No sign may be painted on or mounted on the roof any structure;
5. Signs attached to any tree, utility pole, street light, sidewalk, curb, fire hydrant, bridge, or any other thing in the public right-of-way except as are specifically permitted by this article;
6. Signs which project into or over any dedicated public rights-of-way except as may be expressly permitted by this article;
7. Any sign located within the Sight Distance Triangle pursuant to Section 5.2.1 (F.) of the Planning and Zoning Regulations for Creek County;
8. Signs which: constitute a traffic safety hazard by reason of size, location, movement, content, coloring, or method of illumination; obstruct the vision of motorists or pedestrians; obstruct or detract from any official traffic-control device; divert or tend to divert the attention of motorists from traffic movement on streets, roads, intersections, or access facilities; utilize flashing or revolving red, green, blue, or amber lights; or utilize the words "stop," "look," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;
9. Illuminated signs in any agricultural and residential zoning districts or any non-shielded illuminated signs within two hundred (200) feet of said districts. Permitted residential nameplates and street address signs may be illuminated;
10. Signs which display any lewd, lascivious, obscene, indecent, or immoral written or graphic message;

11. Signs which copy or imitate official signs or which purport to have official status;
12. Signs which obstruct or interfere with any door, fire exit, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building;
13. Signs which are not properly erected, maintained, painted, which show neglect or abandonment, or which are in a dilapidated or hazardous condition. The basis of judgment for this provision shall be the specifications as set forth in Planning and Zoning Regulations for Creek County and the Oklahoma Building Code;
14. Inflatable or Balloon signs that advertises a product, service or establishment. Safety and anchoring are unreliable with these signs.

Section 9.9 Permanent Signs Allowed

A. Zoning Districts: LR, RMH

1. Signs identifying the occupant and/or street address, which shall not exceed two (2) square feet in sign area.
2. Monument signs for neighborhood and subdivision identification with five (5) or more platted lots. They may not exceed forty-nine (49) square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed one-hundred (100) square feet in area or eight (8) feet in height. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

B. Zoning District: Heavy Residential, RMH

1. Signs identifying the occupant and/or street address, which shall not exceed two (2) square feet in sign area.
2. For multiple family dwellings; one (1) non-illuminated individual channel letter wall sign, for each building on a lot which shall not exceed twenty-four (24) square feet in total sign area.
3. Monument signs for neighborhoods, subdivision, and manufactured home park identification with five (5) or more platted lots, may not exceed forty-nine (49) square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed one-hundred (100) square feet in area or eight (8) feet in height. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

C. Zoning Districts: commercial and industrial with Special Exception Zoning Districts: Ag

1. One wall sign for each building or store front on a lot. The maximum area of each sign shall be in accordance with the following table:

LOCATION OF SIGN ON BUILDING	SQUARE FOOTAGE OF SIGNAGE FOR EACH LINEAR FOOT OF BUILDING OR STORE FRONT
1 st or 2 nd story	1
3 rd or 4 th story	1.5
5 th or more stories	2

Each sign shall not encompass more than seventy-five (75%) percent of the width of a store front or building. On corner lots the owner may elect to have two (2) wall signs provided that the total sign area of the two (2) wall signs shall not exceed the total area permitted for one such sign.

2. Each lot having a street frontage of one hundred (100) feet or more shall be permitted a freestanding sign in accordance with the standards set forth in Section 10.13.2(B) of this article. A second freestanding sign shall be allowed on lots containing five hundred (500) linear feet of street frontage on a single street and at least two (2) curb cuts on said street, provided that the total sign area of both such signs shall not exceed the total sign area permitted by Section 10.13.2(B) and provided further that the signs shall be separated by a distance equal to seventy-five (75%) percent of the total street frontage and shall not be higher than seventy-five (75%) percent of the maximum height permitted for one such sign.
3. One (1) rear entrance wall sign, which shall not exceed four (4) square feet in sign area. The establishment shall have an operable rear entrance accessible to customers and/or deliveries and signage shall be limited to the name and address of the establishment only.
4. Incidental signs, including directional signs, shall be limited to three (3) square feet of face area and a maximum height of three (3) feet.
5. Signs may be painted or imprinted upon awnings or awning valances subject to the following restrictions:
 - (a) Such signs shall be limited to the name of the owner or establishment and the street number of the building to which the awning is attached.
 - (b) All letters and numbers shall not exceed four (4) inches in height.
6. Murals and Mural Advertising Signs may be permitted through Special Exception.

D. Zoning Districts: commercial and industrial

- (1) Gasoline station price sign with the standards set forth in Section 9.13.2
- (2) Menu board signs with the standards set forth in Section 9.13.2

E. Zoning Districts: commercial and industrial with Structures that have Alley Frontage

All structures with alley frontage shall display on, above or next to the rear door, the street number of the business occupying the structure in accordance with the following standards:

- (1) Street numbers shall be no less than four (4) inches tall with a high contrast background or of a sharply contrasting color.
- (2) Street numbers must be posted in such a manner as to permit an unobstructed view of the street number from the centerline of the alley.

Section 9.10 Temporary Signs Allowed

A. Zoning Districts: A, C, and I

1. Banner Signs:
 - a. Are permitted upon a completed and approved application to the Creek County Planning Department and permitted to be displayed for a period of time not to exceed ninety (90) calendar days from the date the permit is issued.
 - b. Only two (2) banner sign permits may be issued to the same business at the same location during any three hundred sixty-five (365) calendar day time period starting at the date the first such permit is issued.
 - c. Banner signs shall not exceed a maximum sign area of forty-five (45) square feet.
 - d. Permits shall not be issued for businesses that have no street frontage located within a mall, nonresidential condominium, shopping center, office building or complex, or similar building or planned development without written consent from the building or development owner or owners' association, as appropriate, allowing the placement of a banner sign at the location requested within the permit application.
 - e. Permits for banner signs shall include the expiration date of the permit. After the expiration date a new permit is required for any other banner signs allowed by this Section. The applicant shall contact the

Creek County Planning and Zoning Department to request an inspection at least five (5) business days before the date the banner sign is to be removed from the property.

f. Banner Sign Applications Procedure:

1. File an application prior to the display of the banner sign with the Creek County Planning and Zoning Department;
2. Pay the banner sign permit fee of twenty-five (\$25.00) dollars or, if necessary, an after-the-fact permit fee of fifty (\$50.00) dollars; 501(c) tax-exempt nonprofit organizations are not required to pay the banner sign permit fee;
3. Post a cash bond in the amount of one hundred (\$100.00) dollars with the Creek County Planning and Zoning Department after obtaining permission to display the banner but before actually displaying the banner in the County;
4. Execute a document giving permission to Creek County staff to enter into the property on which the banner sign is located after the permitted time period to remove said banner if the applicant has failed to remove the sign on or before the prescribed date;
5. Contact the Creek County Planning and Zoning Department at the prescribed date and time in order to claim the one hundred (\$100.00) dollar bond refund.
6. Failure to remove the banner sign immediately and to contact the Creek County Planning and Zoning Department by the date and time prescribed in the permit's expiration of the banner granted shall result in the forfeiture of the one hundred (\$100.00) dollar bond posted. Said forfeiture shall be automatic and without notice.

Special Event Signs:

1. Are permitted upon a completed and approved application to the Creek County Planning Department and permitted to be displayed for a period of time not to exceed fourteen (14) calendar days from the date the permit is issued.
2. Only two (2) special event signs may be used for a maximum of two (2) events to the same business at the same location during any three hundred sixty-five (365) calendar day time period starting at the date the first such permit is issued.
3. Special event signs may not exceed six (6) feet in height or sixteen (16) square feet in area.
4. Permits for special event signs shall include the expiration date of the permit. After the expiration date a new permit is required for any other special event signs allowed by this Section. The applicant shall contact the Creek County Planning and Zoning Department to request an inspection at least five (5) business days before the date the special event sign is to be removed from the property.
5. Special Event Sign Applications Procedure:
 - a. File an application prior to the display of the special event sign with the Creek County Planning and Zoning Department;
 - b. Pay the special event sign permit fee of twenty-five (\$25.00) dollars or, if necessary, an after-the-fact permit fee of fifty (\$50.00) dollars; 501(c) tax-exempt, nonprofit organizations are not required to pay the special event sign application fee.
 - c. Post a cash bond in the amount of one hundred (\$100.00) dollars with the Creek County Planning and Zoning Department after obtaining permission to display the sign but before actually displaying the special event sign in the County;
 - d. Execute a document giving permission to Creek County staff to enter into the property on which the special event sign is located after the permitted time period to remove said sign if the applicant has failed to remove the sign on or before the prescribed date;
 - e. Request the one hundred (\$100.00) dollar bond refund.
 - f. Failure to remove the special event sign immediately and to contact the Creek County Planning and Zoning Department by the date and time prescribed in the permits expiration of the sign granted shall result in the forfeiture of the one hundred (\$100.00) dollar bond posted. Said forfeiture shall be automatic and without notice.

Section 9.11 Permit Application and Requirements

All signs in Creek County except those exempt from regulation pursuant to Section 9.5 and those not requiring a permit pursuant to Section 9.7, shall be constructed, placed, erected, or modified only after the owner of the property has secured a sign permit in accordance with the requirements of Section 9.11.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this article in every respect and with a Uniform Signage Plan, if applicable, in effect for the property. In addition, no sign permit of any kind shall be issued for an existing or proposed sign for a property on which Creek County liens or violations of record exist prior to the date of the issuance of this sign permit.

All applications for sign permits and for approval of Uniform Signage Plans shall be submitted to the Creek County Planning and Zoning Department and shall set forth the following information and such other information as may be reasonably required by the Creek County Board of Commissioners (CCBOC):

- (1) Creek County Sign Permit Application;
- (2) Property Owner's Affidavit;
- (3) A copy of the contract between the property owner and sign contractor;
- (4) A current property survey that is signed and sealed by a registered professional land surveyor or professional engineer;
- (5) A dimensioned to scale drawing of the proposed sign;
- (6) The square foot area per sign face proposed;
- (7) A detailed specification, sketch, or similar presentation drawn to scale showing all pertinent structural details, wind pressure requirements, and display materials in accordance with all the requirements of the Oklahoma Building Code;
- (8) The square foot area of all existing signs on the property upon which the proposed sign is to be located;
- (9) A dimensioned to scale Site Plan is required for any proposed freestanding sign indicating all required setbacks relating to the property on which the proposed sign is to be located;
- (10) Photographs of all existing on-site signs; and
- (11) For any proposed sign attached to a structure, provide photographs of the building, specify the proposed location of the sign, and provide the linear frontage in feet of the structure.

If the work associated with a sign permit has not been completed within one hundred eighty (180) days of the date of the issuance of the permit, such permit will lapse and become null, void, of no effect, and no longer valid.

Section 9.12 Permit Application Fees

Each application for a sign permit or for the approval of Uniform Signage Plan shall be accompanied by the required fees calculated as follows:

- (1) A minimum permit fee is required on all signs which are calculated on a square foot basis. The schedule of sign fees shall be kept on record in the Creek County Planning and Zoning Office and the Creek County Clerk's Office.

Section 9.13 Design, Construction and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the standards herein:

Section 9.13.1 General Provisions

A. All signs shall be adequately constructed and securely anchored in accordance with the requirements of Chapter 16 of the Oklahoma Building Code.

B. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All signs shall be maintained in good structural condition in compliance with all applicable Oklahoma Building Codes and in conformance with this article at all times.

D. Any façade upon which a sign or any part thereof is placed or mounted shall conform to all requirements set forth in the Planning and Zoning Regulations and other ordinances and resolutions of Creek County and to the applicable requirements of the Oklahoma Building Code, including but not limited to Chapter 16 thereof.

E. All surfaces for which new signs or replacement signs will be placed including, but not limited to, façades, walls, roof lines, mansards, parapets, awnings, canopies, or structures must, to the satisfaction of the Creek County Planning and Zoning Department, be uniform with any adjacent building or structure, clean and free of any existing painted signs, holes, or any other evidence of preexisting signs or fixtures, or of excessive wear.

Section 9.13.2 Provisions Applicable to Specific Sign Types

A. Wall Signs:

(1) Shall not extend above the eaves of a building with a pitched roof or the parapet of a building with a flat roof, nor be situated so as to block doors or windows, wholly or partially.

(2) Shall be located only on the wall-face containing the main entrance to the building or establishment on which it is placed. In the case of corner properties, a second wall sign may be permitted in accordance with the provisions set forth in Section 9.9

(3) Shall be fastened to the wall by well-secured metal anchors to withstand a wind pressure load in compliance with Oklahoma Building Code requirements.

(4) All wall signs constructed, erected, placed, or modified after the effective day of this article shall consist only of individual or channel letters, numbers, figures, and other symbols except as provided for in Section 9.9

(5) Multi-tenant commercial properties which currently exhibit complete uniformity of cabinet or box-type signage as to size and location shall be allowed to retain this signage and to continue making changes of copy.

B. Freestanding Signs: Freestanding signs, other than incidental signs and other signs expressly permitted by other provisions of this article, are permitted in accordance with the following provisions:

(1) Minimum frontage: freestanding signs shall be permitted only on a property with at least one hundred (100) feet of street frontage on a single street.

(2) Minimum setbacks: freestanding signs shall not be located less than;

- a. Seven (7) feet from any public right-of-way line; and
- b. Five (5) feet from any adjacent property line; and
- c. Twenty-five (25) feet from any public right-of-way intersection.

(3) Corner lots: A freestanding sign on a corner property shall be permitted only along the main street. A freestanding sign may be allowed in exchange for one (1) of the two (2) permitted wall signs.

(4) Building size: a freestanding sign shall be permitted only on a lot with a building of at least five thousand (5,000) square feet.

(5)Landscaping: freestanding signs shall be located in a landscaped area with a minimum of one hundred (100) square feet with a landscape plan submitted and approved by the Creek County Planning and Zoning Department. The landscaped area shall be enclosed with a continuous poured concrete curb if located in a parking lot.

(6)Materials: Freestanding signs shall be constructed of the same or aesthetically comparable materials and products of which the principal building finish on the same property is constructed.

(7)Adjacent lines of copy shall be separated by a minimum distance equal to forty (40) percent of the size of the largest letter contained in said lines.

(8)A double-faced freestanding sign shall have a maximum distance of three (3) feet between the two faces of the sign.

(9)Dimensions: The dimensions of freestanding signs permitted under this section shall not exceed the following:

Building foot print Gross Floor Area (Sq. Ft)	Total Sign Height (Feet)	Area per Sign Side (Sq. Ft.)	Total Face Area (Sq. Ft.)	Minimum Letter Size	Maximum Letter Size
5,000 - 10,000	6	25	50	5"	18"
10,000 – 25,000	8	49	98	8"	24"
25,000 – 50,000	12	64	128	10"	30"
50,000 – 100,000	16	81	162	12"	36"
100,000 + >	18	100	200	15"	48"

Properties with a building gross floor area in excess of one hundred thousand (100,000) square feet may be allowed a second freestanding sign under the following conditions:

(a) Said property must be at the intersection of two (2) streets, and must have at least five hundred (500) linear feet of street frontage on a single street and at least two (2) approaches or curb cuts on said street, provided that the total sign area of both such signs shall not exceed the total sign area permitted by Section 9.13.2.

(b) Both signs shall be separated by a distance equal to seventy-five (75%) percent of the total street frontage and shall not be higher than seventy-five (75%) percent of the maximum height permitted for one such sign.

(c) For purposes of this dimensional chart, total sign height shall be measured from a grade level equal to the level of the nearest point of the crown of the street to the highest point on the sign structure. For each additional five (5) feet of setback from the required front setback that property owner voluntarily agrees to locate the sign, an additional two (2) feet of total sign height shall be permitted. A sign erected under Section 9.13.2 shall not exceed the total sign height permitted hereunder by more than four (4) feet.

(10) Buildings with less than five thousand (5,000) square feet of gross floor area: Under extraordinary circumstances the permissibility and the dimensions of freestanding signs on lots with buildings with less than five thousand (5,000) square feet shall be determined by the Creek County Board of Adjustment (CCBOA) by Special Exception but in no event shall exceed six (6) feet in height and fifty (50) square feet in total face area.

(11) Interstate Freestanding and Pole Signs: A lot with a minimum of five hundred (500) linear feet of street frontage on a single street, a building foot print with a gross floor area of ten thousand (10,000) square feet or more, and is within three hundred (300) linear feet or less to Interstate Highway 44 is eligible to apply for a Special Exception for an Interstate Freestanding or Pole sign. The Special Exception approval would permit a double-faced freestanding sign or pole sign with a maximum sign area of one hundred and fifty (150) square feet per side and a height of twenty-five (25) feet. The freestanding sign or pole sign may not exceed twenty-five (25) feet in height, except for each additional five (5) feet of setback from the required front setback that the sign is located, an additional two (2) feet of sign height shall be granted. The maximum total sign height permitted with an additional twenty-five (25) foot setback or more shall not exceed thirty-five (35) feet.

- (a) If the use of an Interstate Freestanding sign or Pole sign ceases for a period of 180 days, unless an extension of time is granted by the Creek County Board of Adjustment (CCBOA) within sixty (60) days of the end of the initial 180 day period, the sign must be removed by the owner at the owner's cost or be subject to removal by Creek County at the owner's cost.
- (b) To guarantee the compliance with the removal requirement of Section 9.13.2a removal bond, for which Creek County is the named beneficiary, shall be provided to the County within sixty (60) days of the approval of the Special Exception and prior to the commencement of construction, and shall be in the amount necessary to wholly and completely remove all above-ground materials related to the sign and its operations. Failure to comply with this requirement shall give cause and provide grounds to declare the sign in substantial noncompliance, the recourse for which shall be a new application to the Creek County Board of Adjustment (CCBOA) for a Special Exception.

C. Menu Board Signs:

(1) One (1) primary menu board sign (a freestanding sign) is permitted as an accessory to a drive-through in addition to the other permitted signs on the property. The menu board sign shall not exceed twenty-five (25) square feet in sign area or six (6) feet in height. A menu board sign is allowed per order station with up to a maximum of two (2) primary menu boards per lot. A secondary menu board shall not exceed fifteen (15) square feet in area and six (6) feet in height.

(2) Minimum setbacks: menu board signs shall not be located less than fifteen (15) feet from any public right-of-way line, five (5) feet from any adjacent commercial property line, fifty (50) feet from any adjacent residential property line or twenty-five (25) feet from any public right-of-way intersection.

(3) Materials: menu board signs shall be constructed of the same or aesthetically comparable materials and products of which the principal building finish on the same property is constructed.

(4) Menu board signs are intended to convey information to motorists within the boundaries of the lot and therefore shall not be located or oriented to be primarily visible from off site.

D. Illuminated Signs:

(1) Shall have their source of light concealed from view, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel. Freestanding illuminated signs shall have their electric source run underground, if not self-contained through solar generated power.

(2) The illumination on the face of any signs where illumination is permitted must be by constant light and may not exceed seventy (70) foot candles measured at a distance of two (2) from the face of the sign.

- (3) Shall not have intermittent or flashing illumination.
- (4) Shall have all exterior electrical outlets terminated in a galvanized box with a weather resistant cover, which shall be flush with and not protrude beyond the finished surface of the exterior wall.
- (5) Shall have all transformer boxes and other accessory equipment placed so that they are not visible from the exterior.
- (6) Shall not have electric lights or fixtures attached to them in any manner, if they are of wooden construction.
- (7) Hanging exposed neon tubing on the inside of glass show windows, are permitted providing that the size of these signs shall not exceed one-half (1/2) of the area permitted for window signs of buildings to which they are physically attached.

E. Murals:

Creek County acknowledges the positive impact that murals can add to the community. Murals support beautification of an area, create landmarks, foster cultural activism, and promote diverse artistic expression and positive collaboration within the community which creates identity and pride.

Murals shall be permitted through Special Exception in the following Zoning Districts: A,C and I

Murals for the purpose of this article are any mosaic, painting, or graphic art technique applied, implanted, or placed directly onto a building, exterior wall, or site that contains no copy, advertising symbols, or trademarks. Murals are not permitted on the primary façade of a building or any façade directly adjacent to a major street right-of-way. A primary façade is defined (for purposes of this section) as the building elevation that faces the adjacent street right-of-way and is the primary entrance.

(1) Design Standards:

- (a) The location, scale, and content of the proposed mural shall be integrated with the building's façade and other elements of the property to enhance the architecture and aesthetics of a building, exterior wall, or site;
- (b) The proposed mural, by its design, construction, and location will not have a substantial adverse effect on abutting property or the permitted use thereof;
- (c) The mural will not have a detrimental effect on the structural integrity of the exterior wall on which it is applied or affixed.

(2) Dimensions:

- (a) Murals will be reviewed on a case by case basis.

(3) Additional Materials required for Special Exception application of a Mural:

- (a) A scaled detailed drawing indicating the location of the proposed mural on the building or site;
- (b) An elevation plan of the existing building, exterior wall, or site;
- (c) Materials and methods of installation;
- (d) The name of the artist and the anticipated process and timeline;
- (e) Maintenance plan

(4) Maintenance:

- (a) The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Creek County Board of Adjustment (CCBOA) and the Creek County Planning and Zoning Department.

- (b) The display surface shall be kept clean and neatly painted and free from corrosion.
- (c) A maintenance plan and budget for the mural is required. This plan will allocate responsibility for monitoring the condition of the mural on a regular basis, for decision-making related to repair and removal, and for management of a repair fund held in trust by Creek County or an associated non-profit association.
- (d) Any mural that is not maintained, faded, or is in disrepair shall be ordered removed or covered with opaque paint, similar to the primary building materials, colors, or other appropriate material by the Creek County Board of Commissioners (CCBOC).

F. Gasoline Station Price Signs:

- (1) Each enterprise in the County which offers gasoline for sale at retail to the general public, may display one (1) double-faced monument sign portraying the current retail price of gasoline it offers for sale. The size of the sign area shall be limited to a maximum of sixteen (16) square feet and shall be of a type which is otherwise permitted by this article. The sign addressed by this section shall be included in the calculation for total signage permitted on the property by this article and shall otherwise be subject to the requirements and provisions of this article.

Section 9.14 Uniform Signage Plan

A. A Uniform Signage Plan shall be included in any development plan, site plan, planned unit development (PUD) plan, or other official plan required by Creek County for a proposed development and shall be processed simultaneously with such other plan.

B. An accurate plan of all existing and proposed signage for a development which the owner proposes to erect two (2) or more signs that require a permit. The intent of this plan is to achieve consistency among all signage within an existing or proposed development.

A submitted Uniform Signage Plan shall contain the following:

- (1) An accurate plot plan of the development; and a scaled drawing that indicates the location of buildings, parking lots, driveways, and landscaped areas on development or individual lots;
- (2) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, and the number of freestanding signs allowed under this article;
- (3) An accurate indication, on the plot plan of the proposed location, of each present and future sign of any type, whether requiring a permit or not.

C. In order to achieve uniformity while still allowing some degree of diversity, the Uniform Signage Plan shall also specify standards for consistency among all signs of the development affected by the Plan with regard to the following:

- (1) Color Scheme;
- (2) Lettering or graphic style;
- (3) Lighting;
- (4) Location of each sign on the buildings;
- (5) Material;
- (6) Sign proportions.

Section 9.15 Nonconforming Signs

A. Any sign or advertising structure within Creek County on the effective date of this article, or a sign or advertising structure existing within any de-annexed area to the County after the effective date of this article, which, by its height, area, location, use, or structural support does not conform to the requirements of this article, shall be termed nonconforming.

B. Except as otherwise provided herein, the owner of any property or other premises on which exists a sign or advertising structure that does not conform with the requirements of this article or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of nonconforming sign, to bring it into conformity with the requirements of this article.

C. Removal/Amortization Schedule.

(1) All nonconforming signs or advertising structures that do not have an approved Nonconforming Sign Permit shall be removed or altered so as to conform to the provisions of this article, within two (2) years from the effective date of this article.

(2) However, for nonconforming signs of historic or artistic merit, as determined by the Creek County Board of Commissioners (CCBOC), the amortization period may be extended for an additional period of two (2) years.

Section 9.15.1 Conforming Signs Existing on Effective Date

A sign permit application must be submitted to the Creek County Planning and Zoning Department within two (2) years from the effective date of this article for any conforming sign existing on the effective date. For any sign on a property de-annexed at a later date, applications for sign permits shall be submitted within six (6) months of the effective date of the official de-annexation. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this article and shall not be entitled to the protection of Section 9.15.2

Applications for sign permits for conforming existing signs submitted within twelve (12) months from the effective date of this article shall be exempt from the initial fees adopted under this article, but not from any future modifications or related subsequent fees.

Section 9.15.2 Nonconforming Signs Existing on Effective Date

A nonconforming sign existing on the effective date of this article that does not conflict with Section 10.8 and is in compliance with Section 9.9 but by reason of its size, height, location, design, or construction is not in conformance with the requirements of this article, may be issued a Nonconforming Sign Permit.

A sign permit application must be submitted to the Creek County Planning and Zoning Department within two (2) years from the effective date of this article for any nonconforming sign existing on the effective date of this article. For any nonconforming sign on a property de-annexed at a later date, applications for sign permits shall be submitted within six (6) months of the effective date of the official de-annexation. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this article.

Applications for sign permits for nonconforming signs existing submitted within twelve (12) months from the effective date of this article shall be exempt from the initial fees adopted under this article, but not from any future modifications or related subsequent fees.

An approved Nonconforming Sign Permit shall allow a nonconforming sign existing on the effective date of this article to remain in place and be maintained provided that no action is taken which increases the degree or extent of nonconformity.

Section 9.16 Inactive or Vacant Premises

When an establishment which is advertised or otherwise referred to by a sign is no longer active or becomes vacated or abandoned, the Creek County Planning and Zoning Department may require the owner of property

upon which the sign is located or the owner of the sign to remove the sign and sign structure upon thirty (30) days written notice to do so, with an approval from the Creek County Board of Commissioners (CCBOC).

Section 9.17 Variance Standards

A variance to the provisions and requirements of this article may be granted by the Creek County Board of Adjustment (CCBOA) solely for the purposes of allowing signage otherwise not permitted by this article due to an extreme hardship which the proponent of the signage had no role of any nature in creating and which cannot, under any reasonable circumstance, be eliminated, no signage which is permitted by this article can possibly serve the communication needs of the proponent or where a variance is needed to avoid what would be through the application of this article a clear infringement of the constitutional rights of the proponent.

No variance or other exception shall be allowed under any circumstances for existing nonconforming signage. No variance or other exception shall be allowed to permit a sign or signs which are of a type prohibited pursuant to Section 9.8

Where the sole purpose of a request for a variance is to allow signage which exceeds the maximum square footage permitted by this article by no more than twenty (20) percent, the request may be granted or denied by the Creek County Board of Adjustment (CCBOA).

Section 9.17.1 Sign Variance Procedures

A. Any person desiring a variance from the provisions of this article shall file a variance application pursuant to Section 7.8 of the Planning and Zoning Regulations for Creek County.

B. The Creek County Planning and Zoning Department shall place said request on the next regular meeting of the Creek County Board of Adjustment (CCBOA) which shall consider the application before it and allow such appearances by interested parties as may be necessary to permit a full and complete consideration of the facts involved.

C. All such applications shall be accompanied by a set application fee and additional set fee per variance request, no part of which is refundable regardless of the action taken.

D. No new application for a sign variance, which has been previously denied by the Creek County Board of Adjustment (CCBOA) shall be accepted by the Creek County Planning and Zoning Department or considered within twelve (12) months of such denial.

Section 9.18 Violations and Enforcement

The requirements of this section shall be administered and enforced by the Creek County Board of Commissioners (CCBOC) or designee.

Section 9.18.1 Violations

In addition to any other violations listed herein, any of the following shall be a violation of this article and shall be subject to the enforcement and penalties approved by this article, by the Planning and Zoning Regulations for Creek County, and by the Oklahoma State Law:

A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

B. To install, create, erect, or maintain any sign requiring a permit without such a permit;

C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this article or for which the sign permit has lapsed;

D. To continue any violation hereof, each day of a continued violation shall be considered a separate violation when applying the penalty portions of this article or the Creek County Planning and Zoning Regulations.

Section 9.18.2 Enforcement

Any violation or attempted violation of this article or of any condition or requirement adopted pursuant thereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceeding pursuant to state law. A violation of this article shall be considered a violation of the Planning and Zoning Regulations for Creek County, Oklahoma. The remedies of the County shall include, but not be limited to the following:

A. Issuing a stop-work order for any and all work on any signs on the property;

B. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

C. Imposing any penalties that can be issued directly by the Creek County Board of Commissioners (CCBOC) under the Planning and Zoning Regulations and/or the District Attorney;

D. Seeking in court the imposition of any penalties that can be imposed by such court by the Creek County Board of Commissioners (CCBOC).

E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the Oklahoma Building Code for such circumstances, the Creek County Board of Commissioners (CCBOC) or designee shall have the right, upon forty-eight (48) hours' notice, to remove any sign which is not properly maintained, shows neglect, becomes dilapidated, or is otherwise in violation of the provisions of this article, with or without notice, if such sign is found unsafe or encroaches on public right-of-way.

Section 9.18.3 Procedure on Violation

A. If the Creek County Board of Commissioners (CCBOC) or designee shall find that any of the provisions of this article are being violated, they shall provide written notice to the person responsible for such violation, or the owner of said premises on which the violation occurs, indicating the nature of the violation and ordering the action necessary to correct it. The Creek County Board of Commissioners (CCBOC) or designee shall order discontinuance, alteration, removal, or any other action necessary to correct violations or insure compliance with all the provisions of this article.

B. The issuance of a permit upon plans and specifications shall not be construed to be a permit for, or approval of, any violation of this article, nor shall such issuance prevent the Creek County Board of Commissioners (CCBOC) or designee from thereafter requiring the correction of any errors in said plans and specifications, or preventing the erection of any sign thereunder when in violation of this article.

APPENDIX A

LANDSCAPE MATERIALS AND RELATED DEFINITIONS

Balled and Burlap Tree: A tree with a firm soil ball surrounding the root system, being the most common form of root transportation for larger trees.

Bare Root Tree: A tree that is sold without a large burlapped ball of soil, typically raised on tree farms, dug at specific times of the year and shipped to nurseries. Bare root trees are typically smaller and may not fit all of the minimum tree requirements.

Branch Collar: The raised area that surrounds the branch where it joins the trunk, which forms a protection to prevent decay from entering the trunk.

Caliper: The diameter of the tree trunk measured at six (6) inches above the ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at 12 inches above ground level for a tree trunk exceeding 12 inches.

Canopy: The leaves, foliage and branching structure of a tree, sometimes also referred to as the spread or crown.

Container Tree: Usually a smaller tree that has been grown and sold in a container and the container sizes could vary from 3 to 10 gallons or more.

Creek Mix: Areas along creeks, marshes, floodplain and low-lying areas that have similar native and naturalized plant materials growing in them. These plants include but are not limited to: Willows, River Birch, Poplars, Sycamore, Pecan, Red Maple, Bur Oak, Shumard Oak, Water Oak, Bald Cypress, Pond Cypress, Cottonwood, some American Elm, Sweet Gum, Black Locust, Catalpa, Sugar Maple, White or Green Ash, Rough leaf Dogwood, Western Soapberry, cattails, bamboo and reeds. Each wet area will have a different mixture of these native plants in varying percentages, but most of the species will be found from this list. In some cases these masses of trees will grow so close that an exact determination of tree amounts and varieties is very difficult.

Creek/Water Tree: Trees that are best suited for moist soils and low-lying areas. These trees would naturally be found in wet soils bordering creeks, ponds, slow running streams, large drainage swales and marshy areas.

Dripline: The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

Guying Stakes: Hardwood stakes used in conjunction with galvanized wire and rubber hose to help stabilize newly planted trees for the first year after planting. These stakes are usually two (2) inch by two (2) inch by a minimum of thirty-six (36) inches high and are set at a slight angle.

Highway Mix: “Highway Mix” refers to the mixed trees growing closely together along the sides of the major highways and streets. These tree masses are primarily made up of native and naturalized species such as: Post Oak, Blackjack Oak, Shumard Oak, Saw tooth Oak, Bur Oak, Eastern Cottonwood, American Elm, Sycamore, Black Walnut, Hackberry, Chittamwood, Chinese Elm, Red Maple, Boxelder, Sugar Maple, Pecan, Redbud, Sumac, Black Locust, Eastern Red cedar, Ponderosa Pine, Austrian Pine, and Japanese Black Pine. Other trees that can be found in specific areas of these mixes are: Mimosa, Catalpa, and Swiss Mountain pine; these particular trees are usually found only in small amounts and are the result of careless planting. Much like the Creek Mix the exact percentages of each tree species will differ from area to area, but the plant materials will be similar. In some cases these tree masses will grow so close that an exact determination of tree amounts and varieties is very difficult.

Highway Tree: Large, usually native or naturalized trees that can tolerate being planted along roads of high use, which are hardy trees that will not be affected by smog, exhaust, or other vehicular associated pollutants. Highway trees should be planted 30 feet or more from the edge of the highway to control limb overhang and in such a manner to avoid runoff of

materials (salt, etc.) from the roadway that could damage the trees. These trees may be planted closely, but will last longer if they are spaced further apart and allowed to reach their full size.

Leader: The main top branch or trunk, of a tree. For maximum strength, trees should be pruned shortly after planting to have only one main leader.

Male Form Trees Some trees have distinctions between the male and female varieties and display different reproductive characteristics. “Male Form” is specified when the female form of a tree has excessive nut, flower, or fruit litter that can become a nuisance.

Microclimates: Small areas with slightly different temperatures and weather conditions, including shade, wind and rain caused by buildings, trees and other dense materials that create shelter from the environment. Microclimates are sometimes referred to as weather pockets.

Naturalized Trees: Trees that are not native to an area, but because of extensive cultivation, as well as wildlife attraction, have spread throughout the region. Naturalized trees become acclimated to the weather and soil types and can begin to show up in areas with native materials. Some naturalized plant material will still be susceptible to disease and pests, but usually tolerate the most common diseases found in the area.

Ornamental Tree: Trees that are planted in small quantities for decorative purposes. Ornamental trees tend to be smaller in size and have specialized characteristics such as branching structure, bark, flowers, scent, leaves, or fruit.

Prune: The act of selectively removing branches and limbs. The first pruning should occur shortly after the planting of a tree, with follow-up pruning about every three (3) years. Dead limbs and suckers should be removed as needed.

Suckers: Limbs and new plant starts, also referred to as water sprouts or epicormics sprouts that usually emerge from the trunk and take nutrients from the rest of the plant. If suckers are left unattended, a new trunk could form or the existing plant could be damaged.

Streetscape Tree: Medium to tall shade trees planted within 20 feet of the street, which may be planted in a planting box or a cutout in the pavement. Streetscape trees are usually on a street with a sidewalk or an area open to building fronts. Streets trees are typically not planted along highways, but are planted along main roads, commercial roads, residential streets or roads of special interest within an area.

Topped: The severe cutting back of limbs to stubs, larger than three (3) inches in diameter, within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. Topping can cause starvation for the tree, shock, insects, disease, weak limbs, rapid new growth, and even tree death. Other names for this practice are stubbing, heading, heading-back, stubbing-off, hat racking, topping-off, dehorning, and lopping.

Tree: A woody plant as set forth within an approved list of trees and included for reference in Zoning Code Landscape Regulations.

Urban Forestry: The aggregate of all vegetation within an urban area, the management of populations of trees, and the intersection of people with the urban flora and fauna.

**APPENDIX B
LIST OF TREES**

The following is only a list of trees, the planting of which depends on the location, species, soil type and conditions, soil moisture content, depth of the soil, susceptibility to insects, and the character of the surrounding conditions such as development or drainage from an adjacent highway that could subject the tree to runoff materials that would damage the tree. Not all trees in this list are suited for all applications and care must be taken in the selection, planting and care to assure the maximum benefit and potential of growth of the tree as well as assuring that the tree does not become a nuisance.

Deciduous Trees

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height</u>	<u>Width</u>	<u>Category</u>
Ash, White	Fraxinus Americana	50-80'	50-80'	CR/H
Birch, River	Betula nigra	40-70'	40-70'	CR
Birch, Asian White	Betula platyphylla	40-50'	varies	H
Boxelder	Acer negundo	30-50'	30-50'	CR
Catalpa, Southern	Catalpa bignonioides	30-40'	30-40'	H
Coffee Tree, Kentucky*	Gymnocladus dioica	60-75'	40-50'	H
Cottonwood, Eastern*	Populus deltoids	75-100'	50-75'	CR/H
Crabapple, Carmine	Malus x atosanquina	10-20'	10-20'	OR
Cypress, Bald	Taxodium distichum	50-70'	20-30'	ST/CR
Dogwood, Flowering	Cornus florida	20-40'	20-40'	OR
Elm, Lacebark	Ulmus parvifolia	40-50'	30-40'	ST
Euonymus, Winterberry	Euonymus bungeana	15-20'	10-12'	H
Ginkgo*	Ginkgo biloba	50-80'	varies	ST
Gum, American Sweet	Liquidambar styraciflua	60-75'	30-50'	ST/H
Hickory	Carya spp.	60-80'	40-60'	H
Hophornbeam, American	Ostrya virginiana	25-40'	25-40'	ST/H
Hornbeam, American, Ironwood	Carpinus caroliniana	20-30'	20-30'	H
Magnolia, Southern	Magnolia grandiflora	60-80'	30-50'	H
Magnolia, Star	Magnolia stellata	15-20'	10-15'	OR
Magnolia, Sweetbay	Magnolia virginiana	30-60'	20+	OR
Maple, Red	Acer rubrum	40-60'	30-60'	ST/H
Maple, Sugar	Acer saccharum	60-75'	40-70'	ST/H
Mulberry, White	Morus alba 'Pendula'	30-50'	30-50'	OR
Oak, Black	Quercus velutina	60-70'	varies	H
Oak, Bur	Quercus macrocarpa	70-80'	20-30'	H
Oak, Nothorn Red	Quercus rubra	60-75'	40-50'	ST/H
Oak, Sawtooth	Quercus acutissima	35-40'	35-40'	ST/H
Oak, Shumard	Quercus shumardii	80-100'	50-60'	ST/H
Oak, Southern Red	Quercus falcate	60-80'	varies	H
Oak, Swamp White	Quercus bicolor	50-60'	50-70'	CR
Oak, Water	Quercus nigra	60-80'	varies	CR
Oak, White	Quercus alba	50-80'	50-80'	H
Oak, Willow	Quercus phellos	40-60'	30-40'	CR
Osage-Orange, Bois D'Arc	Maclura pomifera	20-40'	15-35'	H

Pear, Aristocrat	<i>Pyrus calleryana</i> 'Aristocrat'	20-25'	20'+	OR/H
Pecan	<i>Carya illinoensis</i>	70-100'	40-70'+	H/CR
Persimmon, Common	<i>Diospyros virginiana</i>	35-60'	20-35'	H
Planetree, London	<i>Platanus x acerifolia</i>	70-100'	65-80'	ST
Redbud, Eastern	<i>Cercis Canadensis</i>	20-30'	20-25'	OR
Redbud, Oklahoma	<i>Cercis reniformis</i> 'Oklahoma'	20-25'	12-15'	OR
Smoketree	<i>Cotinus coggygia</i>	10-20'	10-20'	OR
Sugarberry	<i>Celtis laevigata</i>	60-80'	60-80'	H/CR
Sweetgum, American	<i>Liquidambar styraciflua</i>	60-75'	30-50'	ST/H/CR
Sycamore	<i>Platanus occidentalis</i>	70-100'	70-100'	ST/H/CR
Walnut, Black	<i>Juglans nigra</i>	50-75'	varies	CR/H
Willow, Black	<i>Salix nigra</i>	50'	varies	CR

Evergreen and Broadleaf Trees

<u>Common Name</u>	<u>Botanical Name</u>	<u>Height</u>	<u>Width</u>	<u>Category</u>
Cedar, Altas	<i>Cedrus atlantica</i>	40-60'	30-50'	H
Holly, American	<i>Ilex opaca</i>	40-70'	18-40'	CR/H
Holly, Possumhaw, Deciduous	<i>Ilex deciduas</i>	10-15'	10-12'	OR
Pine, Austrian	<i>Pinus nigra</i>	50-60'	20-40'	ST/H
Pine, Japanese Black	<i>Pinus thunbergii</i>	20-40'	varies	H
Pine, Loblolly	<i>Pinus taeda</i>	50-70'	varies	CR/H
Pine, Pinyon	<i>Pinus cembroides</i>	20-30'	15-20'	H

*=Male Tree Required

ST=Streetscape Trees

CR= Creek/Water Trees

H=Highway Trees

Trees in the CR or H categories are not appropriate for box planting or in cutout planting in sidewalks.

OR= Ornamental Trees

**APPENDIX C
PUD LANDSCAPE PLAN REQUIREMENTS**

Standardized notation box for detailed landscape plans.
(Must be included as a sidebar notation box on the face of the plans)

Name of PUD: _____ **Date:** _____

Plan Type:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Final Plan |
| <input type="checkbox"/> Sketch plat | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Other, Specify _____ | | |

Development Area/Phase: _____

Total Landscaped Area in Acres: _____ **% Of Development:** _____

Required Buffer Areas and Acreage: _____

Proposed Type of Landscape or Buffering: _____

(a) Street Yard Area per Street Frontage:

Street Name: _____	_____ Yard sq. ft.
Street Name: _____	_____ Yard sq. ft.
Street Name: _____	_____ Yard sq. ft.
Street Name: _____	_____ Yard sq. ft.
Street Name: _____	_____ Yard sq. ft.

(b) Landscaped Area per Street Frontage:

Street Name: _____	Required: _____	Provided: _____
Street Name: _____	Required: _____	Provided: _____
Street Name: _____	Required: _____	Provided: _____
Street Name: _____	Required: _____	Provided: _____
Street Name: _____	Required: _____	Provided: _____

(c) Number of Trees for Parking Areas:

Required: _____ **Provided:** _____

Trees

trees

(d) Certification by a Registered Landscape Architect or Affidavit by Applicant:

Proposed Landscaping shall exceed the general requirements of the Creek County Zoning Code and Landscape Code for a proposed use in a PUD.

**APPENDIX D
PUD SITE PLAN REQUIREMENTS**

(i) Standardized Notation Box for Detail Site Plans
(Must be included as a sidebar notation box on face of plans.)

PUD Name: _____

Detail Site Plan: _____ **Other Plan Type:** _____

Development Areas: _____

1. _____

2. _____

Permitted Uses: _____

Proposed Uses: _____

Maximum Building Floor Area Permitted: _____

Bldg. Floor Area Proposed for Each Use: _____

Maximum Bldg. Height Permitted: _____

Maximum Bldg. Height Proposed: _____

Minimum Bldg. Setbacks Required: _____

(Measured from centerline of adjacent streets(s) and PUD and/or Development Area boundaries)

Off Street Parking:

Parking Ratio per Use _____

Number of Spaces required per Use _____

Number of Spaces proposed per Use _____

Total Number of Spaces Required _____

Total Number of Spaces Proposed _____

Off-Street Loading: _____

Number: _____

Type: _____

Signage:

Type: _____

Number: _____

Display Surface Area: _____

Setback from Existing Signs: _____

Setback from Designated Residential Areas or Adjacent and Abutting Areas: _____

Minimum Percentage and Corresponding Landscaped Area Required: _____ % Square Feet

Minimum Percentage and Corresponding Landscaped Area Provided: _____ % Square Feet

Landscaped Street Yard per Street Frontage:

Required: _____ Provided: _____

Square Feet _____ Square Feet _____

Square Feet _____ Square Feet _____

Square Feet _____ Square Feet _____

Square Feet _____ Square Feet _____

Additional Landscape Area(s) required (if any):

Lighting Height for Parking Areas:

Maximum Height Permitted: _____ Height Proposed: _____