

## CHAPTER 5

### SPECIAL CONDITIONS

#### SECTION 5-1. SPECIAL CONDITIONS

Sections 2 through 12 below describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said subsections in the “special conditions” column in the tables or permitted uses. Where special conditions are widely applicable reference should be made to subsequent subsections.

#### SECTION 5-2 HOME OCCUPATIONS

Home occupations (defined in chapter 1), in those districts where permitted, are subject to all of the following conditions:

1. In any dwelling unit, all home occupations, collectively, shall not occupy more than twenty five (25) percent of the gross floor area of one floor of said dwelling unit, nor more than three hundred (300) square feet gross floor area, but these limitations shall not apply to foster family care.
2. A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
3. The entrance to the space devoted to a home occupations shall be from within the dwelling.
4. There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation, except, for each street front of the zoning lot on which the building is located, one unanimated, non-illuminated, accessory identification sign to be placed flat against a wall or door or displayed in a window.
5. Power shall be limited to electric motors, with a total limitation of three (3) horsepower per dwelling unit.
6. The home occupation shall be conducted solely by resident occupants of the dwelling unit in which the occupation is conducted and shall not have any employees who do not reside in said dwelling unit.
7. To permit a beauty shop, one operator chair, a petition shall be presented to the planning commission representing the approval of seventy five (75) percent of the property owners within two hundred (200) feet with mandatory approval of those abutting the property.

#### SECTION 5-3 OFF STREET PARKING REQUIREMENTS

##### PURPOSE

The purpose of this Chapter is to prevent, or alleviate, the congestion of public streets and to promote public safety and welfare by establishing minimum requirements for the off-street parking and loading of motor vehicles in accordance with the use to which property is subject.

## APPLICATION

All uses, buildings and structures established after the effective date of this Ordinance shall provide accessory parking and loading facilities in the amount and manner as specified herein.

## GENERAL REQUIREMENTS FOR OFF-STREET PARKING AREAS

### 1) Requirements

In all zoning districts, in connection with every industrial, commercial, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, or any other use is established, off-street parking spaces for automobiles in accordance with the requirements in the "Parking Spaces Required" column in the table of permitted uses. Parking spaces used in connection with an existing and continuing use of building on the effective date of these Regulations up to the number required by the Regulations, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space. There shall be no parking requirements for uses in the C-2 District unless the use occupies more than 4,000 square feet.

### 2) Previously Issued Building Permits

Where a building permit has been issued prior to the effective date of this Ordinance, and construction has begun within one (1) year of such issuance and diligently pursued thereafter, parking and loading facilities may be provided in the amounts required for the issuance of the building permit, regardless of any different amounts required by this Ordinance.

### 3) Change of Use

Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this comprehensive amendment to this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use under the parking and loading provisions of this Ordinance.

### 4) Uses Established After the Effective Date of This Ordinance

When the intensity of use of any building, structure or premises is increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, parking and loading facilities shall be provided for such increase in intensity of use except as allowed in Subsection B, above.

### 5) No Reduction of Existing Parking and Loading Facilities

Required accessory off-street parking facilities in existence on the effective date of this Ordinance, and located on the same lot as the building or use served, shall not hereafter be reduced below the requirements of this Ordinance except by variation.

### 6) Additional Parking and Loading Facilities

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use or building, provided

such parking or loading facilities meet all regulations of this Ordinance governing the location, design and operation of such facilities.

7) Required open space

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

8) Joint Parking Facilities

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

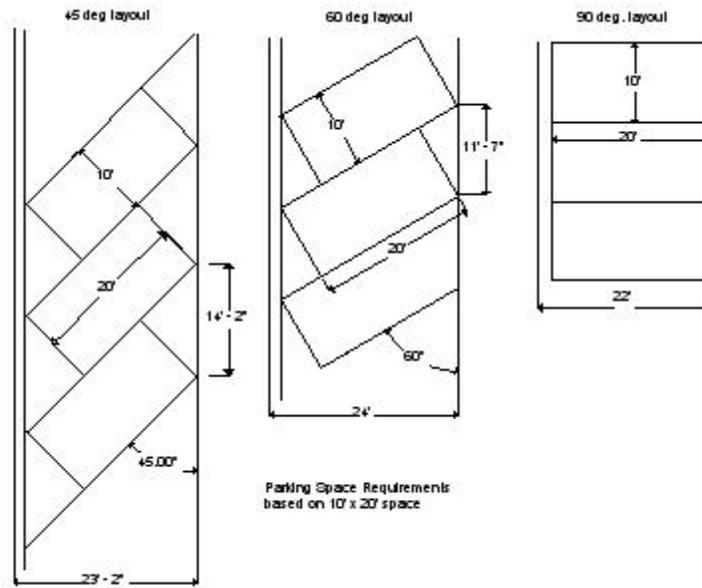
**SPECIFICATIONS FOR OFF-STREET PARKING AREAS**

1) Minimum Size of Stalls and Aisles

The required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Parking spaces located on the perimeter of the parking lot must be provided with a two (2) foot overhang area. Each space shall have a vertical clearance of at least ninety-six (96) inches. Where a wall or high curb lies adjacent to a side of a parking space, an additional one-half (1/2) foot shall be added to the width of the space. Where parallel parking spaces are permitted, stall length shall be twenty (24) feet and aisle width shall be a minimum of ten (10) feet. Stall and aisle size requirements for angled parking shall be as specified on Table 4.10.5 and Figure 4.10.5, Parking Size Requirements.

Table 4.10.5 PARKING SIZE REQUIREMENTS

Table 4.10.5 Required Parking Dimensions				
Parking Angle (Degrees)	Space Width Parallel to Aisle (ft-in)	Space Depth (ft-in)	Aisle Width (ft-in)	Module Space to Space (ft-in)
45 degrees	14'-2"	21'-2"	13'-0"	47'-8"
10'-0"				
60 degrees	11'-7"	22'-0"	17'-0"	55'-0"
10'-0"				
90 degrees	10'-0"	20'-0"	24'-0"	60'-0"
10'-0"				
Parallel Parking	24'-0"	10'-0"	24'-0"	N.A.
24'-0"				



2) Access

Each required off-street parking space shall open directly upon an aisle or driveway in such a width and design as set forth below to provide safe and efficient means of vehicular access to such parking space. The full width of an alley, but no portion of a street, may be used in computing such aisle or access area. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley.

3) Location

Off-street parking spaces may be provided on surface lots, under ground, under a building, or in parking structures. This provision shall not be interpreted to prevent the parking of vehicles on driveways, which may cross through a required front yard in those districts.

4) Surfacing and Striping

All off-street parking areas, including around the perimeter and interior landscaped islands, and access driveways shall be fully improved with a suitable hard surface pavement, such as asphalt, concrete or block pavers. All driveway approaches in public right-of-ways shall be paved with six (6) inches thick concrete paving with welded-wire reinforcing. The perimeter of all parking lots shall be improved with concrete curbing. Striping of the surface to define each parking space shall be provided and visible at all times, except for one and two family residences. Parking lots in the A-1\_District shall be exempt from the above requirements.

5) Slope

No area of any parking lot or structure, other than a parking lot or structure accessory to a single-family or two-family dwelling, excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of seven percent (7%).

- 6) Landscaping  
Except for one and two family residences, for all parking areas, regardless of size, a ten (10) foot landscaped divider strip shall be placed between all public sidewalks and parking areas.
- 7) Illumination  
All off-street parking lots or parking structures shall be illuminated, except for one and two family residences. The level of illumination at any point in the parking lot or structure shall not be less than one (1) foot-candle measured at the pavement. All lighting used shall be shielded or otherwise optically controlled so to provide non-glare illumination in a manner that does not create a nuisance on adjacent property.
- 8) Use and Maintenance.  
No motor vehicle repair work shall be permitted in conjunction with or upon open parking facilities, except that emergency repairs and on-site oil change services are exempt. All off-street parking areas shall be kept free of trash and debris, and otherwise maintained in an operable condition.

#### OFF-SITE PARKING

Where off-site parking is allowed as a permitted use or special exception in an applicable zoning district, such off-site parking may be permitted, subject to the applicable regulations of this Ordinance. Required parking spaces shall be provided by one or more of the following means, in descending order of feasibility:

- 1) On site; or if not possible:
- 2) Off-site, within four hundred (400) feet exclusive of street and alley widths, of the nearest entrance of the building and shall have direct access to a street or alley.
- 3) In the C-2 Zoning District only, payment of a fee-in-lieu of parking spaces may be substituted for the provision of parking required by this Ordinance. A payment of two thousand five hundred dollars (\$2,500.00) per parking space omitted shall be paid to the City of Grove. The collection of such fees shall be used exclusively for the provision of public parking in the downtown area pertaining to new construction only.

Parcels used for off-site parking shall be of common ownership as that of the principal use, or secured by a long-term lease. If secured by a long-term lease, the use of a parcel for accessory parking shall be bound by covenants that run with the land, recorded in the Office of the Recorder of Deeds in Delaware County.

#### COMPUTATION OF REQUIRED SPACES

- 1) Basis for Computation  
The total number of required parking spaces shall be based upon the parking requirement stated for the principal use of the zoning lot in question except that where residential uses and non-residential uses occupy the same zoning lot, the

number of parking spaces for the residential uses shall be calculated separately from, and in addition to, the parking requirements for the non-residential uses.

- 2) Fractional Spaces  
When determination of the number of required parking spaces results in the requirement of a fractional space, the number shall be rounded up to the next whole number.
- 3) Bench Seating  
In places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-two (22) inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities under this Ordinance, except that when the structure has no design capacity the maximum number present at any one time shall govern.
- 4) Employee Designation  
For purposes of parking requirements, full and part-time employees are treated alike for the computation of required off-street parking spaces. (*Section 5-3, amended per Ordinance No. 543, 3/20/2007*)
- 5) Parking Space Required  
Parking Space Required Table

#### ADA PHYSICALLY DISABLED ACCESSIBLE PARKING REGULATIONS

- 1) When parking is provided for the public, parking spaces designated for the parking of a motor vehicle operated by or transporting a physically disabled person must be provided in accordance with applicable local, state and federal law.

An accessible parking space must have space for the vehicle and an additional space located either to the right or to the left of the space that serves as an access aisle. This aisle is needed to permit a person using a wheelchair, electric scooter or other mobility device to get out of a car or van.

- 2) The posted signage for every parking space designated as a reserve area for the parking of a motor vehicle operated by or transporting a physically disabled person must display Sign R7-8, as provided in the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration of the United States Department of Transportation, which shall have a white background with a green border and include the words “RESERVED PARKING” in green letters and the blue and white ADA approved international symbol of accessibility. The words ‘RESERVED PARKING’ must be mounted high enough so it is not hidden by a vehicle parked in the space. Reserved parking signs shall be eighteen (18) inches tall and twelve (12) inches wide and be located a minimum of sixty (60) inches above the finish floor or ground surface measured to the bottom of the sign. Van accessible reserve parking shall also display a separate sign, Sign R7-8p immediately below Sign R7-8. The van-accessible sign shall be six (6) inches tall and twelve (12) inches wide and shall have a white background with green border and include the words “VAN ACCESSIBLE” in green letters.

The blue and white international symbol of accessibility, accompanied by appropriate language, including but not limited to “Handicapped Parking”, “Reserved for Handicap” and “Permit-Required-Towing Enforced,” may be used in lieu of Sign R7-8 if the sign was erected prior to the effective date of this Ordinance.

An ADA approved international symbol of accessibility, blue in color shall be painted on the pavement of each reserved parking space.

When more than one accessible space is required, the City of Grove may approve one sign for accessible parking spaces adjacent to each other if the sign includes an arrow identifying the spaces.

- 3) Accessible parking spaces shall be located on the ground level and shall be the spaces located on the shortest accessible route of travel from the adjunct parking lot closest to the accessible entrance. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions. If it is not readily achievable to locate accessible parking in the closest spaces to the accessible entrance due to sloped pavement or other existing conditions, then the closest level area should be selected.
- 4) A marked accessible route must be provided between the access aisle and the accessible building entrance. This route must have no steps or steeply sloped surfaces and it must have a firm, stable, slip-resistant surface.
- 5) Accessible parking spaces for cars must be a minimum of eleven (11) feet wide and twenty (20) feet long, plus have an adjacent access aisle that is at least five (5) feet wide. Two adjacent parking spaces may share a common access aisle.
- 6) Van accessible spaces must be a minimum of eleven (11) feet wide and twenty (20) feet long, plus have an adjacent access aisle that is at least eight (8) feet wide. The adjacent aisle may be shared by two parking spaces located side by side. There shall be vertical clearance of at least ninety-eight (98) inches on the vehicular route from the entrance of the parking site to the accessible parking space, at the accessible parking space and along the vehicular route to an exit from the parking site.
- 7) The number of accessible parking spaces required is based on the total number of parking spaces required. If only one handicap accessible space is required, it must be van accessible.

<b>Total Spaces Required</b>	<b>Handicap Accessible Spaces Required</b>
1-25	1 Van
26-50	1 Standard + 1 Van
51-75	2 Standard + 1 Van
76-100	3 Standard + 1 Van
101-150	4 Standard + 1 Van
151-200	5 Standard + 1 Van
201-300	6 Standard + 1 Van
301-400	7 Standard + 1 Van
401-500	7 Standard + 2 Van

501-1000	2% of total parking spaces
1001 and over	20 + 1 per each 100 over 1000

- 8) Public parking areas existing at the time this Ordinance is approved and passed shall comply with the required ADA Physically Disabled Accessible Parking Regulations when one or more of the following conditions occur:
- Change of Use requires additional standard parking spaces
  - Major renovation (33% or more) of the existing parking area
  - Re-striping of parking area

All newly constructed public parking areas shall comply with this Ordinance in its entirety. (*ADA Regulations added per Ordinance No. 592, 1/19/2010*)

**SECTION 5-4 MODIFICATION OR WAIVER OF REQUIRMENTS**

The Board of Adjustment may authorize an appeal, a modification, reduction, or waiver of the foregoing requirements only if it should find that in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exception situation or condition not generally applicable to other lots in the same district, must justify such action.

**SECTION 5-5 STORAGE AND PARKING OF RECREATIONAL VEHICLES, PARK MODEL HOMES, WATER SPORTS TRAILERS, HAULING TRAILERS, COMMERCIAL VEHICLES AND TEMPORARY MOBILE STRUCTURES**

1. GENERAL INTENT:  
Regulations, controls and provisions set-forth in this Ordinance for Recreational Vehicles including travel and camping trailers; Park Model Homes, water sports trailers, hauling trailers, commercial vehicles and temporary mobile structure are made in accordance with an overall plan and program for the public safety, area development and preservation of property values and general welfare of the City of Grove.
2. DESIGNATED LOCATION OF RECREATIONAL VEHICLES INCLUDING TRAVEL AND CAMPING TRAILERS, PARK MODEL HOMES, WATER SPORTS AND HAULING TRAILERS  
Upon compliance with the provisions as set forth herein:
  - A. Recreational Vehicles including travel and camping trailers, and water sports trailers may be stored or parked within a Recreational Vehicle Park, a Non-conforming Manufactured Home Park or in a designated area within a Residential Manufactured Home Park (RMH) or within a designated area of a Resort as defined herein. Recreational Vehicles including travel and camping trailers may be occupied only while parked in a Recreational Vehicle Park, a Non-conforming Manufactured Home Park, within a designated area of a RMH zoned district, or within a designated area of a Resort as defined herein.
  - B. Park Model Homes may be parked within a Recreational Vehicle Park or a Resort and shall comply with the following:

- a. Owner shall submit an application and obtain a Permit prior to set-up or connection of utilities of a Park Model Home;
  - b. The axles, wheels, hitch and tongue shall be removed from Park Model Homes;
  - c. Park Model Homes shall be set as a permanent structure on a concrete foundation, and shall not be transported in and out of the Resort like a Recreational Vehicle;
  - d. Park Model Homes shall be skirted within thirty (30) days of placement, only materials approved by the City of Grove shall be used for skirting;
  - e. Park Model Homes may have porches and decks added;
  - f. Park Model Homes shall be connected to water, sewer and electric utilities;
  - g. Park Model Homes require a final inspection by the Building Inspector; a Certificate of Occupancy is required prior to the unit being used for human occupancy.
- C. Recreational Vehicles including travel and camping trailers, water sports trailers and hauling trailers may be parked or stored on any lot occupied by a dwelling within a residential zoned districts in accordance with the following provisions:
- a. A combined total not to exceed three (3) trailers per dwelling on these premises shall be permitted. All trailers shall be parked behind the front yard building line and shall be parked within the minimum side and rear yard set-back requirements set-forth in Chapter 4 of the Zoning Regulations; and further provided that said trailer(s) parked for less than fourteen (14) consecutive days may be parked outside of the set-back requirements only if the parking of said trailer(s) does not create a safety hazard for traffic.
  - b. Parking or storing Park Model Homes within a residential district shall be prohibited.

*(Section 5-5.1 and 5-5.2 amended per Ordinance No. 693, 01/20/2015)*

### 3. DESIGNATED LOCATION OF COMMERCIAL VEHICLES

- A. Commercial vehicles may be parked or stored within a residential zoned districts in accordance with the following provisions:
- a. No more than one (1) commercial vehicle (which shall not exceed 1 ½ tons rated capacity) shall be permitted per household.
  - b. The parking or storing of any commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products is prohibited.

### 4. DESIGNATED LOCATION OF MOBILE STORAGE CONTAINERS AND TEMPORARY PORTABLE ONSITE STORAGE CONTAINERS.

#### A. DEFINITIONS:

The following words, terms and phrases when used in the chapter, shall have the meanings ascribed to them in the section:

**MOBILE STORAGE CONTAINER:** A standardized re-usable container with strength suitable to withstand shipment, storage and handling including tractor trailer sea to shore metal containers, past railroad box cars, or any similar container.

NON-CONFORMING MOBILE STORAGE CONTAINERS: Any mobile storage container located within a *Residential Zoned District* prior to June 16, 2015.

TEMPORARY PORTABLE ONSITE STORAGE CONTAINER: A transportable container designed for temporary storage of goods, temporary office space or temporary building space.

B. MOBILE STORAGE CONTAINERS.

- 1) Mobile Storage Containers may be allowed in Industrial Zoned Districts under the following provisions:
  - a. Mobile Storage Containers shall be used for storage only; containers shall be prohibited from being used for human or animal habitation;
  - b. Mobile Storage Containers must meet minimum setback requirements;
  - c. The area of the Mobile Storage Containers combined with all other structures on the lot, shall not exceed the maximum lot coverage established for the zoning district is it located;
  - d. No part of the Mobile Storage Container may extend beyond the property line and shall not be located within the public right-of-way or easements.
- 2) Mobile Storage Containers may be located in Highway Commercial and Commercial Recreation District (C-3) and Agriculture District (A-1) under the previous provisions listed above plus the following provisions:
  - a. Mobile Storage Containers shall be painted in a neutral color that matches the surrounding structures.
  - b. Mobile Storage Containers shall be located or screened in a manner that no more than fifty percent (50%) of the container is visible from a U.S. Highway, State Highway;
  - c. The screening may include various types of landscaping, opaque fencing, opaque wall or a combination thereof. The screening shall be durable and secure and constructed in an aesthetical manner that will compliment the surrounding area;
  - d. The screening shall not display any type of advertising or signage;
  - e. A screening plan shall be submitted to the Building Inspector and only upon approval shall the screening be constructed;
  - f. Placement of Mobile Storage Containers on property located in a C-3 or A-1 District that abuts a Residential District shall provide a 'Buffer Zone' as set-forth in Chapter 4 of the City of Grove Zoning Regulations.
  - g. Mobile Storage Containers not exceeding forty (40) feet in length may be placed on a construction site in any zoned district for the purpose of a *temporary* office or *temporary* storage. The Mobile Storage Container shall be placed on the construction site only during the construction phase and shall be removed within thirty (30) days after construction is complete;
  - h. Mobile Storage Containers shall be placed on an asphalt or concrete surface; and shall be anchored to surface.
  - i. Mobile Storage Containers shall not exceed forty feet (40') in length.

- j. Written permission is required from the property owner prior to placement of a Mobile Storage Container.
- 3) Mobile Storage Containers shall be prohibited from all other Zoning Districts within the City of Grove, unless otherwise allowed for in this Ordinance.

C. CONTINUATION OF NON-CONFORMING MOBILE STORAGE CONTAINERS.

- a. Non-conforming Mobile Storage Containers as defined herein may be allowed to remain unless the container is or becomes a threat or danger to the health, safety or welfare of the general public, or becomes a dilapidated container or a nuisance and shall only remain under the following provisions:
  - a. An application to allow continuation of a Non-Conforming Mobile Storage Container must be submitted within sixty (60) days of the date of the passage of this Ordinance or the Mobile Storage Container will lose its Non-Conforming status and shall be removed.
  - b. Non-conforming Mobile Storage Containers shall be used for storage only; containers shall be prohibited from being used for human or animal habitation;
  - c. No part of the Non-conforming Mobile Storage Container shall be allowed to extend beyond the property line and said container shall not be allowed to remain within the public right-of-way or easements.
  - d. When calculating the maximum lot coverage allowed, the area of the Mobile Storage Containers shall be included;
  - c. Mobile Storage Containers shall be painted in a neutral color that matches the surrounding structures.
  - d. Mobile Storage Containers shall be located or screened in a manner that no more than fifty percent (50%) of the container is visible from a U.S. Highway, State Highway, or any street.
  - f. The screening may include various types of landscaping, opaque fencing, opaque wall or a combination thereof. The screening shall be durable and secure and constructed in an aesthetical manner that will compliment the surrounding area;
  - g. The screening shall not display any type of advertising or signage;
  - h. A screening plan shall be submitted to the Building Inspector within sixty (60) days of the passage of this Ordinance and only upon approval shall the screening be constructed;
  - i. The screening shall be completed within sixty (60) days of the date the Building Inspector approves the screening plan.

B. TEMPORARY PORTABLE ONSITE STORAGE CONTAINERS.

Temporary Portable Onsite Storage Containers may be permitted only under the following provisions:

- a. Temporary Portable Onsite Storage Containers not to exceed twenty (20) feet may be placed in any zoned district for the purpose of *temporary* storage when moving from or into a building/residence. Portable Onsite Storage Containers shall be removed within thirty (30) days of placement; a minimum of six (6) months time lapse must occur between

- the removal of a container and the placement of another Temporary Portable Onsite Storage Container;
- b. Temporary Portable Onsite Storage Containers not to exceed thirty-two (32) feet in length may be placed on a construction site in any zoned district for the purpose of a *temporary* office or *temporary* storage. The Temporary Portable Onsite Storage Container shall be placed on the construction site only during the construction phase and shall be removed within thirty (30) days after construction is complete;
  - c. A public or private school or church may use a Temporary Portable Onsite Storage Container as a *temporary* classroom, on school, church or private property. The Temporary Portable Onsite Storage Container shall be removed within one (1) year of placement;
  - d. Temporary Portable Onsite Storage Containers shall be prohibited from being used for human or animal habitation;
  - e. Permitted Temporary Portable Onsite Storage Containers shall be placed on private property only and shall be prohibited from being placed in easements or rights-of-way;
  - f. Permitted Temporary Portable Onsite Storage Containers shall be placed on an asphalt or concrete surface. (EXCEPTION: Portable Onsite Storage Containers located in an Industrial Zoned District (I-1), (I-2) or an Agriculture Zoned District (A-1).

#### C. PERMITS

- a. An application for a Permit must be submitted, prior to placement of a Mobile Storage Container or a Temporary Portable Onsite Storage Container EXCEPTION: No permit is required for placement of a container in an Industrial Zoned District (I-1) (I-2).
- b. An application for a Permit to allow the continuation of a Non-Conforming Mobile Storage Container must be submitted within sixty (60) days of the date of the passage of this Ordinance or the Mobile Storage Container will lose its Non-Conforming status and shall be removed.

#### D. REMOVAL OF EXISTING CONTAINERS:

- a. All non-compliant Mobile Storage Containers shall be made compliant or removed within one-hundred twenty (120) days of the passage of this Ordinance.
- b. All non-compliant Temporary Portable Onsite Storage Containers located within the City of Grove shall be removed within sixty (60) days of the effective date of this Ordinance.

#### E. PENALTY.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 9-1 of the Planning and Zoning Ordinances.

*(Section 5-5.3 and 5-5. amended per Ordinance No. 706, 06/16/2015; Section 5-5.4 amended per Ordinance No. 714, 11/17/2015)*

SECTION 5-6 PARKING OF MOBILE HOMES AND MANUFACTURED HOMES

1. GENERAL INTENT:

The Mobile Home and Manufactured Home regulations, controls and provisions set forth in this Ordinance are made in accordance with an overall plan and program for the public safety, area development, and preservation of property values and general welfare of the City of Grove.

2. GENERAL PROVISIONS:

The following regulations comply with the minimum standards of the Oklahoma Manufactured Housing Association, the Oklahoma Used Motor Vehicle and Parts Commission – Manufactured Home Installers, and the Oklahoma Statutes and shall apply to all Mobile Homes and Manufactured Homes transported in and placed within the City of Grove *after* February 4, 2014.

- A. Owner shall submit an application and obtain a Manufactured Home Permit prior to transportation, set-up, or connection of utilities of Mobile Homes or Manufactured Homes within the City of Grove. A permit is not required to *remove* a Mobile Home or Manufactured Home from a RMH Zoned District or a Non-conforming Manufactured Home Park.
- B. The moving, placement or replacement of Mobile Homes or Manufactured Homes shall be done only by a Manufactured Home Installer as defined herein.
- C. There shall be a separate connection for each housing unit to all public utilities. It shall be unlawful for any utilities to be connected to any Mobile Home or Manufactured Home prior to inspection by the City of Grove Building Inspector.
- D. Any person, natural or corporate engaged in connecting any utilities to a Mobile Home or Manufactured Home shall be licensed (for each utility connected) by and in compliance with all local, state and federal regulations.
- E. Every Mobile Home or Manufactured Home shall have plumbing fixtures, water and waste pipes in sanitary working condition free from leaks and obstructions.
- F. Every Mobile Home or Manufactured Home shall contain not less than one kitchen sink, one bathroom sink, one tub or shower, and one toilet; and all must be in working condition and properly connected to a water and sewer system approved by the City of Grove.
- G. Every sink, and tub or shower located within the Mobile Home or Manufactured Home must be connected to a supply of both cold and hot water. Every water-heating facility shall be in a safe and working condition.
- H. Every Mobile Home or Manufactured Home shall have heating facilities in safe and working condition.
  - a. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for un-vented use and the total input rating of the un-vented heaters is less than 20 BTU per hour per cu. ft. or room content.
  - b. Un-vented fuel burning heaters shall be prohibited in bedrooms or bathrooms.
- I. Every Mobile Home or Manufactured Home electrical components shall be in safe working conditions.
  - a. Distribution panels shall be in compliance with the approved manufacturer's listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
  - b. The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in safe working conditions. The electrical

systems shall be subject to an electrical continuity test(s) to assure that all metallic parts are properly bonded.

- J. Every habitable room in a Mobile Home or Manufactured Home shall have:
  - a. At least one window that can be opened, facing directly to the outdoors, excluding bathrooms, kitchens and hallways.
  - b. At least one window which can be opened or such other device that will ventilate the room.
- K. Every Mobile Home or Manufactured Home's exterior walls and siding:
  - a. Exterior Walls - shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
  - b. Exterior Siding - shall be free of rot and rust and must be uniform in appearance.
- L. The roof of every Mobile Home or Manufactured Home shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.
- M. The Interior floors, walls and ceilings of every Mobile Home or Manufacture Home shall be in sound condition to prevent the admittance of rain or moisture.
- N. The entire Mobile Home or Manufactured Home shall be in sound condition to prevent the admittance of rodents or vermin.
- O. Every Mobile Home or Manufactured Home shall have smoke detectors installed in accordance with the manufacturer's recommendations.
- P. The wheels or other transporting devices of any Mobile Home or Manufactured home may be removed.
- Q. All Mobile Homes or Manufactured Homes must be skirted within thirty (30) days of parking, in compliance with Oklahoma Used Motor Vehicle and Parts Commission, Manufactured Home Installers Title 765: Chapter 37-7-5 Perimeter Skirting.
- R. All Mobile Homes or Manufactured Homes shall be secured per Oklahoma Used Motor Vehicle and Parts Commission, Manufactured Home Installers Title 765: Chapter 37-7-3 Support Systems and 37-7-4 Anchoring for Manufactured Homes.
- S. No Mobile Home or Manufactured Home shall be occupied prior to a final inspection and a Certificate of Occupancy being issued by the City of Grove Building Inspector.

3. DESIGNATED LOCATION OF MOBILE HOMES AND MANUFACTURED HOMES.

Upon compliance with the provisions as set forth herein, placement or replacement of Mobile Homes and Manufactured Homes after February 4, 2014 shall be allowed only within a designated Residential Manufactured Home Park (RMH) District or a Non-conforming Manufactured Home Park as defined herein. Placement of Mobile Homes or Manufactured Homes in *any other* zoned district shall be prohibited.

EXCEPTION: *Replacing* an existing Mobile Home or Manufactured Home that is located within a district other than a Residential Manufactured Home Park (RMH) or a Non-conforming Manufactured Home Park prior to February 4, 2014, will be allowed *only* under the following conditions:

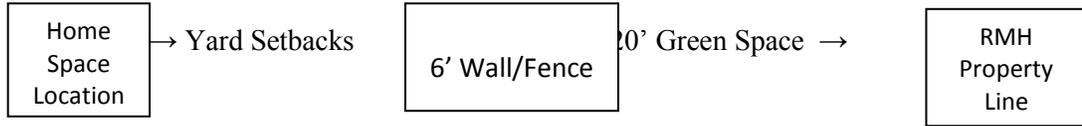
- i. The Mobile Home or Manufactured Home being removed and replaced must have been connected to utilities and must have been used as a residence within the City of Grove within the previous five (5) years.
- ii. A permit must be obtained prior to the removal of an existing Mobile Home or Manufactured Home. The permit will expire ninety (90) days after the date of issuance.
- iii. If a Mobile Home or Manufactured Home is removed and replaced with another Mobile Home or Manufactured Home, the owner shall comply and the replacement home shall be in compliance with Chapter 5 Section 5-6.2 of this Ordinance.
- iv. Final Inspections must be performed on the replacement Mobile Home or Manufactured Home, and a Certificate of Occupancy must be obtained from the City of Grove prior to the expiration of the permit or the property will be bound by the current zoning regulations and continuation of the Mobile Home or Manufactured Home will not be allowed.

4. DEVELOPMENT OF A MANUFACTURED HOME PARK

The development of a Manufactured Home Park after February 4, 2014 requires the developer to comply with the following:

- A. Development of a Manufactured Home Park shall be allowed only in a RMH zoned district.
- B. Submit an application with a detailed site plan identifying all spaces that are designated to permanent housing, transient housing, green space, screening or fencing, and other plans and specification for the proposed Manufactured Home Park to the Planning and Zoning Commission for review and consideration.
- C. The proposed site shall have no more than ten (10) percent of the spaces devoted to transient occupants. The spaces utilized for temporary occupants shall be located in one designated area of the park so they will in no way interfere with the permanent residents.
- D. The proposed site shall be minimum of two (2) acres in size and shall contain no more than eight (8) spaces per acre. The proposed site shall have a minimum frontage of two hundred (200) feet on a street designated as either an arterial street or collector street. All access or egress by automobiles will be on such streets. The proposed site shall be a minimum of two hundred (200) feet in depth.
- E. The proposed site shall have a front yard setback of not less than forty (40) feet from the corner or line of any space designated for housing to the street boundary of the park. The site shall have side yards for each space designated for housing of not less than fifteen (15) feet and rear yards of not less than ten (10) feet from any other space designated for housing, building, fence or wall.
- F. The proposed site shall be screened on all sides adjoining property other than the required entrances and exits to public streets with an opaque wall or fence six (6) feet in height. The wall or fence shall be properly maintained and shall not display any type of advertising or signage. The wall or fence shall have no openings to adjoining property.
  - a. The opaque wall or fence shall be located a minimum of twenty (20) feet from all sides (other than the required entrances and exits to public street) of the Manufactured Home Park property line; creating a green

space between the wall or fence and the property line. The green space shall be seeded or sodded with grass and remain open with no buildings or storage allowed and shall be properly mowed and maintained.



- G. The proposed site shall have a minimum space designated for each housing unit of fifty (50) feet wide and one hundred (100) feet in depth and must comply with above requirements.
- H. The proposed site shall provide two (2) off street parking spaces for each space designated for housing, plus one additional off street parking space for each four (4) spaces designated for housing.
- I. Each Manufactured Home Park requires fire hydrants be installed in accordance with City Code.
- J. Interior Street. The following shall be minimum dimensions for:
  - (A) One-way without parking 12'
  - (B) One-way with parking on one side 21'
  - (C) Two-Way without Parking 22'
  - (D) Two-way with parking on one side 30'

*(Section 5-6 amended per Ordinance No. 680, 02/04/2014)*

**SECTION 5-7 SEWER SERVICE**

No structure or use in any district shall be erected or commenced which does not have a connection to the public sewer system, unless and until the county health officer certifies that a specific tank or any substitute disposal system can be installed and operated effectively. As a basis for making this decision, the health officer may require such precaution tests as he deems to be necessary, and no such private sewer facility shall be placed in an area which is subject to flooding. Such tests are to be made at the expense of the landowner.

**SECTION 5-8 SIGNS AND BILLBOARDS**

**1. GENERAL INTENT**

The sign regulations, controls and provisions set forth in this Ordinance are made in accordance with an overall plan and program for the public safety, area development, preservation of property values and general welfare of the City of Grove.

These provisions are intended to aid in the following:

- Traffic control
- Traffic safety
- Preservation and protection of property values
- Lessen congestion of land and air space
- Provide against undue concentrations of signs which may distract and endanger traffic safety and traffic flow
- Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development
- Avoid uncontrolled proliferation of signs
- Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways
- Preserve the wholesome and attractive character of the City of Grove

The general welfare of a community includes a community plan that shall provide a beautiful, spacious and healthy community, as well as clean and well balanced in its growth and development.

2. **DEFINITIONS:**

**BUILDING FRONTAGE** The side of the building facing the street which constitutes the legal address of the structure.

**BUILDING WALL** The total area of the wall of a building, including windows, doors and openings.

**FACE** The area of a sign containing the advertising information, painting, drawing or message intended or used to advise or inform, and excluding trim and supports.

**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 building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise and no mechanical equipment is used except such as is customary for purely domestic or household purposes.

**SHOPPING CENTER** A group of primarily retail and service commercial establishments with a minimum of 75,000 sq. ft. of Gross Leasable Areas (GLA). An area consisting of buildings that are planned constructed and managed as a total entity, providing on-site customer and employee parking, and unloading/delivery areas which are separated from customer access.

**SIGHT TRIANGLE** The area within a triangle formed by measuring a distance of twenty-five feet (25') along the front and side lot lines of a corner lot formed by two (2) intersecting streets, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

**SIGN** Any object, device, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. Signs do not include the pennant, insignia, flag or emblem of any nation, organization of nations, state, city, or any religious, organization.

**SIGN, ADMINISTRATOR**, shall be the City Manager of the City of Grove or his/her designee.

**SIGN, ATTACHED** A sign attached to the building.

**SIGN, BILLBOARD** An off-premise sign or sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of said sign space for advertising not related to the use of the property upon which the sign is located.

SIGN, COMMERCIAL Any sign which communicates information or directs attention to a profession or business conducted, or to a commodity, service, or activity sold or offered the purpose of which is to secure income, earnings, compensation, or profit.

SIGN, COMMON AREA A sign which identifies a Common Area used by residents of a sub-division. (May be an Attached or Unattached Sign).

SIGN, CONSTRUCTION Any temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but a multi-faced sign shall be included in the computation of display surface area.

SIGN, DISPLAY AREA The net geometrical area enclosed by the display surface of the sign, including the outer extremities of all letters, figures, delineations and characters; provided however, display surface area shall not include the structural supports for freestanding signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign; provided further, that all sides of a multi-faced sign shall be included in the computation of display surface area.

SIGN, GROUND A sign supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or sign which is erected on the ground, and not attached to any building.

SIGN, IDENTIFICATION Any sign containing only the name and/or address of the dwelling/building occupant or of the dwelling/building, or of the dwelling/building owner or manager.

SIGN, INFORMATIONAL Signs containing directions or information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, educational and religious sites, and areas of natural scenic beauty of naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

SIGN, INSTRUCTIONAL Signs which notify or instruct the public as to limitations or regulations relating to designated uses of certain parcels of property or private streets or rights of way, including warning signs, exit signs, traffic signs and directional signs for parking or parking restrictions.

SIGN, MOVING Any sign, which physically moves or rotates in any manner whatsoever, in whole or in part.

SIGN, NON-COMMERCIAL Any sign, which communicates information or ideas and is not typically a commercial sign.

SIGN, NON-CONFORMING Any sign located within the City Limits of Grove on the date of adoption of this ordinance, or located in an area annexed to the city thereafter, which does not conform with provisions of this ordinance, but was in compliance with applicable law on the date of adoption of this ordinance or annexation into the City of Grove.

SIGN, OFF-PREMISE Any sign, which does not direct attention to a profession or business, conducted, or to a commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

SIGN, ON-PREMISE Any sign, which direct attention to a profession or business, conducted, or to a commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

SIGN, POLITICAL Any sign which announces candidates or parties seeking public political office and/or which conveys opposition or support to any political issues.

SIGN, PORTABLE Any sign mounted on a frame (with or without wheels) designed to be transported from one site to another. Any sign, which is not permanently affixed to a building, structure or the ground. These signs may include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and moveable, paper, cardboard or canvas signs wrapped around supporting poles. Such signs shall include, but not be limited to: mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include: signs painted or otherwise inscribed on a self-propelled vehicle or towed vehicle which identifies the product, service, or activity for which the vehicle is used. Portable signs may also be known as ‘Portable Reader Boards.’”

SIGN, PROJECT An unattached sign or signs displaying the name of a shopping center and/or tenants occupying space within a shopping center.

SIGN, PROMOTIONAL Any sign, poster, balloon, banner, pennant, streamer, valance or other advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light materials, with or without frames, intended to promote or advertise a business, product, or service.

SIGN, PUBLIC FACILITY. Any sign with provides information or direction to a Government building or a Hospital.

SIGN, REAL ESTATE A sign pertaining to the lease, rental or sale of the property.

SIGN, TEMPORARY Any sign, poster, balloon, banner, pennant, streamer, valance or other advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light materials, with or without frames, or any other similar material intended to be displayed off-premise for a limited time, announcing, promoting, or advertising events or activities for civic, philanthropic, religious, educational, public, charitable, or other non-profit (per U.S. Code Title 26) organized groups.

SIGN, TEMPORARY DIRECTIONAL Any sign intended to be displayed off-premises for a limited time, providing directions to a Real Estate Open House, Auction or Estate Sale advertised by a Commercial Realtor or Auctioneer.

SIGN, TOURIST ATTRACTION Any sign which gives specific directional information regarding activities or sites of significant interest to the traveling public of tourist

attractions which are recognized by the Oklahoma Department of Transportation or the Sign Administrator.

SIGN, UNATTACHED A sign that is not attached to the building.

SIGN, WINDOW Any sign which is painted on, applied or attached to or located within three feet (3') of the interior of a window.

STRIP MALL A retail complex consisting of various stores, businesses or restaurants in adjacent spaces in one long building, typically having a narrow parking area directly in front of the building.

3. **GENERAL PROVISIONS**

The following regulations shall apply to all signs in the City of Grove unless otherwise exempted:

- A. A sign permit shall be required for the creation, alteration or reconstruction of any sign except as exempt by this Ordinance and provided that no permit shall be required for any change of copy nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure, so long as said sign or sign structure is not modified in shape, size or dimension in any way.
- B. No sign shall be constructed, erected or maintained unless it is in compliance with the regulations of this Ordinance.
- C. Signs must be constructed of durable materials, be maintained in good condition and not be permitted to become dilapidated.
- D. Signs shall be illuminated only by stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- E. Any sign which advertises an activity, business, product, or service which has ceased operation, existence or production, or which no longer carries a message, for a minimum period of one hundred eighty (180) days shall be removed by the end of said period provided, however, no such removal shall be required for any such sign maintained in good condition, unless the building(s) on the property is razed then any sign located on the property shall be completely removed by the time the building is razed.
- F. All signs erected or maintained pursuant to the provisions of this Ordinance shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code and other applicable city codes. In the event of a conflict, the more restrictive provisions shall prevail.
- G. No sign shall occupy a parking space which results in the number of spaces available for parking to be below the number required under the zoning code.

4. **PROHIBITED SIGNS.**

The following signs shall be prohibited in the City of Grove unless otherwise exempted:

- A. Signs with visible moving, revolving, flashing, or blinking components or visible mechanical movement, except for electronic or mechanical message board signs that do not constitute a hazard to the safety of motorists as determined by the Chief of Police;
- B. Signs imitating warning signals, including signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles;

- C. Non-governmental signs using words, slogans, dimensional shape and size, or color of governmental traffic signs;
- D. Signs located within any street, public right of way, or easement. However, traffic signs and signals, informational signs erected by a public agency, and decorations displayed in connection with civic, patriotic or religious holidays are permitted within any street, public right of way or easement unless otherwise provided.
- E. Signs painted or attached to natural features (such as trees or rocks), utility poles or fences;
- F. Signs which obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfares;
- G. Signs which interfere with any surface or underground utility structure. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water;
- H. Signs which obstruct any fire escape, required exit, window, or door opening intended as a means of ingress or egress;
- I. Signs which interfere with any opening required for ventilation;
- J. Billboard Signs;
- K. Portable Signs;
- L. Moving Signs; and
- M. Off-Premise Signs.

EXCEPTIONS: A maximum of two (2) Off-Premise Garage Sale Signs may be placed on private property to provide direction to the garage sale only upon the following conditions:

- 1. A Garage Sale Permit shall be obtained from the City Clerk. Written permission from the property owner for placement of signs shall be submitted prior to permit being issued.
- 2. Dates and physical address or location of sale shall be listed on the signs;
- 3. Signs shall not be placed no more than three (3) days prior to sale, and shall be removed within twenty-four (24) hours after close of sale;
- 4. Maximum Display Area per Face of Sign (maximum of two (2) faces per sign) shall not exceed Four (4) square feet;
- 5. Sign shall be placed a minimum distance of five (5) feet from the property line;
- 6. Signs shall not be placed in any manner which would create a traffic, vision or safety hazard;
- 7. Signs shall not be placed upon any public property, right-of-way, (such as sidewalk, street intersections, bridge) easement or attached to any natural features (such as trees or rocks), utility poles or fences;
- 8. Signs shall be the type of signs sold at retail stores specifically designed for Garage Sales. Signs written, drawn, or placed on automobiles, cardboard boxes, poster board, metal, wood, or similar materials is prohibited;
- 9. Balloons, banners, streamers, or similar items are prohibited.

*(Section 5-8.M Exceptions added per Ordinance No. 650, 07/17/2012.*

- 5. SIGNS NOT SUBJECT TO A PERMIT. A permit shall not be required for the following signs unless otherwise provided within this Ordinance.
  - A. Plaques or tablets, denoting names of building or dates set out into any masonry surface;
  - B. Traffic and other signs erected and maintained by the city or other governmental agency, legal notices and all other similar signs required by law to be posted;
  - C. Political Signs

- D. Window Signs
- E. Real Estate Signs
- F. Construction Signs
- G. Instructional Signs

6. SIGNS ALLOWED IN RESIDENTIAL DISTRICTS.

Only the following signs as defined herein shall be allowed in Residential Districts: Real Estate Signs, Garage Sale Signs, Construction Signs, Identification Signs, Instructional Signs, Political Signs, Temporary Signs, Temporary Directional Signs, and Home Occupation. Ground Signs and Common Area Signs are allowed for residential sub-divisions. All other signs shall be prohibited. All allowed signs located within a Residential District shall comply with the time limit, number, size, area, and location provisions of the districts as hereinafter provided.

A. Time Limits on Signs in Residential Districts:

- 1) Real Estate Signs may be displayed for the duration of the listing and must be removed within seven (7) calendar days after the close of sale or lease.
- 2) Garage Sale Signs may be erected no more than three (3) days prior to the sale and shall be removed within twenty-four (24) hours after the close of sale.
- 3) Construction Signs may be displayed for the duration of the construction and shall be removed within five (5) days after the construction is completed. Construction Signs shall be removed prior to the issuance of an occupancy permit.
- 4) Identification Signs may be displayed for an unlimited time.
- 5) Instructional Signs may be displayed as needed.
- 6) Political Signs advertising candidates or parties involved in public elections shall not be erected prior to the applicable filing period. Political Signs advertising opposition or support to any public issue shall not be erected more than thirty (30) days prior to an election on the issue. All Political Signs shall be removed within forty-eight hours (48) hours following such election or vote on an issue(s).
- 7) Home Occupation Signs may be displayed upon receipt of Home Occupation License and shall be removed within ten (10) days of discontinuance of the Home Occupation.
- 8) Ground Signs for sub-divisions may be erected during the construction phase of the development and may be displayed for as long as the sub-division continues to exist. (Ground Signs must be approved on Subdivision Final Plat.)
- 9) Common Area Signs for sub-divisions may be erected during the construction phase of a building/structure to be used as a Common Area (ie: club house, recreational area, etc.) for residents of the sub-division and may be displayed for as long as the Common Area building/structure continues to exist.
- 10) Temporary Signs and Temporary Directional Signs may be erected no more than fourteen (14) calendar days prior to event or activity and shall be removed within forty-eight (48) hours after end of such event or activity advertised or announced.

B. Allowed Number of Signs in Residential Districts:

- 1) No more than one (1) Temporary Sign, Temporary Directional Signs, Real Estate Sign, Garage Sale Sign, Construction Sign, Identification Sign, Instructional Sign, or Political Sign shall be allowed on each zoned lot per event.
- 2) No more than one (1) Home Occupation Sign shall be allowed per Home Occupation.

- 3) No more than one (1) Ground Sign per entrance shall be allowed to subdivisions.
- 4) No more than one (1) Common Area Sign shall be allowed per Common Area located in a residential sub-division.

EXCEPTIONS: One (1) additional Identification Sign shall be permitted where the lot has more than one access to a public way, and the number of Instructional Signs shall be limited to the number reasonably necessary to instruct and inform the public provided such signage does not create a hazard to traffic as determined by the Chief of Police.

C. Maximum Height Above Nearest Street Grade:

The maximum height of signs in a Residential District shall be:

- 1) Home Occupation Sign: shall not exceed the height of structure to which it is attached.
- 2) Ground Sign: Ten (10) feet.
- 3) Common Area Attached Sign: shall not extend more than six (6) feet above the structure to which it is attached, and shall not exceed the height limit for the Residential District in which the sign is located. The lowest point of the Common Area Attached Sign shall be a minimum height of nine (9) feet above grade level.
- 4) Common Area Unattached Sign: Twenty-five (25) feet above grade level and shall be located a minimum height of nine (9) feet above grade level.

D. Maximum Display Area per Face of Sign (maximum of two (2) faces per sign):

The maximum area of signs in a Residential District shall be:

- 1) Real Estate Signs -
  - a. Lots 1 acre in size or less - Twelve (12) square feet
  - b. Lots over 1 acre in size – Thirty-two (32) square feet
- 2) Garage Sale Signs: Four (4) square feet
- 3) Construction Signs: Sixteen (16) square feet
- 4) Identification Signs: Four (4) square feet
- 5) Instructional Signs: Six (6) square feet
- 6) Political Signs: Thirty-two (32) square feet
- 7) Ground Signs for subdivisions: One-hundred-fifty (150) square feet, and must be approved in the final plat.
- 8) Common Area Unattached Sign for subdivision: Fifty (50) square feet.
- 9) Temporary and Temporary Directional Signs: Sixteen (16) square feet

EXCEPTION: a) Home Occupation Signs shall be one-sided and attached flat to the wall of the building, and shall not exceed Four (4) square feet; b) Common Area Attached Sign for subdivision shall be one-sided and attached flat to the wall of the building and shall not exceed the greater of 50 square feet or 2 square feet per linear foot of the Building Frontage.

E. Location: Signs in a Residential District shall be limited to a location that shall not be located nearer than five (5) feet to all sides of the property line. All signs displayed on property not owned by the person or group placing the sign must have property owner's written permission.

Signs located on a corner lot shall observe Sight Triangles and shall not be closer than twenty-five (25) feet from the property line at the corner of the corner lot.

7. SIGNS ALLOWED IN COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS (Not including C-2).

- A. The following signs shall be allowed in C-1, C-3 and C-4 Commercial Districts and I-1 and I-2 Industrial districts unless otherwise restricted in this Ordinance:
- 1) Any sign allowed in a residential district and subject to the same regulations as to number, height, location, and area unless otherwise specified.
  - 2) Temporary Signs, Temporary Directional Signs, Promotional Signs, Window Signs, Attached Signs, and Unattached Signs, meeting the number, height, size, and location provisions of this Ordinance.
- B. Time Limit:  
There shall be no time limit for signs in Commercial and Industrial Zoned Districts, unless otherwise provided for in this Ordinance.  
EXCEPTIONS: a) Temporary Signs or Temporary Directional Signs shall not be erected more than fourteen (14) days prior to such event or activity and shall be removed within forty-eight (48) hour following such event or activity; b) Promotional Signs shall be displayed only during the operating hours of the business.
- C. Allowed Number:
- 1) No more than one (1) Temporary Sign or Temporary Directional Signs per event may be placed on a commercial zoned lot or parcel of land located within a commercial zoned district.
  - 2) There shall be a limit of one (1) Promotional Sign for each business.
  - 3) There shall be NO limit on the number of Attached Signs for each business that has Building Frontage. The total number of Attached Signs shall be considered as Sign Display Area when calculating the maximum square footage and shall not exceed the maximum square footage permitted for an Attached Sign.  
EXCEPTIONS: If a building has more than one (1) street front, additional Attached Signs may be placed on the side of the building that faces the street but is not defined as the Building Frontage. Attached Signs placed on the side of the building shall be considered as Sign Display Area when calculating the maximum square footage and shall not exceed the maximum square footage permitted for an Attached Sign.
  - 4) There shall be a limit of one (1) Unattached Sign for each building.  
  
An Unattached Sign can be two (2) or more signs but must be on the same structure and cannot exceed the maximum square footage permitted for an Unattached Sign.
- D. Maximum Height Above Nearest Street Grade:
- 1) An Attached Sign cannot extend more than six (6) feet above the structure to which it is attached, and shall not exceed the height limit for the Zoning District in which the sign is located. The lowest point of an Attached Sign shall be a minimum height of nine (9) feet above grade level.
  - 2) An Unattached Sign shall not exceed a maximum height of 25 feet above grade level and shall be located at a minimum height of nine (9) feet above grade level.
- E. Maximum Display Area per Face of Sign (maximum of two (2) faces per sign):
- 1) Attached Signs - The greater of 50 square feet or 2 square feet per linear foot of the Building Frontage.
  - 2) Unattached Signs – Fifty (50) square feet.
  - 3) Promotional Signs – Sixteen (16) square feet.
  - 4) Temporary Signs and Temporary Directional Signs – Sixteen (16) square feet.
  - 5) The maximum combined square footage of an Attached and Unattached Sign located on a building and/or lot shall not exceed the greater of 50 square feet or 2

square feet per linear foot of the Building Frontage. Temporary, Temporary Directional Signs, Window or Promotional Signs shall not be included in consideration of maximum sign area allowed. Window Signs shall not be included in number of signs allowed.

- 6) In the case of multiple occupants in a Strip Mall:
  - a. One Attached Sign shall be permitted for each occupant not to exceed thirty-five (35) square feet.
  - b. One Unattached Sign shall be permitted for each occupant provided the signs are on the same structure. The total area of the sign shall not exceed 150 square feet per side.

F. Location: Signs in a Commercial and Industrial District (excluding General Commercial C-2) shall be limited to a location that shall not be located nearer than five (5) feet to all sides of the property line. All signs displayed on property not owned by the person or group placing the sign must have property owner's written permission.

Signs located on a corner lot shall observe Sight Triangles and shall not be closer than twenty-five (25) feet from the property line at the corner of the corner lot.

## 8. SIGNS ALLOWED IN A COMMERCIAL DISTRICT SHOPPING CENTER

A. In a Commercial District Shopping Center where occupants of a building or group of buildings share a common parking facility and/or drive approaches the following signs shall be allowed unless otherwise restricted in this Ordinance:

- 1) Temporary Signs, Promotional Signs, Window Signs, Attached Signs, and Unattached Project Signs, meeting the number, height, size, and location provisions of this Ordinance.

B. Time Limit:

There shall be no time limit for signs in a Commercial District Shopping Center unless otherwise provided for in this Ordinance.

EXCEPTIONS: a) Temporary Signs shall not be erected more than fourteen (14) days prior to such event or activity and shall be removed within forty-eight (48) hour following such event or activity; b) Promotional Signs shall be displayed only during the operating hours of the business.

C. Allowed Number:

1. No more than six (6) Temporary Signs per event shall be displayed.
2. There shall be a limit of one (1) Promotional Sign for each business.
3. There shall be NO limit on the number of Attached Signs for each building located within the Shopping Center. However, the total number of Attached Signs shall be considered as Sign Display Area when calculating the maximum square footage and shall not exceed the maximum square footage permitted for Attached Signs.

4. There shall be a limit of one (1) Unattached Project Sign within a Commercial District Shopping Center.

EXCEPTIONS: When there is a building frontage on two (2) streets, not to include alleys or driveways; one (1) additional project sign may be permitted with at least 300 feet minimum separation between signs; or when there is building frontage in excess of 600 feet, one (1) additional project sign may be permitted with at least 300 feet minimum separation between signs.

D. Maximum Height Above Nearest Street Grade:

- 1) An Attached Sign cannot extend more than six (6) feet above the structure to which it is attached, and shall not exceed the height limit for the Zoning District in which the sign is located. The lowest point of an Attached Sign shall be a minimum height of nine (9) feet above grade level.
- 2) An Unattached Project Sign shall not exceed a maximum height of thirty-five (35) feet above grade level. (Height must be considered when calculating the Maximum Sign Display Area)

E. Maximum Sign Display Area:

- 1) Attached Signs - shall not exceed an aggregate sign display area of three (3) sq. ft. per each lineal foot of the building wall to which the signs are attached.
- 2) Unattached Project Signs – shall not exceed an aggregate sign display area of 1.5 sq. ft. for every 100 sq. ft. of Gross Leasable Areas (GLA) within a Shopping Center.
- 3) Promotional Signs – Sixteen (16) square feet.
- 4) Temporary Signs – Sixteen (16) square feet.
- 5) Window Signs shall not be included in any consideration of sign area or number of signs.

F. Location:

- 1) Attached Signs may be located on each side of a building that faces a street.
- 2) Unattached Signs shall be limited to a location that shall not be located nearer than ten (10) feet to all sides of the property line.
- 3) No Signs shall be located in an area that will obstruct pedestrian traffic or the view of motor vehicle operators entering a public roadway from any parking area, service driveway, private driveway, alley or other thoroughfares.
- 4) Any person, group or business that does not own or lease the property they are placing signs upon must obtain written permission from the property owner or lessee prior to placement of any sign.

9. SIGNS PERMITTED IN THE GENERAL COMMERCIAL DISTRICT (C-2).

A. Allowed Signs. The following signs shall be allowed in the General Commercial District (C-2): Promotional Signs, Window Signs, Attached Signs and Unattached Signs, all other signs shall be prohibited.

B. Time Limit: There shall be no Time Limit on signs in General Commercial District (C-2), unless otherwise provided for in this Ordinance.

C. Allowed Number:

- 1) There shall be a limit of one (1) Promotional Sign for each business in C-2 General Commercial District.
- 2) There shall be NO limit on the number of Attached Signs for each business that has Building Frontage.
- 3) There shall be a limit of one (1) Unattached Sign per business. An Unattached Sign may be made up of two (2) or more signs but must be on the same structure and shall not exceed the maximum square footage permitted for an Unattached Sign.

D. Maximum Height above Nearest Street Grade:

- 1) Attached Signs shall not exceed the height of the structure to which it is attached.
- 2) An Unattached Sign shall not exceed a maximum height of twenty-five (25) feet.

E. Minimum Height above Nearest Street Grade:

- 1) The lowest point of an Attached and Unattached Sign shall be located at a minimum height of nine (9) feet above grade level.

F. Maximum Display Area per Face of Sign (maximum of two (2) faces per sign):

- 1) Attached Signs - thirty-five (35) square feet.
- 2) Unattached Signs – fifty (50) square feet
- 3) Promotional Signs - six (6) square feet.
- 4) Window Signs shall not be included in any consideration of sign area or number of signs.

G. Location:

- 1) Attached Signs shall be placed on the Building Frontage, as defined herein.  
EXCEPTIONS: If a building has more than one (1) street front, additional Attached Signs may be placed on the side of the building that faces the street but is not defined as the Building Frontage.
- 2) Attached Signs which meet the following requirements shall be allowed to encroach upon the public right of way or easement provided the following conditions are met:
  - a. The sign shall be attached to the Building Frontage.
  - b. The sign shall extend beyond the face of the building a distance equal to not more than two-thirds (2/3) the width of the adjoining sidewalk and in no case shall it protrude within two feet (2') of the curb line.
- 3) Unattached Signs shall be limited to a location that shall not be located nearer than ten (10) feet to all sides of the property line, and shall not encroach upon any public right-of-way or easement.
- 4) Unattached Signs located on a corner lot shall observe Sight Triangles and shall not be closer than twenty-five (25) feet from the property line of the corner lot.
- 5) All signs located in a C-2 General Commercial District shall be placed in a manner that does not obstruct pedestrian/vehicular traffic, or the view of motor vehicle operators.

*(Section 5-8.9 amended per Ordinance No. 717, 02/16/2016)*

10. TOURIST ATTRACTION SIGNS. Off-Premise Tourist Attraction Signs shall be allowed along Primary Arterial Streets within the city limits of Grove as identified and approved by the Oklahoma Department of Transportation for placement of a Tourist Oriented Directional Sign provided:

- 1) The identified Tourist Attraction is located such that any other permitted sign located on the premises is not visible from the Highway Corridor or Primary Arterial Street in both directions; and
- 2) The Tourist Attraction identified must be located within the city limits and must have a current City of Grove Occupational License.

A. Time Limit of Tourist Attraction Signs:

- 1) Tourist Attraction Signs may be displayed upon receipt of Tourist Attraction Off-Premise Sign Permit, and shall be removed within ten (10) days after operations of said Tourist Attraction cease.

B. Allowed Number of Tourist Attraction Signs:

- 1) The least number of Tourist Attractions Signs necessary to direct traffic to the Tourist Attraction location as determined by the Sign Administrator.

C. Maximum Height above Nearest Street Grade:

- 1) Tourist Attraction Signs shall be placed on a single or dual pole as determined by the Sign Administrator not to exceed ten (10) feet in height.

D. Maximum Display Area:

- 1) Display Area and Design of the Tourist Attraction Signs shall be determined by the Sign Administrator.

- E. Location:
    - 1) Tourist Attraction Signs shall be placed in the city's right-of-way or easement, and shall allow for free and clear visibility with no obstruction to motorists or pedestrians.
  - F. Construction and Maintenance:
    - 1) Construction and maintenance shall be performed by the City of Grove, at the Tourist Attraction's expense.
    - 2) Only the Tourist Attraction name and directional arrow will be displayed on the sign.

EXCEPTIONS: Tourist Attraction Emblems and Logos may be displayed on the sign, as determined by the Sign Administrator.
  - G. Fees and Permits:
    - 1) A 'Tourist Attraction Off-Premise Sign Permit' must be completed and submitted to the Sign Administrator prior to sign installation.
    - 2) Tourist Attraction owners will be responsible for the cost of each sign, installation, and an annual maintenance fee as determined by the Sign Administrator.
11. PUBLIC FACILITY SIGNS. Public Facility Signs may be erected off-premises, provided that such public facility is located on property that is not adjacent to a highway corridor or Primary Arterial Street and such Public Facility is located within the City Limits.
- A. Time Limit of Public Facility Signs:
    - 1) Public Facility Signs may be displayed upon receipt of Public Facility Off-Premise Sign Permit, and shall be removed within thirty (30) days after operations of the Public Facility cease.
  - B. Allowed Number of Public Facility Signs:
    - 1) Shall be the least number of signs necessary to direct traffic to the Public Facility location as determined by the Sign Administrator.
  - C. Maximum Height above Nearest Street Grade:
    - 1) Public Facility Signs shall be placed on a single or dual pole as determined by the Sign Administrator, not to exceed ten (10) feet in height.
  - D. Maximum Display Area:
    - 1) Maximum Display Area of Public Facility Signs shall be determined by the Sign Administrator.
  - E. Location:
    - 1) Public Facility Signs may be placed in the city's right-of-way or easement, and shall allow for free and clear visibility with no obstruction to motorists or pedestrians.
  - F. Construction and Maintenance:
    - 1) Construction and maintenance shall be performed by the City of Grove, at the Public Facility's expense.
    - 2) Only the Public Facility name and directional arrow will be displayed on the sign.

EXCEPTIONS: Public Facility Emblems and Logos may be displayed on the sign, as determined by the Sign Administrator.
  - G. Fees and Permits:
    - 1) A 'Public Facility Off-Premise Sign Permit' for all Public Facilities must be completed and submitted to the Sign Administrator prior to sign installation.

- 2) Public Facility owners will be responsible for the cost of each sign, installation, and an annual maintenance fee as determined by the Sign Administrator.

12. SIGNS PERMITTED ALONG HIGHWAY 59 NORTH BETWEEN LEISURE LANE AND SAILBOAT BRIDGE

The following signs shall be allowed along Highway 59 North between Leisure Lane and Sailboat Bridge:

- 1) Any sign allowed in a residential district or commercial district and subject to the same regulations as to number, height, location, manner and area unless otherwise specified in this section.
  - 2) Off-Premise Signs shall be permitted only for businesses, located along Highway 59N between Leisure Lane and Sailboat Bridge which meet the following criteria:
    - a. The business is located such that any other permitted sign located on their premises is not visible from Highway 59 in both directions.
    - b. A private drive accessing Highway 59 North is not obtainable.
    - c. The business must have a current City of Grove Occupational License.
    - d. Business owners must complete a Highway 59N Off-Premise Sign Permit.
- A. Time Limit:
- 1) Highway 59 Off-Premise Signs may be displayed upon receipt of Highway 59 Off-Premise Sign Permit, and shall be removed within thirty (30) days after operations of said Business cease.
- B. Allowed Number:
- 1) The least number of Highway 59 Off-Premise Signs necessary to direct traffic to the Business location as determined by the Sign Administrator.
- C. Maximum Height above Nearest Street Grade:
- 1) Highway 59 Off-Premise Signs shall be placed on a single or dual pole as determined by the Sign Administrator not to exceed ten (10) feet in height.
- D. Maximum Display Area:
- 1) Individual business signs shall consist of a green background with white lettering, and shall be 42"x10" in size.
- E. Location:
- 1) Signs shall be installed in the city's right-of-way or easement, and shall allow for free and clear visibility with no obstruction to motorists or pedestrians.
  - 2) Signs shall be placed as appropriate for visibility by both directions of traffic. Signs may be double sided as determined by the Sign Administrator.
- F. Construction and Maintenance:
- 1) Construction and maintenance shall be performed by the City of Grove, at the expense of such business.
  - 2) Only the Business name and directional arrow will be displayed on the sign. Business names may be abbreviated as necessary to fit the sign size.
- G. Fees and Permits:
- 1) A 'Highway 59 Off-Premise Sign Permit' must be completed and submitted to the Sign Administrator prior to sign installation.
  - 2) Business owners will be responsible for the cost of each sign, installation, and an annual maintenance fee as determined by the Sign Administrator.

13. SIGN PERMIT FEES.

- A. Fees:

- 1) Permit Fee shall be a one-time charge of fifty dollars (\$50.00) per sign (excluding Temporary and Promotional Signs).
  - 2) There will be an Inspection Fee of fifty dollars (\$50.00) for the installation or removal of an electrical sign.
  - 4) An Annual Home Occupation Sign Permit shall be fifty dollars (\$50.00).
  - 5) An Annual Highway 59N Off-Premise, Tourist Attraction Off-Premise, and Public Facilities Off-Premise Sign Permit Fee shall be fifty dollars (\$50.00) per sign.
    - a. Highway 59N Off-Premise, Tourist Attraction Off -Premise and Public Facilities Off- Premise one-time cost shall be two hundred dollars (\$200.00) per sign.
  - 6) Said Fees apply only to signs erected after the effective date of this Ordinance.
- B. Required Information:  
The following information shall be included with the application prior to receipt of a Sign Permit:
- 1) Area of the sign
  - 2) Size, character, general layout and design specification for proposed signs which shall include drawings provided by a licensed design professional for any sign which exceed sixty four (64) square feet in area or fifteen feet (15') in height
  - 3) The method and type of illumination, if any.
  - 4) The location proposed for such signs in relation to property lines, zoning district boundaries, right of way lines and existing signs.
  - 5) Location of other signs within six hundred feet (600') of the proposed sign location
  - 6) Written permission from the property owner, if applicant does not own land.
- C. Due Date:
- 1) Sign Permit/Inspection Fees are due and payable upon submittal of Sign Permit application.
  - 2) Annual Sign Permit Fees are due and payable July 1 of each year.
- D. Refunds:
- 1) In the event work does not commence for which a permit has been issued, permit and plan review fees are nonrefundable.
- E. Expiration:
- 1) Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or;
  - 2) If the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced.
- F. Retainage of Permit:
- 1) The sign permit or copy shall be retained by the owner and shall be made available for viewing upon request by the City.

#### 14. ENFORCEMENT AND ADMINISTRATION:

##### A. Duties and Power:

- 1) The Sign Administrator or other designee shall enforce this Ordinance and shall have the authority to issue citations to any person, firm or corporation, which violates this Ordinance in any manner.
- 2) The Sign Administrator shall:
  - a) Receive Sign Permit applications and fees

- b) Perform inspections on signs to ensure the erection and completion of the proposed sign and structure conforms in all respects to the provisions of this Ordinance and other applicable regulations.

15. NONCONFORMING SIGNS

- A. A Nonconforming Sign may be continued and maintained by reasonable repairs unless:
  - 1) The sign is deemed unsafe or dilapidated by the Sign Administrator.
  - 2) The sign is located in the sight triangle and obstructs the view of motorists.
  - 3) The sign cannot be maintained in conformance with the building, electrical and fire codes.
  - 4) The sign is in a required parking space or is located within ten (10) feet of the edge of the street or in the public right of way or easement.
  - 5) The sign is deemed abandoned for one hundred eighty (180) days.
- B. Relocation:
  - 1) Non-conforming signs shall not be relocated.
- C. Alternation or Expansion:
  - 1) Non-conforming Signs shall not be moved, altered, expanded or modified in any manner, including message content.  
EXCEPTION: Non-conforming Billboards may change message content under the following conditions:
    - a. The Billboard structure is not dilapidated;
    - b. The message content shall be added or changed only by a professional sign company licensed to work with the City of Grove.
    - c. The sign content shall not display any vulgar or obscene pictures or information.
  - 2) If a Nonconforming Sign is moved, altered, expanded or modified in any manner such sign shall be removed within thirty (30) days notice given by the City to the owner and shall not be replaced.
- D. Damage or Destruction:
  - 1) If a non-conforming sign is damaged or destroyed fifty (50) percent or more of the fair market value of such sign immediately prior to such damage, such sign shall not be repaired and must be removed within thirty (30) days notice given by the City to the owner.

16. REMOVAL OF SIGNS

The Sign Administrator shall order the removal of any sign or signs, which are in violation of the zoning ordinances, building, electrical or fire codes. Such notice shall be given to the owner by registered mail or written notice served personally. If such sign is not removed within thirty (30) days after notice, the Code Enforcement Officer may remove or cause to be removed such sign at the expense of the owner thereof.

The Code Enforcement Officer shall immediately remove without prior notice to owner, any signs creating a safety hazard, signs placed on private property without property owner's permission, signs placed in public rights-of-way/easements or signs in violation of time limits set-forth in this Ordinance.

17. PENALTY

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine as now provided by law for misdemeanors. Each day that a violation is permitted to exist shall constitute a separate offense.

*(Section 5-8 amended per Ordinance No. 671 10/15/2013)*

#### SECTION 5-9 INDUSTRIAL DISTRICT STANDARDS

1. Any uses constructed, established, altered, or enlarged in the I-1 light industrial district after the effective date of this ordinance shall be so operated as to comply with the following standards:
  - A. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the I-1 district.
  - B. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
  - C. No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.
  - D. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
  - E. The manufacture of flammable materials which produce explosives vapors or gases prohibited.
  - F. Any operation that produces intense glare or heat shall be performed in a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
2. Any use constructed, established, altered, or enlarged in the I-2 heavy industrial district after the effective date of this ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the I-2 Heavy Industrial district.
  - A. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
  - B. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odorous, glare, or heat, fire or explosive hazards.
  - C. No activities involving storage, utilization, or manufacturing of materials or products which decompose by detonation shall be permitted.

D. Permitted uses in the I-2 Heavy Industrial District shall include manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing or testing, any of the following materials, goods, or merchandise:

- Apparel
- Beverages
- Building Materials Specialties
- Clothing
- Compounding and Packaging Chemicals
- Cosmetics and Toiletries
- Dairy Products
- Drugs and Pharmaceutical Products
- Electrical and Acoustic Products and Components
- Food Products (except fish, sauerkraut, vinegar and yeast)
- Furniture
- Glass Products
- Ice, (Dry and Natural)
- Jewelry
- Medical Laboratory Supplies, Equipment and Specialties
- Metal Products and Utensils
- Musical Utensils
- Musical Instruments
- Optical Goods
- Paper Products (including boxes and containers)
- Radio, Phonograph, Recorder and Television sets and parts
- Textiles
- Toys and Children's Vehicles
- Trailers and Carts
- Wood Products (including wooden boxes and containers)

*(Amended Section 5-9.1 per Ordinance No. 600, 7/20/2010)*

#### SECTION 5-10. PLANNED UNIT DEVELOPMENT

The purposes of planned unit development are:

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

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

1. GENERAL PROVISIONS: Planned Unit Development is permitted:

Planned Unit Development is permitted on tracts of three (3) acres or more. In every instance the Planned Unit Development is to be reviewed as to the proposed location and character of the uses and treatment of the development of the tract. The regulations of the

general zoning districts remains applicable except as specifically modified pursuant to the provisions of this Section. No modification of use or bulk in area requirements of the applicable general use District or Districts shall be permitted unless a subdivision plat or re-plat incorporating the provisions and requirements of this Section is permitted to and approved by the Planning and Zoning Commission and the City Council and filed on record in the office of the County Clerk of Delaware County, Oklahoma. *(Amended Section 5-10.1 per Ordinance No. 487, 4/2/2002)*

## 2. USES PERMITTED IN PLANNED UNIT DEVELOPMENT:

- A. Principal Uses: The primary uses in a Planned Unit Development (PUD) shall be those permitted in the zoning district involved or those uses permitted in more restrictive zoning districts (i.e., in a commercial district a PUD could be dominated by shopping facilities or apartments, but in a multi family residential district the predominate land use would have to be housing). In predominantly residential PUDs certain other principal uses, other than dwellings, which are permitted by right or exception in the residential districts may be included within a PUD, if such uses do not occupy more than ten (10) percent of the gross area of the PUD, and are designed and located to be compatible with the residential uses of the PUD and with the residential use of adjacent properties. It is intended that the PUD provisions may be used as an alternative approach in processing of all types of developments.
- B. Accessory Uses: Accessory uses customarily incident to the principal uses included within the PUD are permitted. Accessory signs shall comply with the provisions of the zoning districts except as hereafter provided for accessory commercial uses. Within PUD in a residential district, accessory commercial facilities may be included in accordance with the following provisions:
- 1) In considering commercial uses as part of a PUD in a residential district, the Planning Commission shall consider:
    - a) The relationship of the proposed commercial use to:
      - (1) The land parcel (both as a boundary shape, topographic, lake frontage, and other physical features)
      - (2) The land and land uses outside the proposed development.
      - (3) The arrangement of the other portions of the proposed development.
    - b) The nature of the commercial use included in the proposal.
      - (1) In developments proposing more than one business the aggregate floor area of the commercial facilities shall not exceed fifty (50) square feet per dwelling unit nor a total of thirty thousand (30,000) square feet.
      - (2) Each commercial establishment shall be limited to a maximum of thirty five thousand (35,000) square feet of floor area.
      - (3) Commercial signs shall be limited to one nameplate not more than sixteen (16) square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, have other than indirect illumination. Window signs shall not be permitted.

- (4) The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD. The planning commission may permit a commercial establishment designed to serve patrons both inside and outside the development if it is determined that a land use problem is not likely upon consideration of the items listed in two (2) (A) above.

### 3. BULK AREA REQUIREMENTS:

- A. Area Requirements: The space required in a PUD project, including: lot area, area per unit, and percent of lot coverage, exclusive of the area of public or private streets, shall meet requirements of the districts wherein the project is located (as set out in chapter 4). Provided, however, that upon a finding that the PUD proposal is so designed as to provide the best use of the land with, at the same time, a good and full protection of the public welfare and the general intent and spirit of the comprehensive plan and zoning ordinance the Planning and Zoning Commission may award an increase in the density of development not to exceed ten (10) percent of that otherwise allowable in the district in which the PUD is located. If the project area falls in two (2) or more zoning districts, the space requirements of the project shall be established by calculating the requirements of the various districts as applied to the amount of area in each district. In a PUD all areas used for development purposes: including recreating area, open space areas, the aggregate development area shall be considered for computation of space requirements. The area of planned unit development shall be considered as one parcel regardless of the extent to which the area may be divided by interior streets or other features.
- B. Height Requirements: The height of buildings shall not be more than one and one-half (1 ½) times the distance between the building line and the edge of pavement of the nearest street. The building measurement shall be from the ground floor level to the eave or top of the vertical wall should there be no eave. The planning commission upon review of plans for a planned unit development may approve buildings of greater height than otherwise permitted in the zoning district.
- C. Perimeter Requirements: The building setback from the exterior boundaries of the PUD shall not be less than the minimum yards customarily required for the district or districts in which located. Provided that within two hundred (200) feet of any abutting property in a residential district, structures exceeding ten (10) feet in height measured from the ground floor to the eave or top of vertical wall if there is no eave shall conform to the setback requirements of the zoning district plus two (2) feet of setback for each one (1) foot of building height exceeding ten (10) feet measured from ground floor level to the eave or top of vertical wall if there is no eave. Unenclosed off street parking area, containing five (5) or more spaces, shall be screened from adjoining areas in a residential district by the erection of a screening wall, fence, or hedge of acceptable design along the lot line or lines in common with the residential district, provided that if the parking area is located more than fifty (50) feet from the residential district, the planning commission may waive screening requirements.
- D. Off street parking and loading spaces shall be provided as specified for the applicable use. The planning commission may consider designs providing for reasonable

sharing of parking spaces by land uses, which have inherently compatible time demands for parking. Required spaces may be provided on the lot containing the units for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the units it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat.

E. Administration of Planned Unit Development: The procedural steps to obtain approval of a PUD are as follows:

1. Presentation of application and outline development plan to the Planning and Zoning Commission (ref. Par. E.2)
2. Public hearing (ref. Par. E3.3)
3. First presentation to the City Council (ref. Par. E.4)
4. Consideration of subdivision plat (ref. Par E.5)
5. Second presentation to the City Council
6. Issuance of building permits (ref. Par. E.6)

1. General:

- a) Any person, corporation, partnership, association, or combination thereof, owning or possessing a majority property right or interest in or to a tract of three (3) acres or more in size may make application for the district designation PUD. Such application shall be accompanied by an outline development plan.
- b) In areas of existing development, any person, corporation, partnership, association, or combination thereof, may propose the redevelopment or reuse of land through the processing of a PUD application as set forth in 1.a above. (*Amended Section 5.10 (E)(1) per Ordinance No. 487, 4/2/2002*)

2. Application and Outline Development Plan: An application for a PUD shall be filed with the planning commission. The application shall be accompanied by the payment of a fee equal to that for rezoning applications, which shall include advertising and sign costs. The application shall be in such and content as the planning commission may by resolution establish, provide that three copies of an outline development plan shall accompany the filing of the application. The outline development plan shall consist of maps and or text, which contain:

- a) Existing topographic character of the land, and any topographic changes, which are proposed.
- b) Proposed land uses, including public uses and open space and the approximate location of buildings and other structures.
- c) The character and approximate density of development. Density shall be expressed in numbers of dwelling units and quantitative areas of each identifiable segment of the development.
- d) The approximate location of thoroughfares.
- e) Sufficient surrounding area to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
- f) An explanation of the character of the planned development.
- g) The expected schedule of development.

3. Public Hearing: The Planning and Zoning Commission, upon the filing of an application and outline development plan for a PUD, shall set the matter for public hearing and give fifteen (15) days notice thereof by publication in a newspaper of general circulation. Where deemed necessary by the Planning and Zoning Commission, additional notice shall be given by the posting of a sign or signs on the property. Within sixty (60) days after the filing of an application, the Planning and Zoning Commission shall conduct the public hearing and shall determine:
  - a) Whether the proposal is consistent with the comprehensive plan.
  - b) Whether the proposal harmonizes with the existing and expected development of surrounding areas.
  - c) Whether the proposal is a unified treatment of the development possibilities of the project site.
  - d) Whether the proposal would benefit orderly and proper development of the city.
  - e) Whether the sidewalks and streets provide a traffic flow compatible with the development and surrounding street pattern.

Where a supplemental district designation PUD is required for the processing of a PUD, the Planning and Zoning Commission shall forward its recommendation, the application and the Outline Development Plan to the City Council for further hearing as provided in sections 4, 5, and 6. Where the PUD may be processed without the supplemental designation PUD (five (5) acres or larger), the Planning and Zoning Commission shall approve, approve with modification, or disapprove the outline development plan. Approval by the Planning and Zoning Commission shall be authorization for the processing of a subdivision plat incorporating the provisions of the outline development plan. The Planning and Zoning Commission, upon approval of the Outline Development Plan, may direct that a notation indicating the boundaries of the PUD be made on the zoning map. (*Amended Section 5.10 (E)(3) per Ordinance No. 487, 2/2/2002*)

4. City Council Action: Upon receipt of application, outline development plan, and planning commission recommendation, the City Council shall hold a hearing, review the outline development plan, approve, disapprove, modify, or return the outline development plan to the Planning and Zoning Commission for further consideration. Upon approval, the zoning map shall be amended to reflect the supplemental designation PUD, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the Outline Development Plan.
5. Planned Unit Development Subdivision Plat: A PUD subdivision plat shall be filed with the Planning and Zoning Commission and shall be processed in accordance with the subdivision regulations, shall include:
  - a) Details as to the location of uses and street arrangement.
  - b) Provisions for the ownership and maintenance of any common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council.

- c) Such covenants as will reasonably insure the continued compliance with the approved Outline Development Plan. In order that the public interest may be protected, the City of Grove shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structures, setbacks, screenings, and access. Such covenants shall provide that the City of Grove may enforce compliance therewith.
6. Issuance of Building Permits: After the filing of an approved PUD subdivision plat, and notice thereof to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat. A building permit in a residential PUD for a free standing or separate commercial structure shall not be issued until significant progress has been made on other aspects of the proposed development, as follows:
  - a) Completion of one third (1/3) of the non-commercial features in a project of less than five (5) acres.
  - b) Completion of one half (1/2) of the non-commercial features in a project of more than five (5) acres.
  - c) And, the commission has received a satisfactory progress report.
7. Amendments: Minor changes in the platted PUD may be authorized by the Planning and Zoning Commission upon a review of a proposed amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require formal abandonment and subsequent filing of a new application for PUD.
8. Abandonment: Where a PUD has been processed pursuant to the supplemental designation of PUD, its abandonment shall require the City Council's approval after recommendation by the Planning and Zoning Commission, of an application for amendment to the Zoning Map repealing the supplemental designation of PUD. Where a PUD has been processed by reason of being more than ten (10) acres, its abandonment shall require the approval of the Planning and Zoning Commission, and vacation of the Plat.
9. Appeals to the District Court from actions of the Planning and Zoning Commission: Any person aggrieved may appeal the final action of the Planning and Zoning Commission on a proposed Outline Development Plan or on a proposed subdivision plat to the District Court by filing with the Secretary of the Planning and Zoning Commission within ten (10) days after the action appealed from, a notice of appeal stating the grounds thereof. There shall be no right of appeal from any act of the Planning Commission taken in its advisory capacity to the City Council.

## SECTION 5-11. FLOOD DISTRICT

The Flood District is shown on the Zoning Map. The line indicates the limits of the regulatory flood. The exact configuration of this area is based on the best available information. It is recognized that the area may change as new information becomes available.

The district is a supplemental zoning district (sometimes called an “overlay district”) in that it is an additional zoning district applied to flood prone properties. All properties within the Flood District will have a non-supplemental zoning classification applied to them.

The authorization of land uses must be reviewed by the Planning and Zoning Commission on the basis of individual applications. Applications for use permits within the Flood District must include documentation that:

1. The proposed use will not be subject to flood damage caused by the regulatory flood; and
2. The proposed use will not measurably increase flood heights or flood flows upstream or downstream of the proposed development.

The above documentation shall be submitted to the Planning and Zoning Commission, and certified by an engineer registered for practice in the State of Oklahoma with concurrence of the engineer serving the City.

#### SECTION 5-12 MISCELLANEOUS USES

The subsections one (1) through eleven (11) set forth special provisions that apply to certain miscellaneous uses in certain zoning districts:

1. Animal hospital, pound, or shelter; commercial kennel for cats or dogs; livestock sales or feeding facilities; riding academy; public stable; veterinarian’s office with animals on the premises; shall be located no nearer than two hundred (200) feet to an R-1, R-1(S), R-2 or R-3 District, and no nearer to a zoning lot line than one hundred (100) feet. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted.
2. Animal Hospital, Small Animal Treatment: The Planning and Zoning Commission may approve the location of restricted small animal Hospitals in the C-1 or C-2 Districts provided the following conditions are met:
  - A. These facilities shall not be permitted within two hundred (200) feet of residential districts.
  - B. Plans and specifications for proposed facilities shall detail provisions for soundproofing, avoidance of odors, and satisfactory sanitary services. Plans shall be submitted to Planning and Zoning Commission for review.
  - C. Such facilities shall be restricted to treatment of common household pets.
  - D. Animals shall be kept on the premises only for purposes of medical treatment to the exclusion of boarding.
3. Cemetery, Columbarium, Crematory or Mausoleum: Shall have its principal entrance or entrances on a major thoroughfare, with ingress and egress so designed as to minimize traffic congestion and shall provide a wall at least six (6) feet high or an

evergreen hedge at least six (6) feet high and three (3) feet thick, along all property lines except those adjacent to a street.

4. Earthmoving and excavation; Depositing of construction materials on the ground; shall be subject to regulations set forth in subparagraph 7.
5. Flammable liquids and gases, storage of: The storage of flammable liquids and gases shall comply with the following code and standards of the National Fire Protection Association as such code and standard may from time to time be revised:
  - A. Code No. 30 with respect to flammable liquids,
  - B. Standard No 58, with respect to liquefied petroleum gas.
6. Junk Yard, including salvage and auto wrecking: shall be permitted, provided that all exterior storage and processing areas are screened by solid walls or fences of such height and location as to prevent visibility of stored materials or of materials in process from any point eight (8) feet above the ground on any thoroughfare or in any residential, commercial, or I-1 district, provided such point is not more than three hundred (300) feet distance from the nearest part of the fence.
7. Mining, including extraction of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth gravel, minerals, rock, sand, or stone, on the ground: Shall not be construed to be a permitted use in any district, except the I-1 or I-2 districts, except for the following defined extractions and deposits:
  - A. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which building permit has been issued.
  - B. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height, or when less than one thousand (1000) cubic yards of earth is removed from the premises.
  - C. Grading in a subdivision, which has been approved by the city in accordance with the Grove Subdivision Regulations and any amendments there to.
  - D. Any extractive operation existing and operating as such on the effective date of this section; such operation shall conform with the provisions of these regulations within one (1) year of the adoption of these regulations.
8. Child Care Facilities:

Residentially Based Child Care Facilities: Where childcare facilities are provided as an accessory use in a residential structure occupied principally as a residential dwelling, said facilities shall be approved pursuant to the Home Occupation Regulations in Chapter 5, Section 5-2 of the Zoning Ordinance and as modified herein. The State of Oklahoma Licensing Requirements for Family Child Care Homes and Large Child Care Homes, and any amendments thereto, are hereby adopted, except as modified herein.

  - A. Definitions: As used in this ordinance, the following terms shall have the following meanings:

**Family Child Care Home** shall mean a residential home which provides for the care and protection for seven or fewer children for part of a 24-hour day. In calculating the number of children, the following shall be counted as children under care and protection: (a) children under five years of age who live in the home and who are present in the home while children are in care, (b) foster children twelve years of age and younger who live in the home and are present in the home while other children are in care, and (c) children of any caregiver (employee).

**Large Child Care Home** shall mean a residential family home that provides care and supervision for eight to twelve children for part of a 24-hour day. In calculating the number of children, the following shall be counted as children under care and protection: (a) children under five years of age who live in the home and who are present in the home while children are in care, (b) foster children twelve years of age and younger who live in the home and are present in the home while other children are in care, and (c) children of any caregiver (employee).

**Commercial Child Care Center** shall mean any non-residential facility which receives five or more children under the age of sixteen (16) years, for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however this definition shall not include public and private schools, organized, operated or approved under the laws of this state, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within their institutional buildings while their parents or legal guardians are attending services or meetings or classes and other church activities.

**B. Family Child Care Homes and Large Child Care Homes.** A Family Child Care Home and a Large Child Care Home shall be a permitted use in all residential zoning districts as a Home Occupation subject to compliance with the performance criteria for a Home Occupation Regulations in Chapter 5, Section 5-2 of the Zoning Ordinance, except as modified by the following conditions.

1. Approved hours of operation for a Family Child Care Home and Large Child Care Home shall be between the hours of 6:00 a.m. and 9:00 p.m. Traffic associated with pickup and delivery of children to this Family Child Care Home and Large Child Care Home shall also be limited to these hours of operation. Traffic associated with the Family Child Care Home shall not exceed an average of one (1) vehicle per hour during approved hours of operation, and Large Child Care Home shall not exceed an average of two (2) vehicles per hour during approved hours of operation.
2. Family Child Care Homes and Large Child Care Homes are not subject to the Home Occupation conditions listed in Chapter 5, Section 5-2.6 of the Zoning Ordinance regarding employees. Family Child Care Homes and Large Child Care Homes shall provide the adequate number of caregivers (employees) as described in the State of Oklahoma Licensing Requirements for Family Child Care Homes and Large Child Care Homes, respectively.

3. Sufficient off-street and off-site parking area must be provided as described in Chapter 5, Section 5-3 of the Zoning Ordinance to accommodate all traffic coming to and from the Family Child Care Home and Large Child Care Homes for the pick-up and delivery of children. If such off-street parking is not available on site due to the size or location of the site, such off-street parking can be provided on other property not more than four hundred (400) feet distant from the Family Child Care Home or Large child Care Home with the written consent of the persons owning the parking site. On-street parking shall NOT be utilized in conjunction with the operation of a Family Child Care Home or Large Child Care Home.
4. The minimum Lot Area for a Family Child Care Home shall be 7,500 sq. ft. The minimum Lot Area for a Large Child Care Home shall be 10,000 sq. ft.
5. All outdoor play areas for the Family Child Care Home and Large Child Care Home shall be permitted on an approved rear or side yard with an opaque wall or fence a minimum of 4 feet high for Family Child Care Homes and 6 feet high for Large Child Care Homes between any play areas and any other property in a Residential District.
6. Signage for a Family Child Care Home and Large Child Care Homes shall be limited to that permitted by the Home Occupation Regulations in Chapter 5, Section 5-4 of the Zoning Ordinance and the general sign ordinance in Chapter 5, Section 5-8.
7. A Family Child Care Home and Large Child Care Home shall comply with all applicable Federal, State and Local regulations codes and requirements.
8. A copy of the approved license issued by the State of Oklahoma, Department of Human Services, Delaware County, shall be provided with the application for a Home Occupation for a Family Child Care Home and Large Child Care Home.

The Planning and Zoning Commission shall hold a public hearing on each request for a Family Child Care Home and Large Child Care Home. The Planning and Zoning Commission shall publish notice of such hearing in a newspaper of general circulation not less than fifteen (15) days prior to date of said hearing. In addition, written notice of said public hearing shall be provided to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property not less than fifteen (15) days prior to the hearing date. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

The Planning and Zoning Commission shall grant no such Family Child Care Home or Large Child Care Home permit unless it meets all of the following findings:

- a. That the use as described by the applicant will comply with all provisions and/or conditions established therefore by these regulations, and

- b. That the use will not, in the circumstances of the particular case constitute a nuisance, be injurious to the neighborhood or otherwise detrimental to the public welfare, and
  - c. That the proposed structure or use conforms to the requirements and intent of these regulations, and
  - d. That any additional conditions stipulated by the Planning and Zoning Commission as deemed necessary in the public interest have been met.
- C. Commercial Child Care Centers: Commercial Child Care Centers shall be permitted only in C-1, and C-3 Zoning Districts. Such facilities shall be approved pursuant to any applicable State of Oklahoma Licensing Requirements, and any amendments thereto, except as modified herein:
- 1. The minimum lot area for a Commercial Child Care Center shall be 10,000 square feet in area.
  - 2. A solid wall or fence at least six (6) feet high shall be provided and maintained between any outdoor play area on the site and any contiguous property line of a residential district.
  - 3. Sufficient off-street and off-site parking area must be provided as described in Chapter 5, Section 5-3 of the Zoning Ordinance to accommodate all traffic coming to and from the Commercial Child Care Center for the pick-up and delivery of children. If such off-street parking is not available on site due to the size or location of the site, such off-street parking can be provided on other property not more than four hundred (400) feet distant from the Commercial Child Care Center with the written consent of the persons owning the parking site.

*(Amended per Ordinance No. 577, 4/21/2009)*

9. Place of Public Assembly, Major: Including arena, auditorium, coliseum, stadium, or theatre with seating capacity or one thousand (1,000) or over and drive in theatre, shall meet the following requirements:
- A. Have ingress and egress from a major thoroughfare or from a collector street not more than three hundred (300) feet distant (by shortest street route) from major thoroughfare.
  - B. Have ingress and egress so designated as to minimize traffic congestion and hazards.

A drive in theatre shall be located not less than two hundred (200) feet from any residential district, and no projection screen thereof shall be so located as to be visible from any major thoroughfare within one thousand (1000) feet thereof.

10. Swimming Pools:

- A. Any swimming pool in any district shall:

1. Be located at least ten (10) feet from the nearest property line, unless a greater separation is required elsewhere in these regulations,
2. Be so walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property.
3. Be screened by masonry wall or solid fence at least six (6) feet high facing the property line of any property in a residential district, unless the pool is more than thirty (30) feet distant from such line.
4. Require the issuance of a building permit.

B. No swimming pool shall be permitted in any residential district unless such pool:

1. Is owned and operated by a public agency or a residential group from within the area in which the pool is located,
2. Is accessory to a residential use, and is intended for the use of, and is used by, only the occupants of the principal use of the property on which it is located, or
3. Is accessory to a non-residential use, which is permitted in such district.

11. Public Utility and Service uses: including electrical substations, gas regulator stations, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, water reservoirs, or pumping stations, and other similar facilities shall be set back, landscaped and or screened from the side, rear, or front property line in such a manner as to be attractive and not offensive to abutting properties. This regulation shall not apply to electric, telegraph, or telephone transmission and distribution lines and poles which shall not be limited with respect to height or location and for which no permit shall be required under this ordinance.

12. Fire Zone: The boundaries of the Fire Zone shall be coterminous with the C-1, C-2, and C-3 zoning districts. The fire Zone provisions of the adopted building code shall apply to all construction in districts classified as C-1, C-2, C-3 and C-4.

13. Church or other Place of Worship: shall be permitted in the Zoning districts as shown in Chapter 4 subject to the following site requirements:

District	Minimum Site Area	Front	Side	Rear
A-1	3 acres	50'	50'	50'
RE-1, R-1, R-1(S)	1 acre	25'	25'	15'
R-2, R-3				
C-1, C-2, C-3	½ acre	35'	10'	15'

14. Screening of Open Storage: Any area of greater than four hundred (400) square feet which is used for outside storage in conjunction with any commercial or industrial use shall be screened as follows:

*Commercial* All sides which abut a property in a residential district or are visible from a public road easement or right of way shall be screened with a solid opaque fence or wall of at least six (6) feet in height.

*Industrial* All sides which abut a property in a residential district shall be screened with a solid opaque fence or wall of at least six (6) feet in height. All sides which are visible from a public road easement or right-of-way shall be screened with a fence or wall at least six (6) feet in height.

15. Site Plan Review: The following requirements for site plan review shall apply to the development, redevelopment of land; building or rebuilding of structures on any commercially zoned lot or parcel which has any frontage on either US 59 Highway or Oklahoma 25 Highway or any primary arterial street:

The Site Plan shall provide the following information and meet the following requirements:

- A. Plans for any portion of any site which involve the construction of public engineering improvements on public easements or right of ways of which are to be dedicated to the public, shall be certified by a professional Engineer registered in the State of Oklahoma.
  - B. Plans shall be drawn to scale at a scale of not less than one (1) inch equals one hundred (100) feet.
  - C. Plans shall show clearly the location of the tract lot or parcel in relation to surrounding properties and public roadway.
  - D. Plans shall show this topography or spot elevations with the direction of drainage, plus any proposed changes to land elevations.
  - E. Plans shall show all proposed entrances and exits for vehicles, including location, type and size drives.
  - F. Plans shall show all off street parking and loading spaces.
  - G. Plans shall show the location, general use, number of floors, height, net and gross floor area of each building.
  - H. Plans shall show any outside display, sales or storage areas.
  - I. Plans shall show all signs and illumination proposed for the location.
  - J. Plans shall show provisions to be made for screening and landscaping of buildings, parking and outside activity areas as deemed necessary by the Planning Commission.
- The approval of the Planning Commission of required Site Plans for development or construction shall be a condition upon the issuance of any building permit and failure to conform to approved Site Plans shall void any building permits issued pursuant thereto.

## SECTION 5-13 VACATION RENTAL HOMES

### 1. GENERAL INTENT:

Grove is known and promoted as a tourist community; Vacation Rental Homes (VRH) are a popular amenity in many tourist communities throughout the United States.

VRH provide opportunities to increase the number of tourists and visitors to the community, which will increase sales tax revenue. In addition, VRH will create jobs for local residents and provide property owners with another means of income.

The provisions of this Section are hereby established to regulate VRH in a manner that will prevent negative impacts on the community and residential neighborhoods. These regulations shall *only* apply when the property is being used in its VRH capacity, and shall not restrict the property owner's personal use of the property.

2. SPECIAL USE PERMITS REQUIRED

Prior to using a residence as a VRH in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S) the property owner must submit an application for a Special Use Permit, and only upon approval by the City Council shall such a Use be allowed. (See Chapter 3 USES PERMITTED IN DISTRICTS)

3. DENSITY OF VACATION RENTAL HOMES

A maximum of five percent (5%) of the total Households (determined by the U.S. Census Bureau) located within the City of Grove may be utilized as Vacation Rental Homes.

4. AGENCY/LOCAL CONTACT PERSON

The property owner or a designated agent must maintain a current occupational license in the City of Grove, and shall comply with the requirements of this chapter, including, without limitations, the filing of an application for a permit, the management of the VRH and the compliance with the conditions of the permit. The permit shall be issued to the *owner* of the VRH. The *owner* of the VRH is responsible for compliance with the provisions of this chapter and the failure of an agent, representative or local contact person to comply with this chapter shall be deemed noncompliance by the *owner*.

Owner of VRH shall designate a local contact person within a twenty (20) mile radius who has access and authority to assume management of the unit and take remedial measures. The local contact person shall be available twenty-four (24) hours per day, seven (7) days per week to respond to occupant and neighborhood questions or concerns. An owner of the VRH may designate himself/herself as the local contact person. Any change in the local contact person's address or telephone number shall be provided to the City of Grove within ten (10) days of the change.

5. REQUIREMENTS

Owner or agent shall operate a Vacation Rental Home only under the provisions as set forth herein:

- A. Any VRH that has four (4) or more rooms available for sleeping accommodations and the rooms are rented as individual rooms to transient guests must comply with the Oklahoma State Department of Health Lodging Establishment Provisions, and a copy of the owner's current Lodging Establishment License shall be provided to the City Clerk. A VRH home that is rented as a unit shall be exempt from the Oklahoma State Department of Health Lodging Establishment License.
- B. Any VRH that has a Septic System as the means of wastewater disposal shall provide a copy of a Perk Test or Drip Line Test performed by the Oklahoma Department of Environmental Quality on the septic system;
- C. Submit an application to the City Clerk for an Occupational License for operating a VRH;
- D. Submit an application for a VRH permit (a separate permit is required for each property used as a VRH) to the Building Inspector prior to use or advertisement of the property as a VRH; the Permit shall be renewed annually prior to July 1 of each year.
- E. Submit an application for a Special Use Permit if the proposed VRH is located in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S).
- F. Shall provide the Building Inspector free access to the VRH and its premises, for the purpose of inspection and examination;

- G. Permit approval is subject to compliance with the Oklahoma State Department of Health Lodging Establishment Provisions (if applicable), submittal of Perk or Drip Line Test on Septic System (if applicable), an inspection by the Building Inspector and issuance of a Certificate of Occupancy;
- H. Owners of properties that are being advertised or used as VRH prior to the passage of this ordinance shall comply with the VRH Regulations and shall submit an application for a VRH permit within sixty (60) days of the approval of this Ordinance.

6. APPLICATION REQUIREMENTS

VRH permit applications shall contain the following information:

- A. The name, mailing address, e-mail address, telephone number of the owner and the physical address of the VRH for which the permit is to be issued;
- B. The name, mailing address, e-mail address and telephone number of the local contact person, and the same information for an agent if applicable;
- C. The number of bedrooms and approximate square footage of the VRH;
- D. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site parking spaces;
- E. Indicate whether the VRH has a hot tub, spa or pool located on the premises;
- F. Owner's Federal Tax ID number or Social Security number;
- G. Proof of ownership including legal description;
- H. Such other information as the City of Grove deems reasonably necessary to administer this Section.

5. FEES.

- A. A Permit Fee of \$250 shall be submitted with the VRH application, a Permit Renewal Fee of \$100 is due and payable by July 1 of each year;
- B. The permit is non-transferable; upon change of ownership a new application for a VRH permit shall be submitted, accompanied by the fees established by City Council.

6. STANDARD CONDITIONS

All owners, agents, local contact person and occupants/guests are required to comply with the following Standard Conditions:

- A. *Occupancy.*
  - a. **MAXIMUM OVERNIGHT OCCUPANCY:** The number of overnight occupancy shall not exceed two (2) persons per bedroom, plus four (4) additional persons per residence; excluding children five (5) years of age or younger. (the number of bedrooms in the residence shall be determined by the Building Inspector during the initial inspection)
- B. *Parking.*
  - a. All vehicle parking shall be on-site and shall be on asphalt or concrete including driveway(s), garage(s), and carport(s).
  - b. Vehicle parking on grass or in the yard is prohibited.
  - c. On-Street parking of vehicles, boat/watercraft trailers or other types of trailers is prohibited;
  - d. In addition to vehicle parking, a combined total not to exceed three (3) boat or water sports trailers may be parked behind the front yard building line. Blocking of streets, driveways or boat ramps is prohibited;

- e. The construction of additional on-site parking that causes the property to exceed the Maximum Lot Coverage Percentage allowed per Chapter 4 – District Regulation Table of the Planning and Zoning Ordinances shall be prohibited.
- C. *Use of Vacation Rental Home is Limited.*
- a. The use of the VRH shall be limited to lodging by the occupants and guests;
  - b. Using the VRH for any other uses including commercial activities is prohibited.
- D. *Noise.*
- Occupants and guests shall comply with city codes and shall not willfully or maliciously disturb, either by day or night, the peace and quiet of any city, neighborhood, family or person by loud or unusual noise.
- E. *Refuse.*
- a. Owner shall provide and at all times maintain in good order trash containers of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse created by the occupants and guests. The containers shall be rodent-proof with a tight-fitting lid and shall be kept clean and free from the accumulation of any substance remained attached to the containers which would attract flies, mosquitoes or other insects.
  - b. Owner or his/her designee shall be responsible for placement of trash containers at the curbside in a timely manner to allow trash to be collected on the scheduled pick-up day for the residence.
  - c. Occupants and guests shall dispose of trash in containers provided by the Owner.
- F. *Sewer Connection/Septic System Capacity.*
- a. The VRH property owner shall maintain a properly functioning wastewater disposal system such as a septic system, aerobic system or connection to the public sewer system.
  - b. Verification of the type of wastewater disposal system and the capacity of the system is required upon the application for the VRH Permit.
  - c. If the wastewater disposal is a septic system, the VRH property owner shall submit a copy of a Perk Test or Drip Line Test performed by the Oklahoma Department of Environment Quality (ODEQ) on the system with the VRH Permit application.
7. **ADVERTISEMENTS.**
- All advertisements for the rental and promotion of the VRH must include the following:
- A. The number of bedrooms available;
  - B. The maximum occupancy allowed;
  - C. The maximum number of boats and watercraft trailers allowed to be parked on the property;
  - D. The permit number of the City of Grove VRH Permit.
8. **SIGNAGE AND NOTIFICATION REQUIREMENTS**
- Each VRH shall have one (1) clearly visible and legible *interior* notice posted on the inside of the front door, containing the following information:
- A. A copy of the VRH Permit issued by the City of Grove;
  - B. A copy of the Standard Conditions;

- C. The name of the managing agency, agent, property manager or local contact or owner of the unit, telephone number at which the party may be reached on a twenty-four (24) hour basis;
- D. The maximum number of occupants permitted to stay overnight in the unit;
- E. The maximum number of vehicles, boat and watercraft trailers allowed to be parked on-site;
- F. The location of on-site parking spaces;
- G. Notice that on-street parking is prohibited;
- H. Notice that violation to conform to all Standard Conditions shall constitute a violation and is subject to fine and penalties by the City of Grove.
- I. In an emergency dial '911'.

9. **FILING A COMPLAINT.**

Citizens wishing to file a complaint regarding VRH may do so by following the Procedures and Guidelines for Vacation Rental Home Complaints and submitting a Vacation Rental Home Complaint form, both documents are available at City Hall and on the City's website [www.cityofgrove.com](http://www.cityofgrove.com).

10. **VIOLATION AND PENALTIES.**

Upon notification to the owner, agent or local contact person from the City of Grove that occupants or guests of the VRH have created unreasonable noise or disturbances, engaged in disorderly conduct or violated City Code, the Owner shall provide a written response within thirty (30) days of the date of the Notice and describe what action was taken to prevent the re-occurrence of such conduct by those occupants or guests.

Any person violating any provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-108 of the City of Grove Code of Ordinances, and the VRH Permit may be revoked.

*(Section 5-13 Added per Ordinance No. 702, 05/05/2015)*