

ORDINANCE NO. 18

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, ADDING TITLE 20 “ZONING” PROVIDING FOR GENERAL PROVISIONS; ESTABLISHING DISTRICTS; ESTABLISHING USE PROVISIONS; ESTABLISHING DIMENSIONAL DEVELOPMENT STANDARDS; PROVIDING FOR NONCONFORMITIES; PROVIDING FOR ADMINISTRATION AND PROCEDURES; PROVIDING DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of Town of Hochatown (“Town Trustees) find that it is necessary to establish zoning to adopt minimum requirements to safeguard the public health, safety and general welfare of the community of Hochatown;

WHEREAS, the Town Trustees have investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the Town of Hochatown (“Town”) to amend the Town’s Code of Ordinances by adding Title 20 “Zoning”.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

SECTION 1. FINDINGS

The findings set forth above are incorporated as if fully set forth herein.

SECTION 2. AMENDMENT

The Town’s Code of Ordinances is hereby amended by adding Title 20 “Zoning” attached hereto as **Exhibit “A”** and incorporated as if set forth herein.

SECTION 4. SEVERABILITY

It is hereby declared the intention of the Town Trustees that if any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this, since the same would have been enacted by the Town Trustees without such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION 5. EFFECTIVE DATE

This ordinance shall become effective upon publication as required by the State of Oklahoma.

PASSED AND APPROVED by the Town Trustees of the Town of Hochatown, Oklahoma this the 2nd day of April, 2025.

Dian Jordan

MAYOR, DIAN JORDAN

Chad Sargent

TRUSTEE, CHAD SARGENT

Brenda Walters

TRUSTEE, BRENDA WALTERS

Howard Haggard

TRUSTEE, HOWARD HAGGARD

Michal Todd McDaniel

TRUSTEE, MICHAL TODD MCDANIEL

ATTEST:

Helen Harden

Helen Harden, Town Clerk



Approved:

Lizbeth George

Liz George, OBA No. 30562
Town Attorney

EXHIBIT "A"
AMENDMENT TO ADD TITLE 20



ZONING ORDINANCE

RECOMMENDED FOR APPROVAL
BY THE PLANNING COMMISSION
03.26.2025

ADOPTED BY THE
BOARD OF TRUSTEES
04.02.2025

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Title 20 Zoning Ordinance

Chapter 1 Introduction to the Zoning Ordinance

20-1-1 TITLE AND EFFECTIVE DATE

- A. Title.** Title 20 is known and may be cited as the “Town of Hochatown Zoning Ordinance,” or the “zoning ordinance.”
- B. Effective date.** The regulations of this zoning ordinance become effective upon adoption, except as otherwise expressly stated.

20-1-2 AUTHORITY, PURPOSE, AND JURISDICTION

- A. Authority.** This zoning ordinance is adopted under the authority of Title 11 of the Oklahoma Statutes (O.S.).
- B. Purpose.** This zoning ordinance is established to promote health and general welfare, including the peace and quality of life of the districts established herein, and to secure safety from fire, panic, and other dangers.
- C. Jurisdiction.** The regulations of the zoning ordinance apply to the use and development of all land within the incorporated limits of Hochatown, except as provided by state or federal law or as otherwise expressly stated.

20-1-3 EFFECT OF ZONING ORDINANCE

- A. Compliance required.** Compliance with the zoning ordinance is required. Failure to comply constitutes a violation of its regulations and is subject to all penalties afforded by law.
- B. Minimum requirements.** The regulations of the zoning ordinance are the minimum requirements deemed necessary to carry out the purposes stated.
- C. Private agreements.**
 - 1. The content of this zoning ordinance is not intended to interfere with or abrogate any easements, covenants, or agreements between parties. Wherever this zoning ordinance provides for a greater restriction than those imposed by such easements, covenants, or agreements between parties, the provisions of this zoning ordinance shall govern.
 - 2. In no case shall the Town of Hochatown be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.
- D. Previously issued permits.** This zoning ordinance shall not require any change in the plans, construction, size, or designated use of a structure or part of a structure for which a building permit was granted before the effective date of this zoning ordinance, provided that construction pursuant to such permit is completed within 24 months of the issuance date of the permit.

20-1-4 RULES OF INTERPRETATION

- A. Severability.** The provisions of Title 1, Chapter 2 of the Hochatown Town Code, as amended, apply to this zoning ordinance.
- B. Cumulative effect.** The provisions of this zoning ordinance are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, and which govern any subject matter set forth within this zoning ordinance.
- C. General construction rules.** The language of this zoning ordinance shall be interpreted in accordance with the following rules of construction:
- 1. Number.** The singular shall include the plural, and the plural shall include the singular, unless the context clearly indicates otherwise.
 - 2. Tense.** The present, past, and future tense are inclusive of each other, unless the context clearly indicates otherwise.
 - 3. Mandatory language.** The words “shall” and “must” are mandatory.
 - 4. Permissive language.** The words “may” and “should” are permissive (i.e., optional).
 - 5. Text governs.** In case of conflict between the text of this zoning ordinance and a graphic display, the text shall govern.
 - 6. Lists and examples.** Unless otherwise stated, lists of items or examples that use terms like “including,” “such as,” or similar language are intended to provide examples and are not intended to be exhaustive or conclusive lists.
 - 7. Public officials and agencies.** All public officials, bodies, and agencies to which references are made in this zoning ordinance are intended to reference such officials, bodies, and agencies of the Town of Hochatown, unless otherwise expressly stated.
 - 8. Defined terms.** For the purpose of this zoning ordinance, words and phrases shall have the meanings set forth in Chapter 7 Definitions.
 - 9. Undefined terms.** Words and phrases not otherwise defined in this zoning ordinance shall be construed according to their commonly defined use in the Oxford English Dictionary.
- D. Conflicts with, and reference to, other laws.**
- 1. Restrictiveness.** Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards are the requirements that shall govern, unless otherwise specified.

2. Coordination with other regulations. No uses shall be allowed that are prohibited by state or federal law or that operate in excess of state or federal environmental, pollution, or performance standards as determined by or pursuant to the Bald and Golden Eagle Protection Act, the U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service, Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency or law, as the case may be.

3. Current references. Whenever reference is made to an ordinance, statute, regulation, or document, such reference shall be construed as referring to the most recent edition of such ordinance, statute, regulation, or document, or to the relevant successor document, unless otherwise expressly stated.

E. Classification of uses. In determining the classification of a proposed use that is undefined, or in determining if a proposed use qualifies as a principal or accessory use, the Town Administrator may consider, but shall not be limited to, the following as applicable:

1. Information provided by the applicant, including the contents of a zoning permit application;
2. Actual or projected characteristics of the use, their common association with established uses on a given lot, and their effects on permitted uses within the zoning district of the subject parcel;
3. Amount and type of products and/or services sold for on-site or off-site use;
4. Amount of floor space and/or equipment and/or outdoor storage that would be provided for the use;
5. Amount of pedestrian, bicycle, and/or vehicular traffic typically associated with the use;
6. Amount of parking demands typically associated with the use;
7. Size (including footprint area and height) of the structure(s) proposed for the use;
8. Location of the associated structure or use in relation to the location of other structures and uses on the same parcel;
9. Noise, lighting, dust, and/or odors typically associated with the use;
10. Number of employees on a typical shift;
11. Use and/or storage of hazardous materials; and
12. Hours of operation for the use.

F. Interpretation of zoning district boundaries. Where uncertainty exists with respect to the boundaries of any districts as shown on the official zoning map, the following rules apply:

1. **Centerlines.** Boundaries indicated as approximately following the centerlines of rights-of-way or access easements shall be construed to follow such centerlines.

2. **Parcel lines.** Boundaries indicated as approximately following parcel lines shall be construed to follow such parcel lines.
3. **Town limits.** Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. **Waterways.** Boundaries indicated as approximately following banks, shores, and similar edges of waterways shall be construed as following such banks, shores, and similar edges of waterways.
5. **Natural features.** Boundaries indicated as parallel to, or extensions of, features indicated in Subsections (1) through (4), above, shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
6. **Vacated public way.** Whenever any right-of-way is vacated by an official action of the Board of Trustees or the governing body having jurisdiction over the right-of-way, the adjacent zoning district shall be assigned to the centerline of such vacated right-of-way.
7. **Boundary as a condition of a zoning map amendment.** The zoning district applied to a tract of land adjacent to a right-of-way shall extend to the centerline of such right-of-way, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the right-of-way.
8. **Interpretation.** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by this section, the Town Administrator shall interpret the district boundaries.

20-1-5 GENERAL RULES OF MEASUREMENT

- A. **Standards for rounding.** When a calculation results in a fractional number, any fraction less than one-half shall be rounded down to the next whole number. Any fraction of one-half or greater shall be rounded up to the next whole number.

B. Distance measurements. Unless otherwise expressly stated, all distances specified in this zoning ordinance shall be measured as the shortest length of an imaginary straight line joining two reference points, as shown in Figure 20-1-5-A.

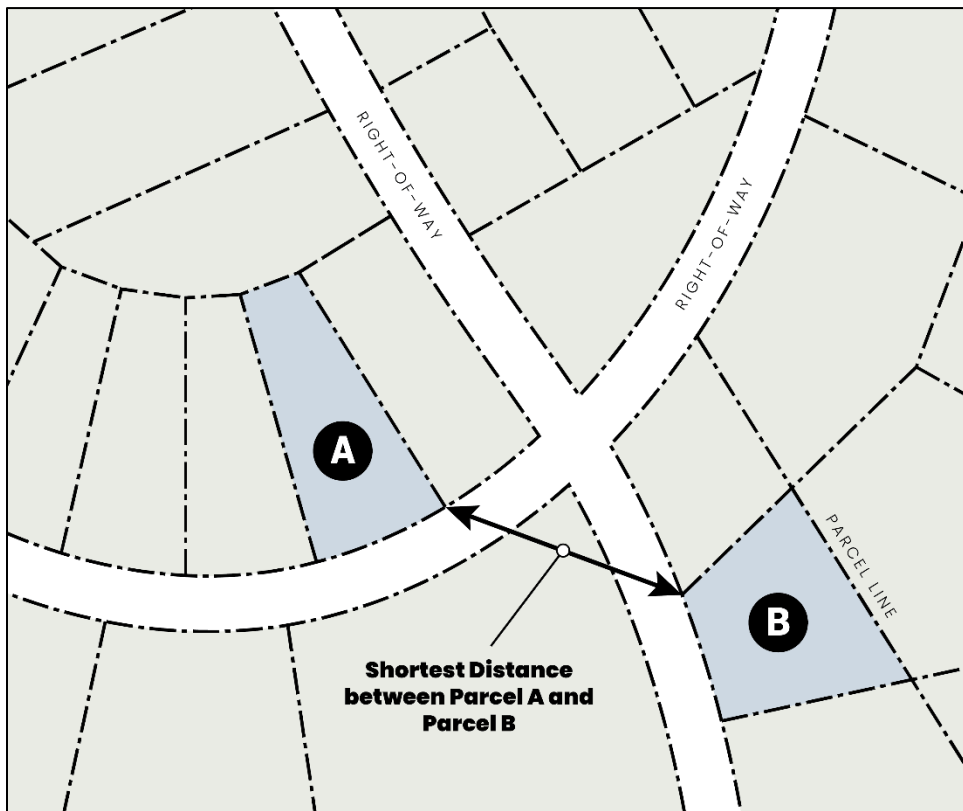


Figure 20-1-5-A: Example Distance Measurement between Parcels

20-1-6 RULES OF SETBACK MEASUREMENTS

A. Setback measurements. A setback is measured perpendicular to the referenced parcel line, access easement edge, or right-of-way edge, resulting in a line that follows the contours of, and is parallel to, the referenced parcel line, access easement edge, or right-of-way edge, as shown in Figure 20-1-6-A. Setbacks apply to all constructed or installed elements on a parcel, except for those exempted in Section 20-1-6B, below. Setbacks shall be measured and applied according to the following standards:

- 1. Priority of setback types.** Where a required minimum setback from a parcel line and a required minimum setback from an access easement or right-of-way overlap, the minimum required setback from an access easement or right-of-way shall supersede the minimum required setback from a parcel line, as shown in Figure 20-1-6-A. A smaller required setback from an access easement or right-of-way may replace an otherwise larger required setback from a parcel line.

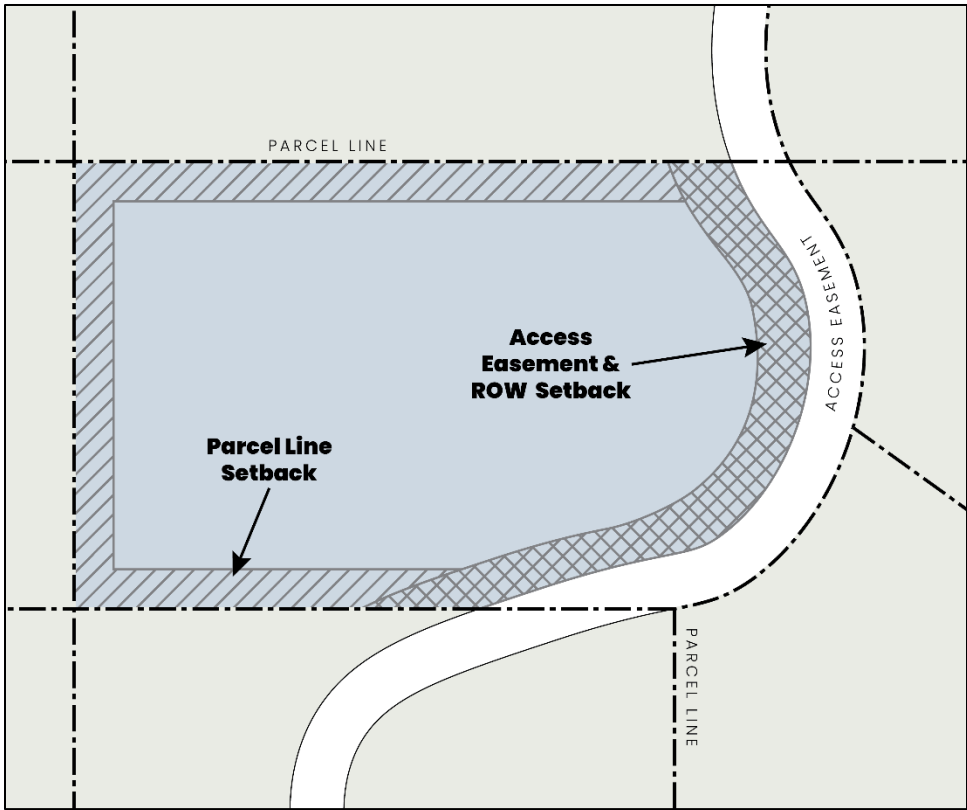


Figure 20-1-6-A: Priority and Contours of Setbacks

2. Setback from right-of-way. Where a parcel line abuts an access easement or a right-of-way, the minimum required setback from an access easement or right-of-way shall apply along such area, measured from the right-of-way or access easement as shown in Figure 20-1-6-B.

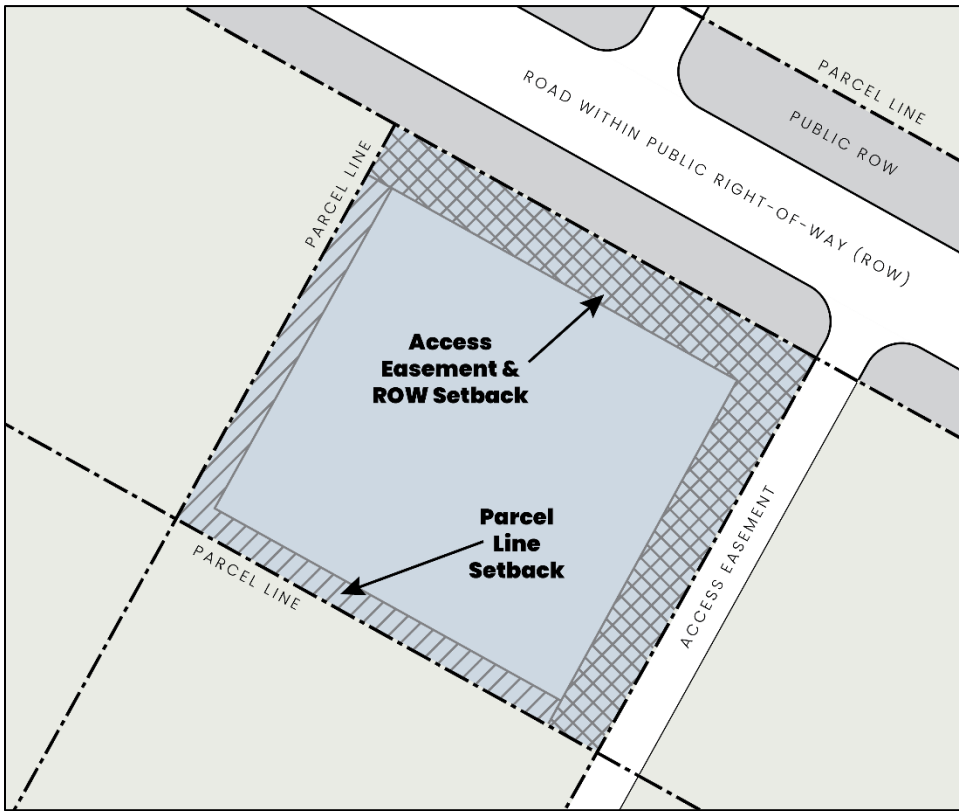


Figure 20-1-6-B: Setback from abutting Access Easements or Rights-of-Way

3. Multiple access easements or rights-of-way. Where a parcel abuts and/or is served by more than one access easement or right-of-way, minimum required setbacks from access easements or rights-of-way shall apply along each such area, as shown in Figure 20-1-6-B and Figure 20-1-6-C.

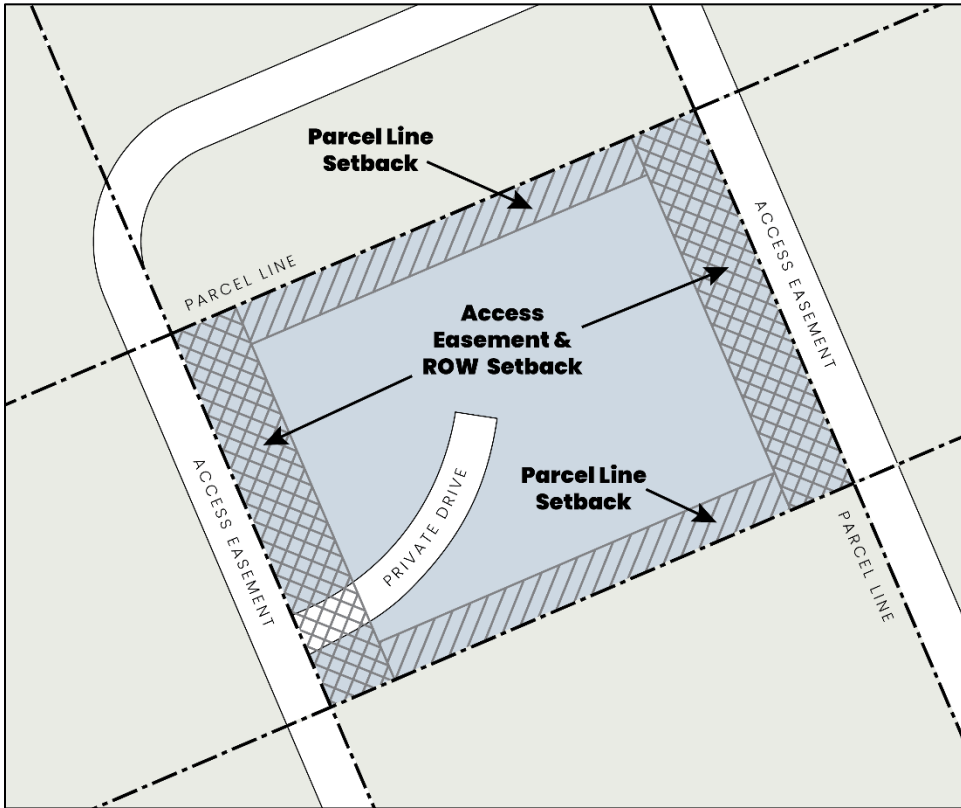


Figure 20-1-6-C: Setbacks from multiple Access Easements or Rights-of-Way

4. **Parcel line fully within an access easement.** Where a parcel line extends into an access easement, the minimum required setback from an access easement shall apply along such area and shall be measured from the edge of the easement, not the parcel line, as shown in Figure 20-1-6-D.

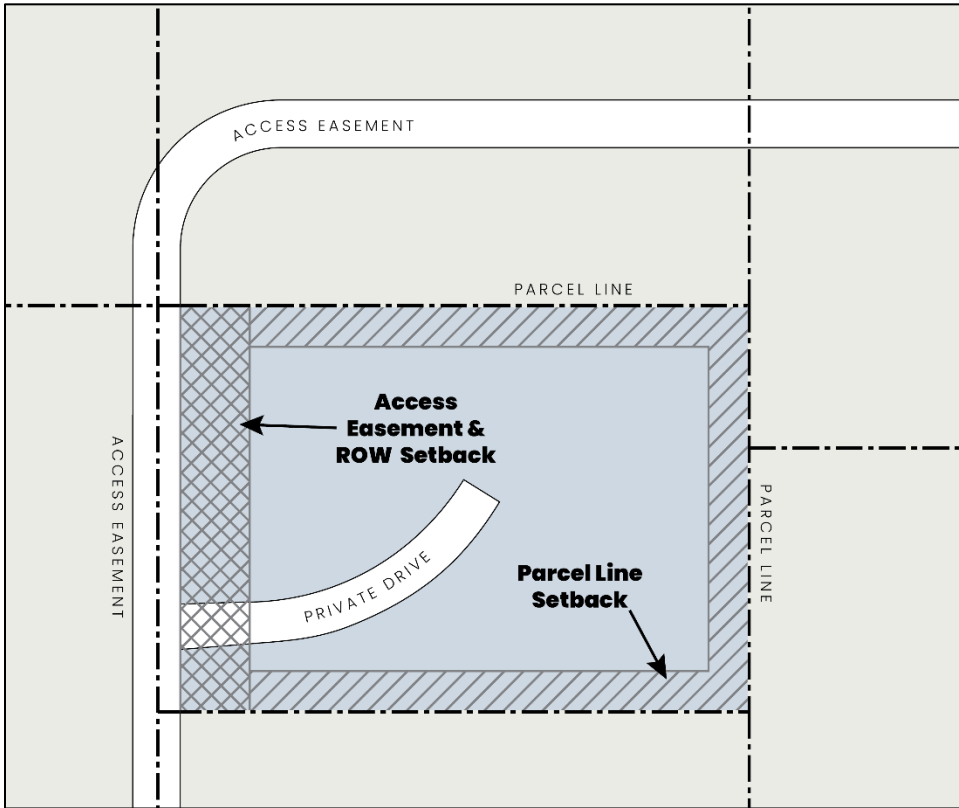


Figure 20-1-6-D: Setbacks for Parcel Lines completely within an Access Easement

5. Parcel line partially within an access easement. Where a parcel line partially extends into an access easement, the minimum required setback from an access easement shall apply along such area and shall be measured from the edge of the easement, not the parcel line. Any applicable parcel line setback shall apply to the remaining portions of the parcel, as shown in Figure 20-1-6-E.

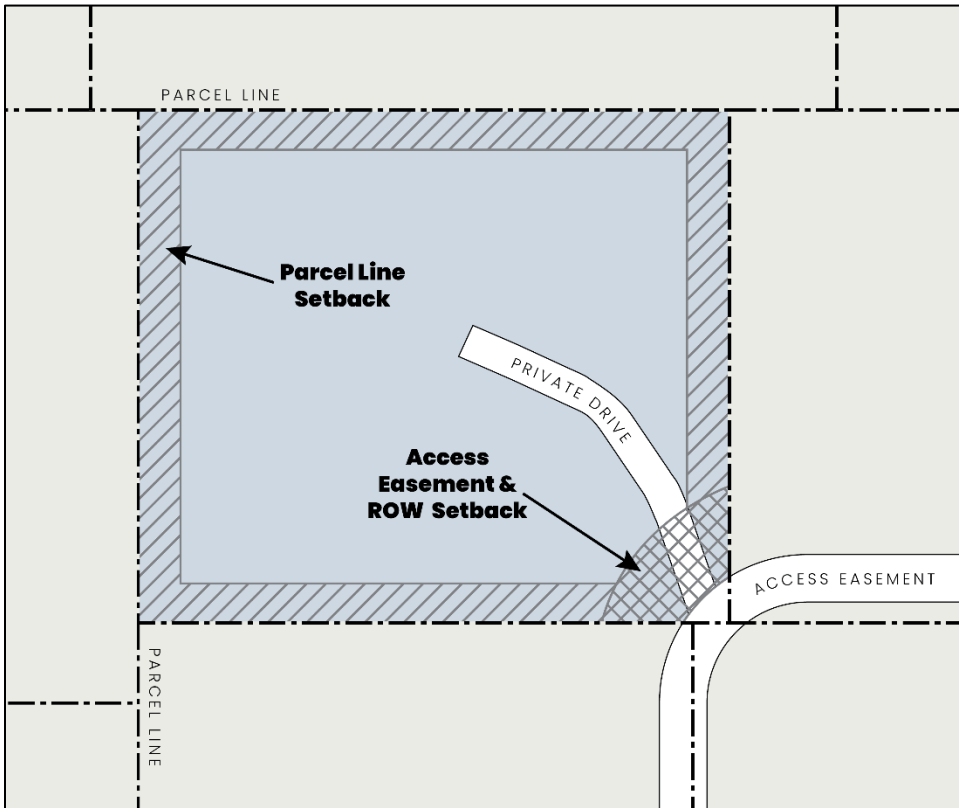


Figure 20-1-6-E: Setbacks for Parcel Lines Partially within an Access Easement

6. Access easement splitting a parcel. Where an access easement divides a parcel into two or more non-contiguous parts, the minimum required setback from an access easement shall be measured along all sides of the easement, as shown in Figure 20-1-6-F.

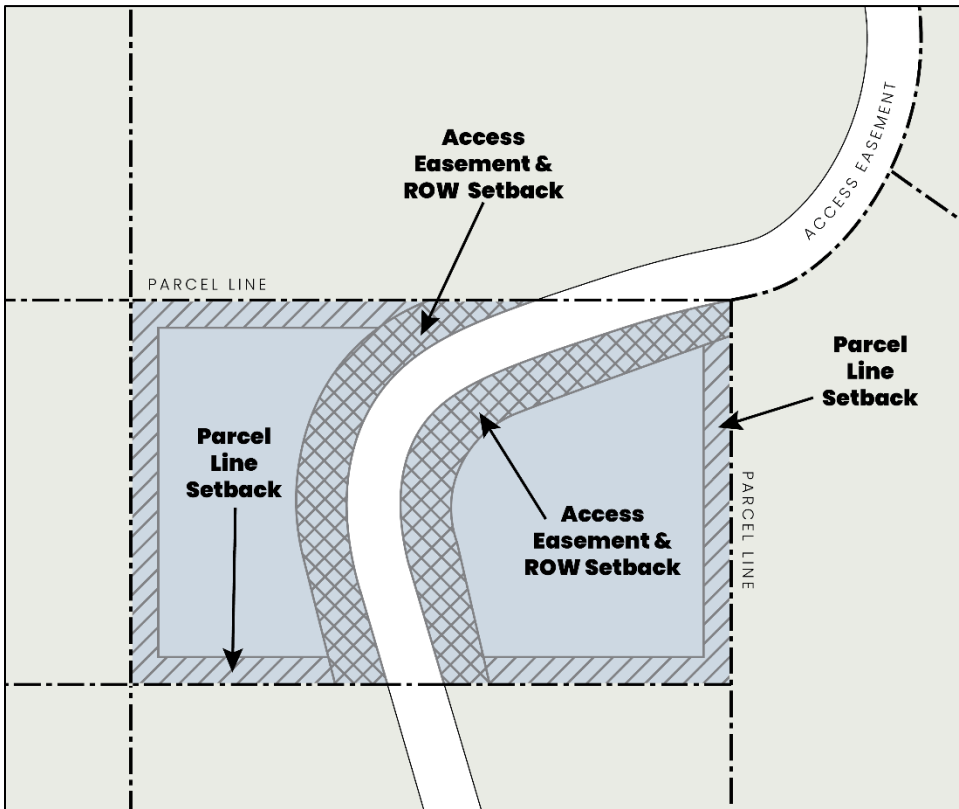


Figure 20-1-6-F: Setbacks from Access Easements within Parcels

B. Exemptions from setback measurements. Setback requirements shall not apply to the following:

1. Uncovered circulation paths for walking or biking (e.g., sidewalks and biking paths);
2. Uncovered circulation paths for driving (e.g., driveways and vehicular parking aisles – exclusive of spaces for vehicle parking); and
3. Fences and walls that do not require a building permit (e.g., fences and walls of a low enough height such that their construction does not require review per building code).

20-1-7 RULES OF HEIGHT MEASUREMENTS

A. Average grade level measurements. The average grade shall be measured as the average between the highest and lowest grade points of that portion of the land covered by, or proposed to be covered by, the structure, as shown in Figure 20-1-7-A.

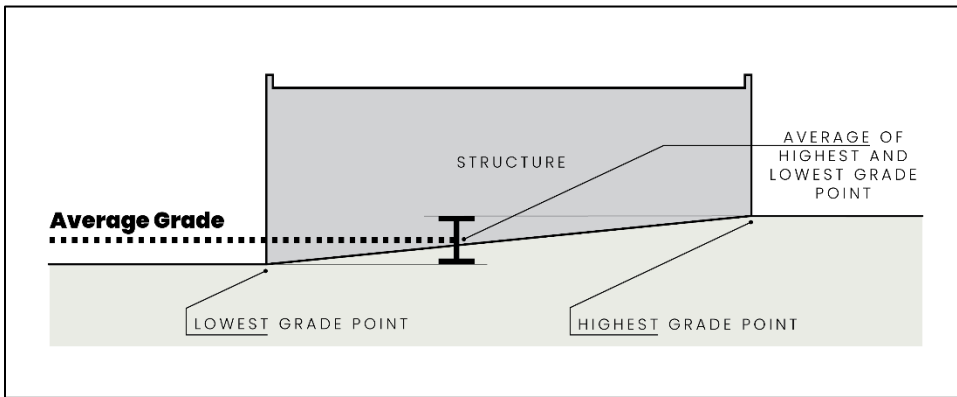


Figure 20-1-7-A: Average Grade Measurements

B. Structure height measurements. Except for those elements exempted in Section 20-1-7C, below, structure height measurements shall be applied to each separate structure and shall be measured as the vertical distance from the average grade line to the average height of the highest gable of a pitched or hipped roof, or to the highest point of coping of a flat roof, or to the deck line of a mansard roof, as shown in Figure 20-1-7-B.

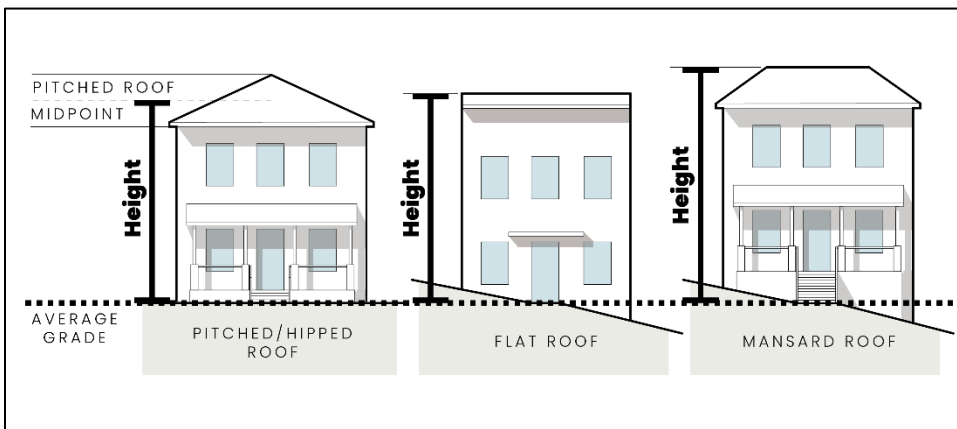


Figure 20-1-7-B: Structure Height Measurement

C. Exemptions from structure height measurements. The following elements may be constructed or installed above, and shall not count against, maximum structure height standards:

1. Chimneys and smokestacks;

2. Ground-mounted flag poles, where such flag poles are no taller than 1.25 times the maximum permitted height of a structure in the applicable zoning district;
3. Penthouse structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment, where such structures have a cumulative area that is less than 25 percent of the roof area of the structure and where such structures are no taller than 15 feet;
4. Radio- or television-signal-receiving devices;
5. Stage/screen lofts, where such structures are no taller than 15 feet;
6. Steeples and bell towers;
7. Structure-mounted flag poles, where such flag poles are no taller than 10 feet;
8. Water tanks; and
9. Elements similar to those aforementioned.

Chapter 2 Districts

20-2-1 ESTABLISHMENT OF OFFICIAL ZONING MAP AND DISTRICTS

- A. Establishment of official zoning map.** The Town is divided into distinct geographic areas, known as districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this zoning ordinance.
- B. Establishment of districts.** The official zoning map may include the districts listed below. Throughout this zoning ordinance, such districts may be referred to by the abbreviations also shown below:
1. Agricultural District (AG)
 2. Residential District (RS)
 3. Commercial District (CM)
 4. Mixed-Use District (MU)
 5. Industrial District (ID)
 6. Choctaw Trust District (CT)
- C. Changes to official zoning map.** No changes of any nature shall be made to the official zoning map except in accordance with Section 20-6-7 Legislative Review.
- D. Zoning of annexed land.** When land is annexed or otherwise brought into the zoning jurisdiction of the Town, it may be classified in the Agricultural District (AG) or assigned another zoning classification based on the comprehensive plan, the existing land uses, any applicable annexation agreement, and/or other relevant considerations.

20-2-2 COMMERCIAL DISTRICT (CM)

- A. Coordination with Town Code.** For the purposes of Title 4 “Business and License Regulations,” Chapter 5 “Retail Marijuana Establishments,” of the Hochatown Town Code, the Commercial District (CM) is considered a “general commercial district.”

20-2-3 CHOCTAW TRUST DISTRICT (CT)

- A. Applicability.** The provisions of this zoning ordinance that apply to the Choctaw Trust District (CT) shall not be enforced on property owned by the Choctaw Nation. Upon conveyance or lease of property in the CT district to no longer be subject to the sovereign power of Choctaw Nation, the provisions of the CT district shall be enforced. Nonconformities are subject to the provisions of Chapter 5 Nonconformities.

Chapter 3 Use Provisions

20-3-1 GENERAL USE PERMISSIONS

A. Comprehensive table. The use permissions in Table 20-3-1-A: Use Permissions identify for each zoning district—referenced by the abbreviations provided in Section 20-2-1—the principal uses and select accessory uses that are allowed by-right through approval of a zoning permit, allowed through approval of a special exception, or prohibited per the following key:

1. A filled circle (“●”) identifies a use that is allowed through approval of a zoning permit (per Section 20-6-3 Zoning Permit) within a specified zoning district.
2. An unfilled circle (“○”) identifies a use that is allowed through approval of a special exception (per Section 20-6-6 Special Exception) within a specified zoning district.
3. A hyphen (“–”) identifies a use that is prohibited within a specified zoning district.

B. Modification of permissions. The permissions in Table 20-3-1-A: Use Permissions may be modified by the use-specific provisions this Chapter 3 Use Provisions.

Table 20-3-1-A: Use Permissions

Use (Use-Specific Standards)	Districts					
	AG	RS	CM	MU	ID	CT
Principal Agriculture and Animal Uses						
Agriculture	●	–	–	–	–	–
Animal Boarding / Grooming / Sales	○	–	●	–	●	–
Neighborhood Agriculture	●	●	–	●	–	●
Veterinary Facility	○	–	○	–	●	–
Principal Automotive Uses						
Automotive Body / Major Repair	–	–	–	–	●	–
Automotive Charging	–	–	●	–	●	●
Automotive Fueling	–	–	●	–	●	–
Automotive Minor Service	–	–	○	–	●	–
Automotive Sales or Rental	–	–	○	–	●	–
Automotive Wash	–	–	●	–	●	–
Drive-Thru Facility	–	–	○	–	○	–
Vehicle Parking Lot (Sec. 20-3-12)	–	–	●	–	●	–
Vehicle Parking Structure (Sec. 20-3-13)	–	–	●	○	●	●

Use (Use-Specific Standards)	Districts					
	AG	RS	CM	MU	ID	CT
Principal Commercial and Office Uses						
Commercial Retail Sales	–	–	●	–	●	–
Heliport / Helistop	–	–	–	–	–	–
Medical Marijuana Dispensary	–	–	–	–	○	–
Office	–	–	●	●	●	–
Pawn Shop	–	–	–	–	–	–
Personal Services	–	–	●	●	●	–
Recreation / Entertainment, Indoor (Sec. 20-3-7)	–	–	●	○	●	○
Recreation / Entertainment, Outdoor (Large) (Sec. 20-3-8)	–	–	○	○	○	○
Recreation / Entertainment, Outdoor (Small) (Sec. 20-3-8)	–	–	●	○	●	○
Restaurant or Bar (Sec. 20-3-9)	–	–	●	○	●	–
Sexually Oriented Business	–	–	–	–	○	–
Telecommunications Facility (Sec. 20-3-11)	○	–	○	–	○	–
Principal Industrial Uses						
Industrial, Heavy (Sec. 20-3-5)	–	–	–	–	○	–
Industrial, Light	–	–	○	–	●	–
Medical Marijuana Cultivation or Processing	–	–	–	–	–	–
Outdoor Storage	–	–	–	–	●	–
Resource Extraction or Storage	–	–	–	–	–	–
Storage / Warehouse Facility	–	–	–	–	●	○
Wholesale Retail	–	–	–	–	●	–
Principal Institutional Uses						
Arts and Cultural Establishment	–	–	○	○	●	○
Cemetery	○	–	○	○	●	○
Day Care (Sec. 20-3-3)	●	●	●	●	–	●
Death Care (Sec. 20-3-4)	–	–	●	–	●	–
Government and Public Use	●	●	●	●	●	●
Medical Care	–	–	●	○	●	–
Religious Place of Worship	●	●	●	●	●	●
School or Library	–	–	●	●	●	●

Use (Use-Specific Standards)	Districts					
	AG	RS	CM	MU	ID	CT
Transportation Services	–	–	○	–	●	–
Principal Lodging Uses						
Bed and Breakfast	–	–	○	–	–	–
Boarding / Rooming House	–	–	–	–	–	–
Hotel / Motel	–	–	●	○	●	–
Recreational Vehicle (RV) Park	○	○	●	○	–	○
Short-Term Rental (Sec. 20-3-10)	●	●	●	●	–	●
Principal Residential Uses						
Dwelling, Multi-Unit (3+ Units)	–	–	●	●	–	●
Dwelling, One-Unit	●	●	○	●	–	●
Dwelling, Two-Unit	○	○	○	●	–	●
Household Care Facility	●	●	●	●	–	●
Life Care Facility	–	–	●	○	–	○
Mobile Home Park	–	–	–	–	–	–
Accessory Uses						
Accessory Dwelling Unit	●	○	–	●	–	●
Automotive Charging – Accessory	●	●	●	●	●	●
Home Occupation (Sec. 20-3-6)	●	●	–	–	–	–
Outdoor Storage – Accessory	●	–	–	–	●	–
Vehicle Parking Lot – Accessory (Sec. 20-3-12)	●	●	●	●	●	●
Vehicle Parking Structure – Accessory (Sec. 20-3-13)	●	●	●	●	●	●

C. General performance standards. All uses, whether principal or accessory, which are established or placed into operation on or after the effective date of this zoning ordinance must comply with the following performance standards. No use in existence prior to the effective date of this zoning ordinance may be altered or modified in a manner that conflicts with the standards below. Uses that violate the following standards shall be considered a nuisance:

- 1. Glare, heat, and exterior light.** Any operation producing intense light or heat, such as high-temperature processing, combustion, welding, or other, shall be performed within an enclosed building except where otherwise expressly allowed, and shall not be visible beyond any parcel line bounding the subject parcel.

2. **Liquid or solid waste.** No use shall discharge at any point into any public sewer, private sewage disposal system, stream, or into the ground, any materials of such nature as can contaminate any water supply or interfere with bacterial processes in sewage treatment.
3. **Vibrations.** No use may be located—and no equipment may be installed—in such a manner as to produce intense, earth-shaking vibrations which are perceptible without the aid of instruments at or beyond the parcel line bounding the subject parcel.
4. **Noise.** No use may produce noise at a level greater than the ambient noise of surrounding development where such noise is perceptible without the aid of instruments at or beyond any parcel line bounding the subject parcel.
5. **Dust and smoke.** Dust, smoke, and particulate matter must be so controlled as to not produce a hazard or nuisance beyond any parcel line bounding the subject parcel.

20-3-2 ACCESSORY USE PERMISSIONS

- A. Accessory uses allowed.** In addition to the accessory uses identified in Table 20-3-1-A: Use Permissions, other accessory uses are be permitted in all districts provided:
1. The use is not identified as a prohibited use in Table 20-3-1-A: Use Permissions for the applicable district;
 2. The use is customarily associated with and subordinate to the principal use on the subject parcel;
 3. The use is located on the same lot as the principal use which it serves; and
 4. The use complies with all applicable dimensional standards and use-specific standards.
- B. Accessory uses identified.** The Town Administrator shall determine whether a proposed accessory use is “customarily associated with” and “subordinate to” a principal use based on the provisions of Section 20-1-4E and any other information deemed relevant.
- C. Residential accessory uses.** A home occupation may be permitted as accessory to a residential use, subject to the provisions of Section 20-3-6 Home Occupation.

20-3-3 DAY CARE

- A. Limitations within certain districts.** Within the Agriculture (AG) and Residential (RS) zoning districts, a day care must operate as a family home (child-care in a place of residence) wherein all the following requirements are met:
1. The dwelling where care is provided is also the caretaker’s primary residence.
 2. Care is provided for not more than 6 children under 14 years of age, excluding the caretaker’s own children.
 3. After-school care may be provided for not more than 6 additional children.

4. The total number of children, including the caretaker's own children, provided with care shall not exceed 12 at any given time.
5. Employment of other persons who do not live in the dwelling as their primary residence is prohibited.
6. The facility must conform to the Oklahoma Child Care facilities Licensing Act, 10 Oklahoma Code Section 401-410, as amended, and in accordance with such standards as may be promulgated by the Oklahoma Human Services.

20-3-4 DEATH CARE

- A. Crematories restricted.** Crematories are only permitted within the Industrial (ID) zoning district.

20-3-5 HEAVY INDUSTRIAL

- A. Minimum separation required.** Principal structures and accessory structures associated with or utilized for a heavy industrial use must not be closer than 500 feet to a parcel with a residential use or closer than 500 feet to a parcel with a school or library use. This provision shall not be construed to prohibit on-site training for heavy industrial uses.

20-3-6 HOME OCCUPATION

A. Purpose and intent.

1. The permissions and restrictions provided herein for home occupations are intended to secure flexibility in support of non-residential activities that are very limited in scale, scope, and intensity. These permissions and restrictions shall not be construed to allow deviations from the essential residential character of residential zoning districts in terms of use and appearance.
2. These permissions and restrictions shall not be construed to prohibit non-residential uses in dwellings where such dwellings are within the Commercial (CM) or Mixed-Use (MU) zoning district.

- B. Residency requirement.** Home occupations shall only be allowed on the same parcel as the operators' dwelling that serves as their primary residence.

- C. Subordination required.** Home occupations shall be clearly incidental and subordinate to the use of the parcel for residential purposes by its occupants. Except for Day Cares operating in accordance with Section 20-3-3A, home occupations shall not occupy more than 20 percent of the gross floor area of the associated principal structure and accessory structures.

- D. Employment limited.** Employment of other persons who do not live in the dwelling as their primary residence is prohibited.

- E. Performance restrictions.** Home occupations shall not utilize mechanical, electrical, or other equipment which produces noise, produces electrical or magnetic interference, or causes

fluctuation in line voltage, vibration, heat, glare, or other nuisances outside of the dwelling unit in which the home occupation is located.

- F. Traffic generation restrictions.** Home occupations shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the zoning district in which it is located.
- G. Exterior displays prohibited.** No commodity or stock in trade shall be sold, displayed, or stored outside or inside the premises. This provision shall not be construed to prohibit yard sales that operate less than three times in a calendar year on a residential property.
- H. Visits from carrier vehicles limited.** Home occupations shall not require an excessive use of common carrier vehicles for delivery of materials to or from the premises above a level that is reasonable or normal to the district in which it is located.
- I. Separate entrance prohibited.** The dwellings in which home occupations are operated shall not be altered to have a separate exterior entrance between the dwelling unit and the home occupation.
- J. Prohibited types of home occupations.** The following types of home occupations shall be prohibited:
 - 1. Home occupations where the dwelling serves as a gathering point for employees who are engaged in business that takes place outside of the parcel containing the home occupation. Such home occupations include, but are not limited to, landscaping business offices, construction offices, or trucking businesses where drivers or employees gather at the dwelling before being dispatched from the home for the purposes of the home occupation;
 - 2. Home occupations that require fire safety inspections, precautions, or permits, or that require other regulatory inspections or permits beyond those required by this zoning ordinance;
 - 3. Home occupations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; and
 - 4. Home occupations that involve the use of controlled substances.

20-3-7 RECREATION / ENTERTAINMENT, INDOOR

- A. Gun range restricted.** Indoor gun ranges must be in a soundproof building.

20-3-8 RECREATION / ENTERTAINMENT, OUTDOOR

- A. Applicability.** The provisions of this section apply to large outdoor recreation and small outdoor recreation uses.
- B. Gun range restricted.** Outdoor gun ranges are not permitted.

20-3-9 RESTAURANT OR BAR

- A. Food truck park / mobile food unit standards.** Food truck parks and mobile food units are subject to the following:

1. A food truck park shall not remain open for longer than 18 hours in any 24-hour period.
2. Mobile food units shall only operate within a food truck park.
3. The number of mobile food unit spaces allowed at a food truck park shall be calculated at a maximum of 1 mobile food unit per 1,000 square feet of parcel area.
4. A food truck park shall have a maximum of 10 vendor spaces.
5. During hours of operation, each mobile food unit must provide a trash receptacle for use by customers and shall ensure the area is always kept clear of litter and debris. A common dumpster may instead be provided if screened in accordance with applicable screening requirements.
6. No mobile food unit may be parked on an unimproved surface.
7. A food truck park must provide a minimum of one restroom for every five mobile food units, with such restroom located within 250 feet of the mobile food units.
8. A food truck park must provide a minimum of one handwashing station or one hand sanitation station for every two mobile food units, with such stations located within 50 feet of the mobile food units.
9. A food truck park must provide a minimum of two tables and six seats for each mobile food unit, and each mobile food unit must be within 200 feet of such tables and seats.
10. A valid food facility health permit issued by McCurtain County for the mobile food unit must be displayed in a place visible to the public.

20-3-10 SHORT-TERM RENTAL

- A. Defined outside of zoning ordinance.** “Short-term rental” uses are only those uses that meet the definition of “short-term rental” provided in Title 4 “Business and License Regulations,” Chapter 6 “Short-Term Rental,” of the Hochatown Town Code, as amended.
- B. Licensing required.** Before the operation of a short-term rental, a license is required per Title 4 “Business and License Regulations,” Chapter 6 “Short-Term Rental,” of the Hochatown Town Code, as amended.

20-3-11 TELECOMMUNICATIONS FACILITY

- A. Require review documents.** The following information is required to be submitted for complete review applications of a proposed telecommunications facility:
 1. **Other governmental approval required.** Copies of written approval from federal, state, and county offices, as applicable, must be submitted as part of a special exception application or other approval for a tower required by this zoning ordinance. Such other governmental offices

may include, but are not limited to, the Federal Communications Commission and the Federal Aviation Administration.

2. Coverage map. A map of the proposed telecommunications facility location and the surrounding vicinity showing existing telecommunications facilities, existing service coverage, and proposed coverage after construction must be submitted as part of a special exception application or other approval for a tower required by this zoning ordinance.

3. Fall plan approval required. A tower fall plan prepared by a licensed engineer must be reviewed and approved as part of a special exception application or other approval for a tower required by this zoning ordinance.

B. Minimum separation. As measured in a straight line between the nearest points of one parcel to another, a parcel proposed for a new commercial communications tower shall be located no less than 2,000 feet away from any other parcel containing a communications tower greater than 50 feet in height.

C. Height of facilities. Broadcast, cellular, communications, commercial, or other towers (“Towers”) may exceed the height limits of a given zoning district, up to a maximum height of 150 feet, if located a distance from all parcel boundary lines equal to at least three times the height of the tower.

D. Design of towers. Towers shall be of a stealth, unipole design with no exterior antennas, wires, racks, or transmitters. Towers shall be finished in muted, dull shades of color, or shall match the background color of the landscape and terrain.

E. Collocation required. Commercial towers shall be designed to accommodate co-located antennas for multiple users and carriers. No new towers shall be permitted unless it is demonstrated in the required review process that no existing antenna support structure can accommodate the proposed antenna. Evidence submitted to demonstrate a lack of viable collocation may include:

1. No existing towers or structures are located within the geographic area that meet the engineering requirements of the proposed antenna and related equipment;
2. Existing towers or structures are not of sufficient height to meet the engineering requirements of the proposed antenna; and/or
3. The contents of the application clearly and quantitatively demonstrate that there are other limiting factors that render existing towers and structures unsuitable.

F. Site screening. Tower sites must be screened with a minimum 8-foot-tall solid masonry wall and security gate(s).

G. Site access. Commercial towers shall be accessible by a 24-foot-wide concrete fire lane, subject to review and approval by the Fire Marshal.

H. Attached antennas.

1. Antennas may be attached to a structure regardless of the height of said structure, provided that the antenna does not extend more than 10 feet above the height of the structure to which it is attached.
2. Antennas may be mounted flush to the exterior of a structure if they are painted or otherwise disguised to integrate into the overall architectural design, causing the antennas to not be readily visible from rights-of-way or neighboring properties in a residential zoning district.

20-3-12 VEHICLE PARKING LOT

- A. Minimum setbacks apply.** A vehicle parking lot, whether it is the principal use of a parcel or it is an accessory use on a parcel with a principal structure, shall be subject to the applicable minimum setback requirements of Table 20-4-2-A: Dimensional Standards by District.
- B. Accessory vehicle parking lot in AG and RS districts.** Within the Agriculture (AG) and Residential (RS) zoning districts, a vehicle parking lot may only serve as accessory to a principal use where the principal use of the subject parcel is not within the residential uses category of Table 20-3-1-A: Use Permissions.
- C. Vehicle parking lot in ID district.** Within the Industrial (ID) zoning district, use of an approved vehicle parking lot may include storage of commercial vehicles (typically with a gross vehicle weight greater than 16,000 pounds), commercial trailers, fleet vehicles, and associated equipment.
- D. Access points.** The design of access points between a parcel line and a parking lot is subject to the standards of Section 20-4-4 Traffic Access.
- E. Reduced minimum setbacks for cross-access.** Where a cross-access easement (per Section 20-4-4 Traffic Access) is recorded, the minimum required setback (per Table 20-4-2-A: Dimensional Standards by District) for the associated parking lot may be reduced by up to 50 percent along the parcel line(s) for which the cross-access easement applies.

20-3-13 VEHICLE PARKING STRUCTURE

- A. Minimum setbacks apply.** A vehicle parking structure, whether it is the principal use of a parcel or it is an accessory use on a parcel with a principal structure, shall be subject to the applicable minimum setback requirements of Table 20-4-2-A: Dimensional Standards by District.
- B. Accessory vehicle parking structure in AG and RS districts.** Within the Agriculture (AG) and Residential (RS) zoning districts, a vehicle parking structure may only serve as accessory to a principal use where the principal use of the subject parcel is not within the residential uses category of Table 20-3-1-A: Use Permissions.
- C. Vehicle parking structure in ID district.** Within the Industrial (ID) zoning district, use of an approved vehicle parking structure may include storage of commercial vehicles (typically with a

gross vehicle weight greater than 16,000 pounds), commercial trailers, fleet vehicles, and associated equipment.

D. Access points. The design of access points between a parcel line and a parking structure is subject to the standards of Section 20-4-4 Traffic Access.

Chapter 4 Dimensional Development Standards

20-4-1 DIMENSIONAL STANDARDS APPLICABILITY

- A. General applicability.** Except where otherwise specified, the standards of this section apply to all principal structures, accessory structures, and other constructed or fixed improvements on a given parcel, including parking areas and parking pads.
- B. Standards modified by use-specific standards.** The standards of Table 20-4-2-A may be modified by the provisions of Chapter 3 Use Provisions.
- C. Standards modified for accessory structures.** The standards of Table 20-4-2-A may be modified by the provisions of Section 20-4-3 Accessory Structures.

20-4-2 DIMENSIONAL STANDARDS TABLE

- A.** The standards in Table 20-4-2-A identify for each zoning district minimum required setbacks and maximum allowed structure heights.

Table 20-4-2-A: Dimensional Standards by District

Standards	Districts					
	AG	RS	CM	MU	ID	CT
Setback from Access Easement or Right-of-Way (min.)	25 feet	25 feet	25 feet	25 feet	25 feet	20 feet
Setback from Parcel Lines (min.)	50 feet	20 feet	40 feet	25 feet	25 feet	40 feet
Structure Height (max.)	35 feet	35 feet	55 feet	55 feet	35 feet	60 feet

20-4-3 ACCESSORY STRUCTURES

- A. Accessory structures allowed.** Accessory structures are permitted in all districts, provided:
1. The structure is customarily associated with and subordinate to the principal use on the subject parcel;
 2. The structure is subordinate in size, height, area, and extent to the principal structure or use on the subject parcel;
 3. The structure is located on the same parcel as the principal structure or use which it serves;
 4. The structure complies with all applicable dimensional standards and use-specific standards; and
 5. The structure is not closer to a right-of-way or access easement than a principal structure, unless said principal structure is set back 200 feet or more from such right-of-way or access easement.

B. Accessory structures identified. The Town Administrator shall determine whether a proposed accessory structure is “customarily associated with” and “subordinate to” a principal use based on the provisions of Section 20-1-4E and any other information deemed relevant.

C. Example residential accessory structures. Accessory structures customarily associated with residential principal uses include but are not limited to:

1. Garden shed.
2. Gazebo.
3. Play equipment.
4. Private garage.
5. Swimming pool.

D. Example non-residential accessory structures. Accessory structures customarily associated with non-residential principal uses include but are not limited to:

1. Dumpster and associated enclosure.
2. Vehicle parking lot.
3. Vehicle parking structure.

E. Dumpster screening required. Dumpsters that are not within an enclosed structure must be screened within opaque walls or fences and a closeable gate that are at least 6 feet tall.

20-4-4 TRAFFIC ACCESS

A. Purpose. The purpose of this section is to support the development of a pedestrian and vehicular network that is safe, that reduces local-traffic reliance on major thoroughfares such as U.S. Route 259, that provides multiple pathways for emergency responders to reach emergency events, that connects neighborhoods and local destinations (such as employment, shopping, and tourism centers) to each other, and that consolidates and reduces potential points of conflict along major thoroughfares.

B. Vehicular access points along or near U.S. Route 259. Vehicular access points (e.g., curb cuts and curb-less driveways) for all parcels abutting the U.S. Route 259 right-of-way are subject to the following:

1. Vehicular access points are prohibited within 250 feet of intersections between U.S. Route 259 and other rights-of-way or access easements, including planned rights-of-way or access easements formally adopted by the Town of Hochatown as part of a thoroughfare or similar plan.
2. The number of vehicular access points along U.S. Route 259 per parcel shall not exceed one per 300 feet of parcel width, as measured along U.S. Route 259.

3. The centerline of vehicular access points providing access to U.S. Route 259 must be located no less than 250 feet from the centerline of the nearest access points on the same side of U.S. Route 259.
4. The centerlines of vehicular access points on opposite sides of U.S. Route 259 must either be aligned or offset by not less than 200 feet from one another unless a raised center median within the roadway of U.S. Route 259 prevents direct vehicular access between the two access points.
5. Parcels with a principal use of one-unit dwelling or two-unit dwelling shall not have direct vehicular access to U.S. Route 259.

C. Cross-access required amongst certain subdivided parcels. All properties within MU, CM, ID, or CT zones, including previously developed parcels, that are proposed to be replatted or subdivided into smaller parcels must provide cross-access between adjacent newly created parcels to encourage shared parking and shared access points on public or private streets. The standards in Table 20-4-4-A: Cross-Access Requirements identify the type of cross-access required based on the type of development on the subject MU-, CM-, ID-, or CT-zoned parcel per the following key:

1. A filled circle (“●”) means that the identified type of cross-access that is required.
2. An unfilled circle (“○”) means that the identified type of cross-access is optional unless certain conditions are met.
3. Where cross-access of any type is required, a cross-access easement for the applicable connection points must be recorded before the issuance of a zoning permit and/or building permit for work on the newly created parcel.
4. When cross-access is deemed impractical by the Town Administrator on the basis of topography, the presence of natural features, legal considerations, or pedestrian and vehicular safety factors, requirements for vehicular cross-access may be waived provided that appropriate pedestrian connections are included in the development.

Table 20-4-4-A: Cross-Access Requirements

Type of Cross-Access Required	Type of Development in MU, CM, ID, or CT District				
	Change of Principal Use	Construction of New Principal or Accessory Use	Construction of New Parking Lot or Parking Structure	Expansion of Principal or Accessory Structure ⁽¹⁾	Expansion of Parking Lot or Parking Structure ⁽²⁾
Pedestrian Cross-Access	●	●	○ ⁽³⁾	●	●
Vehicular Cross-Access	○ ⁽⁴⁾	○ ⁽⁴⁾	●	○ ⁽⁴⁾	●

Notes:

- (1) Applies if the collective floor area of enclosed structures on the parcel is increased by 50% or more.
- (2) Applies if either the number of parking spaces within, or total surface area of, the parking lot or parking structure is increased by 50% or more.
- (3) Required if the subject parcel has an enclosed structure.
- (4) Required if the subject parcel has a parking lot or parking structure of any size.

D. Standard pedestrian cross-access design. Pedestrian cross-access shall meet the minimum standards provided below, except where an alternative design is approved. Existing connections across parcel lines that meet the following standards may be counted towards required cross-access:

1. Pedestrian cross-access must provide at least one contiguous walking path that is a minimum of 5 feet wide and that connects the primary entrance of the principal structure to the parcel lines of applicable abutting parcels. This contiguous walking path may be interrupted by vehicular paths if clearly marked crosswalks are provided.
2. Where a stub walkway or similar connection point is available from an abutting parcel, the pedestrian cross-access on the subject parcel must align with such stub walkway.
3. Where a stub walkway or similar connection point is not available from an abutting parcel, the pedestrian cross-access on the subject parcel must be designed to allow for practical future connection from the abutting parcel. A stub walkway may not be designed to terminate into an enclosed structure, parking space, or parking structure on the abutting parcel if such walkway were continued in the same direction from the stub by 10 feet into the abutting parcel.

E. Standard vehicular cross-access design. Vehicular cross-access shall meet the minimum standards provided herein, except where an alternative design is approved. Existing connections across parcel lines that meet the following standards may be counted towards required cross-access:

1. Vehicular cross-access must provide at least one contiguous vehicular path extending from each abutting applicable parcel with a paved and drivable surface at least 24 feet wide for a minimum distance of 25 feet along the path of travel. This provision is not intended to prohibit the construction of a median that separates opposite directions of travel. A vehicular path that connects the parking lot(s) and/or parking structure(s) on the parcel to the vehicular cross-access point(s) must be provided.
2. Where a stub driveway or similar connection point is available from an abutting parcel, the stub driveway on the subject parcel must align with such stub driveway.
3. Where a stub driveway or similar connection point is not available from an abutting parcel, the vehicular cross-access on the subject parcel must be designed to allow for practical future connection from the abutting parcel. A stub driveway may not be designed to terminate into an enclosed structure, parking space, or parking structure on the abutting parcel if such driveway were continued in the same direction from the stub by 25 feet into the abutting parcel.

F. Alternative cross-access design. Designs that allow for cross-access include, but are not limited to, stub pedestrian walkways and stub driveways. The Town Administrator may allow alternative designs for cross-access based on the following criteria:

1. The purpose of this Section 20-4-4 is substantially met;
2. Physical site constraints, such as topography, existing structures, or utility infrastructure make strict compliance impractical;
3. The alternative design does not create undue burdens on emergency access, deliveries, or general circulation between parcels;
4. The alternative design provides safe, direct, and convenient pedestrian and/or vehicular connections between parcels;
5. The alternative design minimizes conflicts between pedestrians and vehicles through appropriate separation, markings, or traffic-calming measures; and
6. The alternative design supports future, practical connectivity to and from adjacent parcels.

G. Future connectivity. Where abutting properties zoned MU, CM, ID, or CT are under separate ownership, the following applies:

1. No development may be designed to prohibit or obstruct the ability for future vehicle, bicycle, and pedestrian access and connectivity to adjacent properties, including using new public or private streets, except where the Town Administrator determines that such is impractical due to legal, topographic, or other site-specific constraints.
2. This provision shall not be interpreted to prohibit or restrict that which would otherwise be permitted within this district or require inter-parcel rights to be granted to adjacent property owners.

Chapter 5 Nonconformities

20-5-1 CONTINUANCE OF NONCONFORMITIES

- A. Classification and continuance of nonconformities.** Within the districts established by this zoning ordinance or amendments that may later be adopted, there exist structures, uses of structures, and uses of land which were lawful before passage of this zoning ordinance, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendment. This chapter is intended to automatically permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the district established and shall not be altered or enlarged except in conformance with the applicable standards of this zoning ordinance.
- B. Illegal uses and structures.** Those uses and structures which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming but shall be considered illegal uses and structures. Such illegal uses and structures shall not be approved for any alteration or expansion and must undertake necessary remedial measures to reach conformance with current standards or be discontinued.
- C. Burden of demonstrating nonconformance.** The burden of establishing that a given use and/or structure is a legal nonconformity shall be borne by the owner of such nonconformity.

20-5-2 ALTERATIONS TO NONCONFORMITIES

- A. Altering nonconforming structures.** Where a lawful structure exists at the effective date of the adoption or amendment of this zoning ordinance that could not be built under the provisions thereof by reason of height, location on a lot, or other characteristics of the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its nonconformity.
 2. Should such structure be moved for any reason for any distance, such new location shall conform to the regulations for the district in which it will be located upon being moved.
 3. Except as provided below, should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this zoning ordinance.
 4. Where a structure is destroyed by an act of God, such structure may be built in the same location and size as it was before destruction.
- B. Altering nonconforming uses of structures.** If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of the adoption or amendment of this zoning

ordinance that would not be allowed in the district under the provisions thereof, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Existing structures devoted to a use not permitted by this zoning ordinance shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of the zoning ordinance, but no such use shall be extended to occupy any land outside such structure.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located.

C. Altering nonconforming uses of land. If a lawful use of land exists at the effective date of the adoption or amendment of this zoning ordinance that would not be allowed in the district under the provisions thereof, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be moved in whole or in part to any other portion of the parcel occupied by such use at the effective date of the adoption or amendment of this zoning ordinance.
2. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this zoning ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this zoning ordinance for the district in which such land is located.

Chapter 6 Administration and Procedures

20-6-1 DECISION BODIES

A. Board of Trustees.

- 1. Appeal of decisions.** Any person aggrieved by a decision of the Board of Trustees is authorized to appeal such decision. Pursuant to 11 O.S. § 43-109.1, any suit to challenge any action, decision, ruling, or order of the Board of Trustees under the provisions of this zoning ordinance shall be filed with the district court within 30 business days from the action, decision, ruling, or order.

B. Planning Commission.

- 1. Establishment.** The Planning Commission, as established in Title 2 (Boards and Commissions), Chapter 1 (Planning Commission), of the Hochatown Town Code, shall have the powers, duties, and authorities afforded to it therein and as provided within this zoning ordinance.

C. Zoning Board of Adjustment.

- 1. Establishment.** The Zoning Board of Adjustment, as established in Title 2 (Boards and Commissions), Chapter 2 (Zoning Board of Adjustment), of the Hochatown Town Code, shall have the powers, duties, and authorities afforded to it therein and as provided within this zoning ordinance.
- 2. Appeal of decisions.** All decisions of the Zoning Board of Adjustment are final and binding, but may be appealed in accordance with 11 O.S. § 44-110. Any person aggrieved by a decision of the Zoning Board of Adjustment and authorized to appeal under 11 O.S. § 44-110 shall file a written notice of appeal with the Town Clerk and the Town Administrator specifying the grounds of the appeal within 10 calendar days of the decision being appealed. Upon timely receipt of the written notice of appeal, the Zoning Board of Adjustment shall send to the court clerk of the county district court certified copies of all papers constituting the record of the case, including the order or decision of the Zoning Board of Adjustment. The appeal shall be heard and tried *de novo* by the district court, which may reverse or affirm, wholly or partly, or modify the decision of the Zoning Board of Adjustment.
- 3. Stay of proceedings.** During the pendency of such an appeal, the effectiveness of a decision of the Zoning Board of Adjustment shall not be suspended unless a party applies to the district court for a stay pending the district court's determination in accordance with the procedures of 11 O.S. § 44-110(E).

D. Town Administrator.

The Town Administrator or their designee, which may include but is not limited to the Building Inspector, is hereby authorized to:

1. Enforce the regulations of this zoning ordinance;

2. Determine if submitted applications established by this zoning ordinance are complete;
3. Review and make final decisions on zoning permit applications;
4. Provide recommendations to the Planning Commission and the Zoning Board of Adjustment as part of their review of submitted applications which fall under their purview; and
5. Interpret the provisions of this zoning ordinance in pursuit of these authorities.

20-6-2 DECISION MATRIX AND NOTICE REQUIREMENTS

A. Decision matrix. The provisions in Table 20-6-2-A: Review Authority and Notice Requirements by Application Type identify for each type of application the decision body that is authorized to make a recommendation, the decision body that is authorized to make a final decision, and the type(s) of public notice required as part of the application review process.

Table 20-6-2-A: Review Authority and Notice Requirements by Application Type

Application Type	Review Authority - Recommendation	Review Authority – Final Decision	Required Type(s) of Public Notice
Zoning Permit (Sec. 20-6-3)	N/A	Town Administrator	N/A
Appeal to Zoning Board of Adjustment (Sec. 20-6-4)	N/A	Zoning Board of Adjustment	Published Mailed ^(Note 1)
Variance (Sec. 20-6-5)	Town Administrator	Zoning Board of Adjustment	Published Mailed
Special Exception (Sec. 20-6-6)	Town Administrator	Zoning Board of Adjustment	Published Mailed
Legislative Review (Sec. 20-6-7)	Planning Commission	Board of Trustees	Published Mailed ^(Note 2)

Table Notes:

- (1) Mailed notice applicable to appeals to the Zoning Board of Adjustment shall not be required for appeals of interpretations outside of decisions on zoning permits.
- (2) Mailed notice applicable to legislative review applications shall only be required for proposed zoning map amendments.

B. Published notice – Zoning Board of Adjustment. When published notice is required per Table 20-6-2-A for any application to the Zoning Board of Adjustment, the Town Clerk or designee shall publish such notice on the Town’s website and in a newspaper of general circulation in the town not less than 10 calendar days before the public hearing. The published notice shall contain:

1. The legal description of the subject property and the street address or approximate location in the municipality;

2. The present zoning classification of the property and the nature of the appeal, variance, or special exception requested; and

3. The date, time, and place of the hearing.

C. Published notice – Legislative Review. When published notice is required per Table 20-6-2-A for a legislative review application, the Town Clerk or designee shall publish such notice on the Town’s website and in a newspaper of general circulation in the town not less than 20 calendar days before the public hearing. The published notice shall contain:

1. The legal description of the subject property and the street address or approximate location in the municipality;

2. The present zoning of the property and the zoning sought by the applicant; and

3. The date, time, and place of the public hearing.

D. Mailed notice – Zoning Board of Adjustment. Where mailed notice is required per Table 20-6-2-A for any application to the Zoning Board of Adjustment, the clerk of the Zoning Board of Adjustment or designee shall cause a written notice to be mailed to all owners of property within a 300-foot radius of the exterior boundary of the subject property no less than 10 calendar days before the public hearing. The mailed notice shall contain:

1. The legal description of the subject property and the street address or approximate location in the town;

2. The present zoning classification of the parcel and the nature of the appeal, variance, or special exception requested; and

3. The date, time, and place of the hearing.

E. Mailed notice – Legislative Review. Where mailed notice is required per Table 20-6-2-A for a legislative review application, the secretary of the Planning Commission or designee shall cause a written notice to be mailed to all owners of property within a 300-foot radius of the exterior boundary of the subject property no less than 20 calendar days before the public hearing, except where additional notice is required in 11 O.S. § 43-106. The mailed notice shall contain:

1. The legal description of the subject property and the street address or approximate location in the town;

2. The present zoning classification of the parcel and the zoning district sought in the application; and

3. The date, time, and place of the public hearing.

F. Constructive notice. Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice of a bona fide attempt has been made to comply with applicable notice requirements.

20-6-3 ZONING PERMIT

A. Zoning permit required. A zoning permit must be issued to the subject parcel owner or authorized representative before:

1. The construction or installation of any structure that requires a building permit, including constructed elements that may or may not support signage;
2. The construction or alteration of any driveway, vehicle parking area, parking pad, or related drivable surface; and
3. The implementation of any use (principal or accessory), including any change of use, that is not otherwise subject to Section 20-6-6 Special Exception.

B. Exempt uses and constructions. The implementation of the following uses and/or construction of the following structures and built elements provided below do not require a zoning permit before their implementation or construction, but are subject to all applicable standards of this zoning ordinance:

1. Short-term rentals that are duly licensed per Title 4 “Business and License Regulations,” Chapter 6 “Short-Term Rental,” of the Hochatown town Code, as amended;
2. Installation or removal of fences; and
3. Installation or removal of art, artwork, works of art, or murals.

C. Complete application requirements. All applications must be made in writing on the prescribed forms together with the following, as applicable to the type of work proposed:

1. A site plan showing all existing improvements on the subject parcel, with applicable dimensions noted (including, but not limited to, existing square footage of enclosed spaces and existing setback dimensions);
2. Where physical alterations to a parcel are proposed: a professional survey of the subject parcel that identifies the parcel lines, identifies all present and/or abutting access easements and rights-of-way, reflects current conditions (e.g., all existing structures and improvements are reflected in the survey), and shows the proposed improvements on the subject parcel with applicable dimensions noted;
3. Where construction of a new structure is proposed: a site plan showing all proposed structures on the subject parcel with applicable dimensions noted, and elevations of the proposed structure with the height of such structure noted;
4. Where construction of a vehicular parking lot or vehicular parking structure is proposed: a copy of a recorded cross-access easement, if Section 20-4-4C applies;
5. A description of the existing and proposed use(s) on the subject parcel, with the areas of such uses noted;

6. The application fee as established by ordinance; and
7. Any other information required by the Town Administrator that may be necessary to provide for the enforcement of this zoning ordinance.

D. Review criteria. A zoning permit shall be approved only if the following conditions are met:

1. The submitted application provides complete information to allow for review against the applicable standards of this zoning ordinance;
2. The content of an application for a proposed use meets all applicable standards of this zoning ordinance, including the standards of Chapter 3 Use Provisions, as applicable; and
3. The content of an application for a proposed physical alteration to structures or improvements on a parcel meets all applicable standards of this zoning ordinance, including the standards of Chapter 4 Dimensional Development Standards.

E. Approval issuance and expiration.

1. Where an application meets the approval criteria, the Town Administrator shall issue an approval in writing to the applicant.
2. An issued zoning permit shall become void at the expiration of 12 months after the date of issuance if the approved construction has not substantially begun or if the approved use has not been implemented. Following expiration, a new zoning permit will be required before the work can begin.

F. Denial issuance. Where an application does not meet the review criteria, the Town Administrator shall issue a denial in writing to the applicant, stating the grounds thereof. This provision shall not be construed to prevent an application from being amended in a timely manner to facilitate additional review.

G. Appeal. Any party aggrieved by a decision of the Town Administrator regarding a zoning permit may appeal the decision to the Zoning Board of Adjustment by filing such appeal in accordance with the provisions of Section 20-6-4.

20-6-4 APPEAL TO ZONING BOARD OF ADJUSTMENT

A. Applicability. The following decisions may be appealed to the Zoning Board of Adjustment according to the provisions of this section:

1. A decision of the Town Administrator regarding a zoning permit, within 10 calendar days after the decision has been rendered;
2. Any other action or decision of the Town Administrator or other administrative official acting pursuant to this zoning ordinance, other than those decisions that are explicitly subject to a separate appeal process, and within 10 calendar days after such decision has been rendered.

- B. Stay of proceedings.** An appeal to the Zoning Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would in their opinion cause imminent peril to life or property. In such cases the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
- C. Complete application requirements.** All appeals must be made in writing on the prescribed forms together with the following, as applicable to the type of appeal, which notice of shall be filed with the officer from whom the appeal is taken and with the Zoning Board of Adjustment:
1. A copy of the information supplied to the Town Administrator or other administrative official for which the appeal is being sought;
 2. A copy of the determination made by the Town Administrator or administrative official;
 3. A reference to the specified provision(s) of this zoning ordinance involved in the decision;
 4. The basis of the appeal specifying the ground therefor;
 5. The application fee as established by ordinance; and
 6. Any additional information deemed necessary by the Zoning Board of Adjustment to complete its review.
- D. Review process and decision authority.** The Zoning Board of Adjustment shall hold public hearings, review, and make final decisions on appeals subject to the following:
1. The Zoning Board of Adjustment shall place complete applications that are filed in a timely manner on the agenda for the soonest of either 30 calendar days from the date of filing, or their next regularly scheduled public hearing for which a posted application deadline has not passed.
 2. At their public hearing, the Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the Town Administrator or other administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination. This applies to the zoning ordinance and to other sections of the Hochatown Town Code that defer to any part of the zoning ordinance.
- E. Notice of hearing.** Public hearing notices must be provided in accordance with Section 20-6-2 Decision Matrix and Notice Requirements.
- F. Review criteria.** In deciding on an appeal, the Zoning Board of Adjustment shall utilize the same decision criteria that was relied upon by the Town Administrator or other administrative official to determine if the decision was in error.

G. Appeal. All decisions of the Zoning Board of Adjustment may be appealed according to the provisions of Section 20-6-1C.2.

20-6-5 VARIANCE

A. Applicability.

1. A variance must be issued to the subject parcel owner or authorized representative before the construction of any structure or alteration of any built or installed element on a parcel which does not comply with the applicable standards of this zoning ordinance, including but not limited to Chapter 4 Dimensional Development Standards.
2. A variance may not be granted to allow a use that is otherwise prohibited in the zoning district in which the subject parcel is located.

B. Complete application requirements. All applications must be made in writing on the prescribed forms together with the following, as applicable to the type of work proposed:

1. A professional survey of the subject parcel that identifies the parcel lines, identifies all present and/or abutting access easements and rights-of-way, reflects current conditions (e.g., all existing structures and improvements are reflected in the survey), and shows the proposed improvements on the subject parcel with applicable dimensions noted;
2. Elevations of the existing and proposed structures showing the dimensions of their heights, as applicable;
3. An assessment of the requested variance's compliance with the approval criteria provided in 20-6-5E, below;
4. A list of property owners within a 300-foot radius of the exterior boundary of the subject parcel, where such list is certified by an abstractor, attorney, County Assessor, or title company no more than 90 days before the scheduled public hearing;
5. The application fee as established by ordinance; and
6. Any other information that may be reasonably required by the Town Administrator.

C. Review process and decision authority. The Zoning Board of Adjustment shall hold public hearings, review, and make final decisions on applications for variance requests subject to the following:

1. The Zoning Board of Adjustment shall place complete applications that are filed in a timely manner on the agenda for the soonest of either 45 calendar days from the date of filing, or their next regularly scheduled public hearing for which a posted application deadline has not passed.
2. At the public hearing, the Zoning Board of Adjustment may approve, approve with conditions, deny, or table an application for further consideration at a future public hearing according to the

applicable criteria of this zoning ordinance and the adopted bylaws of the Zoning Board of Adjustment.

3. As part of its review of a complete application, the Zoning Board of Adjustment shall consider the submitted recommendation of the Town Administrator, in addition to any testimony and documentation provided in the public hearing.

D. Notice of hearing. Public hearing notices must be provided in accordance with Section 20-6-2 Decision Matrix and Notice Requirements.

E. Approval criteria. The Zoning Board of Adjustment shall approve an application for a variance only upon finding the following:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

F. Conditions authorized. The Zoning Board of Adjustment is hereby authorized to include conditions as part of its decision where such conditions would, in its opinion, be necessary to:

1. Ensure that the proposed work complies with the provisions of this zoning ordinance;
2. Reduce or minimize the impact of the variance upon other surrounding parcels; and
3. Further the purpose and intent of this zoning ordinance.

G. Approval issuance and expiration.

1. Where an application is approved, the Zoning Board of Adjustment shall adopt findings of fact to be made part of the record of the decision, and the Town Administrator shall issue an approval in writing to the applicant. Such approval shall include the findings of fact and any conditions imposed as part of the Zoning Board of Adjustment's decision.
2. An approved variance runs with the land, regardless of ownership, and does not expire.

H. Denial issuance and reapplication.

1. Where an application is denied, the Zoning Board of Adjustment shall adopt findings of fact to be made part of the record of the decision, and the Town Administrator shall issue a denial in writing to the applicant. Such denial shall include the findings of fact that were part of the Zoning Board of Adjustment's decision.

2. No application for a variance which has been denied wholly or in part in a final decision by the Zoning Board of Adjustment may be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of substantially changed conditions as determined by the Town Administrator.

I. Appeal. All decisions of the Zoning Board of Adjustment may be appealed according to the provisions of 20-6-1C.2.

20-6-6 SPECIAL EXCEPTION

A. Applicability. A special exception must be issued to the subject parcel owner or authorized representative before:

1. The implementation of any use (principal or accessory), including any change of use, that is identified in Table 20-3-1-A: Use Permissions as requiring a special exception; and
2. The expansion of any use, including the expansion of structures that support a use, identified in Table 20-3-1-A: Use Permissions as requiring a special exception.

B. Complete application requirements. All applications must be made in writing on the prescribed forms together with the following, as applicable to the type of work proposed:

1. A professional survey showing all existing improvements on the subject parcel;
2. A description of the existing and proposed use(s) on the subject parcel, with the areas of such uses noted on a site plan;
3. An assessment of the proposed use's compliance with the criteria provided in Section 20-6-6.E, below;
4. A list of property owners within a 300-foot radius of the exterior boundary of the subject parcel, where such list is certified by an abstractor, attorney, County Assessor, or title company no more than 90 days before the scheduled public hearing;
5. The application fee as established by ordinance; and
6. Any other information as may be reasonably required by the Town Administrator.

C. Review process and decision authority. The Zoning Board of Adjustment shall hold public hearings, review, and make final decisions on applications for a special exception subject to the following:

1. The Zoning Board of Adjustment shall place complete applications that are filed in a timely manner on the agenda for the soonest of either 45 calendar days from the date of filing, or their next regularly scheduled public hearing for which a posted application deadline has not passed.
2. At their public hearing, the Zoning Board of Adjustment may approve, approve with conditions, deny, or table an application for further consideration at a future public hearing according to the

applicable criteria of this zoning ordinance and the adopted bylaws of the Zoning Board of Adjustment.

3. As part of its review of a complete application, the Zoning Board of Adjustment shall consider the submitted recommendation of the Town Administrator, in addition to any testimony or documents provided in the public hearing.

D. Notice of hearing. Public hearing notices must be provided in accordance with Section 20-6-2 Decision Matrix and Notice Requirements.

E. Review criteria. The Zoning Board of Adjustment shall approve an application for a special exception only upon finding, as applicable, that the proposed use:

1. Meets all applicable standards of this zoning ordinance, including the standards of Chapter 3 Use Provisions;
2. Will not detract from the goals and objectives of the comprehensive plan;
3. Will be designed, constructed, operated, and maintained to be harmonious with the uses and structures in the general vicinity; and
4. Will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

F. Conditions authorized. The Zoning Board of Adjustment is hereby authorized to include conditions as part of its decision where such conditions would, in its opinion, be necessary to ensure compliance with the standards of Section 20-6-6.E, to reduce or minimize the effect of the special exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

G. Approval issuance and expiration.

1. Where an application is approved, the Zoning Board of Adjustment shall adopt findings of fact to be made part of the record of the decision, and the Town Administrator shall issue an approval in writing to the applicant. Such approval shall include the findings of fact and any conditions imposed as part of the Zoning Board of Adjustment's decision.
2. An approved special exception shall become void at the expiration of 18 months after the date of issuance if the work to establish the approved use has not substantially begun, or if the approved use is implemented but ceases to operate for a period of 12 months. For the purposes of this provision, "substantially begun" means that physical alterations to the subject parcel in accordance with the approved work is evident on the subject parcel.
3. Following expiration, a new special exception will be required before the use may be implemented.
4. Approved special exceptions run with the land, regardless of ownership, and do not expire.

H. Denial issuance and reapplication.

1. Where an application is denied, the Zoning Board of Adjustment shall adopt findings of fact to be made part of the record of the decision, and the Town Administrator shall issue a denial in writing to the applicant. Such denial shall include the findings of fact that were part of the Zoning Board of Adjustment's decision.
2. No application for a special exception which has been denied wholly or in part in a final decision by the Zoning Board of Adjustment shall be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of substantially changed conditions as determined by the Town Administrator.

I. Appeal. All decisions of the Zoning Board of Adjustment may be appealed according to the provisions of 20-6-1C.2.

20-6-7 LEGISLATIVE REVIEW

A. Purpose. The purpose of the legislative review process is to consider and, if adopted, implement changes to the content of this zoning ordinance and/or official zoning map.

B. Authority to apply. According to the provisions of this section:

1. **Zoning Text Amendments.** The Board of Trustees or the Planning Commission may initiate a zoning text amendment.
2. **Zoning Map Amendments (Rezoning).** Amendments to the zoning map may be initiated by the Board of Trustees, the Planning Commission, the owner of the real property that is the subject of the proposed zoning map amendment, or the property owner's authorized agent.

C. Complete application requirements. All applications must be made in writing on the prescribed forms together with the following, as applicable:

1. The currently adopted portion(s) of the zoning ordinance that are subject to the proposed amendment;
2. The text of the amendment identifying specific proposed changes;
3. A description of the intent and purpose of the proposed amendments;
4. A map showing the current zoning district classification of the subject parcel;
5. A map showing the proposed zoning district classification of the subject parcel;
6. A description of the intent and purpose of the proposed zoning map amendment;
7. A list of property owners within a 300-foot radius of the exterior boundary of the parcel(s) subject to the proposed zoning map amendment, where such list is certified by an abstractor, attorney, County Assessor, or title company no more than 90 days before the scheduled public hearing;
and

8. The application fee, where an application is submitted by an entity other than the Board of Trustees, as established by ordinance.

D. Review procedures and decision authority. The Planning Commission and Board of Trustees shall hold separate public hearings, review, and make recommendations or final decisions on applications subject to the following:

1. The Planning Commission shall place complete applications that are filed in a timely manner on the agenda for the soonest of either 45 calendar days from the date of filing, or their next regularly scheduled public hearing for which a posted application deadline has not passed.
2. At the public hearing, the Planning Commission may make a recommendation of approval, approval with modifications, denial, or may table an application for further consideration at a future public hearing in accordance with the adopted bylaws of the Planning Commission.
3. Following the public hearing, the adopted recommendation of the Planning Commission, along with a statement of the reasons for its recommendation, shall be promptly submitted to the Board of Trustees.
4. Should the Planning Commission fail to submit an adopted recommendation within 60 days of the date that a complete application is filed, or within the extended timeframe of said date if duly extended by the Planning Commission, the application shall be deemed to have received a recommendation of denial from the Planning Commission and thereafter be transmitted to the Board of Trustees.
5. When a zoning text amendment is initiated by the Board of Trustees, the Planning Commission must adopt a recommendation within 60 calendar days from the date of filing.
6. The Board of Trustees shall hold a public hearing within 45 days of receipt of the adopted Planning Commission recommendation. For the purposes of this provision, “receipt” shall mean transmission of the record of decision from the Planning Commission to the Town Clerk.
7. At their public hearing, the Board of Trustees may adopt, adopt with modifications, deny the application, or table the application for further consideration at a future public hearing by simple majority vote.

E. Notice of hearing. Public hearing notices must be provided in accordance with Section 20-6-2 Decision Matrix and Notice Requirements.

F. Review criteria. Review and decision-making bodies must consider all relevant factors, including, but not limited to, the following as applicable:

1. If the proposed zoning text amendment is in conformity with the goals and objectives of the comprehensive plan;
2. Whether the proposed zoning text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition;

3. If the proposed zoning map amendment supports the goals and objectives of the comprehensive plan; and
4. If the range of uses and applicable dimensional standards of the proposed zoning map amendment are compatible with parcels in the immediate vicinity of the subject parcel(s).

G. Approval issuance and expiration.

1. Where a zoning text amendment or zoning map amendment is approved by a final decision of the Board of Trustees, the Board of Trustees shall adopt the amendment, including any modifications made as part of their decision. Such amendments to this ordinance shall be codified and made effective according to the applicable provisions of the Hochatown Town Code.
2. An approved zoning text amendment does not expire.
3. An approved zoning map amendment does not expire.

H. Denial issuance and reapplication.

1. Where a zoning text amendment or zoning map amendment is denied by the Board of Trustees, the Board of Trustees shall adopt findings of fact to be made part of the record of the decision. The Town Administrator shall issue the denial in writing to the applicant.
2. No application for a zoning map amendment which has been denied wholly or in part in a final decision by the Board of Trustees may be resubmitted until the expiration of 12 months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of substantially changed conditions as determined by the Town Administrator.

I. Appeal. A decision of the Board of Trustees may be appealed to the District Court in accordance with Section 20-6-1.A.

20-6-8 ENFORCEMENT AND PENALTIES

- A. Violations.** No structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, installed, or used, and no land shall be used, in violation of this zoning ordinance. Violation of any of the provisions of this zoning ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.
- B. Fines.** Any person who violates this zoning ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined as provided in Title 1 “Administration,” Chapter 4 “General Penalty,” of the Hochatown Town Code, as amended. Each day or portion of a day such violation continues shall be considered a separate offense.
- C. Separate offenses.** The owner or tenant of any structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or

maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

D. Other lawful enforcement action. Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 7 Definitions

20-7-1 “A” TERMS

Accessory dwelling unit. See **dwelling unit, accessory.**

Access easement. A platted or otherwise recorded area of land created for the purpose of facilitating access to one or more parcels. This term is defined separately from **right-of-way.**

Accessory structure. See **structure, accessory.**

Accessory use. See **use, accessory.**

Agriculture. Uses such as gardens, farms, and orchards that involve the raising and harvesting of food and non-food crops and the raising of farm animals. See also, **neighborhood agriculture.** This use includes, but is not limited to, the following:

- A. Animal husbandry.** Uses that involve the feeding, housing, and care of farm animals for private or commercial purposes.
- B. Farm.** An area managed and maintained by an individual, group, or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be located on a roof, on open-air portions of a parcel, or within a building.
- C. Produce stand.** A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables, and similar foods. No cooking or on-premises consumption of produce occurs on the site.
- D. Horticulture nursery.** A use involving propagation and growth of trees or plants in containers or in the ground for wholesale or retail sales and distribution. This use is defined separately from **medical marijuana cultivation or processing.**

Animal boarding / grooming / sales. Establishments that engage in any combination of:

- A.** The boarding of five or more domesticated animals that are more than one year old – including a kennel or a stable;
- B.** The bathing, clipping, or combing of animals; and/or
- C.** The sale of live animals for pets, livestock, or other uses.

Art, artwork, or work of art. Art, artworks, and works of art are explicitly inclusive of murals and shall be defined in accordance with the Oklahoma Art in Public Places Act, as amended (O.S. Title 74 § 9030). This term is defined separately from **sign.**

Arts and cultural establishment. A use involved in the advancement of art, science, or culture. Such uses do not have a central mission to sell products or services for profit and include, but are not limited to, the following: (See also, **recreation / entertainment, indoor.**)

- A. Art gallery / museum.** An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and is generally open to the public.
- B. Community center.** A central social and recreational structure that is part of a residential development (e.g., a common gathering space that is part of a multi-unit dwelling development) for use by residents of development and invited guests.
- C. Fraternal organization, sorority, lodge, or civic club.** An organized group, service club or philanthropic organization having a restricted membership and specific purpose related to the welfare of the members such as, but not limited to, the Improved Benevolent Protective Order of Elks of the World (IBPOEW), Prince Hall Freemasonry, Knights of Columbus, or a labor union.

Automotive body / major repair. A use that provides collision repair services, including, but not limited to, body frame straightening and repair or replacement of damaged parts and paint. This use also includes the repair of heavy vehicles and machines (e.g., trucks, buses, and construction equipment with a gross vehicle weight greater than 16,000 pounds). This use does not include automotive salvage or wrecking yards.

Automotive charging. A use that provides one or more charging stations equipped with Level 1 or Level 2 electric vehicle supply equipment (EVSE) for battery-powered vehicles. This term is defined separately from **automotive fueling**.

Automotive fueling. A use that sells and dispenses vehicle fuel, including diesel, gasoline, hydrogen, electricity, and other alternative fuels. Such uses may have associated commercial retail sale of perishable and non-perishable goods and may be known as travel centers. This term is defined separately from **automotive charging**.

Automotive minor service. A use that provides for the general repair and maintenance of automotive vehicles including, but not limited to, muffler repair and replacement, oil change and lubrication, tire service and sales, installation of accessories, and engine repairs.

Automotive sales or rental. A facility where new or used vehicles (including passenger vehicles, boats, motorcycles, recreational vehicles, and/or campers and similar vehicle-pulled equipment) in operable condition are auctioned, sold, leased, or rented to customers.

Automotive wash. A facility, whether automatic, semi-automatic, or manual, for washing automotive vehicles.

Average grade. The average elevation level between the highest grade point and the lowest grade point of the area of land beneath the element being measured, as measured pursuant to Section 20-1-7 Rules of Height Measurements. See also, **height**.

20-7-2 “B, C, AND D” TERMS

Bed and breakfast. Any place of lodging that provides 10 or fewer rooms for rent on a temporary basis, is the owner’s primary residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

Boarding / rooming house. A dwelling other than a hotel/motel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

Business day. Any day that is not a Saturday, Sunday, or legal holiday declared by the State of Oklahoma.

Cemetery. A use providing for the burial or interment of the dead, including columbariums, mausoleums, and/or underground graves. See also, **death care**.

Commercial retail sales. The sale or leasing of goods directly to household consumers. This use includes, but is not limited to, alcoholic beverage off-premises retail, antique shop, automotive supply store, bakery or confectionary (retail), bicycle sales and repair, building material and hardware sales, convenience store without fuel pumps, department store, farmer’s market, florist shop, furniture store, garden shop, grocery store, nursery, and tool and machinery rental. This use is separately defined from and does not include **medical marijuana dispensary** or **pawn shop**.

Comprehensive plan. A document adopted by the Town that consists of policies governing future development of the Town and which consists of various components governing specific geographic areas, functions, and services of the Town.

Day care. A use providing for the care of dependents in a facility licensed by the State of Oklahoma and meeting all required restrictions imposed by such licensing for the maximum capacity, hours and lengths of operation, and related operational factors. This definition includes the following:

- A. Adult day care.** A commercial institution or place designed for the care or training of 4 or more unrelated people over 14 years of age for less than 24 hours a day.
- B. Child day care.** A commercial institution or place designed for the care or training of 4 or more unrelated children under 14 years of age for less than 24 hours a day and regulated by the Oklahoma Child Care Facilities Licensing Act (10 O.S. § 401-410).
- C. Family home (childcare in place of residence).** A facility that regularly provides care in the caretaker's own residence for not more than 6 children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than 6 additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, who are provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to the Oklahoma Child Care Facilities Licensing Act, 10 Oklahoma Code section 401-410, as amended, and in accordance with such standards as may be promulgated by the Oklahoma Human Services.

Death care. Uses that provide services for the handling, preparation, and ceremonial arrangements of deceased individuals. (This definition does not include, and is defined separately from, **cemetery**.) This definition includes the following:

- A. Crematories.** A place containing properly licensed and certified apparatus for use in the act of cremation.
- B. Funeral home.** A place for the storage of human bodies before their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation but does not include on-site cremation services.

Drive-thru facility. An establishment that permits customers to receive services or obtain goods or services while remaining in their vehicles. Such a facility may serve a bank, drive-in restaurant, drive-thru restaurant, and/or pharmacy, among other types of uses.

Dwelling. A structure or portion thereof used exclusively for residential purposes. This term includes the following defined categories:

- A. Dwelling, multi-unit (3+ units).** A single structure that contains three or more dwelling units.
- B. Dwelling, one-unit.** A single structure that contains no more than one dwelling unit.
- C. Dwelling, two-unit.** A single structure that contains no more than and no less than two dwelling units.

Dwelling unit. A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling unit, accessory. A dwelling unit that is within an accessory structure on a parcel.

20-7-3 “E, F, G, AND H” TERMS

Government and public use. A structure or piece of land used and/or controlled exclusively for governmental or public purposes by the Town of Hochatown, McCurtain County, the State of Oklahoma, or the federal government. Such uses may include, but are not limited to, fire station, franchised private utility, governmental building, municipal facility, phone exchange or switching station, post office, sewage pumping station, wastewater treatment plant (public), water reservoir or pumping station, water supply facility, and potable water treatment plant (public).

Gun range. A use providing facilities (which may be indoors or outdoors) for the firing of handguns, rifles, or other firearms.

Height. The vertical distance of a structure as measured pursuant to Section 20-1-7 Rules of Height Measurements. See also, **structure**.

Heliport / helistop. An area of land or a structural surface which is used, or intended for use, for the landing and taking off of helicopters and/or similar aircraft, and any appurtenant areas which are used,

or intended for use for heliport buildings which may include other heliport facilities such as refueling, maintenance, repairs or storage of helicopters.

Home occupation. Non-residential activities carried on in a dwelling unit by a resident of the dwelling unit that are very limited in scale, scope, and intensity such that their operation does not alter the primarily residential nature of the subject parcel and surrounding vicinity.

Hotel / motel. A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and typically for lengths of stay less than 30 consecutive days. Such facility may include additional services such as restaurants, meeting rooms, recreational facilities, and housekeeping service.

Household. A domestic unit that resides in and shares a single dwelling unit consisting of one or more individuals. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

Household care facility. A dwelling unit that provides residence and care to not more than six persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless and living together with not more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Oklahoma.

20-7-4 “I, J, K, AND L” TERMS

Indoor recreation. See **recreation / entertainment, indoor.**

Industrial, heavy. Industrial or manufacturing uses where some or all of the following characteristics are present or anticipated:

- A. The majority of manufacturing or industrial activity takes place outdoors.
- B. Significant heat, noise, sounds, vibrations, odors, or particulates may be detectable off premises.
- C. Significant use of dangerous or harmful chemicals is included.
- D. Significant use of highly combustible or flammable materials, liquids, or gases is included.
- E. Use of hazardous or explosive materials is included.

Typical high-impact processes and uses include abrasives manufacturing; acid manufacturing; annealing or heat treating plants; acid manufacture; asphalt plants; automotive salvage and wrecking; battery rebuilding; concrete plants, cement plants, plants for the manufacture of lime, gypsum, plaster of Paris; distillation of bones and glue manufacture; explosive manufactures or storage; fat rendering and fertilizer manufacture; hazardous toxic materials, including radioactive materials; meat packing; paper and paper pulp manufacture; petroleum, or its products, refining or storage or distribution of; and smelting of tin, copper, zinc, or iron ores.

Industrial, light. Industrial or manufacturing uses where some or all of the following characteristics are present or anticipated:

- A. The majority of manufacturing or industrial activity takes place indoors.
- B. No significant heat, noise, sounds, vibrations, odors, or particulates may be detectable off premises.
- C. No significant use of dangerous or harmful chemicals is included.
- D. No significant use of highly combustible or flammable materials, liquids, or gases is included.
- E. No use of hazardous or explosive materials is included.
- F. There is limited or no outdoor storage.

Typical low-impact processes include manufacturing, processing, fabrication, packaging or assembly of prefabricated parts, consumer electronics, computers, appliances, optical devices or instruments, medical or surgical instruments, alcoholic and non-alcoholic beverages, cosmetics, clothing or shoes, printed or photographic materials, signs, and small automotive parts. Typical low-impact uses include artisan manufacturing, appliance and furniture repair, brewery, cabinetry, data center, distillery, exterminator, food processing, industrial laundry, light machinery service, recycling center, scientific research labs, upholstery shop, welding or machine shop, winery, and woodworking shop.

Life care facility. Institutional residential uses other than household care facilities that involve any combination of the following:

- G. Assisted living facility.** A development designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services such as meals, housekeeping, transportation, and community facilities such as central dining rooms and activity rooms. No long-term or permanent skilled nursing care or related services are provided.
- H. Continuing care facility.** A development designed to provide a full range of accommodations and services for older adults 55 years of age or older, including any combination of independent living, assisted living, and skilled nursing. Residents may move from one level of care to another as their needs change.
- I. Hospice.** A facility that provides room, board, and in-patient care on a 24-hour basis to terminally ill individuals. Such a facility may include services that address physical, psychological, social, emotional, and spiritual needs.
- J. Independent living facility.** A development providing individual dwelling units specifically designed for the needs of seniors. A minimum of 80 percent of the total units shall have a household head 55 years of age or older. In addition to housing, the facility may provide convenience services such as

meals, housekeeping or transportation and community facilities such as a central dining room and activity rooms.

- K. Skilled nursing facility.** A facility providing primarily in-patient health care, personal care, or rehabilitative services over an extended period of time to persons who are chronically ill, aged, or disabled and who need ongoing health supervision but not hospitalization for acute care.

20-7-5 “M, N, AND O” TERMS

Manufactured housing. Any one of the following three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Oklahoma Used Motor Vehicle and Part Commission: (This definition does not include, and is separately defined from, **recreational vehicle (RV).**)

- A. HUD-code manufactured home.** A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
- B. Industrialized home.** A structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. Such homes may also be called modular prefabricated structure or modular home.
- C. Mobile home.** A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed before June 15, 1976.

Medical care. Establishments that primarily engage in any combination of the following:

- A. Ambulance service.** Provision of emergency transportation which may include mobile medical care, and which may include storage and maintenance of associated vehicles.
- B. Hospital.** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices, and which is licensed by the State of Oklahoma. A hospital may include a helistop.
- C. Massage establishment.** Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. "Massage therapy" as a health care

service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Such an establishment does not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law, or a sexually oriented business.

- D. Medical laboratory.** An establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
- E. Medical professional office.** A facility or group of offices for one or more physicians, dentists, and similar licensed medical professionals for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions. This use is separately defined from **office**.
- F. Rehabilitation facility.** An establishment providing health facilities for inpatient medical treatment, rehabilitation, and recuperation after surgery or illness, and treatment for mental illness, and/or treatment for addiction.
- G. Surgical out-patient facility.** An establishment offering any type of surgical procedure and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

Medical marijuana cultivation or processing. An establishment engaged in any combination of the following:

- A. Medical marijuana cultivation.** An establishment licensed under 63 O.S. § 422 whereby the growing of medical marijuana is conducted on the premises and then sold to a licensed retailer or processor.
- B. Medical marijuana grower or commercial grower.** An entity that has been licensed by the Oklahoma State Department of Health to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor, or researcher.
- C. Medical marijuana processor.** An establishment licensed under 63 O.S. § 423 whereby marijuana plants are processed (packaged) into concentrates, edible, and other forms for consumption.

Medical marijuana dispensary. An establishment licensed under 63 O.S. § 421 whereby the retail sale of medical marijuana is conducted on the premises.

Mobile home park. A parcel of land designed, improved, or intended to be used for placement or occupancy of manufactured housing and/or trailers in designated spaces. See also, **manufactured housing**. This use is defined separately from **recreational vehicle (RV) park**.

Mural. See **art, artwork, or work of art.**

Neighborhood agriculture. An area less than one acre in size that is managed and maintained by an individual, group, or business entity to grow and harvest food crops or nonfood crops (e.g., flowers). Such an area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. See also, **agriculture.**

Office. A structure used for the provision of executive, management, or administrative services and that does not include the storage or staging of hazardous materials (e.g., the administrative office and not the chemical warehouse of a pest extermination company). This type of use includes, but is not limited to, accountant office, administrative office, architecture office, armed services recruiting center, bank or financial service, broadcasting studio, copy shop or printing, insurance office, landscape architecture office, planning office, property management office, real estate office, recording studio, security monitoring company, title company, and travel agency. This use is separately defined from **medical professional office.**

O.S. A reference to Oklahoma Statutes.

Outdoor recreation (large). See **recreation, outdoor (large).**

Outdoor recreation (small). See **recreation, outdoor (small).**

Outdoor storage. The keeping of any goods, materials, merchandise, or equipment outside of a structure for more than 48 consecutive hours where such items are not on temporary display for the purpose of being immediately available for sale, lease, or rent to the public.

20-7-6 “P, Q, AND R” TERMS

Parcel. A platted, recorded, or otherwise legally recognized portion of land that is individually identifiable according to the records of the assessor’s office of McCurtain County.

Parking garage. See **vehicle parking structure.**

Parking lot. See **vehicle parking lot.**

Pawn shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Such a use typically includes retail sale of used (i.e., pre-owned) items.

Personal services. Uses that provide individualized or small-group services focused on personal care, fitness, or creative instruction. Examples of this use include, but are not limited to, art studio, barber or beauty shop, dance or music studio, health club, laundromat (without dry cleaning services), training studio (such as boxing, martial arts, music, and personal fitness studios), spa, and tattoo or body piercing shop. See also, **recreation / entertainment, indoor.**

Primary entrance. An exterior entrance that allows public pedestrian access or the main entrance for employees into or out of a building or a tenant space within a building. This definition does not include emergency-only exterior doorways, entrances into individual dwelling units, or garage doors.

Principal structure. See **structure, principal**.

Principal use. See **use, principal**.

Recreation / entertainment, indoor. A use that provides for large-group entertainment, fitness, instruction, leisure, and/or spectating activities inside an enclosed structure. This definition includes, but is not limited to, amusement arcade, billiard or pool hall, bingo facility, bowling alley, boxing club, dance club or nightclub, dinner theater, entertainment district (as defined in 68 O.S. § 2393(6)), exhibition or reception hall, gun range (indoor), gymnastic studio, physical fitness center, skating rink, and theater. Uses for indoor recreation and entertainment that are in enclosed structures (or individual tenant spaces therein) smaller than 15,000 square feet shall be classified as **personal services** uses.

Recreation / entertainment, outdoor (large). A use that may attract large volumes of visitors in an outdoor setting for leisure, spectating, or fitness, and typically occupying two or more contiguous acres of land or having an occupancy capacity of more than 10,000 persons. This type of use includes, but is not limited to, amphitheater, amusement park, arena, country club, fairgrounds, golf course, gun range (outdoor), outdoor concert venue, and stadium.

Recreation / entertainment, outdoor (small). A use that provides small outdoor parks for play and relaxation. This type of use includes, but is not limited to, basketball court, pickleball court, playground, pocket park, swimming pool, and tennis court.

Recreational vehicle (RV). (As defined in 47 O.S. § 596.1.16) A vehicle, other than structures meeting the specifications for **manufactured housing**, that:

- A. Is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational, or camping use;
- B. Is built to the standards of the National Fire Protection Association for recreational vehicles;
- C. Has its own motive power or is mounted on or towed by another vehicle;
- D. Is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment;
- E. Does not require a special highway use permit for operation on the highways; and
- F. An individual can easily transport and set up on a daily basis.

Recreational vehicles include motor homes, travel trailers, fifth wheel travel trailers, folding camping trailers, and truck campers.

Recreational vehicle (RV) park. A parcel of land designed, improved, or intended to be used for short-term placement or occupancy of two or more recreational vehicles (RVs) for transient lodging. This use is defined separately from **mobile home park**.

Religious place of worship. A use of land and/or structures that provides organized spiritual and/or faith-based assembly and related incidental activities. Such uses may be known as, but are not limited to, church, mosque, temple, rectory, convent, or monastery.

Resource extraction or storage. The process of extracting and/or storing sand, gravel, stone, caliche, topsoil, minerals, compost, oil, gas, or other products from the earth, other than the storing of such products incidental to another permitted use. This definition includes oil and gas operations, as defined in O.S. Title 52 Oil and Gas.

Restaurant or bar. A facility for the preparation and on-site sale and consumption of food and/or non-alcoholic beverages and/or alcoholic beverages. Such uses include, but are not limited to:

- A. Bar or tavern.** An establishment primarily devoted to the serving of alcoholic beverages for on-premises consumption and in which the service of food is only incidental to the consumption of such beverages.
- B. Brew pub or micro-brewery.** A restaurant or other facility that meets the definition of “brewpub” and/or “small brewer” as defined in O.S. Title 37A Oklahoma Alcoholic Beverage Control Act.
- C. Food catering and take-out service.** An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution.
- D. Food truck park.** An area designed to accommodate four or more mobile food units and offering food and/or beverages for sale to the public. A food truck park may be accessory to a separate commercial and/or industrial use. See also, **mobile food unit**.
- E. Micro-distillery.** A facility that meets the definition of “distiller” as defined in O.S. Title 37A Oklahoma Alcoholic Beverage Control Act and produces distilled spirits in a total quantity of no more than 40,000 proof gallons per calendar year.
- F. Mobile food unit.** A unit designed to be movable and from which food or beverages are prepared and offered for sale, whether a truck, container, trailer or otherwise.
- G. Restaurant (without drive-thru).** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, where at least 75 percent of its revenues are derived from the on-premises consumption of food or nonalcoholic beverages, and which does not have a drive-through window.
- H. Small-farm winery.** A winery that meets the definition of “small farm winery” as defined in O.S. Title 37A Oklahoma Alcoholic Beverage Control Act.

Right-of-way. An area of land that is not included in a parcel and that is dedicated for public or private use to accommodate the circulation of people, goods, and/or utilities. Examples include, but are not limited to, trails, alleys, streets, roads, and highways. This term is defined separately from **access easement**.

20-7-7 “S” TERMS

School or library. An educational institution that may be operated privately or publicly and primarily providing any of the following:

- A. Instruction for children or other students;
- B. Accessory facilities traditionally associated with a program of study; or
- C. The use on-site or loan for off-site use of literary, musical, artistic, or reference materials by patrons of the facility.

Setback. A horizontal distance, typically between a structure and the boundary of a parcel, as measured pursuant to Section 20-1-6 Rules of Setback Measurements, that identifies required setback areas. See also, **setback area**.

Setback area. An area of land that is not built upon, except for fences and uncovered circulation paths for people walking, biking, or driving. This definition shall not be construed to prohibit the installation of landscaping within such areas. See also, **setback**.

Sexually oriented business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. This term includes the following defined categories:

- A. **Adult arcade.** Any place to which the public is permitted or invited wherein coin operated or token operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **Adult bookstore or adult video store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, videocassettes, CDs, DVDs or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being

categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

- C. Adult cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features persons who appear in a state of semi-nudity; or films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. Adult motel.** A hotel, motel or similar commercial establishment that offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from an access easement or right-of-way that advertises the availability of this adult type of photographic reproductions; or offers a sleeping room for rent for a period of time that is less than 24 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.
- E. Adult motion picture theater.** A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. Adult theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in person, in a state of semi-nudity.
- G. Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. Escort agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. Nude model studio.** Any place where a person who appears in a state of nudity or semi-nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.
- J. Nudity or a state of nudity.** The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

K. Semi-nude or semi-nudity. For a female, a state of dress in which opaque clothing covers no more, or little more, than the nipple and areola of the female breast, the genitals, pubic region and anus; or for a male, a state of dress in which opaque clothing covers no more, or little more, than the genitals, pubic region and anus.

L. Sexual encounter center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between humans; or activities between humans when one or more of the persons is in a state of nudity or semi-nudity.

M. Specified anatomical areas. The human male genitals in a discernibly turgid state, even if fully and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

N. Specified sexual activities. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities described above.

Short-term rental. This term is defined as provided in Title 4 “Business and License Regulations,” Chapter 6 “Short-Term Rental,” of the Hochatown Town Code, as amended.

Sign. Any device, object, fixture, placard, structure or part thereof that is affixed to, supported by, or suspended by a stationary object, building or the ground and that uses any color, form, graphic, illumination, symbol, motion, projected image, or writing to communicate information of any kind to the public. This term does not include temporary holiday decorations or landscape features that display no words or symbols. This term is defined separately from **art, artwork, or work of art.**

Storage / warehouse facility. A facility primarily used for the storage, long- or short-term, of goods and materials and associated offices. This term includes, but is not limited to, the following:

A. Distribution center. A facility used for the storage and distribution of wholesale items or products. Such facilities typically include loading and unloading docks to facilitate arrivals and shipments of goods.

B. Mini-warehouse. Storage units for individual rent or lease, restricted solely to the storage of items. The conduct of sales, business, or any other activity within the individual storage units, other than storage, shall be prohibited.

Structure. Any temporary or permanent constructed element on a piece of land that is or can be located, erected, built, reconstructed, altered, enlarged, changed, maintained, installed, or used. Structures include, but are not limited to, buildings, decks, sheds, driveways, fences, and vehicle parking lots. This term includes the following defined categories:

- A. Structure, accessory.** An occupiable structure that is smaller than the principal structure on the parcel and that is subordinate to the principal structure by its location on the lot, orientation, height, and placement on the parcel.
- B. Structure non-occupiable.** A structure that is not occupiable. See also, **structure, occupiable.**
- C. Structure, occupiable.** A structure having a roof supported by walls (such as a building) or a structure having a floor without a roof (such as an unenclosed porch) which can be used for shelter, business, housing, or enclosure of persons, animals, vehicles, and other goods.
- D. Structure, principal.** An occupiable structure that contains the principal use of the parcel. See also, **use, principal.**

Stub driveway. A driveway (and/or similar vehicular pathway) that extends and connects from the network of vehicular pathways on the subject property and ends at a parcel line, allowing the potential for future development on an abutting property to connect to said driveway.

Stub walkway. A walkway that extends from the network of walkways on the subject property and ends at a parcel line, allowing the potential for future development on an abutting property to extend and connect to said walkway.

20-7-8 “T, U, AND V” TERMS

Telecommunications facility. Any free-standing structure or any structure attached to another that transmits or receives telecommunication frequencies, or that is designed to support equipment for the transmission or reception of telecommunication frequencies. This definition includes telecommunication towers, telecommunication antennas, and similar equipment and support structures.

Theater. A use that provides for the viewing of motion pictures or dramatic, dance, musical, or other live performances.

Transportation services. A facility other than a heliport or helistop that provides for the movement of passengers and accompanying cargo, including any of the following: (See also, **heliport / helistop.**)

- A. Airport or landing field.** A place where aircraft (other than helicopters and similar devices) can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
- B. Bus station / terminal.** Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
- C. Limousine / taxi service.** Any premises for the transient housing and/or parking of motor-driven limousines and/or taxis to be dispatched for passenger loading and unloading off-site.

Use, accessory. A use that is customarily incidental, appropriate, and subordinate to the principal use of land or structures on the subject parcel.

Use, principal. A use that is the primary function of the land and/or structures on the subject parcel.

Vehicle parking lot. Unenclosed areas of a parcel that allow for the maneuvering and parking of five or more vehicles. Such a use may or may not include charging a fee for vehicle parking.

Vehicle parking structure. An enclosed or semi-enclosed structure that allows for the maneuvering and parking of five or more vehicles. Such a use may or may not include charging a fee for vehicle parking.

Veterinary facility. An establishment where animals and pets are admitted for examination and medical treatment, with only indoor kennels and pens for household pets. This use may include outdoor pens for livestock animals.

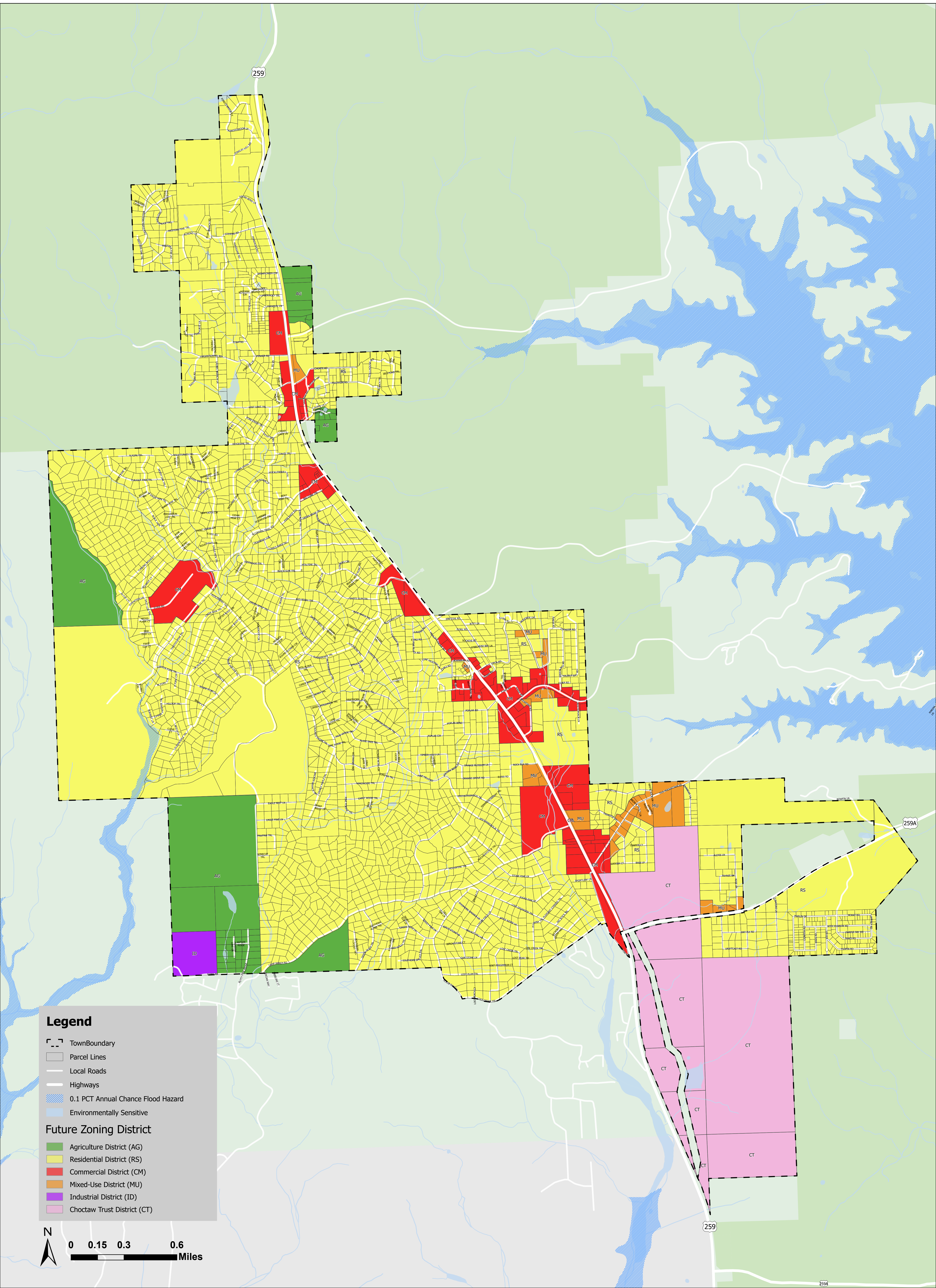
20-7-9 “W, X, Y, AND Z” TERMS

Wholesale retail. An establishment primarily engaged in selling and/or distributing merchandise in bulk quantities to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Examples of such merchandise include, but are not limited to, alcoholic beverages, baked goods, building supplies, electronic goods, and pharmaceutical supplies.

Zoning district. A section or sections of the Town of Hochatown for which regulations uniformly govern the use and development of land, as delineated on the official **zoning map**.

Zoning map, official. The official zoning map is the officially adopted map that indicates the boundaries of the **zoning districts**.

Town of Hochatown Zoning Map



Legend

- Town Boundary
- Parcel Lines
- Local Roads
- Highways
- 0.1 PCT Annual Chance Flood Hazard
- Environmentally Sensitive
- Future Zoning District**
 - Agriculture District (AG)
 - Residential District (RS)
 - Commercial District (CM)
 - Mixed-Use District (MU)
 - Industrial District (ID)
 - Choctaw Trust District (CT)

N

0 0.15 0.3 0.6 Miles