

TITLE 11 ¹ ZONING REGULATIONS

CHAPTER 1

TITLE, PURPOSES, INTERPRETATION AND JURISDICTION

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Notes

¹ 1. Fees referenced in this title are on file in the offices of the community development department.

11-1-1: SHORT TITLE:

This Title shall be known and may be cited as the *ZONING CODE OF THE CITY OF GLENPOOL, OKLAHOMA* and is referred to herein as "this Title". (Ord. 746, 11-14-2017)

11-1-2: AUTHORITY:

This Title is enacted pursuant to the provisions of Title 11, Oklahoma Statutes, Section 11-43-101 et seq. [11 O.S. § 43-101 et seq.] (Ord. 746, 11-14-2017)

11-1-3: PURPOSES:

This Title is enacted to:

- A. Promote health, safety, comfort, convenience, prosperity, order, and general welfare;
- B. Improve traffic safety, minimize congestion, and improve connectivity between uses;
- C. Promote safety from fire, flooding, overcrowding, and other natural and man-made dangers;
- D. Provide adequate light, air, and open space and development amenities to improve livability and population concentration;
- E. Provide adequate, safe and affordable housing opportunities for all segments of the population;
- F. Provide opportunities for the economic development and expansion of the City in accordance with the Comprehensive Plan;
- G. Streamline and simplify the development review process by clearly articulating the design and development expectations of the City and eliminating unnecessary process where prudent;
- H. Provide code flexibility to allow the development community and City staff to adjust to evolving market conditions and trends for mixed housing neighborhoods and mixed-use development;
- I. Enhance property values and improve community character by implementing minimum building and site design and buffering requirements; and
- J. Implement the goals, policies, and recommendations of the Comprehensive Plan and other adopted City plans. (Ord. 746, 11-14-2017)

11-1-4: JURISDICTION:

- A. Territorial Jurisdiction. This Title shall be in full force and effect and shall apply to all lands within the incorporated limits of the City.
- B. Annexed Territory.

1. When any territory shall be brought into the zoning jurisdiction of the City, by annexation or otherwise, such territory shall be deemed to be in the Agriculture (AG) District; unless, after due consideration and upon specific recommendation to the City Council by the Planning Commission, the territory is assigned permanent zoning in accordance with the recommendations of the Comprehensive Plan.

2. No person shall begin construction of any building or structure or add to any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a Zoning Clearance Permit and Building Permit from the City Planner and Building Official, respectively.

3. Permits shall only be issued to allow improvements permitted in the Agricultural (AG) district, unless and until such territory has been reclassified as a new zoning district as prescribed herein.

4. This Section shall not preclude subsequent zoning of the property by amendment in the manner set out in Chapter 9 of this Title.

C. Public Property. Property owned, leased or operated by the City or any other public or governmental body or agency shall be subject to the terms of this Title.

D. Pending Applications. An application for development approval, as well as the approval, conditional approval, or denial of an application shall be governed only by the duly adopted laws and regulations in effect at the time that an application was submitted to the City. (Ord. 746, 11-14-2017)

11-1-5: EFFECTIVE DATE:

The effective date of this Title shall be November 14, 2017, on which date the City Council repealed Title 11, as adopted by Ordinance 665 on September 17, 2012, and replaced it with Title 11, with all regulations constituted herein, as adopted by Ordinance 746 on November 14, 2017. (Ord. 746, 11-14-2017)

11-1-6: SEVERABILITY:

A. Severability, Excluding Signs.

1. If any court of competent jurisdiction invalidates any provision of this Title, then such judgment shall not affect the validity and continued enforcement of any other provision of this Title.

2. If any court of competent jurisdiction invalidates the application of any provision of this Title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

3. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

B. Severability Regarding Signs.

1. Generally. If any Section, Subsection, paragraph, clause, provision, or portion of Title 11, Chapter 7, Signs, or any other provision of this Title related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Section, Subsection, paragraph, clause, provision, or portion of Chapter 7, Signs, or any other part of this Title.

2. Severability Where Less Speech Results. Without diminishing or limiting in any way the declaration of intent with respect to severability set forth in Subsection B.1., above, if any Section, Subsection, paragraph, clause, or provision of Chapter 7, Signs, or any other provision of this Title related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Chapter, Subchapter, Section, Subsection, paragraph, clause, provision, or portion thereof, of this Title, even if such severability would result in a situation where there could be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

3. Severability of Provisions Pertaining to Prohibited Signs and Sign Elements. It is the intent of the City Council to ensure that the sign types and sign elements that may be constitutionally prohibited by this Title continue to be prohibited. Accordingly, without diminishing or limiting in any way the declarations of intent with respect to severability that are set forth in Subsections B.1. and B.2., above, if any Section, Subsection, paragraph, clause, provision, or portion of Chapter 7, Signs, or any other provision of this Title related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Section, Subsection, paragraph, clause, provision, or portion of Chapter 7, Signs, pertaining to prohibited signs or sign elements, or any Chapter, Section, Subsection, paragraph, clause, provision, or portion thereof, of this Title.

4. Severability of Provisions if Adjudicated Stricken Due to a Content-Basis. It is the intent of the City Council to regulate signage in a manner that implements the purposes of Chapter 7, Signs, as expressed therein. The City finds that the purposes stated in Chapter 7, Signs, are legitimate, substantial, and compelling public interests and are not intended to suppress free expression, and that any incidental restriction on expression that may occur as a result of those regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation therein to be based upon content and, further, declares such regulation unconstitutional, then:

a. It is the intent of the City Council that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of comparable geometry and character; that is more restrictive than the stricken provision in terms of sign area, and if the sign area is the same, sign height.

b. If it is not possible for the court to strike only the portion of the provision that is found to relate to content, only that portion of any provision that may be found to be unconstitutional related to content shall be severed from Title 11, Chapter 7, Signs. (Ord. 746, 11-14-2017)

EFFECT OF REGULATIONS

11-1-7: ABROGATION:

A. The provisions of this Title are the minimum standards necessary to accomplish the stated purposes of this Title. It is not the intent of this Title to interfere with, abrogate or annul any private easement, covenant, deed restriction, or other agreement between private parties. When the provisions of this Title impose a greater restriction than that imposed by such private agreements, the provisions of this Title shall control. When private agreements impose a greater restriction than imposed by this Title, such private agreements shall control. The City has no duty to search for the existence of private restrictions or to administer or enforce private restrictions.

B. The provisions of this Title shall not be construed to supersede any other ordinance, law, or regulation, or prevent the enforcement of any other ordinance, laws, or regulation which may prescribe more restrictive limitations.

C. The provisions of this Title shall not be construed to prevent the development of properties that were zoned RS-4 with a Planned Unit Development (PUD) overlay when RS-4 was among the zoning districts established by this Title, provided that the development of such properties shall fully comply with all the development requirements of this Title 11, as they existed upon the adoption of Ordinance 665 on September 17, 2012, and any other development requirements that may have been imposed by City Council as conditions of the approval of RS-4 zoning with a PUD.

D. The provisions of this Title shall not be construed to prevent the development of property in accordance with development approvals granted by City Council, the Planning Commission, or Board of Adjustment under the former provisions of this Title, as adopted by Ordinance 665 on September 17, 2012, provided that all terms, conditions, and regulations in effect or attached as conditions of approval are satisfied and that said approvals have not expired under terms of approval or any former provision of this Title. (Ord. 746, 11-14-2017; amd. Ord. 788, 67-21-2021)

11-1-8: CONSISTENCY WITH PLANS:

The regulations of this Title are intended to implement and be consistent with the Comprehensive Plan, as such may be amended from time to time, and the Major Street and Highway Plan, as both are adopted by the City Council and are incorporated by reference in the administration of this Title. Furthermore, the regulations of this Title are intended to implement the principles and policies of all other planning documents and statements of development policy adopted by the City Council. (Ord. 746, 11-14-2021)

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

11-2-1: Rules Of Word Construction

11-2-2: Definitions

11-2-1: RULES OF WORD CONSTRUCTION:

A. Computation of Time. The time within which an act is to be completed will be computed by including the first and including the last day.

1. If the last day is a Saturday, Sunday or legal holiday declared by the City, that day will be excluded.
2. In the computation of time for public hearing notice, both the first day, the date of the advertisement, and the last day, the date of the hearing, will be excluded.
3. The following time-related words will have the meanings set out below:
 - a. "Day" means a calendar day unless working day is expressly specified.
 - b. "Week" means seven calendar days.
 - c. "Month" means a calendar month.
 - d. "Year" means a calendar year, unless a fiscal year is specifically indicated.

B. Word Usage. The rules of this Title will be observed and applied in the interpretation of this Title as set out below:

1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms.
2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The words "shall" and "will" are mandatory.

4. The words "may" and "should" are permissive.
5. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals. Words of one gender shall apply to all persons, regardless of gender, as the context and application of this Title may reasonably suggest.

C. Conjunctions. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply; and
2. "Or" indicates that one or more connected items, conditions, provisions or events shall apply.

D. Delegation of Authority. Whenever a provision appears to require the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or Section specify otherwise.

E. Nontechnical and Technical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. (Ord. 746, 11-14-2017)

11-2-2: DEFINITIONS:

For the purpose of administering this Title, certain terms and words are to be used and interpreted as defined below:

ABUTTING:	In the context of a screening or enclosure requirement, means contiguous or separated therefrom by only a non-arterial street. In all other instances, the term shall mean contiguous.
ACCESSORY DWELLING UNIT (ADU):	A dwelling unit that may be incorporated within the living area of a home or detached from the primary residence on the same lot. An ADU will include permanent provisions for living, sleeping, eating, cooking and sanitation.
ACCESSORY STRUCTURE:	A structure on the same lot with a principal structure, of a nature that is customarily incidental and subordinate to the principal structure.
ACCESSORY USE:	A use on the same lot with a principal use, of a nature customarily incidental and subordinate to the principal use.
AGRICULTURAL USE:	Agrarian use of property that includes farming, ranching, animal and poultry production, dairy farming, aquaculture, fishery, timber production, and riding stables.
ALCOHOLIC BEVERAGE SALES, OFF-SITE CONSUMPTION:	A business with floor space devoted to the retail sale of beer, wine, or other alcoholic beverages for off-premises consumption and which requires a license under Oklahoma law. Such sales may constitute a primary or accessory use of an establishment.
ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION:	A business whose floor space is not primarily devoted to the sale of beer, wine, or other alcoholic beverages, but where on-premises consumption is permitted, subject to a license under Oklahoma regulations.
ALL-WEATHER MATERIAL:	A material capable, during ordinary use, of withstanding, without substantial deterioration, normal weather conditions.
ALLEY:	A permanent public way providing a secondary means of access for service and emergency vehicles, and not intended for general traffic circulation.
ANCILLARY OUTDOOR RETAIL AND SEASONAL SALES:	Retail merchandise display and sales that occur externally, relative to the principal retail activities conducted within an enclosed structure on the site, which may include outdoor sales conducted in a garden center that is attached to the principal building or limited seasonal sales conducted in a detached structure, on a sidewalk, or in a parking area where permitted.
ANTENNA:	A transmitting or receiving device used in telecommunication that radiates, or captures, a signal. References to antennas in this Title shall also include antenna supporting structures.
ANTENNA SUPPORTING STRUCTURE:	A telecommunications facility that consists of a stand-alone support structure which has as its principal use the support of an antenna(s) and associated equipment and improvements.
ARTERIAL STREET:	A designation on the Glenpool Major Street and Highway Plan as a primary or secondary arterial street.
AUTOMOBILE, MAJOR SERVICE:	A building or place arranged, designed, and used for providing intensive repair and servicing of all types of motor vehicles. Such repairs or services may include engine overhauls, transmission overhaul, wrecker service, collision services, including body, frame or fender straightening or repair; painting, undercoating and dust proofing, upholstery, and similar services.

AUTOMOBILE, MINOR SERVICE:	Any automobile repair work that does not require the removal of the engine head or pan, transmission, differential, body work, the rebuilding or reconditioning of engines, framework, welding, and major painting service, or uses of a similar nature, constitute Minor Services. Minor Services include the changing of fluids, tires, batteries, shock absorbers, mufflers, brakes, lights, wipers, tinting, and other uses of a similar nature.
BALE AND PALLET STORAGE:	A collection area for storing bundles of goods typically closely pressed and packaged into bales for disposal and portable platforms, or pallets, used for the handling, storing, or moving of materials and packages.
BED AND BREAKFAST HOME:	A lodging service that provides overnight or short-term accommodations for not more than five guests, usually including provision of a meal, located in a large single-family residence owned and operated by the residential owner or a manager of the structure.
BED AND BREAKFAST INN:	A residential structure that provides 12 or fewer guestrooms and meals for overnight guests who pay a fee for such services. Said structure may also be rented for special events.
BOARD OF ADJUSTMENT:	The Board of Adjustment of the City of Glenpool.
BUILDING:	A structure permanently affixed to the land, with one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or lot or lease lines.
BUILDING ENVELOPE:	That area on a lot that encompasses all development, including but not limited to, excavation, fill, grading, structures, building height, decks, roof overhangs, porches, driveways, access ways and parking.
BUILDING HEIGHT:	The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure.
BUILDING OFFICIAL:	The official charged with the responsibility of issuing permits and enforcing, on behalf of the City, all adopted city construction codes or building requirements adopted by the City.
BUILDING PERMIT:	A permit issued by the Building Official, after issuance of a Zoning Clearance Permit, to allow an applicant to erect, construct, reconstruct, alter or change the use of a building or other structure or improvements of land.
BUILDING SETBACK:	The horizontal distance from the point of measurement, such as the centerline of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.
BUSINESS PARK:	Any tract of land that has been planned, developed, and operated as an integrated facility for a number of separate buildings or for a mixture of land uses, with special attention paid to integrated circulation, parking, truck access, utilities, drainage, site and building character, aesthetics, and use compatibility.
CALIPER:	The diameter of the tree trunk measured at six inches above ground level for a tree trunk having a diameter of four inches or less, and the diameter of the tree trunk measured at 12 inches above ground level for a tree trunk exceeding four inches.
CARE HOME:	Premises used for the housing and caring for the aged or infirmed, and includes convalescent homes, homes for the aged, and nursing homes, as regulated by the State of Oklahoma.
CEMETERY:	Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of a cemetery.
CERTIFICATE OF OCCUPANCY:	An official certificate issued by the City through the enforcing official which indicates conformance with this Title and authorizes legal use of the premises for which it is issued.
CHILDCARE CENTER:	Any place, home, or institution which cares for six or more children under the age of 16 years, apart from their parents, guardians, or custodians, for regular periods of time for compensation, as regulated by the State of Oklahoma. The term "childcare center" shall not include or apply to bona fide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or places of worship and other institutions caring for children within an institutional building.
CITY COUNCIL:	The governing and legislative body of the City of Glenpool.
CITY MANAGER:	The Chief Administrative officer of the City of Glenpool.
CITY PLANNER:	The administrative officer designated by the City Manager and charged with the primary responsibility of administering this Title.
CLUSTER HOUSING:	A residential development containing attached or detached units on a limited portion of land with the remaining land areas consolidated into common open space areas.
COLLECTOR STREET:	A street classification on the Glenpool Major Street and Highway Plan.

COLLEGE, TECHNICAL, OR VOCATIONAL SCHOOL:	A place of higher learning, including technical and trade schools, colleges, universities, business schools, training centers, beauty schools, culinary schools, and comparable advanced or continuing education facilities.
COMPATIBLE:	Consistent with, harmonious with, similar to and/or complimentary to the design and character of the surrounding uses, buildings and structures.
COMPREHENSIVE PLAN:	The Comprehensive Plan of the City adopted by the City Council, including all revisions and amendments.
COMMUNITY GROUP HOME:	A community based residential facility for independent living that provides room and board, personal care, and habilitation services in a family environment as a single housekeeping unit for six to 12 resident developmentally challenged and/or physically limited persons with at least one but not more than three resident staff persons, as regulated by the State of Oklahoma. Personal care and habilitation services exclude on-site institutional type educational training, medical services, and nursing care.
CURB LEVEL:	The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish the curb level or its equivalent for the purposes of this title.
DAYCARE CENTER:	See "Childcare Center" definition.
DENSITY:	The maximum number of dwelling units per gross acre of land permitted in a zoning district.
DETENTION/	A facility for the detention, containment, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include adult detention centers, juvenile delinquency centers, prerelease centers, correctional community treatment centers, jails, and prisons.
CORRECTIONAL FACILITY:	
DEVELOPED AREA:	The area of a lot which, on the effective date hereof, is covered by a structure, off-street parking or loading areas or other areas paved with all-weather material.
DRIP LINE:	The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.
DUMPSTER:	A large trash receptacle designed to be hoisted and emptied into a truck.
DWELLING, APARTMENT:	A building or suite of rooms which provides space for more than six dwelling units that are rented or leased for occupancy.
DWELLING, DUPLEX:	A building containing two dwelling units designed for occupancy by not more than two families, separated by a shared wall with no penetrations from the ground to the roof, and each unit has a separate outside door. Included are all forms of industrial duplex dwellings, excluding manufactured and mobile homes.
DWELLING, LOT LINE HOME:	A detached, single-family unit situated on one side lot line that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space. There are two types of lot-line homes: A. Standard lot-line homes have a street-facing garage. B. Patio lot-line homes have an alley-facing garage and a fenced or walled rear yard.
DWELLING, MANUFACTURED HOME:	A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used exclusively as a place for human habitation, but which is not constructed with a permanent hitch or other device to allow it to be moved, other than for the purpose of moving the home to a permanent site. Manufactured homes do not have permanently attached wheels or axles, are transportable in one or more sections, which when erected on site, measure eight body feet or more in width and 40 body feet or more in length, or is 320 or more square feet in area. For the purpose of these regulations, a manufactured home shall be built after June 15, 1976, and shall bear a seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974.
DWELLING, MANUFACTURED:	A structure designed and intended for human occupancy on a year round or temporary or seasonal basis which has undergone at least partial prefabrication or preassembly under indoor factory conditions, excluding dwellings utilizing only prefabricated or preassembled sub-elements such as roof trusses, floor trusses, plumbing trees, or wiring harnesses. Included are the following subclasses:
DWELLING, MOBILE HOME:	A portable structure that may be similar in appearance to a Manufactured Home but was constructed prior to June 15, 1976, and does not bear a National Manufactured Home HUD seal.

DWELLING, MULTIPLEX (3-5 DWELLING UNITS):

A multiple-family residential building type that has many attributes of a townhome, except that the building is designed to resemble a large single-family home. Units in a multiplex are not necessarily separated by a wall that extends from the foundation to the roof. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under units.

DWELLING, SINGLE-FAMILY DETACHED:

A building, excluding manufactured homes and mobile homes, containing one dwelling unit designed for occupancy by not more than one family, and certified as complying with the building code of the City whether constructed on site or off site.

ELDERLY/RETIREMENT HOUSING:

A residential complex containing multi-family dwellings designed for, and principally occupied by, senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical services and nursing care and is distinguished from life care retirement centers, as defined herein.

EMERGENCY AND PROTECTIVE SHELTER:

A residential facility which provides room and board for a temporary period not to exceed 30 days, for protection, shelter, counseling, and preplacement screening for abused, displaced, or transient persons.

ENCROACHMENT:

The unauthorized placement of a building or part of a building within a required regulatory setback, easement, right-of-way, or other regulatory boundary.

ESSENTIAL SERVICES:

The development or maintenance of public services, police and fire stations, government facilities, utilities, and City-approved underground, surface, or overhead gas, electrical, telephone, steam, fuel or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, police call box, traffic signals, hydrants and lift stations.

EXISTING BUILDINGS:

A term used to determine the applicability of the regulations of this Title, relative to the time when buildings were originally started and completed and in existence prior to the effective date of this Title.

EXTRACTION:

The enterprise of excavation and removal of minerals, stone, sand, gravel, soil, or similar materials from a site, whether the intent is to increase the utility and value of the site or to use the materials for landfilling on another site, and the processing of excavated materials. This includes surface and subsurface mining, borrow pits, storage, and the crushing, sifting, stock piling, sorting, processing, and storage of extracted materials.

FAMILY:

Two or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or other domestic bonds. Domestic staff may be housed on the premises without being designated as a family. Individuals not related by blood, marriage, or adoption occupying a single dwelling unit for on-site institutional education, training, supervision, medical service, or nursing care shall not be considered a family. A family does not include a "foster home" or a "neighborhood group home" as each is defined in this Section.

FAMILY DAYCARE HOME:

A home which cares for no more than five children under the age of 16 years for regular periods of time for compensation, as regulated by the State of Oklahoma. The number of children includes preschool children of the family daycare parents under the age of two years living in the home.

FENCE:

Any structure intended for the use of confinement, prevention of intrusion, boundary identification, or screening of an activity.

FLOODPLAIN:

The land area adjoining a watercourse or drainage-way which would be inundated by the floodwater of the 100-year frequency flood, based on full urbanization of the watershed, as designated on a FIRM map and as predicted by the U.S. Corps of Engineers and interpreted by the City Engineer.

FLOODWAY:

The primary channel of a watercourse or drainage-way and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwaters of the 100-year frequency flood, as designated by FIRM maps, and predicted by the U.S. Corps of Engineers and interpreted by the City Engineer.

FLOODWAY FRINGE:

Those portions of the floodplain outside of the floodway but that are subject to inundation the 100-year frequency flood, as designated by FIRM maps, or as predicted by the U.S. Corps of Engineers and interpreted by the City Engineer.

FLOOR AREA, GROSS:

The total floor space within the outside dimensions of a building including each floor level.

FLOOR AREA, NET:

The area actually occupied, excluding accessory unoccupied areas such as corridors, stairs, closets, wall thickness, columns, toilet rooms, mechanical area or similar features.

FLOOR AREA RATIO:

The floor area of a building(s) on a lot divided by the lot area.

FOSTER HOME:	A dwelling used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but are under their supervision, as regulated by the State of Oklahoma. A maximum of five children are allowed to reside in the home, including any natural children, if any children in the home are age two or younger. If no children are under two years, the maximum number of children residing in the home is six.
FRONTAGE:	The linear measurement of a lot boundary which abuts a public street or the linear measurement of the building setback line when the boundary of the lot abuts a curbed non- arterial street or cul-de-sac.
HABITABLE FLOOR:	Any floor usable for living purposes, which includes working, sleeping, heating, cooking or recreation, or a combination thereof.
HALFWAY HOUSE:	A building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage, who are undergoing care or rehabilitation for alcoholism or other forms of drug abuse.
HEAVY RETAIL (PERMANENT OUTDOOR STORAGE, SALES, AND USE):	Retail and/or service activities that have regular outdoor service, storage, and display or partially enclosed structures, including, but not limited to, permanent retail or wholesale operations outside of an enclosed building, excluding enclosed and attached garden or home centers. Examples include building materials, recreational equipment, trailers, portable buildings, auto and truck sales, fleet storage, farm or construction equipment, and portable housing sales.
HEIGHT, BUILDING:	See definition of Building Height.
HOME OCCUPATION:	Any occupation or activity conducted within a dwelling unit which is incidental and subordinate to the use of the premises for dwelling purposes.
HOSPITAL, CLINIC, MEDICAL LAB, MEDICAL OFFICE BUILDING, URGENT CARE CENTER:	A medical services facility, including hospitals, medical laboratories, clinics, urgent care centers, general medical and surgical hospitals, specialty hospitals, nursing homes, extended care, convalescence homes, and medical office buildings, where patients are examined and may include in-house clinical laboratory services and x-ray facilities for surgery or obstetrical care or other definitive medical treatment of similar extent, including physician and dental offices, physical or massage therapists, pharmacies, medical laboratories, rehabilitation, and related uses.
ILLEGAL NONCONFORMING USE OR STRUCTURE:	A use or structure that did not exist prior to the date of adoption of this Title and was created without the required approval of the City or Tulsa County or created in violation of the applicable codes in effect when the use or structure was established.
INDOOR RECREATION AND AMUSEMENT, COMMERCIAL INTENSIVE:	Commercial amusement and recreation activities typically conducted indoors that generate a variety of impacts on adjoining properties by hours of operation, noise, traffic volume, and the intensity of the use. Examples of typical uses include, but are not limited to: billiard parlor, bowling alley, dance hall, indoor theater, arena, and indoor recreation amusement center. This use category expressly excludes sexually oriented businesses.
INDUSTRIAL, HEAVY:	<p>Refers to the following:</p> <ul style="list-style-type: none"> A. Any use classified as a "high hazard" occupancy. B. Primary processing or manufacturing, or repair operations not specifically defined elsewhere in this Title, that involve: <ul style="list-style-type: none"> 1. Outdoor storage in an area greater than that of the first floor of buildings on the lot; 2. A material risk of environmental contamination, explosion, or fire; or 3. Perceptible ground vibration, excessive noise or dust, emission of objectionable odors, or other environmental impacts. C. Processing of minerals, ores, or fossil fuels, excluding precious and semi-precious stone cutting for jewelry, or precision instruments, such as watches. D. Industries subject to New Source Review under the Federal Clean Air Act, or subject to Title V of the Federal Clean Air Act. E. For illustrative purposes, heavy industrial uses include, but are not limited to: <ul style="list-style-type: none"> 1. Coal cleaning plants with thermal dryers, coke oven batteries, carbon black plants (furnace process), petroleum refineries, petroleum storage and transfer units, and bulk fuel dealers. 2. Facilities used for food processing, such as fat rendering and stockyards. 3. Manufacturing and processing of glass, wood, plastics, other raw materials, and chemicals for their transformation into new products or components. 4. Incinerators, foundries, smelting, fertilizer or ammunition manufacturing. 5. Fossil fuel combustion, such as boilers, electricity generation, or smelting.

6. Manufacturing and fabrication of building materials, such as countertops, drywall, cut stone; vehicles, manufacturing equipment, durable goods, pre-fabricated homes, or home components; plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding, arc welding with equipment rated at more than 200 amps, or TIG welding; and other heavy welding procedures, such as for structural steel, automotive body, or heavy equipment manufacture or repair.

7. Airport/heliport.

8. Dry cleaner processing plants that use PERC or comparable petrochemical solvents.

9. Meat or seafood rendering and animal slaughter.

10. Fossil fuel, waste-to-energy, and biomass plants that produce power.

11. Recycling processing and collection.

F. Semi-Conductor related uses shall be considered to be a heavy industrial use when the use relates to weapons, nuclear energy, pharmaceutical and biotechnology applications. If the semi-conductor use relates to applications such as computers and software services, mobile telecommunications, and related technology and hardware equipment, the use may be considered to be light industrial if the operation of the use satisfies all other aspects of the definition of "Light Industrial, Flex Commercial/Light Industrial."

Refers to industrial, wholesale, and intensive commercial uses that may have limited outdoor use, storage, and operations, and have limited environmental impact or risk. Typical uses include, but are not limited to, the following:

A. Assembly of products, instruments, electronics, office machines, and items from pre-manufactured components;

B. Auto or marine body, paint, or upholstery services;

C. Building, development, and general contracting;

D. Communications facilities, except wireless telecommunications facilities;

E. Food production, other than restaurants and micro-breweries, and those food processing uses expressly cited as Industrial, Heavy;

F. Furniture making or refinishing;

G. Manufacture of textiles and apparel;

H. Printing and publishing, except copy centers;

I. Special trade contractors, excluding outside storage of any equipment that is more than 12 feet in height;

J. Wholesale trade of durable and non-durable products, except farm products and combustible or hazardous materials;

K. Uses that involve outside storage of heavy vehicles, with limited environmental impacts or risks, such as truck rental, heavy equipment rental, recreational vehicle or manufactured home storage and sales, and transportation or warehouse services; and

L. Intensive commercial uses that provide services integral with the operation of an industrial center or that require the storage or warehousing of inventory and heavy equipment.

Heavy industrial uses that are small in scale and involve limited environmental impact or safety risk may be permitted in this category if:

- The use is of high-tech nature involving small scale assembly, such as, but not limited to, computer components, data storage, and medical equipment, and where the use occupies less than 30,000 square feet and receives and ships via parcel courier service, not semi-trailers.

- The use occupies less than 30,000 square feet of a masonry building, has no outdoor storage, processing, or operations, and receives and ships via parcel courier service, not semi-trailers.

- The uses are in an industrial park setting and meet all light industrial criteria where the aggregate area of uses exceeds 30,000 square feet.

- The use involves mini-warehouses with outside storage.

- The use is a regional utility substation or distribution station.

- The use involves research, a testing lab, or product development.

To combine things into a form so that they appear to become a whole. Where used architecturally, integrated requires screening elements to be adapted into the design of the building to create a unified building design for one, or a group, of buildings or uses. When used in conjunction with site development, integrated refers to parking, circulation, landscaping, and other site elements.

INDUSTRIAL, LIGHT, FLEX COMMERCIAL:

INTEGRATED:

KENNEL:	Any facility, excluding an authorized federal, state, or City facility, veterinary hospital, or research facility, that is operated commercially where four or more dogs beyond the age of six months are kept for the purpose of boarding, sheltering, grooming, breeding and/or training with the intent to sell or donate, for a period of more than 60 days. This definition does not include a private residence nor shall it be interpreted to allow a private residence to exceed the limitation on animal ownership set forth by City Code.
LAND AREA:	The area of a lot or parcel, which for purposes of the minimum area requirements of this Title, is calculated as the area of the lot, plus one half, or 30 feet, whichever is less, of the right-of-way of any abutting street on which the lot has access.
LANDSCAPED AREA:	The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rocks, pools and planters.
LANDSCAPING:	Trees, shrubs, ground cover, vines, unpaved walkways, ponds, fountains, sculpture, and other organic and inorganic materials used for creating an attractive appearance. Smooth concrete or asphalt surfaces are not landscaping.
LEGAL NONCONFORMING USE OR STRUCTURE:	A use or structure that was in existence prior to the date of adoption of this Title, or when established/constructed subsequent to that date, conformed to the applicable regulations in effect at that time and was rendered nonconforming by an amendment of the regulations, or was rendered nonconforming as a result of annexation into the City.
LIFE CARE RETIREMENT CENTER:	A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community, which includes a residential complex, an activity or community center, or a medical or nursing facility licensed by the State of Oklahoma as an intermediate care facility, or a skilled nursing center.
LIGHT TRESPASS:	The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
LIMITED USE, AUTHORIZATION OF:	A land use which is permitted upon City Planner determination that all Limited Use criteria and other applicable requirements of this Title, and any other relevant City codes and ordinances, have been satisfied.
LIVABILITY SPACE:	The open space of a lot not allocated to or used for off-street parking, loading, or paved access, or buildings and the physical use of the property.
LOADING BERTH, OFF-STREET:	A space designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
LOT:	A lot of record on a plat which has been recorded in the office of the Tulsa County Clerk, or a parcel of land on a plat which was recorded in the office of the Tulsa County Clerk.
LOT AREA:	The total horizontal area within the lot lines of a lot.
LOT LINE:	Any property ownership boundary of a lot or parcel.
LOT LINE, EXTERIOR SIDE:	The boundary of a corner lot that sides onto a second street.
LOT LINE, FRONT:	The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the plat shall be consulted as to which lot line is designated as a front or exterior side lot line. If not specified on the plat, the principal structure should be oriented in a manner appropriate with the orientation of the surrounding principal structures and other lots in the vicinity.
LOT LINE, REAR:	The boundary of a lot which is distant from and most nearly parallel to the front lot line.
LOT LINE, SIDE:	Any boundary of a lot which is not a front, rear, or exterior side lot line.
LOT OF RECORD:	A lot which is a part of a subdivision where a plat was recorded by the County Clerk of Tulsa County, or a parcel of land in which the deed was recorded by the County Clerk of Tulsa County.
LOT WIDTH:	The average horizontal distance between the side lot lines.
MAJOR STREET AND HIGHWAY PLAN:	The City of Glenpool Major Street and Highway Plan, as adopted by City Council, as may be amended.
MANUFACTURED HOME PARK:	A tract of land designed or being used to accommodate two or more manufactured homes as dwelling units, as defined herein, for dwelling or sleeping purposes, with pads available on a rental or lease basis.
MANUFACTURED HOME SUBDIVISION:	A tract of land subdivided into lots for manufactured homes, each of which will be served by separate utilities, have frontage on a dedicated public street, and be capable of being sold or rented.
MINI-STORAGE:	A building containing small partitioned storage spaces, which are separately and individually rented or leased, for the storage of personal goods or merchandise, but excluding commercial warehousing.

MIXED USE:	Development in which a combination of residential and commercial uses, such as residential uses as second story uses over ground level retail uses, or several classifications of commercial uses, such as office and retail, or a business park, are located on the same parcel proposed for development.
MOBILE HOME:	See definition of "Dwelling, Mobile Home".
MOBILE HOME PARK:	An area zoned and established to provide one or more parking spaces intended for mobile home occupancy, usually providing utilities and public amenities.
NEIGHBORHOOD GROUP HOME:	A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single housekeeping unit for not more than five resident developmentally disabled and/or physically limited persons with at least one but not more than two resident staff persons. Personal care and habilitation services exclude on site institutional type educational training or medical or nursing care.
NURSING HOME:	A residential healthcare facility licensed and regulated by the State of Oklahoma which provides lodging, personal care and supervision for aged, chronically ill, physically infirm, or convalescent patients.
OFFICE, GENERAL:	Uses performed in an office, or office-like setting, in which professional, outpatient medical, or financial services are provided. The term includes accounting, auditing and bookkeeping, graphic design, interior design, architecture, engineering, legal services, mortgage services, insurance and financial services, computer programming, counseling, medical/dental/ chiropractic offices, real estate sales, and virtual office services.
100-YEAR FREQUENCY FLOOD:	A flood having an average frequency of occurrence once in 100 years, although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed, as predicted by FEMA, as depicted on FIRMmaps, or as predicted by the U.S. Corps of Engineers and interpreted by the City Engineer.
OPAQUE:	Non-transparent and not able to be seen through on a year round basis.
OUTDOOR RECREATION, COMMERCIAL INTENSIVE:	Commercial recreation activities typically conducted outdoors that generate a variety of impacts on adjoining properties by outdoor lighting, noise, traffic volume, and the intensity of the use. Examples of typical uses include, but are not limited to, commercial campground, recreation vehicle park, race track, drive-in theater, golf driving range, carnival, or fairgrounds.
OUTDOOR RECREATION, PUBLIC:	Recreation sites or facilities such as public parks, Homeowner Association operated facilities, designated public or commonly shared open space, golf courses, swimming pools, and tennis courts, typically located in or near neighborhoods, but do not include shooting ranges, amusement parks, carnivals, or similar forms of recreation that are incompatible with residential and public uses.
OUTDOOR SALES AND DISPLAY:	A principal use where products and inventory are displayed, stored, and sold outdoors because of their size, mass, or quantity. Examples include plant nurseries, automobile dealerships, recreational equipment dealerships, or agricultural implements. This definition does not pertain to seasonal sales, temporary sales, or any other short term or temporary outdoor use permitted in this Title.
OUT-PARCEL:	A building lot subdivided from a larger "parent" principal parcel, the combination of which functions as an integrated development that shares access, driveways, signs, landscaping, and off-street parking. The term is synonymous with the term "out-lot" and is typical with large scale integrated commercial developments. Out-parcels vary in size, may be platted lots or lease areas, but are generally smaller than 10 acres and often used as a restaurant, bank, drug store, or small scale retail or service use. It is typical for integrated developments to have multiple out-parcels with a variety of sizes.
OVERLAY DISTRICT:	Zoning, applied over one or more other districts, creates a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts, when used, typically provide a higher level of regulation than conventional zoning districts.
OVERSPEED CONTROL:	A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System (WECS).
PARKING DURATION:	The length of time an individual vehicle remains in a given parking space. Duration is a function of the driver's trip and purpose.
PARKING SPACE, OFF-STREET:	A space on a lot intended and reserved for the parking of an automobile, together with a driveway connecting the space with a street or alley and permitting safe ingress or egress of an automobile.

PAWNSHOP / SHORT TERM FINANCING:

An establishment that regularly engages in the short term loan of money on deposit of personal property or the possession of personal property on condition of selling the same back again to the pledger, or that loans or advances money on personal property by taking chattel mortgage security thereon. State and federally chartered banks and lending institutions are excluded.

PERSONAL SERVICE:

Uses that generally offer indoor personal care services, including, but not limited to, spas, salons, dry cleaners, craft shops, travel bureaus, fitness centers, and customer personal services, but excluding services defined as a sexually oriented business.

PLACE OF ASSEMBLY:

An indoor place where people gather for civic, religious or cultural purposes. The phrase "place of assembly" includes place of worship, meeting hall, lecture hall, or a place where a fraternal organization meets. The phrase "place of assembly" does not include the phrase "indoor recreation" or "indoor commercial amusement."

PLANNED NEIGHBORHOOD:

A subdivision that includes a minimum of two housing types that may be clustered around a greater amount of open space that is used to protect site resources, preserve natural features, provide recreation area, and to buffer different housing types. A planned neighborhood provides for a mixture of housing types.

PLANNED UNIT DEVELOPMENT:

A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes and accessory uses not otherwise available under conventional development standards. [See Chapter 11.]

PLANNING COMMISSION:

The City of Glenpool Planning Commission.

PRIVATE CLUB OR LODGE:

An association of persons organized for some common purpose, including fraternal organizations, whether incorporated or not, but not including groups organized primarily to render a service that is customarily carried on as a business.

PUBLIC/PRIVATE SCHOOL (GRADES K-12):

An institution that provides full-time instruction for students from kindergarten to 12th grade.

RECREATIONAL VEHICLE:

A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK:

A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles.

REFUSE CONTAINER:

A collection facility for garbage, paper, cartons, boxes, metals, glass and similar materials. Dumpsters and trash compactors are examples of refuse containers.

RESEARCH AND DEVELOPMENT, RESEARCHING AND TESTING LABORATORIES:

A business that engages in research and development of innovative ideas in technology-intensive fields, with product testing, scientific research, evaluation, and test marketing.

RESIDENTIAL CARE FACILITY:

A facility that provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.

RESIDENTIAL TREATMENT CENTER:

A community based residential facility providing diagnostic or therapeutic services and long term room and board in a highly structured environment for its residents for substance abuse, mental illness, or behavioral disorders, as regulated by the State of Oklahoma.

ROOMING AND BOARDING HOUSE:

A facility wherein congregate meals and lodging are provided to residents exclusive of a supervised living or residential care facility and exclusive of a hotel or motel.

SALVAGE YARD:

A yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing salvage or junk, upon which occurs one or more acts of buying, storing, dismantling, processing, recycling, selling, or offering for sale any such salvage, in units or in parts, for a business or a commercial purpose. Wrecking yards used for the dismantling of cars and other equipment constitute a potential public nuisance and will only be considered if an applicant demonstrates that such a facility can be operated in a manner that would not constitute a nuisance.

SATELLITE RECEIVING DISH:

Any parabolic antenna positioned to receive a signal from a satellite in a geosynchronous orbit.

SCREEN:

A fence, wall, or hedge designed to obstruct public view of a storage or other area.

SETBACK:

A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words such as "parking area", the setback shall, in its application, include, but not be limited to, buildings.

SELF-STORAGE FACILITY, INTERIOR ACCESS:

A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis, with all units being accessible from within the facility, with no access to outdoor roll up doors or storage lockers.

SELF-STORAGE FACILITY, EXTERIOR ACCESS:

A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis, which may have interior and/or exterior access.

SHOPPING CENTER; GENERAL:	A group of retail, service, or office uses managed as a single entity to serve a broad region of the City and surrounding area.
SHOPPING CENTER, NEIGHBORHOOD:	A group of retail, service, or office uses managed as a single entity to serve residents primarily within the immediate area of the center.
SIGN:	Any object or device or part thereof situated outdoors or indoors used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Signs do not include official flags of governments or of fraternal, religious or civic organizations, window displays, time and temperature devices, murals or works of art, or scoreboards on athletic fields.
SPECIAL EXCEPTION:	A use or a design element of a use which is not permitted by right in a particular district because of potential adverse effects, but which, if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by this Title, and in accordance with the substantive and procedural standards of this Title.
SPECIAL USE PERMIT:	A use or a design element which is not permitted by right in a particular district because of potential adverse effects, but which, if designed and operated in a manner that is sensitive to its relationship to surrounding uses, may be permitted by the City Council, following review and a recommendation from the Planning Commission where specifically authorized by this Title, and in accordance with the substantive and procedural standards of this Title.
STORAGE OR USE OF FLAMMABLE OR NOXIOUS MATERIALS OR SUBSTANCES:	A use engaged in storage or manufacturing that uses flammable, noxious, or explosive materials. Typical uses include, but are not limited to, chemical manufacturing and warehousing, fat rendering, fertilizer manufacturing, the manufacture and warehousing of fireworks and other explosives, petroleum refineries, pulp processing and paper product manufacturing, processes using radioactive materials, steel works, slaughter houses, and tanneries.
STREET WALL:	The wall or part of the building nearest to the street line.
STREET YARD:	The minimum required yard abutting a public street or the area of a lot contained between the minimum required building setback line and an abutting public street.
STRUCTURE:	Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.
SUBSTANTIAL IMPROVEMENT:	The commencement of construction of initial permanent physical improvements necessary to construct an overall permitted development project, within the life of the permit that allowed such improvements. Examples of substantial improvements include the pouring of slabs or footings and the preparation of a building pad, followed by the continued progression of the project to its completion.
TAVERN, NIGHT CLUB:	An establishment where the dispensing and consumption of alcoholic beverages is the principal use.
TEMPORARY CONSTRUCTION STRUCTURE:	A temporary or portable structure used for a limited period of time as an administrative office for construction related activities occurring on the same lot under an active building permit. The structure will be removed at a time predetermined with the issuance of a Zoning Clearance Permit to allow the structure.
TOP PLATE:	The horizontal timber directly carrying the trusses of a roof or the rafters.
TRANSITIONAL LIVING CENTER:	A community based residential facility that provides short term residential (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, mental illness, alcoholism, or drug abuse, for a period not to exceed 120 days, as regulated by the State of Oklahoma.
TREE:	A woody plant having one or more defined stems or trunks and having a defined crown and customarily attaining a mature height of eight feet or greater.
USABLE FLOOR AREA:	All of the floor area in a building or buildings including hallways, but excluding areas of floor devoted to structural or partition walls, stair wells, elevator shafts, storage, boiler rooms, and mechanical service rooms.
VARIANCE:	A relaxation of a restriction of this Title, granted by the Board of Adjustment, where, by reason of extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the restriction of this Title would result in unnecessary hardship.
VETERINARIAN CLINIC:	A building used exclusively for the care and treatment of animals, including incidental overnight boarding of animals within the enclosed building, but excluding outside animal runs or boarding services.

WIND ENERGY CONVERSION
SYSTEM (WECS) (Wind Turbine,
Wind Generator, Windmill, and
Wind Machine):

YARD:

YARD, EXTERIOR SIDE:

YARD, FRONT:

YARD, REAR:

YARD, REQUIRED:

YARD, SIDE:

ZONING CLEARANCE PERMIT:

A machine that converts the kinetic energy of wind into a usable form of energy. WECS includes all parts of a system except the tower and transmission equipment.

An open, unoccupied space on a lot between a building and a lot line.

A yard extending along the full length of a lot located at the corner of two streets.

A yard extending along the full length of the front lot line between the side lot lines.

A yard extending along the full length of the rear lot line between the side lot lines.

The minimum permitted distance of open unoccupied space between a building and a lot line.

A yard extending along a side lot line between the required front yard and the required rear yard.

A permit issued by the Building Official upon the direction of the City Planner after all requirements of this Title have been satisfied. (Ord. 746, 11-14-2017; amd. Ord. 788, 6-21-2021)

CHAPTER 3

ZONING DISTRICTS AND MAP

SECTION:

Zoning Districts

11-3-1: Purpose And Applicability

11-3-2: Districts Established

11-3-3: Official Zoning Map

11-3-4: Interpretation of District Boundaries

Land Uses

11-3-5: Purpose

11-3-6: Uses Not Listed

11-3-7: Legend for Zoning / Land Use Matrices

11-3-8: Residential Uses by Zoning District

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Specific And Limited Uses

11-3-10: Purpose and Applicability

11-3-11: Residential Uses

11-3-12: Nonresidential Uses

Planned Unit Development (PUD)

11-3-13: General

11-3-14: Standards

11-3-15: Administration

11-3-16: Subdivision Required

ZONING DISTRICTS

11-3-1: PURPOSE AND APPLICABILITY:

A. Purpose. The purpose of Chapter 3 is to:

1. Establish zoning districts;
2. Itemize representative residential and nonresidential land uses;
3. Specify where each land use is Permitted or Prohibited in each district, and which uses require Limited Use authorization or Specific Use Permit approval;

4. Show which land uses are allowed as a Temporary Use or as an Accessory Use; and
5. Satisfy the following purposes for each land use classification:
 - a. Agricultural:
 - (1) Preserve and protect agricultural land;
 - (2) Discourage wasteful scattering of development in rural areas; and
 - (3) Obtain economy of public fund expenditures for improvements and services.
 - b. Residential:
 - (1) Achieve the residential objectives of the Comprehensive Plan;
 - (2) Protect the character of residential areas by excluding inharmonious commercial and industrial activities;
 - (3) Achieve a suitable environment for family by permitting in residential areas appropriate neighborhood facilities, such as places of worship, schools, and certain cultural and recreational facilities;
 - (4) Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, and lot areas, and by limiting the bulk of structures;
 - (5) Permit a variety of dwelling types and densities to meet the varying needs of families; and
 - (6) Control the density of residential development to facilitate the planning for an economical provision of streets, utilities, and other public facilities.
 - c. Office:
 - (1) Preserve and promote the development of efficient office facilities and to maximize the compatibility with other land uses by establishing bulk and area controls; and
 - (2) Establish districts necessary to provide a variety of office types.
 - d. Commercial:
 - (1) Achieve the commercial objectives of the Comprehensive Plan;
 - (2) Meet the needs for commercial services and goods of the trade area;
 - (3) Preserve and promote the development of efficient commercial facilities and encourage a compatible relationship between commercial facilities and other land uses;
 - (4) Differentiate the types and purposes of commercial activities; and
 - (5) Protect the character of commercial districts and their peculiar suitability for commercial uses.
 - e. Industrial:
 - (1) Achieve the industrial objectives of the Comprehensive Plan;
 - (2) Meet the needs for industrial services and goods of the city trade area;
 - (3) Preserve and promote the development of efficient industrial areas;
 - (4) Minimize the adverse effects of industrial uses on other land uses and thoroughfares by differentiating the types and purposes of industrial activities; and
 - (5) Protect the character of industrial districts and their peculiar suitability for industrial uses.

B. Applicability. The regulations of this Title apply to all land within the corporate limits of the City. All land, buildings, structures or appurtenances within the City that are occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the regulations prescribed for the zoning district in which such land or building is located, as provided in this Title. (Ord. 746, 11-14-2017)

11-3-2: DISTRICTS ESTABLISHED:

In order to implement the Comprehensive Plan and the other purposes of this Title, the City is divided into the zoning districts set out in Table 11-3-2, below. The regulations as set out herein are uniform throughout each district.

Table 11-3-2

Zoning Districts Established

District Type	District Abbreviation	District	The purpose of this district is to:

Table 11-3-2**Zoning Districts Established**

District Type	District Abbreviation	District	The purpose of this district is to:
Agricultural	AG	Agricultural	Preserve agricultural and farmstead uses.
	PUD	Planned Unit Development	Allow a variety of agricultural, residential and non-residential uses listed in Tables 11-3-8 and 11-3-9, subject to the approval of a PUD.
Residential Districts			
Residential Single Family	RE	Residential Estate	Allow the development and conservation of single-family detached homes in a suitable environment for family life on large parcels of land at a low population density.
	RS-1	Single-Family Low Density	Allow conventional subdivisions of single-family detached dwellings.
	RS-2	Single-Family Medium Density	Allow conventional subdivisions of single-family detached dwellings.
	RS-3	Single-family High Density	Allow conventional subdivisions of single-family detached dwellings.
	PUD	Planned Unit Development	Allow a variety of single-family detached dwellings, along with appropriate non-residential uses, on a variety of lot sizes subject to the approval of a PUD.
Residential Multi-family	RD	Duplex	Allow duplex development on single lots.
	RM-1	Multi-family Low Density	Allow the development and conservation of low density multi-family dwelling types, such as garden homes and townhouses, in suitable environments.
	RM-2	Multi-family Medium Density	Allow the development and conservation of multi-family dwelling types, such as garden apartments, townhomes, and apartments, in suitable environments.
	RMT	Multi-family Townhouse	Allow the development of single-family attached townhouse dwellings, on separate lots, which are designed expressly for separate ownership.
	PUD	Planned Unit Development	Allow a variety of single- and/or multi-family dwelling types, along with appropriate non-residential uses, on a variety of lot sizes and lot widths, subject to the approval of a PUD.
Residential Manufactured Home	RMH [PUD is not permitted in any RMH zone except by special exception]	Mobile Home Park	Allow mobile homes in a mobile home park.
		Manufactured Home Subdivision	Allow HUD code manufactured homes on subdivided lots.
		Manufactured Home Park	Allow manufactured homes in a park layout.
Nonresidential Districts			
Office	OL	Office Low Intensity	Allow the development and preservation of low intensity office development.
	OM	Office Medium Intensity	Allow area for offices, with certain community facilities normally compatible with primary office uses, to preserve existing medium intensity office development and to facilitate the development of new medium intensity office areas.
	PUD	Planned Unit Development (Mixed Use)	Allow a variety of office, multi-family residential, and low-impact commercial uses to create mixed-use development, subject to the approval of a PUD.

	CS	Commercial Shopping Center	Allow a range of neighborhood convenience and regional shopping centers to provide a wide range of retail and personal service uses where all uses generally occur indoors.
Commercial	CG	Commercial General	Allow a broad range of more intensive commercial uses that may have outdoor use, display, or storage.
	PUD	Planned Unit Development (Mixed Use)	Allow a variety of CS and/or CG, office and residential uses to create mixed-use development, subject to the approval of a PUD
	IL	Light Manufacturing Research and Development	Allow an office, research, and technology park with enhanced site and building standards to create a high quality, campus-like employment center.
Industrial	PUD	Planned Unit Development (Mixed Use)	Allow a variety of IL, CG, OL and OM uses to create mixed-use development, subject to the approval of a PUD. Generally, not suitable for residential uses though not prohibited.
Special Districts			
Planned Unit Development	PUD [PUD is not permitted in an IM Zone except by special exception]	Planned - Mixed Use	Allow a variety of uses subject to the approval of a PUD.

(Ord. 746, 11-14-2017; amd. Ord. 788, 6-21-2021)

11-3-3: OFFICIAL ZONING MAP:

A. Official Zoning Map. The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map. The Official Zoning Map shall be maintained by the City Planner and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

B. Incorporation by Reference. The boundaries of the zoning districts set out in this Chapter are delineated upon the Official Zoning Map of the City, with such map being adopted as a part of this Title as fully as if the same were set forth herein in detail.

C. Zoning Map Amendment. No changes or amendments to the district boundaries shown on the Official Zoning Map shall be made except in compliance and conformity with all procedures set forth in Chapter 9 of this Title. If, in accordance with those procedures, changes or amendments are made to district boundaries, such changes or amendments shall be made promptly on the Official Zoning Map after official adoption of the change or amendment. (Ord. 746, 11-14-2017)

11-3-4: INTERPRETATION OF DISTRICT BOUNDARIES:

A. The district boundary lines shown on the Official Zoning Map are usually along streets, alleys, property lines or their extensions. Where uncertainty exists as to the precise boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following the city limits shall be construed as following city limits.
4. Boundaries indicated as approximately following the centerline of drainage ways or creeks shall be construed to follow such centerline.
5. Boundaries indicated as parallel to or extensions of features indicated in this Section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the City Planner from the graphic scale on the map.
6. Whenever any street, alley or other public right-of-way is vacated by official action of the City Council, the zoning district line adjoining each side of such street, alley, or other public way shall automatically extend to the centerline of such vacated street, alley, public right-of-way, and all area so involved, and shall henceforth be subject to all regulations of the extended districts.

7. Where physical features on the ground are at variance with information shown on the Official Zoning Map, or when there arises a question as to how, or whether, a parcel of property is zoned, and such question cannot be resolved by the application of the preceding criteria of this Section, the property shall be considered to be zoned as Agricultural (AG) and shall be subject to the provisions of that zoning district.

B. Description. District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall automatically extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerlines of abutting streets, alleys, or railroad rights-of-way, as the same were of record at the time of adoption.

C. Interpretation. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Adjustment. (Ord. 746, 11-14-2017)

LAND USES

11-3-5: PURPOSE:

Table 11-3-8, Residential Uses by Zoning District, and Table 11-3-9, Nonresidential Uses by Zoning District, hereafter referred to as the Zoning/Land Use Matrices, list zoning districts and representative land uses. Each table specifies permitted uses (uses allowed by right), limited uses (uses allowed subject to compliance with special standards), Specific Use Permit uses (uses allowed subject to compliance with special standards and the review and approval of the Planning Commission and City Council, respectively), and prohibited uses (uses not allowed), in each district. (Ord. 746, 11-14-2017)

11-3-6: USES NOT LISTED:

A. Authorization of Proposed Use. If a use is not specified in the Zoning/Land Use Matrices, the City Planner shall make a determination as to whether the proposed use is either a subcategory of a permitted, limited, specific, or prohibited use, or if the use is functionally similar to a permitted, limited, specific, or prohibited use. Upon making a determination, the City Planner shall either authorize the proposed use and apply all standards applicable to the similar use, or prohibit the proposed use if the use is deemed comparable to a prohibited use.

B. If Not Authorized, Then Prohibited. If the City Planner determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, limited, or specific use, then the use shall be considered to be a prohibited use.

C. Decision Criteria. The following decision criteria shall be evaluated by the City Planner to decide whether a proposed use is a subcategory of, or is functionally similar to, a permitted, limited, or specific use. Upon any appeal from the decision of the City Planner, the Board of Adjustment shall make the same evaluation.

1. Application of Section 11-2-2, Definitions, when applicable;
2. Nature of the use, potential impacts on surrounding properties, hours of operation, or a plan of operation describing the use;
3. Off-street parking and traffic generation characteristics of the use; and
4. Any other reasonable and pertinent criteria that the City Planner, or the Board of Adjustment when deciding an appeal, determines necessary to make a determination.

D. Findings of Fact and Effect of Decision. The following conditions shall govern the City Planner, and the Board of Adjustment upon any appeal from the decision of the City Planner, upon issuance of an unlisted land use interpretation:

1. No unlisted use interpretation shall permit any use unless evidence is presented which demonstrates that it will comply with each use limitation established for the particular district;
2. No unlisted use interpretation shall permit any use unless such use is substantially similar to, and compatible with, other uses permitted in the district, and is more similar to such other uses than to permitted, limited, or specific uses in a more restrictive district;
3. If the proposed use is most similar to a use permitted only as a limited or specific use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on obtaining a limited use approval or a specific use permit approval, as applicable;
4. If the City Planner approves an application for a decision pursuant to this Section, then the use shall be allowed subject to the same standards and procedures of the zoning district to which it was compared for the purposes of the favorable decision; and
5. If the City Planner determines that a proposed use is not a subcategory of, or functionally similar to a use permitted in the district where the property is located, the proposed use shall be prohibited in that district, and findings of fact for such decision shall be prepared for the applicant and official City records. (Ord. 746, 11-14-2017)

11-3-7: LEGEND FOR ZONING / LAND USE MATRICES:

A. Using the Tables. The tables in this Subchapter are divided into residential uses and nonresidential uses. Within each table, representative land uses are listed in rows in alphabetical order. Zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, limited, special, or prohibited in the district, as set out below, and if allowed as an accessory use or for a temporary time period.

B. Symbols. The tables in this Subchapter use the following symbols:

1. "P", means that the land use is a Permitted Use, subject to all other provisions of this Title.

A permitted use as of right may nevertheless require an application and payment of application fee.

2. "L", means that the land use is a Limited Use, which is permitted and may be administratively approved by the City Planner subject to:

- a. All standards for permitted uses set out in this Title;
- b. Applicable Limited Use standards for the specified use set out in Chapter 3, Subchapter 3, Specific and Limited ; and
- c. All applicable processes and procedures set out in Chapters 8 and 9 of this Title.

3. "S", means that the land use is a Specific Use which is allowed once granted a Specific Use Permit, which may be approved following a public hearing conducted by the Planning Commission and a subsequent public hearing conducted by the City Council, as set out in Section 11-9-13, Specific Use Permit, and subject to:

- a. All development standards set out in this Title;
- b. Applicable Specific Use Permit requirements set out in Subchapter 3, Specific and Limited Uses; and
- c. All applicable processes and procedures set out in Chapters 8 and 9 of this Title.

4. "E", means that the land use is allowed only if granted a Special Exception, which may be approved by the Board of Adjustment following a public hearing, as set out in Section 11-9-19, Special Exceptions.

5. “-”, means that the land use is a Prohibited Use in the specified zoning district.

6. "T", means that the land use is permitted on a Temporary basis, subject to all provisions of this Title and the time limitations established by this Title, the Zoning Clearance Permit, and/or the Certificate of Occupancy.

7. "A", means that the land use is permitted as an Accessory use, subject to all accessory use provisions of Chapter 5, Accessory Use and Building Standards.

8. Symbols may be combined where necessary, such as, but not limited to, "LA", Limited Accessory Use, or "TS", Temporary - Specific Use Permit.

9. Any use may be considered for inclusion in a Planned Unit Development (PUD). The Zoning/Land Use Matrices reflect those uses particularly suitable for most PUDs. (Ord. 746, 11-14-2017)

11-3-8: RESIDENTIAL USES BY ZONING DISTRICT:

TABLE 11-3-8

Residential Uses by Zoning District

Dwelling, Duplex	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	P
Dwelling, Lot Line (Patio)	P	-	-	-	-	P	P	P	P	-	-	-	-	-	-	P
Dwelling, Modular	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P
Dwelling, Multiplex (3-5 dwelling units)	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	P
Dwelling, Single-family	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	P
Dwelling, Townhome (3-6 dwelling units)	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	P
Elderly / Retirement Home	-	-	-	-	-	E	E	E	E	-	-	-	-	-	-	P
Family Day Care Home	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	P
Foster Home	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	
Home Occupation	P	E	E	E	E	E	E	E	E	-	-	-	-	-	-	P
Life Care Retirement Center	P	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P
Manufactured Home Park or Subdivision, RV Park	P-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Neighborhood Group Home	P	L	L	L	L	L	L	L	L	-	-	-	-	-	-	E
Protective Shelter, Emergency	P	P	-	-	-	-	L	L	-	-	-	-	P	P	-	-
Residential Care Facility	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	E
Residential Treatment Center	E	E	E	S	S	-	-	-	-	-	-	-	-	-	-	E
Rooming and Boarding House	LA	LA	LA	LA	LA	-	-	-	-	-	-	-	-	-	-	-
Transitional Living Center	L	S	S	S	S	-	-	-	-	-	S	S	-	-	P	P

(Ord. 746, 11-14-2017; amd. Ord. 788, 6-21-2025)

11-3-9: NONRESIDENTIAL USES BY ZONING DISTRICT:

TABLE 11-3-9

Nonresidential Uses by Zoning District

Land Use	Zoning Districts																	
	Agricultural / Residential										Nonresidential							
	AG	RE	RS-1	RS-2	RS-3	RD	RM-1	RM-2	RMT	RMH	OL	OM	CS	CG	IL	IM	PUD	

Land Use	Zoning Districts																		
	Agricultural / Residential											Nonresidential					PUD		
	AG	RE	RS-1	RS-2	RS-3	RD	RM-1	RM-2	RMT	RMH	OL	OM	CS	CG	IL	IM	PUD		
Adult Day Care, Care Home	E	E	E	E	E	E	E	E	E	-	E	E	-	-	-	-	-	P	
Alcohol Sales, Off-Site Consumption	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	
Assisted Living, Congregate Care	P	-	-	-	-	-	P	P	P	-	P	P	-	-	-	-	-	P	
Automobile, Major Service	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Automobile, Minor Service	P	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	
Automobile, Rental or Sale	P	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	
Bank, Financial Institution	P	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P	
Business Park	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	
Cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	
Child Care Center	P	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	
Church/Other House of Worship	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
College, Technical, or Vocation School	P	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	
Commercial Drive-In / Drive-Through Food	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Concrete, Asphalt Batching Temporary	-	-	-	-	-	-	-	-	-	-	-	-	-	TS	TS	TP	-	-	
Concrete, Asphalt Batching Permanent	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	
Construction Services	P-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	
Convenience Retail and Service	P-	-	-	-	-	-	-	-	-	-	L A	LA	P	P	P	P	P	P	
Craft Brew / Restaurant, Wine Tasting	P-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	
Detention / Correctional Facility	S-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P S	
Drilling/Operation of Oil/Gas Wells	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Drive-In Theatre	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Electric Regulating Station	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Essential Services	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	
Extraction (Gas, Gravel, Minerals, Oil, Sand)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Food Processing	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	S-	
Funeral Home, Mortuary	P-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	S	
Farm, Agricultural	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P P	
Gas Station	P-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	

Self-Storage Facility, Exterior Access	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Self-Storage Facility, Interior Access	S	S	S	S	S	S	S	S	S	S	S	S	L	L	P	P	P
Shopping Center: Neighborhood	TS	-	-	-	-	-	-	-	-	-	-	-	-	TS	TS	TS	TS
Shopping Center: General Retail	L	L	-	-	-	-	-	-	-	-	-	-	-	L	L	L	P
Storage of Flammable or Noxious Substances	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	E	-
Tavern, Night Club	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Telecommunication, Mounted Antenna	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P
Telecommunication, Wireless Tower	S	S	S	S	S	S	S	S	S	S	S	S	L	L	P	P	E
Temporary Open Air Carnival, Circus, Event	TS	-	-	-	-	-	-	-	-	-	-	-	-	TS	TS	TS	TS
Wind Energy Conversion System	L	L	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L
Vending Kiosk, ATM	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Veterinary Clinic	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P

NOTE:

1 High Schools shall have their principal vehicular entrance and exit on an arterial street, as set out on the Major Street and Highway Plan.

(Ord. 746, 11-14-2017; amd. Ord. 788, 6-21-2021; Ord. 814, 5-15-2023; Ord. 816, 9-18-2023)

SPECIFIC AND LIMITED USES

11-3-10: PURPOSE AND APPLICABILITY:

A. Purpose. The purpose of this Subchapter is to promote compatibility among land uses in the City by setting out specific standards for the establishment of the Limited Use and Specific Use Permit uses identified in the Zoning/Land Use Matrices.

B. Applicability.

1. Uses shown in the Zoning/Land Use Matrices as Limited Use "L" or Limited Accessory Use "LA" may be approved by the City Planner if they meet the general requirements set out in this Subchapter and all other applicable standards of this Title.

2. Uses shown in the Zoning/Land Use Matrices as Specific Use Permit "S" may be approved if they meet any applicable general requirements set out in this Subchapter and all other applicable standards of this Title, and subject to the granting of a Specific Use Permit, as set out in Section 11-9-13, Specific Use Permit.

3. Uses shown in the Zoning/Land Use Matrices as Specific Use Permit "S" that are not subject to any specific general requirements set out in this Subchapter are subject to conditions of approval, as set out in Subsection D below, as well as the requirements set out in Section 11-9-13, Specific Use Permit, and all other applicable standards of this Title.

C. General Standards for Limited Uses. A Limited Use may be approved by the City Planner if, in addition to meeting the standards for the use cited in this Subchapter, the applicant demonstrates that the use:

1. In its proposed location, will not conflict with the implementation of the Comprehensive Plan or any other plan adopted by the City; and

2. Is compatible with surrounding land uses and will not materially detract from the character of the immediate area or negatively affect anticipated development or redevelopment of the surrounding area.

The City Planner may refer any Limited Use application to the Planning Commission for a decision. Upon referral, the Commission may approve, approve subject to conditions, or deny the application. Such decision shall be final.

D. General Standards for Specific Use Permits. An application for a Specific Use Permit may be approved, approved

subject to conditions, or denied by the City Council upon receiving a recommendation from the Planning Commission based on the following criteria:

1. The ability of the use to comply with any applicable regulations that may be stipulated in this Subchapter;
2. Any conflict the use, in its proposed location, could create with the implementation of the Comprehensive Plan or any other plan adopted by the City;
3. The ability of the use to be compatible with surrounding land uses, blend into and not detract from the character of the immediate area, and not negatively affect anticipated development or redevelopment of the surrounding area; and
4. Any other criteria the Commission or Council determine to be reasonable and necessary to ensure the use is appropriate in the proposed location. Such decision by the City Council shall be final. (Ord. 746, 11-14-2017)

11-3-11: RESIDENTIAL USES:

As indicated for each use, the following standards apply either to residential Limited Uses that are approved by the City Planner, subject to potential referral to the Planning Commission, or to residential uses that require Specific Use Permit approval by the City Council, upon recommendation of the Planning Commission, or to both. Specific uses are also subject to any other conditions of approval necessary to satisfy the criteria set out in Subsection D, General Standards for Specific Use Permits, above.

A. Institutional Residential Uses.

1. Community Group Home may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:
 - a. A license is issued by the Oklahoma Health Department;
 - b. The use complies with all contracting requirements of the State of Oklahoma Department of Human Services for group homes for developmentally challenged persons;
 - c. No signs advertising the home are posted on the property;
 - d. No exterior alterations to the dwelling or any accessory structures are made which would detract from the residential character of the dwelling or structure;
 - e. Fire escapes, if required, are located on the rear of the structure, if architecturally feasible, or on the side of the structure and screened from the view of adjoining residential properties;
 - f. To avoid clustering, the community group home is not located on a lot within one quarter mile of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention or correctional facility; and
 - g. A Zoning Clearance Permit is issued, which would automatically be revoked upon the revocation of any license or other approval issued by the State of Oklahoma.

2. Emergency Protective Shelter may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

- a. To avoid clustering, the emergency protective shelter is not located on a lot within one quarter mile from any other lot containing a residential care center, transitional living center, emergency protective shelter or any lot containing a neighborhood group home, community group home, or detention/correctional facility; and
- b. A Zoning Clearance Permit is issued, which would automatically be revoked upon revocation of any license or other approval issued by the State of Oklahoma.

3. Life Care Retirement Center may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if the nursing facility or medical facility is licensed by the Oklahoma Health Department as an intermediate care facility or as a skilled nursing home.

4. Neighborhood Group Home may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

- a. A license is issued by the Oklahoma Health Department;
- b. The use will comply with all contracting requirements of the Oklahoma Department of Human Services for group homes for developmentally challenged persons;
- c. No signs advertising the home are posted on the property;
- d. No exterior alterations to the dwelling or any accessory structures are made which would detract from the residential character of the dwelling or structure;
- e. Fire escapes, if required, are located on the rear of the structure, if architecturally feasible, or on the side of the structure and screened from the view of adjoining residential properties;
- f. To avoid clustering, the neighborhood group home is not located on a lot within one quarter mile of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center,

an emergency or protective shelter, or detention/correctional facility; and

g. A Zoning Clearance Permit is issued, which would automatically be revoked upon the revocation of any license or other approval issued by the State of Oklahoma.

5. Residential Care Center may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

a. To avoid clustering, the residential care center is not located on a lot within one quarter mile from any other lot containing a residential care center, transitional living center, emergency protective shelter or any lot containing a neighborhood group home, community group home, or detention/correctional facility; and

b. A Zoning Clearance Permit is issued, which would automatically be revoked upon the revocation of any license or other approval issued by the State of Oklahoma.

6. Transitional Living Center may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

a. To avoid clustering, a transitional living center is not located on a lot within one quarter mile from any other lot containing a residential care center, transitional living center, emergency protective shelter or any lot containing a neighborhood group home, community group home, or detention/correctional facility; and

b. A Zoning Clearance Permit is issued, which would automatically be revoked upon the revocation of any license or other approval issued by the State of Oklahoma.

B. Residential Uses.

1. Elderly/Retirement Housing may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

- a. Elevators are provided for multi-family structures, with the exception of townhouses, over one story in height;
- b. Emergency alarm systems are provided in every dwelling unit;
- c. Safety "grab bars" are provided in all bathing areas; and
- d. All Americans with Disabilities Act code requirements are met.

2. Rooming and Boarding House (Including Fraternity and Sorority Houses) may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

a. When determining the applicable bulk, area, setback and parking requirements, a rooming and boarding house, including a fraternity or sorority house, shall be considered a multi-family dwelling; and

b. Each dwelling unit shall have a minimum floor area of 600 square feet, the equivalent of a one bedroom dwelling unit.

C. Commercial Use of the Home.

1. Bed and Breakfast Inn may be allowed as a specific use, as specified in the Zoning/Land Use Matrices, if all of the following requirements are met:

a. The owner/operator shall maintain a register of guests and events for each calendar year and shall make such register available to the City upon request. The maximum length of stay for any guest shall be limited to 30 days per calendar year.

b. The maximum number of guestrooms shall be limited to 12, provided that one off- street parking space is available per guestroom.

c. Cooking facilities are prohibited in guestrooms.

d. The inn may not be used as a restaurant, for special dining events, or catering. Meals may only be served to overnight guests.

e. Signage shall not be internally illuminated or exceed six square feet in the RE and RS zoning districts, or 32 square feet in all other districts. Sign height shall not exceed four feet unless the site fronts on a state or federal highway, in which case eight feet is permitted.

f. If the inn is not located in an RE or RS zoning district, applicants may request that the inn be allowed to be rented for special events, such as, but not limited to, weddings, anniversaries, or dinner parties. The request shall be evaluated on the ability of the site to accommodate anticipated off-street parking needs and the impact of such uses on adjoining properties. The City may stipulate the maximum number of special events per year and the maximum number of guests per event.

2. Family Day Care, Home may be allowed as a limited use, as specified in the Zoning/Land Use Matrices, if:

a. Signs are limited to accessory signs for principal uses; and

b. In the RE and RS districts, family day care homes shall be located on lots that comply with the following standards:

- (1) Maximum Floor Area Ratio: 0.5;
- (2) Minimum Lot Area: 10,000 square feet;
- (3) Minimum Frontage: 100 feet; and
- (4) Minimum Setback Abutting RE and RS Lot Lines: 25 feet.

3. Home Occupation may be allowed as a limited use in all residential zoning districts, as specified in the Zoning/Land Use Matrices, and with all residential uses, if the home occupation is carried on by an occupant of the dwelling as a secondary use incidental to the principal use of the dwelling as a residence, and if all of the following requirements are met:

- a. Location: The home occupation shall be conducted entirely indoors within the principal structure.
- b. Area: The maximum floor area utilized for home occupation purposes shall not exceed 25 percent of the total floor area of the principal structure.
- c. Employees: The home occupation shall be engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
- d. Visibility of Merchandise: No merchandise shall be displayed in such a manner as to be visible outside the premises.
- e. Outdoor Storage: Outdoor storage is prohibited.
- f. Maintenance of Residential Character: No alteration of the residential character of the premises may be made in order to facilitate the home occupation.
- g. Signs: One identification sign shall be permitted per dwelling advertising the home occupation. The sign shall be affixed to the principal building or customary accessory building and shall not exceed six square feet in surface area. Sign illumination is prohibited.
- h. Disturbances: No mechanical or electrical equipment or other activities shall be allowed which create noise, dust, odor, or electrical disturbance.
- i. Traffic and Parking: No home occupation shall generate more than 15 additional vehicle trips per day to and from the premises. All parking needs shall be accommodated by off-street parking, which includes the use of a driveway, provided that the residential character of the premises is not altered. (Ord. 746, 11-14-2017)

11-3-12: NONRESIDENTIAL USES:

As indicated for each use, the following standards apply either to nonresidential Limited Uses that are approved by the City Planner, subject to potential referral to the Planning Commission, or to nonresidential uses that require Specific Use Permit approval by the City Council, upon recommendation of the Planning Commission, or to both. Specific uses are also subject to any other conditions of approval necessary to satisfy the criteria set out in Subsection D, General Standards for Specific Use Permits, above.

A. Antenna: Wireless Telecommunication may be allowed as a limited or specific use, and a primary or accessory use, as specified in the Zoning/Land Use Matrices, if:

- 1. Antennas and antenna supporting structures shall not exceed 60 feet of aggregate height, as measured at grade, unless approved by the City Council, after Planning Commission review and recommendation. However, in no case shall any antenna and/or antenna supporting structure exceed 150 feet in aggregate height as measured at grade.
- 2. Each request for an antenna and/or an antenna supporting structure shall be accompanied by a site plan application which shows all proposed improvements.
- 3. There shall be a minimum spacing of one-half mile between all existing and proposed antenna and antenna supporting structure sites excluding those structures which do not have as their principal purpose antenna placement or support. Written evidence shall be presented to the City by the applicant that the antenna and/or antenna supporting structure is no closer than one-half mile from any existing site or site for which an application is pending with the City. However, upon action of the City Council, after Planning Commission review and recommendation, the one-half mile separation requirement may be waived for sites located within industrial districts, provided that no antenna/antenna supporting structure shall be within 1,000 feet of an existing or approved antenna/antenna supporting structure site.
- 4. The antenna and/or antenna supporting structure shall be separated by 500 feet from any residential district boundary line and 300 feet from any office district boundary line. Within the agricultural district, no tower shall be located within 500 feet of a residential dwelling. The antenna and/or antenna supporting structure shall meet the setback requirements of the district in which it is located.
- 5. The antenna and/or antenna supporting structure shall be subject to initial and continuing compliance with all other applicable local, state and federal codes and standards for operation of that particular facility. These requirements shall include, but are not limited to, meeting the standards and requirements of the Federal Aviation Administration, Federal Communications Commission, and the Electronic Industries Association and American National Standards Institute.
- 6. The antenna and/or antenna supporting structure shall be buffered with landscaping and vegetative or other

screening to mitigate the operation and visual impacts of such abutting and adjacent uses. A wall or chain-link fence not less than eight feet in height from finished grade shall be provided around any high voltage equipment, and access shall be through a locked gate.

7. Equipment, mobile or immobile, that is not necessary for direct support of the use shall not be stored or parked on the site unless repairs to the facility are being made.

8. If the operation and use of the antenna and/or antenna supporting structure ceases for a period of 180 days, unless City approval is given again within 60 days of the expiration of the 180 day period, it shall be removed by the owner at the owner's cost or subject to removal by the City at the expense of the owner.

9. The antenna and/or antenna supporting structure shall be designed and constructed in such a manner as to accommodate collocation of a minimum of two wireless telecommunications systems, personal communications systems, or other such technologies, unless it can be demonstrated by the applicant to the satisfaction of the City that such collocation was not technically feasible or that it would unreasonably impede or otherwise impair the operation of the initial or subsequently located facilities.

10. If collocation is determined by the City to unreasonably impede or impair the operation of the proposed facility, a minimum spacing of one-half mile from other such facilities shall be met, unless a waiver is granted, as set out in Item "3." for this use.

11. The antenna supporting structure shall be of monopole design unless the applicant can demonstrate that an alternative design is necessary due to technical considerations or would result in less visual impacts.

12. Certification from a Professional Engineer licensed to practice in the State of Oklahoma shall be submitted that the antenna and antenna supporting structure is designed and constructed in such a manner as to accommodate the collocation of a minimum of two wireless telecommunications system providers, and that it meets the standards of the American National Standards Institute and the Electronic Industries Association and would not result in disruption of any other wireless or other communication networks. Further, certification from such engineer shall be required upon completion of the construction and prior to commencement of operation that the antenna and antenna supporting structure has, in fact, been constructed in accordance with the plans approved by the City.

13. Operators of such facilities shall provide the City Planner with 30 day prior written notice of any changes or modification in the operation of the facility that would cause the facility to no longer be in compliance with all requirements listed above for this use and any conditions of City approval. Said notice shall include detailed information about the nature of all such changes. Minor changes may be approved administratively. Major changes shall require a new SUP application. Changes made without prior notice to the City that are determined to be major shall constitute cause for the City to summarily revoke the original SUP approval and become the basis for requiring submission of a new application to continue operation, or the basis for invoking the enforcement and remedy proceedings set out in Chapter 11.

14. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

15. If an antenna is installed on a structure other than a tower, the antenna shall not extend more than 20 feet above the highest point of the building structure, or if located on an architectural feature such as a steeple or bell tower, the antenna shall not protrude above the structure.

16. The following antennas may be permitted as a limited use:

a. Antennas that are to be attached to existing support structures, provided that each new antenna does not exceed the initial approved aggregate height for the entire structure.

b. Antennas attached to an existing City owned building or structure, or a utility structure, provided that the antenna(s) comply with Subsections "13." and "14." above.

B. Nursing Home may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if:

1. The nursing home is licensed by the Oklahoma Health Department as an intermediate care facility or as a skilled nursing home; and

2. When located on a lot abutting any lot zoned RE, RS, or RD, a Type C bufferyard shall be provided along the said abutting residential property line.

C. Office Accessory Use may be allowed as a limited accessory use within an office building or office complex, on a property zoned OL or OM, as specified in the Zoning/Land Use Matrices, if:

1. The use is necessary and appropriate for the convenience of the office occupants, such as, but not limited to, hair care, bookstore, florist, gift, novelty, pharmacy, newsstand, shipping, stationery and office supplies, dine-in restaurant, café, or cafeteria;

2. The use is structurally integral within the principal building, is located entirely within the principal building, and has no direct exterior public access, excluding required fire exits;

3. Multiple such uses in one office building are collectively limited to an area no greater than 15 percent of the gross

first floor area of the building;

4. Any individual restaurant occupies an area no greater than five percent of the gross first floor area of the building; and

5. Exterior signs, including window signs, identifying the use are prohibited.

D. Oil and Gas Well Drilling and Operation may be allowed as a specific use, as specified in the Zoning/Land Use Matrices, subject to:

1. The provisions of City Code, Title 3, Chapter 3, Section 3-7-1, Subsection B; and

2. Applicable requirements of Title 12, Subdivision Regulations, Chapter 5, Section 12-5-12, Oil and Natural Gas Extraction.

E. Sexually Oriented Businesses are permitted as a specific use, as specified in the Zoning/Land Use Matrices, subject to:

1. Definitions. As used herein, the following terms shall have the meanings ascribed to them below:

a. SEXUAL CONDUCT includes the following meanings:

- (1) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
- (2) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and sodomy;
- (3) Masturbation; and
- (4) Excretory functions as part of or in connection with any of the activities set forth in this definition.

b. SEXUALLY ORIENTED BUSINESSES include the following:

(1) Adult Amusement Or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "sexual conduct" or "specified anatomical areas", as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

(2) Adult Bookstore: An establishment having, as a significant portion of its stock in trade, books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(3) Adult Mini-Motion Picture Theater: An enclosed building with a capacity of less than 50 persons used for presenting material distinguishing or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(4) Adult Motel: A motel wherein material is presented as part of the motel services via closed circuit TV or otherwise, which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(5) Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug 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 an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(6) Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

(7) Massage Parlor: Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

(8) Model Studio: Any place, other than university or college art classes, where, for any form of consideration or gratuity, figure models who display specific anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

(9) Sexual Encounter Center: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to, bathhouses, massage parlors, and related or similar activities.

c. SPECIFIED ANATOMICAL AREAS: as used in this Section, shall include the following:

(1) Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Location.

a. No person shall cause or permit the establishment of any of the "sexually oriented businesses", as defined in Subsection E.1. above, in an area zoned other than CS and CG.

b. No person shall cause or permit the establishment of any of the "sexually oriented businesses", as defined in Subsection E.1. above, within:

- (1) 1,000 feet of any other sexually oriented business;
- (2) 500 feet of a place of worship;
- (3) 500 feet of a school which offers a compulsory education curriculum;
- (4) 500 feet of a public or private park;
- (5) 300 feet of any residential zoning district; or
- (6) 300 feet of a non-arterial street that provides access to a residentially zoned area.

3. Interpretation.

a. The establishment of a sexually oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location of any of the uses described in this Subsection.

b. Nothing in this Section is intended to make legal any business or activity that is expressly declared illegal under the provisions of this Title or under any state or federal laws.

F. Temporary Open Air Facilities may be allowed as a specific use, as specified in the Zoning/Land Use Matrices, if the event does not exceed 60 days.

G. Wind Energy Conversion Systems (WECS) may be allowed as a limited or specific use, as specified in the Zoning/Land Use Matrices, if all of the following requirements are met:

1. All WECS tower structures comply with the design and construction techniques in the current City Codes, as set out in Title 10. Compliance with all code requirements shall be sealed and certified in writing by the manufacturer's engineer or a professionally registered structural engineer.

2. Towers have either tower climbing apparatus located not closer than 12 feet from the ground or have a locked anti-climb device installed on the tower.

3. Safety wires are installed on the turnbuckles of the guywires for all guyed WECS towers.

4. The WECS is equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The conformance of rotor and over-speed control design with good engineering practices shall be certified by the manufacturer's engineering staff or by a registered mechanical engineer. The compatibility of the tower and the rotor shall also be certified by the manufacturer or by a registered mechanical engineer.

5. If a WECS is within 300 feet of a structure or a tree, the lowest moving part is not more than 30 feet above the highest structure or potential tree height, whichever is higher, and does not exceed 60 feet.

6. No part of a WECS is located within, or over, a drainage, utility, or other established easements or located within, or over, any required minimum front, side, or rear yard setbacks or bufferyards. (Ord. 746, 11-14-2017)

PLANNED UNIT DEVELOPMENT (PUD)

11-3-13: GENERAL:

A. Purpose.

1. A PUD is a zoning classification that combines the zoning, subdivision, and site plan processes in a manner that benefits the City by creating community character and the developer by expanding development options and flexibility, and reducing uncertainty.

2. It is not the purpose of a PUD to maximize lot yield or to deviate from the standard zoning regulations without clear benefits to the City. The City will only consider a PUD when the warrants listed in Subsection C below will result from the development.

B. Goals.

1. Every PUD should achieve a development outcome that is superior to that possible through general zoning districts, addresses the needs of the development market for greater flexibility and certainty, and supports the desire of the City to achieve the goals and objectives of the Comprehensive Plan.

2. The following types of development can only be achieved by use of a PUD and are encouraged by the City:

- a. Mixtures of residential types, densities, dwelling sizes and heights, lot sizes and widths, and design character in a

single cohesive manner throughout the development;

b. Mixtures of residential types with specific nonresidential uses in appropriate locations relative to residential, and with standards to ensure the compatibility and design integration of all uses;

c. Mixtures of nonresidential development limited to specific uses, and the exclusion of other uses that may not be desirable in a given PUD; and

d. Clustered development in units that preserves meaningful open space, protects natural resources, provides corridors for linear parks and bikeways, buffers different use types, buffers streams, wetlands, and floodplains to improve water quality and minimize flood risk, and provides areas for active and passive recreation opportunities.

3. Creation of a development framework that provides both the developer and the City flexibility, within predetermined codified parameters, with appropriate Commission and Council oversight.

C. Warrants. To obtain approval of a PUD, the applicant must submit a site development plan, concept plan, plats, parks and recreation schematic plans, amenity plans, building design elevations, a written narrative describing the development standards proposed to govern the PUD, and other documents to demonstrate that the development, if approved, will be of a higher quality than a standard development, will yield a substantial community benefit, and will result in other benefits, such as:

1. An efficient provision of infrastructure that sustains the natural environment;
2. Continuity of the roadway system that effectively distributes and calms traffic both within and through the development;
3. Pedestrian systems via on-street bicycle lanes or off-street bicycle trails and sidewalks that improve pedestrian and bicycle circulation;
4. Good transitioning of housing types within the development and with development adjacent to the PUD;
5. Protection and preservation of natural resources and valued or sensitive land features; and
6. Improved development quality that includes landscape and other decorative treatments along perimeter collector and arterial streets and the perimeter of the development.

The greater flexibility afforded to the developer to best utilize the physical features of the site must result in a commensurate exchange of greater public benefits than would otherwise be achieved through non-PUD development procedures under this Title.

D. Applicability.

1. A PUD application may be submitted for land located within any general zoning district or combination of general zoning districts. In every instance, the PUD is to be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract.

2. A PUD approved prior to the effective date of this Title shall be carried forth in full force and effect, and all conditions, restrictions, regulations, and requirements that apply to the respective PUD shown on the Official Zoning Map at the date of adoption.

E. Effect of Approval.

1. Upon approval of a PUD, no modification of use or bulk and area requirements that would have applied under general zoning standards shall be effectuated by issuance of any building or zoning clearance permit until a subdivision plat incorporating the provisions and requirements of the PUD is approved by the City and duly filed of record in the office of the County Clerk of Tulsa County.

2. Upon approval of a PUD, the existing zoning will cease to exist and the property shall be rezoned to "PUD", subject to all of the requirements adopted by the City Council in the ordinance that establishes the PUD. (Ord. 746, 11-14-2017)

11-3-14: STANDARDS:

A. Context. Each PUD proposed for the City's consideration shall be unique. The development standards that are appropriate for each shall be derived by the following factors:

1. Context Sensitivity. It is essential to identify the existing uses and streets that adjoin the PUD or that are proposed to adjoin the PUD. The Future Land Use Map and Major Street and Highway Plan shall also be consulted for context. Each of these conceptual elements factor into the design of the PUD.

2. Site Sensitivities and Constraints. It is essential to identify development constraints on the property where the PUD is proposed, and on adjoining sites. Examples of constraints include uneven terrain, steep slopes, creeks and other water features, wetlands and floodplains, dense tree cover, and any pre-existing mineral extraction facilities. These features affect land development decisions, and some natural constraints can be treated as opportunities that, when preserved, will provide meaningful open space, greenbelts for linear parks and trails, and land use buffers, as well as focal points within a development.

3. Development Linkage. It is essential that developments are designed in a manner that will provide appropriate auto, pedestrian, bicycle and utility linkages between existing and future development. Site constraints that extend onto abutting

properties could be combined into a larger park or open space area.

4. Site Visibility. To create community character, it is imperative that the perimeter of the development, particularly along highways and arterial and collector streets, be designed appropriately with greenbelts, decorative walls or fencing, and landscaping to create a positive appearance for community residents and those traveling through the City.

After analyzing the factors described above, a Contextual Plan shall be developed that depicts each factor as many critical PUD design decisions will be derived from this information.

B. Proposed Uses and Design. The developer may propose one or more uses, expressly prohibit certain uses, or itemize the list of uses proposed in the PUD. Uses shall be proposed in logical locations based on surrounding uses and roads and the ability to provide buffer areas to ensure that all uses in the PUD, and outside the PUD, are compatible.

1. Concept Plan. Proposed PUD uses shall next be illustrated on a PUD Concept Plan that shows where each use is proposed to be located, proposed acreage of each use, and proposed density of each residential use (gross units per acre) and proposed intensity of each nonresidential use (ratio of floor area to site area). Densities and intensities shall be indicated by pod within the PUD and by overall PUD calculations. The Concept Plan shall show how open space is proposed to be used as buffers, preserved as common open space, or used for recreational purposes. The Contextual Plan shall be referenced to ensure that the proposed PUD uses fit the context of the surrounding area and development.

2. Conceptual PUD Narrative. The developer shall propose, and describe in narrative form, specific development standards to govern each proposed use type in the PUD. This shall be done either by referencing the development standards of specific zoning districts in this Title or by proposing a unique set of development standards for each use in the PUD, or different densities or intensities for particular use areas in the PUD. Along with basic use and dimensional standards, the development standards narrative shall outline an architectural design palette, sign program, and amenity program, and also specify how open spaces and other common areas will be designed and maintained.

3. Conceptual Utility and Drainage Plan. The developer shall prepare a conceptual plan for utilities and drainage to illustrate how these essential facilities and public safety will be addressed, but also as critical considerations for ensuring development linkage and depicting how drainage areas may be designed as usable recreation areas and amenities.

4. Design Elements. Following is a representative list of design elements that are encouraged by the City in general, and particularly within PUDs:

a. Aerated ponds surrounded by trails and other amenities, or dry detention with appropriate slopes to allow active recreation.

b. Wider sidewalks that can accommodate pedestrians and bicycles.

c. Linear parks or trails that can connect to other local and regional trail networks and adjoining development.

d. The use of unified and consistent design elements, such as materials, colors, and design, for perimeter walls or fencing, primary road frontage, entry signs, and amenities in the development.

e. Provision of common open space designated for trails, playgrounds, active or passive recreation, and as water quality buffer areas.

f. Preservation of trees and sensitive areas to enhance the appearance of the perimeter of the development, provide buffers between uses, and enhance livability.

5. Negotiation and Processing. With each of the plans and narratives complete, the City and developer shall begin to assess how the proposed PUD addresses the PUD purposes and standards expressed in this Subchapter and shall begin the processes set out in Sections 11-9-9, Conceptual Development Plan for a PUD, 11-9-10, Preliminary Development Plan for a PUD, and 11-9-11, Final Development Plan for a PUD, concurrent with the submittal of Preliminary and Final Plats, as set out in Title 12, Subdivision Regulations. (Ord. 746, 11-14-2017)

11-3-15: ADMINISTRATION:

A. Building Permits. Upon the recordation and filing of an approved PUD subdivision plat, the acceptance of any required public improvements, and the issuance of a Zoning Clearance Permit, a building permit may be issued for land in the PUD in accordance with the approved plat and PUD.

B. Amendments. Minor and Major Amendments to the PUD may be considered in accordance with the processes set out in Section 11-9-4, Minor PUD Amendments, and Section 11-9-2, Major PUD Amendments.

C. Abandonment. Abandonment of a PUD is subject to City Council approval, upon receiving a recommendation by the Planning Commission, of an application for an amendment to the Official Zoning Map to repeal the PUD. If a PUD is repealed, the zoning of the subject property shall automatically revert to the conventional zoning district classification which existed prior to the establishment of the PUD and shall be so noted on the Official Zoning Map. Upon final action authorizing the abandonment of the PUD, no building permit shall be issued except in accordance with the restrictions and limitations of the prior conventional zoning of the property. Such a change to the Official Zoning Map shall be considered a Minor Map Amendment and may be completed administratively. (Ord. 746, 11-14-2017)

11-3-16: SUBDIVISION REQUIRED:

A. PUD subdivision plats shall be filed with the City concurrent with the Preliminary and Final PUD Zoning Amendment Plans. Plats shall be processed in accordance with the requirements of Title 12, Subdivision Regulations.

B. Covenants to provide for the ownership and maintenance of common open space to reasonably ensure its continuity and conservation shall be provided to the City for review as to form. Open space may be dedicated to a private association or to the public, subject to the approval of City Council. (Ord. 746, 11-14-2017)

CHAPTER 4

DEVELOPMENT AND DESIGN STANDARDS

SECTION:

Generally

11-4-1: Purpose And Applicability

11-4-2: General Zoning Provisions

Residential Development Standards

11-4-3: Purpose

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11-4-5: Development Standards

Nonresidential Development Standards

11-4-6: Purpose

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11-4-13: Manufactured Homes

11-4-14: Nonresidential and Mixed-Use Development

GENERALLY

11-4-1: RULES OF WORD CONSTRUCTION:

A. Purpose. The purpose of this Chapter is to establish:

1. Minimum and maximum development standards for each zoning district;
2. Minimum and maximum standards for various types of subdivisions; and
3. Exceptions from minimum and maximum requirements, where appropriate.

B. Organization. Development standards are organized into the following Subchapters:

1. Residential Standards. Subchapter 2, Residential Development Standards, establishes development parameters for all standard residential uses and neighborhoods, which excludes residential uses and neighborhoods in PUDs.
2. Nonresidential Standards. Subchapter 3, Nonresidential Development Standards, applies to all nonresidential, mixed-use, public, and institutional development and establishes minimum and maximum site development standards, such as, but not limited to, building coverage, lot area and lot width.
3. Design Standards. Subchapter 4, Design Standards, establishes building design, materials, and aesthetic standards for the design of all buildings in the City.

C. Applicability. The standards of this Chapter apply to the following:

1. Conforming Existing Buildings. All principal buildings and structures lawfully permitted and constructed, or that have an active building permit prior to the effective date of this Title, are deemed to be conforming with respect to the requirements set out in this Chapter. This Chapter, however, does not make the following buildings or structures conforming:
 - a. Buildings or structures constructed without required permits;
 - b. Buildings or structures constructed in violation of permit requirements;

c. Buildings or structures that were razed and are proposed to be reconstructed in a manner that will not conform to the standards of this Chapter;

d. Buildings that were permitted and constructed as a single-family detached dwelling and later converted to multi-family units without being permitted for such use; and

e. Accessory buildings constructed with or without permits that violate the standards of this Chapter.

2. Conforming Lots. All lots of record that lawfully existed prior to the effective date of this Title are deemed to be conforming with respect to the requirements of this Chapter relating to lot design. However, this Chapter does not make any originally platted conforming lot that was later split by a metes and bounds division a conforming lot.

3. New Development. All new development and new subdivisions shall be subject to all requirements of this Chapter on the effective date of this Title. (Ord. 746, 11-14-2017)

11-4-2: GENERAL ZONING PROVISIONS:

A. Compliance with Provisions.

1. No land, lot or building shall be used or improvements made for any purpose except in accordance with the use, height, area, yard, space and all other applicable requirements established in the district in which such land, lot, building, or improvement is located, except as provided by Chapter 10, Nonconformities.

2. Nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit was lawfully issued prior to the effective date of this Title, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed to be legally nonconforming and may continue, as regulated by Chapter 10, Nonconformities.

3. Within one year of the effective date of this Title, a building permit and Zoning Clearance Permit may be issued for any use of land commenced in accordance with all terms, conditions, and plans of any approval granted by the Board of Adjustment, Planning Commission, or City Council prior to the effective date of this Title.

B. Division of Lots. A lot shall not hereafter be divided into two or more lots unless all resulting lots from such division conform to all the applicable regulations of the zoning district in which they are located and comply with all requirements of Title 12, Chapter 7, of the City Code.

C. Street Frontage Required. No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 feet of frontage on a public street or dedicated right-of-way, except a nonconforming lot of record, a lot within an approved PUD, or a lot within an approved townhouse or condominium development.

D. One Single-Family Dwelling per Lot in Certain Districts. Not more than one residential structure may be located on a lot in an AG, RE, RS or RD district.

E. Height Limit Exceptions. The following structures shall not be subject to the height limitations of the district in which they are located:

1. Farm buildings and structures;

2. Belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy; and

3. Ground and structure supported accessory antennas, aerials, and towers, including elevating structures of a non-habitable nature, which do not exceed a total aggregate height of 60 feet above the natural land grade and which meet the following requirements:

a. No portion of the antenna or antenna supporting structure or any anchor or guy-line may encroach upon the land area or airspace of any adjoining or abutting property;

b. In a residential district, no portion of the antenna or antenna supporting structure may extend beyond the front yard building setback line or extend into any established front yard or into any side yard, provided that:

(1) Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any City, county, state or federal governmental entity.

(2) Non-guyed, omnidirectional, single-element vertical antennas not exceeding 112 inches in height and not exceeding a 1.75 inch outside diameter shall be permitted, in addition to the 60 foot aggregate height limitation.

The restrictions established by this Subsection may be modified by the approval of a Specific Use Permit, as set out in Section 11-9-13, Specific Use Permit, subject to the minimum requirements and such additional safeguards and conditions as may be determined to be appropriate and necessary.

F. Lot Area and Width Exceptions. The development standards of all zoning districts shall be applicable to all uses within such districts, with the exception of:

1. All Essential Services, including, but not limited to, fire, police and emergency medical services, utility services, public parks, drainage, and open space and amenity areas; and

2. Integrated retail or other centers that have multiple lots and out-parcels and function as a single unified development.

In such centers, development standards shall apply to the perimeter of the integrated development unless a plat specifies additional setbacks, such as for a mixed-use center.

G. Yards and Setbacks.

1. Required yards shall be open and unobstructed from the ground to the sky. Yards provided for the purpose of complying with the requirements of this Title shall not be considered to be a required yard for any other building or lot.

2. Obstructions are permitted in required yards as follows:

a. Cornices, canopies, eaves, and similar architectural features may project not more than two feet into a required yard;

b. Fire escapes may project not more than four and one-half feet into a required yard;

c. Fences, hedges, plant materials and walls may be located in any yard, provided that corner traffic visibility is maintained in accordance with City ordinances; and

d. Signs permitted as accessory uses in residential districts may be located within any yard which is bounded by a public street, provided that corner traffic visibility is maintained in accordance with City ordinances.

H. Accessory Buildings and Structures. In the RE and RS residential districts, a detached accessory building, or buildings, may be located in a required rear yard if:

1. The building or buildings do not cover more than 20 percent of the area of the minimum required rear yard;

2. The total gross floor area for any accessory building or buildings located in the rear yard, required rear yard, and/or both, does not exceed 600 square feet; and

3. Any swimming pools, tennis courts, patios, and fallout or other protective shelters, are located only in the rear half of a lot, with a minimum setback of 10 feet from any side or rear lot lines.

Customary residential accessory uses such as clotheslines, barbecue pits, and playground equipment shall not be included in the calculation of accessory structure area.

I. Vehicles in all Residential Districts.

1. No inoperative or unlicensed motor vehicles or vehicle bodies or vehicle parts shall be parked or stored within any yard in any residential zoning district; and

2. No vehicle shall be parked except on a hard surfaced area, constructed of a dust-free, all-weather material.

J. Lot Averaging Exceptions. Where existing buildings or structures on the same side of the street, and within the same block, encroach into a required front building setback as lawfully established nonconforming buildings, the required front building setback for new construction shall be established as follows:

1. If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front building setback established for the district in which the proposed building is located.

2. If the proposed building is to be located between adjacent buildings which conform to the required front building setback, or between a conforming building and an intersecting street, the proposed building shall conform to the front building setback established for the district in which the proposed building is located.

3. If the proposed building is to be located within 200 feet of and between lawfully established nonconforming buildings that are encroaching, and there are no intervening buildings, the front building setback for the proposed building shall be the average of the front building setback of the two nearest front corners of the encroaching buildings.

4. If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front building setback shall be the average of the required front setback and the setback of the nearest front corner of the encroaching building.

K. Platting Required. In order to implement the development standards of this Title and provide for the proper arrangement of streets, utilities, and emergency access commensurate with the intensity of zoning, no building permit or Zoning Clearance Permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat, as required by Title 12. The City Council, pursuant to its exclusive jurisdiction over subdivision plats, may waive the platting requirement upon a determination that the purposes stated above have been achieved by a previous plat. (Ord. 746, 11-14-2017)

RESIDENTIAL DEVELOPMENT STANDARDS

11-4-3: PURPOSE:

The purpose of this Subchapter is to set out development standards for all new residential uses and neighborhoods. (Ord. 746, 11-14-2017)

11-4-4: DEVELOPMENT TYPES:

A. General. The requirements of this Section govern the development of all proposed standard residential uses and neighborhoods in the City, which excludes PUDs, and the former residential zoning districts set out in Subsection C.,

Exemptions, below.

B. Development Types. As set out in this Subchapter, there are two types of new residential development, including:

1. Standard Residential. Standard residential development is permitted in the Agriculture (AG), Residential Estate (RE), Residential Single-Family Low Density (RS-1), Residential Single-Family Medium Density (RS-2), Residential Single-Family High Density (RS-3), Residential Duplex (RD), Residential Multi-Family Townhouse (RMT), Residential Multi-Family Low Density (RM-1), Residential Multi-Family Medium Density (RM-2), and Residential Mobile Home Park (RMH) zoning districts.

2. Planned Unit Developments (PUDs). Residential PUDs are an alternative form to standard residential development that may include a mix of standard or non-standard housing types, densities, and land uses, subject to the requirements of a PUD zoning district approved by City Council.

C. Exemptions. Prior to the effective date of this Title, there existed the Residential Single-Family Highest Density (RS-4) zoning district and instances of such district with a PUD overlay district (RS-4/PUD). As set out in Section 11-1-7.C, properties in those districts may be developed in accordance with all requirements in effect when they were approved. New RS-4 and RS-4/PUD districts are expressly prohibited. The former RS-4 development standards are on file with and available from the City Planner. Properties zoned RS-4/PUD have PUD development standards that make each unique, so applicants should consult with the City Planner prior to commencing with development in those former districts. (Ord. 746, 11-14-2017)

11-4-5: DEVELOPMENT STANDARDS:

Table 11-4-5, Residential Development Standards, sets out the development standards that govern standard residential development in the City.

TABLE 11-4-5

Residential Development Standards

DISTRICT	AG	RE	RS-1	RS-2	RS-3	RD	RMT	RM-1	RM-2	RMH
DISTRICT	AG	RE	RS-1	RS-2	RS-3	RD	RMT	RM-1	RM-2	RMH
LOT WIDTH (Minimum, in Feet)										
Single-Family Dwelling	150	150 ¹	100	85	75	65	60	60	60	-
Duplex	-	-	-	-	-	60	60	60	60	-
Townhouse Development Width ²	-	-	-	-	-	-	100	80	80	-
Townhouse Lot Width ²	-	-	-	-	-	-	20	20	20	-
Multi-Family	-	-	-	-	-	-	-	100	100	-
Manufactured Home	-	-	-	-	-	-	-	-	-	300
LOT AREA (Minimum, in Square Feet)										
Single-Family Dwelling	43,560	24,000	13,500	11,000	9,000	7,800	6,900	6,000	6,000	-
Duplex	-	-	-	-	-	6,900	6,900	6,900	6,900	-
Townhouse ²	-	-	-	-	-	-	1,600	1,800	1,800	-
Multi-Family	-	-	-	-	-	-	-	-	-	-
Manufactured Home	-	-	-	-	-	-	-	-	-	5 acres
LAND AREA PER DWELLING UNIT (Minimum, in Square Feet)										
Single-Family Dwelling	43,560	28,375	16,000	12,325	10,875	12,875	8,400	7,500	7,500	-
Duplex	-	-	-	-	-	4,200	4,200	4,200	4,200	-
Townhouse ²	-	-	-	-	-	-	4,500	3,630	2,420	-
LAND AREA PER DWELLING UNIT (Minimum, in Square Feet)										
Multi-Family	-	For each of the first two dwelling units on the lot						4,600	4,200	-
	-	Less than two bedrooms						2,720	1,980	-

	-	Two or more bedrooms							3,630	2,420	-
Manufactured Home	-	-	-	-	-	-	-	-	-	5,445	
LIVABILITY SPACE PER DWELLING UNIT (Minimum, in Square Feet)											
	-	12,000	7,000	6,000	5,000	2,000	1,800	1,000	400	300	
HEIGHT (Maximum, in Feet)											
	40 ⁴	35	35	35	35	35	35	35	35 ³	50 ⁴	1 story
SETBACKS (Minimum, in Feet)											
FRONT YARDS ABUTTING A STREET (Measured from the centerline of the abutting street. Add to the distance designated below ½ of right-of-way designated on the Major Street and Highway Plan, or 25 feet if not designated on the plan.)											
Arterial Street and Highway	35	35	35	35	35	35	35	35	35	35	35
All Other Streets	25	35	35	30	25	25	25	25	10	25	
REAR YARDS ⁵ (Minimum, in Feet)											
Arterial Street and Highway	40	35	35	35	30	30	30	30	20	10	
All Other Streets	40	25	25	25	20	20	20	20	10	10	
SIDE YARDS ⁶ (Minimum, in Feet)											
One Side Yard	10	15	10	10	10	10	10	10	10	10	
Other Side Yard	10	15	5	5	5	5	10	5	10	10	
Arterial Street and Highway	40	25	20	20	20	20	20	20	20	35	
All Other Streets	40	15	15	15	15	15	15	15	15	25	
MOBILE HOME / MANUFACTURED HOUSING PARK (Internal Requirements)											
Unit Pad Space (Minimum, in square feet, exclusive of streets, required off-street parking, and required livability space)	3,000										
Minimum Separation Between Units (Feet)	20										
Minimum Street Surface Width (Feet)	26										
Setback from Centerline of Private Internal Streets and Driveways (Feet)	22										

NOTES:

- 1 The frontage of any lot in the RE district which meets the minimum lot size requirement may be less than the minimum frontages as long as the front building line on said lot is a minimum of 125 linear feet.
- 2 A minimum of three townhouse lots.
- 3 In the RM-1 district, a one-story limitation shall apply to structures containing more than three dwelling units which are within 50 feet of an adjoining RE or RS district.
- 4 If abutting an RS district, an additional two feet of setback from the property line in common with the RS districts shall be required for each one foot of building height exceeding 35 feet.
- 5 In the RM-2 district, a rear yard of 20 feet shall apply to all structures containing more than three dwelling units, when adjacent to an RE or RS district.
- 6 Does not apply to interior lot line of townhouse developments.

(Ord. 746, 11-14-2017)

NONRESIDENTIAL DEVELOPMENT STANDARDS

11-4-6: PURPOSE:

The purpose of this Subchapter is to set out development standards for all new nonresidential, public, institutional, and mixed-use development. (Ord. 746, 11-14-2017)

11-4-7: DEVELOPMENT TYPES:

A. Standard Nonresidential. Standard nonresidential development is permitted in the Office Low Intensity (OL), Office Medium Intensity (OM), Commercial Shopping Center (CS), Commercial General (CG), Industrial Light Manufacturing and Research and Development (IL), and Industrial Moderate (IM) zoning districts.

B. Planned Unit Developments. PUDs are an alternative development form to standard nonresidential development that

may include a mix of standard or non-standard nonresidential use types, intensities, and mixed-use development, all of which are subject to the requirements of a PUD zoning district approved by City Council. (Ord. 746, 11-14-2017)

11-4-8: DEVELOPMENT STANDARDS:

Table 11-4-8, Nonresidential Development Standards, sets out the development standards that govern standard nonresidential development in the City.

TABLE 11-4-8

Nonresidential Development Standards

<i>DISTRICTS/ USE</i>	<i>OL</i>	<i>OM</i>	<i>CS</i>	<i>CG</i>	<i>IL</i>	<i>IM</i>	<i>Scientific Research Facilities and Institutions</i>
<i>DISTRICTS/ USE</i>	<i>OL</i>	<i>OM</i>	<i>CS</i>	<i>CG</i>	<i>IL</i>	<i>IM</i>	<i>Scientific Research Facilities and Institutions</i>
LOT WIDTH (Minimum, in Feet)							
Arterial Street and Highway	75	100	150	150	150	200	200
All Other Streets	50	50	50	50	50	50	200
LOT AREA (Minimum, in Square Feet)							
	None	None	None	None	None	None	None
FLOOR AREA RATIO (Maximum, by Percentage)							
	25	50	35	50	None	None	50
HEIGHT (Maximum, in Feet)							
	35	35 ¹	None ³	None ³	None	None	None
SETBACKS (Minimum, in Feet)							
FRONT YARD ABUTTING A STREET (Measured from the centerline of the abutting street. Add to the distance designated below 1/2 of right-of-way designated on the Major Street and Highway Plan, or 25 feet if not designated on the plan.)							
Arterial Street and Highway	50	50	50	50	50	50	50
All Other Streets	25	25	25	25	25	25	50
REAR YARD (Minimum, in Feet) ⁴							
Arterial Street and Highway	50	50	50	50	50	50	50
All Other Streets	25	25	25	25	25	25	50
Abutting AG or any Residential Zoning District	10	10 ¹	15 ²	15 ²	75 ⁵	75 ⁵	75 ⁵
SIDE YARDS (Minimum, in Feet) ⁴							
Arterial Street and Highway	50	50	50	50	50	50	50
All Other Streets	25	25	25	25	25	25	50
Abutting AG or any Residential Zoning District	10	10 ¹	15 ²	15 ²	75 ⁵	75 ⁵	75 ⁵

NOTES:

1 Plus one foot of setback for each one foot of building height exceeding 18 feet, if the property abuts property within the RE, RS, and RD zoning districts.

2 Plus two feet of setback for each one foot of building height exceeding 15 feet, if the property abuts property within the RE, RS, RD, and RMT zoning districts.

3 If abutting an RS district, two feet of additional setback shall be required from the property line in common with an RS district for each foot of building height exceeding 35 feet.

4 If rear or side property line does not abut a street right-of-way or a protected AG or Residential zoning district, setbacks from such rear or side property lines are not required.

5 Setback is also applicable when abutting a property zoned Office.

(Ord. 746, 11-14-2017)

11-4-9: SPECIAL SPACING, DESIGN AND OPERATION STANDARDS:

A. Gas Stations. Within the CS zoning district, there shall be no open air storage or display of merchandise offered for sale or rental within 300 feet of any property zoned Residential (all districts), except for the incidental open air display of tires, oil or other automobile accessories.

B. Auto, Truck, RV and Large Scale Equipment and Merchandise. Within the CS district, there shall be no open air storage or display of these types of equipment and merchandise offered for sale or rental within 300 feet of any property zoned Residential (all districts).

C. Mining and Mineral Operations. Subject to the requirements of an SUP granted by the City Council, the Planning Commission and Council shall have the power to consider potential environmental influences associated with mining and mineral operations, such as, but not limited to, dust, vibration, and noise, and may establish protective conditions, such as spacing, setbacks, screening and methods of operation to mitigate the adverse effect of such uses on surrounding properties.

D. Industrial Uses.

1. Scientific, Research, Testing and Development operations, when located in the Industrial Light Manufacturing and Research and Development (IL) zoning district, shall be entirely located within enclosed buildings.

2. All uses permitted in the Industrial Light Manufacturing and Research and Development (IL) zoning district located within 300 feet of any Residential zoning district shall be conducted within enclosed buildings.

3. All uses permitted in the Moderate Industrial (IM) zoning district located within 300 feet of any Residential zoning district shall be conducted within enclosed buildings and shall install Type D bufferyards along all property lines within 300 feet of any Residential zoning district. (Ord. 746, 11-14-2017)

DESIGN STANDARDS

11-4-10: PURPOSE AND APPLICABILITY:

A. Purpose. The purpose of this Subchapter is to improve public health and safety, promote resiliency to the hazards of wildfire, wind and other natural elements, and enhance the quality and longevity of the housing stock of the City and the visual character of the City. The standards seek to provide for buildings constructed of quality, durable materials and building sites and developments that are functional, safe, resilient, and create and enhance community character.

B. Applicability. The standards of this Subchapter apply to new development, redevelopment, substantial improvement, and expansion of all uses in all districts, with the exception of the Agriculture (AG) district. New homes constructed on existing lots platted prior to the effective date of this Title are exempt. The requirements of this Subchapter only apply to new lots platted after the effective date of this Title. (Ord. 746, 11-14-2017)

11-4-11: SINGLE-FAMILY RESIDENTIAL AND DUPLEX DEVELOPMENT:

A. Exterior Wall Construction. For the purpose of public health, safety and community resiliency, the exterior wall construction of homes in all Single-Family Residential (RS) zoning districts and the Residential Duplex (RD) zoning district, but expressly excluding the Agriculture (AG) district, shall conform to the requirements set out below:

1. Exterior wall construction on each story or floor of every single-family residential dwelling unit shall consist of at least 60 percent masonry construction, exclusive of the following:

a. Windows, window trim, window box-outs, and bay windows that do not extend to the foundation, exterior walls that do not bear on the foundation, doors, dormers and gables over the entrance of an extended garage.

b. Any rear wall area cantilevered 12 inches or more from the wood frame wall.

c. Any side wall area cantilevered 12 inches or more from the wood frame wall, provided, however, that such cantilevered side wall area shall not exceed 35 percent of the total exterior wall area of the side wall from which it is cantilevered.

d. Any rear multi-story straight wall with an exterior surface construction that is in excess of 70 percent glass or windows.

e. Any wall area above a first-floor roof where the exterior masonry veneer cannot directly bear upon the foundation.

The use of decorative metal as façade accents shall be counted toward fulfilling the masonry requirement.

2. The exterior area or sides of chimney flues on exterior walls that are visible from the street shall be enclosed in 100 percent masonry veneer construction, except that chimney flues not visible from the street may be enclosed by materials permitted by the building code for exterior exposure and in compliance with the flue manufacturer's recommendation.

3. Notwithstanding the foregoing, any exterior wall of any residential dwelling unit facing a street, park or school shall consist of 100 percent masonry construction, exclusive only of windows, doors, dormers and gables over the entrance of an

extended garage.

B. Approved and Prohibited Materials.

1. Masonry building materials include stone, brick and stucco. Also acceptable are cementitious fiberboard, fiber cement siding, painted or exposed aggregate concrete, split face or integral block architectural concrete masonry unit (CMU), Hardie plank siding, or any other concrete material that simulates wood, or any equivalent, permanent architecturally finished materials.

2. Approved materials for non-structural architectural details include cementitious fiberboard, seamless steel siding, stucco, Exterior Insulation and Finish Systems (EIFS), and decorative siding.

3. Prohibited materials for exterior wall construction include smooth face CMU, unfinished concrete, corrugated metal, vinyl, aluminum siding, wood siding, plywood, sheet pressboard, EIFS, wood, medium density fiberboard, particle board and Masonite. (Ord. 746, 11-14-2017)

11-4-12: MULTI-FAMILY RESIDENTIAL DEVELOPMENT:

A. Applicability. The requirements of this Subsection apply to new development, redevelopment, substantial improvement, and expansion of multi-family residential development in the districts in which such uses are permitted.

B. Exterior Street-Facing Facades. On a building elevation that fronts on or most directly faces a public street right-of-way or that is adjacent to any single-family residential (RS) zoning district, at least 50 percent of the exterior wall construction shall consist of decorative materials as listed below. Building elevations that do not face a public street right-of-way or any single-family residential (RS) zoning district shall utilize at least 25 percent decorative materials.

1. Decorative materials include:

- a. Brick, including thin brick, faux brick and simulated CMU brick.
- b. Stone, including cast stone or faux decorative stone.
- c. Brick or stone veneer.
- d. Window glazing and fenestration materials.
- e. Decorative metals.
- f. Portland cement stucco.
- g. CMU, including split face, weathered face, and integral sandblasted face block.

2. The remainder of the building elevation(s) may be constructed of the following secondary building materials:

- a. EIFS if used a minimum of eight feet above grade.
- b. Fiber cement siding.
- c. Hardie plank siding, or any other concrete material that simulates wood.
- e. Decorative siding.
- f. Wood materials, or combinations thereof.

3. Limited Materials. Materials that may be used in limited quantities for limited visibility exterior walls, siding, or cladding, with the approval of the Planning Commission, include:

- a. Metal wall siding or panels.
- b. Corrugated or ribbed metal panels.
- c. Smooth-faced or untextured, unfinished concrete block.

4. Prohibited Materials. Building materials prohibited on all multi-family residential buildings include plywood, plastic, wood fiberboard, under-fired or unfired clay, sand, or shale rock, and painted brick.

C. Building Articulation. Any building elevation that faces a public street right-of-way shall include articulation in the form of variable roof forms, roof lines, arrangement of doors and windows on the elevation, balconies, colors, materials, or other architectural design elements.

D. Garages. When a garage is located between a public street right-of-way and the façade of a primary building, a Type B bufferyard, as set out in Section 11-6-10, Screening and Bufferyards, shall be required. The materials and colors of garages shall be compatible with the primary buildings.

E. Mechanical Equipment. Ground and roof-mounted mechanical equipment shall be screened from all public views, as visible at all site property lines. (Ord. 746, 11-14-2017)

11-4-13: MANUFACTURED HOMES:

A. Appearance.

1. Removal of Manufactured Home Wheels. All wheels, axles, and running gear shall be removed from manufactured homes.

2. Skirting. The open space between the finished grade of the pad on which each manufactured home is located and the exterior edges of the finished floor of each unit shall be skirted as follows:

a. Installation. Skirting is installed on a concrete footing so there is no visible gap between the finished floor and the ground.

b. Materials. The material used for skirting is rock, brick, manufactured vinyl, or concrete masonry construction, compatible in appearance with the manufactured home, and allows for ventilation and drainage.

c. Design. Skirting consists of a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and completely screens the crawl space under the unit.

3. Roofing.

a. The roof shall be pitched, with a minimum vertical rise of four feet for every 12 feet of horizontal run.

b. Roofing material shall be comparable to that used on homes in standard residential construction, including, but not limited to, approved wood, asphalt composition shingles, or fiberglass. Corrugated aluminum, corrugated fiberglass, and metal roofs are prohibited.

4. Siding. Exterior siding shall consist predominantly of:

a. Decorative vinyl or metal horizontal lap siding with a reflectivity that does not exceed that of gloss white paint;

b. Wood or hardboard; or

c. Brick, stone, or stucco comparable in composition, appearance, and durability to that used in standard residential construction.

B. Perimeter Buffering. When abutting any Residential Single-Family (RS) zoning district or a public street right-of-way, a manufactured home park shall:

1. Provide a Type B Bufferyard as set out in Section 11-6-10, Screening and Bufferyards; and

2. Construct an opaque fence or wall along all side and rear property lines adjacent to said districts and streets as set out in Section 11-6-10, Screening and Bufferyards. (Ord. 746, 11-14-2017)

11-4-14: NONRESIDENTIAL AND MIXED-USE DEVELOPMENT:

A. Purpose. The purpose of this Section is to ensure that nonresidential, public, institutional, and mixed-use development have high-quality, well-designed buildings and sites that contribute to the unique character and aesthetics of the City.

B. Applicability. This Section sets out the standards for nonresidential, public, institutional, and mixed-use development as follows:

1. The standards in this Section are in addition to all other standards of this Title.

2. The standards in this Section apply to all new development, redevelopment, substantial improvements, and expansion of nonresidential and mixed-use buildings in the Office Low Intensity (OL), Office Medium Intensity (OM), Commercial Shopping Center (CS), Commercial General (CG), and Industrial Light Manufacturing and Research and Development (IL) zoning districts.

3. The standards are organized by building size, and by use for self-storage centers.

4. In a mixed-use center, or a mixed-use PUD, the requirements of this Section shall be the minimum design standards that will pertain to each specific land use. In the case of a mixed-use PUD, design in the PUD shall be governed by the additional requirements of the PUD and shall be expected to provide a unified design concept.

C. Utilities. If the development involves the extension or relocation of existing overhead utilities, all existing utility and electrical service lines (30,000 volts or less) located on or adjacent to the site shall be placed underground. If circumstances exist where the utility provider determines that the placement of utilities underground creates a safety hazard or is impractical by way of the reliability of the circuit, this requirement may be waived by the City Planner upon verification of such circumstances by the utility.

D. Roof-Mounted Equipment. Roof-mounted equipment shall be fully screened from all ground-level views, as visible at all site property lines, by parapets, sloped roof systems, or other methods, in a form that is integrated into the building design.

E. Loading Docks, Trash Compactors, Dumpsters, and Bale and Pallet Storage. Loading, trash collection, and the collection of other waste products shall be fully screened and integrated into the building design as set out in Section 11-6-10, Screening and Bufferyards.

F. Exterior Building Finish Materials. The same standards for permitted materials shall apply in this Section as in Section 11-4-12, Multi-Family Residential Development.

G. Design Standards.

1. Building Design Integration. When buildings of any size are constructed as an out-parcel or as the primary building on a site that is part of a larger common development plan with integrated access, parking, and driveways, building designs of all sized buildings shall have a unified design theme in terms of materials, colors, and other design elements that unify the appearance of the center.

2. Buildings and Centers Less than 10,000 Square Feet (SF) of Gross Floor Area. Elevations of building walls that are within direct public view shall have certain percentages of decorative facade surfaces as follows:

a. Front and Street-Facing Side Elevations. The building elevations shall be constructed with a decorative material on 60 percent of each facade, excluding doors and windows, with the remainder faced with a secondary or limited material as described in Section 11-4-12.

b. Non-Street-Facing Side Elevations. A non-street-facing interior or side elevation shall be constructed with a decorative material on least 30 percent of the facade, measured from the front facade toward the rear of the building. The remainder may be faced with a secondary or limited material.

c. Rear Elevations. Rear elevations generally may be constructed with a secondary or limited material on 100 percent of the facade elevation. If a rear elevation is visible to a public right-of-way or residential zoning district, it shall be constructed with a decorative material on 60 percent of the facade, with the remainder faced with a secondary or limited material.

3. Buildings and Centers Larger than 10,000 SF of Gross Floor Area. Elevations of building walls that are within direct public view shall have certain percentages of decorative facade surfaces as follows:

a. Front and Street-Facing Side Elevations. The building elevations shall be constructed with a decorative material on 75 percent of each facade, excluding doors and windows, with the remainder faced with a secondary or limited material as described in Section 11-4-12.

b. Non-Street-Facing Side Elevations. A non-street facing interior or side elevation shall be constructed with a decorative material on at least 30 percent of the facade, measured from the front facade toward the rear of the building. The remainder may be faced with a secondary or limited material.

c. Rear Elevations. Rear elevations generally may be constructed with a secondary or limited material on 100 percent of the facade elevation. If a rear elevation is visible to a public right-of-way or residential zoning district, it shall be constructed with a decorative material on 75 percent of the facade, with the remainder faced with a secondary or limited material.

d. Building Entries. Principal building entrances and vestibules shall be designed to be clearly identifiable.

e. Visual Interest and Anti-Monotony. Any facade that is visible to a public right-of-way or from any residential zoning district shall meet the following standards:

(1) Building Wall Offsets. The facade shall appear to be divided into modules that are not larger than 100 feet in width to break up the appearance of building mass and add visual appeal.

(A) Modules shall be offset from each other by a horizontal recess or projection of the facade that measures 10 percent or more of the building height.

(B) Individual modules shall be architecturally differentiated by two or more of the methods for avoidance of blank walls as listed in Subsection G.3.e.(3), below.

(2) Roofline Articulation. For flat roofs or facades with a horizontal eave, fascia or parapet, the roofline shall be varied in height by four feet or more so that no straight segment exceeds 50 feet in horizontal dimension. This standard may also be satisfied by incorporating design elements that meet the same height variation requirement, which may include, but are not limited to:

(A) Functional or faux dormers.

(B) Gables or other compound roof shape in which the highest ridge line and the lowest ridge line have a height difference of four feet or more.

(C) Towers.

(D) Functional or faux chimneys.

Any such design element shall be proportional to the building so that the element appears as a substantial, but not overwhelming, architectural feature.

(3) Avoidance of Blank Walls. Any building facade that is visible to a public right-of-way or from any residential zoning district shall not have an area of uninterrupted blank wall space that is larger than 15 feet tall by 25 feet wide. This standard may be satisfied by incorporating design features which include, but are not limited to, two or more of the following:

(A) Windows or faux window openings.

(B) Doors or faux door openings.

(C) Recessed or projecting building entries.

- (D) Projecting oriel windows.
- (E) Window moldings.
- (F) Arcades.
- (G) Recessed or projecting porches.
- (H) Recessed or projecting balconies.
- (I) Functional or decorative canopies and awnings.
- (J) Cornices.
- (K) String courses.
- (L) Columns.
- (M) Wall sconces.
- (N) Brick patterning, including soldier courses, or other building material or color variations.
- (O) Score lines.
- (P) Wall signs that comply with Chapter 7, Signs.
- (Q) Other architectural detailing that serves to relieve the appearance of the blank wall.

H. Self-Storage Center Design.

1. Self-Contained Facilities.

- a. If the facility is self-contained, with all access to storage units provided from interior corridors, the facility shall be designed in accordance with the design standards for nonresidential development set out in this Section, above.
- b. Side and rear facades that face other commercial or industrial districts and are not visible from a public right-of-way are allowed a reduction in the minimum extent of decorative building material from 50 percent to 25 percent, with the remainder faced with a secondary or limited material.
- c. Exterior fencing or a screening wall along a public right-of-way or visible from any residential zoning district shall be constructed with a decorative material. Chain link fencing is permitted only where it is not visible to the public or from any residential zoning district.

- 2. Exterior Entrance Facilities.
- a. Facades of such facilities that face public rights-of-way or residential districts shall be designed in accordance with all design standards for nonresidential development set out in this Section, above.
- b. The amount of secondary and limited materials that may be used on any facade that is not visible to a public right-of-way may be reduced from 50 percent to 25 percent if the façade is:
 - (1) Screened by other existing commercial or industrial buildings from public rights- of-way or residential zoning districts; or
 - (2) Screened year round by a 100 percent opaque buffer in the form of a wall, fence, berm, landscaping, or combination of such elements.
- c. Exterior fencing or a screening wall along a public right-of-way or visible from any residential zoning district shall be constructed with a decorative material and shall be accompanied by a Type B bufferyard as set out in Section 11-6-10, Screening and Bufferyards, along with all other required landscaping. Chain link fencing is permitted only where it is not visible to the public or from any residential zoning district.
- d. Any open air exterior storage of oversized vehicles, recreation vehicles, or similar high-profile materials or equipment shall be placed on the site at a location where such vehicles, materials or equipment are not visible to a public right-of-way or from any residential zoning district. (Ord. 746, 11-14-2017)

CHAPTER 5

ACCESSORY USE AND BUILDING STANDARDS

SECTION:

Purpose And Application

11-5-1: Purpose

11-5-2: Application

Residential Uses

11-5-3: Accessory Uses, Structures, And Buildings

Nonresidential And Mixed Uses

11-5-4: Accessory Uses, Structures, And Buildings

11-5-5: Outdoor Display Of Merchandise

PURPOSE AND APPLICATION

11-5-1: PURPOSE:

- A. This Chapter establishes the regulations for certain accessory uses, structures, and buildings.
- B. Permitted accessory uses, structures, and buildings are:
 1. Limited to those customarily associated with the principal use of the property, or a primary building, and are incidental and subordinate to the principal use or primary structure; and
 2. Located on the same lot or parcel as the associated principal use or principal building. (Ord. 746, 11-14-2017)

11-5-2: APPLICATION:

Standards for accessory uses, structures, and buildings apply as follows:

- A. Residential uses, as set out in Chapter 5, Subchapter 2, Residential Uses.
- B. Nonresidential and mixed uses, as set out in Chapter 5, Subchapter 3, Nonresidential and Mixed Uses. (Ord. 746, 11-14-2017)

RESIDENTIAL USES

11-5-3: ACCESSORY USES, STRUCTURES, AND BUILDINGS:

- A. Accessory Uses, Structures and Buildings Permitted. Accessory uses, structures, and buildings customarily incidental to a principal residential use, or a principal residential building, in a residential district are permitted in such residential districts.
- B. Conditions for Accessory Uses, Structures, and Buildings.
 1. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.
 2. A detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line, but this limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is provided and the structure complies with all building code requirements.
 3. Within the rear yard, a detached accessory building shall be located at least five feet from any interior lot line.
 4. One unoccupied recreational vehicle, a length of 30 feet or less, may be parked upon a lot as an accessory use. (Ord. 746, 11-14-2017)

NONRESIDENTIAL AND MIXED USES

11-5-4: ACCESSORY USES, STRUCTURES, AND BUILDINGS:

- A. Accessory Uses, Structures, and Buildings Permitted. Accessory uses, structures, and buildings customarily incidental to a principal use, or a principal building, permitted in a nonresidential district are permitted in such nonresidential districts.
- B. Conditions for Accessory Uses, Structures, and Buildings.
 1. Accessory buildings shall meet the minimum building setback lines of the applicable district.
 2. An accessory building erected as an integral part of the principal building shall be structurally a part thereof, shall have a common wall therewith, and shall comply with all requirements applicable to the principal building.
 3. Accessory outdoor storage of materials, equipment, or products within 200 feet of any abutting R district shall be screened by the erection of a screening wall or fence along the lot line or lines in common with the abutting R district. (Ord. 746, 11-14-2017)

11-5-5: OUTDOOR DISPLAY OF MERCHANDISE:

The outdoor display and sale of merchandise, where permitted, is subject to the requirements of this Section. An outdoor display area shall involve items for sale by a business in a permanent structure, enclosure, or designated area on the same site from which the business is operated.

A. Seasonal Display Areas.

- 1. Temporary seasonal outdoor sales areas that are detached from the principal building may not exceed an area of 15 percent of the gross floor area of the principal building. The area must be:
 - a. Contained within a clearly defined space, as depicted on an approved site plan; and.

b. Clearly demarcated in a temporary enclosure, as depicted on an approved site plan.

B. Permanent Display Areas.

1. A permanent outdoor display area, such as, but not limited to, a garden center, shall be attached to a principal building and be:

a. Enclosed by a decorative fence or wall;

b. Not larger than 25 percent of the gross floor area of the principal building; and

c. Subject to the design requirements set out in Section 11-4-14, Nonresidential and Mixed-Use Development.

C. Sidewalk Display. Sidewalk displays on private sidewalks that abut a principal building shall be permitted only if:

1. There is at least four feet of ADA accessible width for use by pedestrian traffic;

2. Merchandise does not impede access to or from any required building fire exit; and

3. Displays are located within 60 feet of an entrance to the principal use. (Ord. 746, 11-14-2017)

CHAPTER 6

SITE DEVELOPMENT

SECTION:

Parking, Loading, And Access

11-6-1: Purpose And Applicability

11-6-2: Computing Parking

11-6-3: Off-Street Parking And Loading

11-6-4: Design And Use Of Parking And Loading Areas

11-6-5: Special Studies

11-6-6: General Access And Circulation

Landscaping, Screening, and Bufferyards

11-6-7: Purpose And Applicability

11-6-8: Credit for Existing Trees

11-6-9: Development Landscaping

11-6-10: Screening And Bufferyards

11-6-11: Landscape Plan And Landscape Installation

11-6-12: Landscaping, Bufferyard, And Screening Maintenance

PARKING, LOADING, AND ACCESS

11-6-1: PURPOSE AND APPLICABILITY:

A. Purpose. It is the purpose of this Subchapter to ensure that adequate off-street parking and loading is provided with the construction, alteration, remodeling or a change in the use of any building or land.

B. Applicability. The off-street parking and off-street loading requirements, whether they apply to principal or accessory uses, are the minimum requirement for the initiation, enlargement, or change of use, and such parking and loading shall be provided as follows:

1. For all buildings and structures erected, and all uses of land, established after the effective date hereof, parking and loading facilities shall be provided as required by this Subchapter.

2. When the intensity of use of any use, building, structure, or premises is increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, additional off- street parking and loading facilities, as required herein, shall be provided for such increase in intensity of use.

3. When the existing use of a building or structure is changed to a new use, off-street parking and loading facilities shall be provided as required for such new use. If the building or structure was erected prior to the effective date hereof, additional parking and loading facilities that are mandatory shall only be provided for the amount by which the requirements for the new use would exceed those for the existing use.

4. Accessory off-street parking and loading facilities in existence on the effective date hereof and located on the same

lot as the building or use served, shall not hereafter be reduced if they are currently less than the requirements of this Subchapter, and shall not be reduced below the requirements for the same use under the provisions of this Title.

5. Any existing building or use that is enlarged, structurally altered, or remodeled to the extent of increasing, or changing the use, by more than 50 percent as it existed at the effective date hereof, shall provide adequate off-street parking and loading for the entire building and use in accordance with the requirements of this Subchapter. When the enlargement, structural alteration, or remodeling will not increase or change the area of the building by more than 50 percent, additional off-street parking and loading shall only be required for the new floor area and use. (Ord. 746, 11-14-2017)

11-6-2: COMPUTING PARKING:

A. Calculations. The number of required off-street parking spaces is calculated according to the formulas set out in this Subchapter, unless modified by one of the alternative methods of calculating off-street parking set out in this Subchapter.

B. Variables for Calculating Required Parking. The variables used for off-street parking calculations are measured as follows:

1. Per Square Foot (sf) of Parking Floor Area (PFA). The phrase "per sf of PFA" means that the number of parking spaces is calculated at 85 percent of the gross floor area in a building for the particular use plus the total area of any parts of the parcel proposed for development that are delineated and used in a manner that is comparable in function and intensity of use to the use of the inside of the building (i.e., outdoor dining areas).

2. Per Dwelling Unit (du) or Per Bedroom (BR). The phrase "per #' DU" means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms ("per #' BR unit").

3. Per Bed. The phrase "per bed" means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure.

4. Per Employee. The phrase "per employee" means that the number of parking spaces is based on the shift in which the maximum number of employees are present.

5. Per Seat Capacity. The phrase "per seat" means that the number of parking spaces is based on the number of seats that are provided for guests (patrons, members, etc.), with benches or pews measured as one seat per each two feet of width.

6. Per Square Feet (sf) of Assembly Area. The phrase "per sf of assembly area" means that the number of parking spaces is based on the number of square feet in the largest room used for assembly (i.e., a school gymnasium, theater or lunch room).

7. Special Studies Required. There are certain uses, such as, but not limited to schools, parks, and hospitals, where the required number of parking spaces is dependent upon the specific details of the proposed use and how those uses are conducted, such that parking formulas are not appropriate for such uses. The applicant and the City each have an interest in providing the right amount of parking, but not an excessive amount of parking. For those uses where a special study is required, the applicant shall utilize the processes set out in Section 11-6-5, Special Studies. (Ord. 746, 11-14-2017)

11-6-3: OFF-STREET PARKING AND LOADING:

Off-street parking and loading shall be provided as set out in the following tables:

TABLE 11-6-3.1

Residential Use Parking Requirements

Use	Required Off-Street Parking Spaces
Use	Required Off-Street Parking Spaces
Residential Uses (Housing Types)	
Single-Family Detached	
Single-Family Detached	2 spaces per du.
Manufactured Home	2 spaces per du.
Single-Family Attached	
Duplex	2 spaces per du.
Multiplex	2 spaces per du.
Townhouse	2 spaces per du.
Multi-Family (8+ dwelling units)	
Apartment	1.5 spaces for efficiency unit and 1 BR; 2 spaces per du for 2 BR plus.
Special Neighborhood Types	

Manufactured Home Park or Subdivision	Individual spaces as set out above + 2 visitor spaces per 5 manufactured homes.
Recreational Vehicle (RV) Park	1 space per RV pad + 2 visitor spaces per each 5 RV spaces.
Commercial Uses of the Home	
Child-Care, Family Home	1 space per each 3 children on the premises at any one time + 1 space per each provider, staff member, or employee on duty at any one time.
Child-Care Facility, Group Home	Greater of: 1 space per 3 rooms or 1 space per BR.

TABLE 11-6-3.2

Institutional and Recreation Use Parking Requirements

Use	Required Off-Street Parking Spaces
Use	Required Off-Street Parking Spaces
Institutional Uses	
Assisted Living Facility	1 space per 3 dwelling units; 1 space per each employee + 1 space for each 4 beds.
Child Care Facility, Day-Care	1 space per 300 sf of PFA.
Hospital	Special Study.
Medical Office / Clinic / Medical Lab	1 space per 250 sf of PFA.
Nursing / Convalescent Home	1 space per 3 beds + 1 space per 2 employees on the largest shift.
Place of Public Assembly (event facilities, meeting halls, fraternal organizations)	1 space per 200 sf of PFA.
School, Private / Public	Special Study.
Recreation and Amusement Uses	
Commercial Amusement, Indoor	6 spaces per 1,000 sf.
Commercial Amusement, Outdoor	Special Study.
Recreation and Fitness, Indoor	1 space per 300 sf of PFA.
Sexually-Oriented Business	Greater of: 4 spaces per 5 seats; or 1 space per 250 sf of PFA.

TABLE 11-6-3.3

Commercial Use Parking Requirements

Use	Required Off-Street Parking Spaces
Use	Required Off-Street Parking Spaces
Commercial Uses	
Alcohol Beverage Sales, Tavern	On-site consumption: 1 space per 75 sf of PFA. Off-site consumption: 1 space per 300 sf of PFA.
Animal Grooming Facility	1 space per 400 sf of PFA.
Animal Boarding or Veterinarian Services	1 space per 250 sf of PFA.
Drive-In, Drive-Through Facility	1 space per 75 sf of PFA (pertains to uses where the drive-through / drive-in is the primary use, such as a drug store).
Heavy Retail, General Retail, Home Center	1 space per 250 sf of PFA + 1 space per 1,000 sf outdoor sales and display area.
Mixed-Use	Based on use mix, or Special Study.

Nursery / Greenhouse, Retail	1 space per 300 sf of PFA of office/sales area + 1 space per 5,000 sf of nursery area.
Office, General	1 space per 300 sf of PFA.
Overnight Accommodations (hotel, motel)	1 space per guest room + 1 space per 300 sf of PFA of meeting rooms, ballrooms, administrative offices, and areas used for self-service breakfast for guests only + 75% of parking requirements for integrated restaurants and bars open to the public.
Pawn Shop	1 space per 200 sf of PFA.
Restaurant	1 space per each 200 sf of PFA; or 1 space per each 4 seats, whichever is greater.
Vehicle Gas or Fueling Station	1 space per 250 sf of PFA (may count pump island stacking spaces).
Vehicle Sales, Rental, and Service	1 space per employee on the largest shift + 3 spaces per service bay or fueling stall + 1 space per 125 sf of PFA of convenience store floor area.
Wholesale	1 space per employee + 1 space per business vehicle parked on-site + 2 spaces for customer parking.

TABLE 11-6-3.4

Agriculture, Industrial and Utility Use Parking Requirements

Use	Required Off-Street Parking Spaces
Use	Required Off-Street Parking Spaces
Agriculture, General	
Agriculture, General	N/A
Nursery / Wholesale	1 space per 300 sf of PFA of office / indoor sales area + 1 space per 5,000 sf of outdoor sales area.
Industrial Uses	
Heavy Industry	Special Study.
Light Industry	1 space per 400 sf of PFA or Special Study.
Mining / Extraction	1 space per employee on the largest shift.
Oil / Gas Operations	1 space per employee on the largest shift.
Storage, Self	1 space per 25 storage units + 1 space per 300 sf of office space.
Warehousing and Logistics	4 spaces per 5,000 sf of PFA + 1 space per each additional 5,000 sf of PFA.
Waste Transfer Station / Recycling	1 space per 500 sf facility.
Transportation Uses	
Airport	Special Study.
Helistop	Special Study.
Parking, Stand-Alone	No minimum.
Utility Uses	
Power Generation	Special Study.
Public Utilities	Special Study.
Wireless Telecommunication Tower (WTT) Uses	
WTT, Freestanding	2 spaces per tower.

TABLE 11-6-3.5

Required Loading Spaces

Gross Floor Area (square feet)	Minimum Loading Spaces
Less than 40,000 sf.	1
40,001 sf to 80,000 sf.	2
80,001 sf to 120,000 sf.	3
Each additional 40,000 sf over 120,000 sf.	1 additional

(Ord. 746, 11-14-2017)

11-6-4: DESIGN AND USE OF PARKING AND LOADING AREAS:

A. General.

1. Off-street parking and loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements of any off-street loading facilities.
2. Within front and exterior side yards in the RM districts, except the RMT district, not more than one vehicle shall be parked for each 600 square feet of area contained in front and exterior side yards.
3. Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, display of merchandise, dismantling, or servicing of any vehicle, equipment, materials, or supplies, except where expressly permitted in Title 11 in a defined area designated on an approved site plan, such as, but not limited to, seasonal sales, for a limited time period.
4. Required off-street parking spaces shall be located on the same lot, tract, parcel, or premises as the use being served, or on other property of the same or greater intensity zoning classification, provided that the owner of the premises where shared parking is proposed consents to such sharing in writing, has excess parking exceeding the requirements of Title 11 for the use of that site, and will have a continuing right to use the spaces for parking. When the required off-street parking spaces are not located on the same lot, tract, parcel, or premises being served, the distance from the parking area to an entrance to the building or use shall not exceed 500 feet, measured along the shortest available pedestrian route with public access.
5. Required enclosed off-street parking and loading areas shall meet the development standards of the district in which the facility is located.
6. The capacity of an off-street parking area shall be the number of parking spaces having required dimensions as shown in Table 11-6-4.1, Parking Module Standards, and illustrated in Figures 11-6-4.1 and 11-6-4.2.
7. Required off-street parking shall be arranged so that no maneuvering incidental to parking movements takes place on any public street.
8. Where several different property uses will share a joint parking area, the parking requirements shall be computed based upon the overall development and the area of each use. For any use not listed, or where the listed regulations are not applicable, the parking requirements shall be determined by the City Planner.
9. Lighting used to illuminate an off-street parking area shall be by constant light and shall be so arranged as to direct the light away from properties zoned residential which do not contain uses for which the parking and lighting is being provided.
10. Unenclosed off-street parking areas shall be surfaced with a dust-free all-weather material. Surfacing shall be completed prior to the initiation of the use.

B. Setback and Screening Requirements for Off-Street Parking and Loading Areas.

1. Off-street loading areas shall not be located within 50 feet of any abutting property within any R district unless it is wholly within an enclosed building or screened on all sides abutting the R district by a screening wall or fence. The loading dock shall be screened from all public views and residential districts by either a 10-foot tall wing wall incorporated into the building design or an opaque decorative fence or year-round opaque landscape hedge, each with sufficient height to block the line-of-sight of the dock from the residential use or zoning district, an earthen berm, another building, or a combination of those elements.
2. Unenclosed off-street parking areas shall be screened by the installation of a three-foot tall opaque hedge to screen the parking area from all street rights-of-way. When an off-street parking area adjoins a residential district, a Type D bufferyard shall be required for parking less than 20 feet from a residential use or zoning district. If the off-street parking area is more than 20 feet from a residential use or district, a Type B bufferyard is required.

C. Off-Street Parking Areas.

1. **Parking Module Design.** Table 11-6-4.1, Parking Module Standards, sets out minimum standards for parking space depth, parking aisles, and combined parking aisle / stall modules. Figures 11-6-4.1 and 11-6-4.2 show single- and double-row parking modules that illustrate the standards in Table 11-6-4.1.

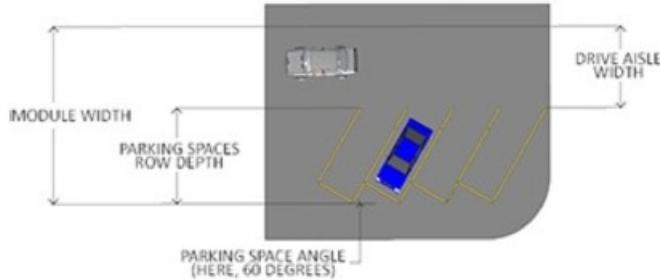
TABLE 11-6-4.1

Parking Module Standards

Dimension	One-Way Parallel	Space Angle (degrees)			
		30	45	60	90
Dimension	One-Way Parallel	Space Angle (degrees)			
		30	45	60	90
Single Row of Parking					
Stall depth	9'	18'	21'	22'	18' or 20'
Parking aisle	12'	12'	13'	18'	24'
Minimum width of module (stall depth and aisle)	21'	30'	34'	40'	40 ' or 44'
Two Rows of Parking					
Stall depth	18'	36'	42'	44'	40' or 44'
Parking aisle	12'	12'	13'	18'	24'
Minimum width of module (stall depth and aisle)	30'	48'	55'	62'	60' or 64'

FIGURE 11-6-4.1

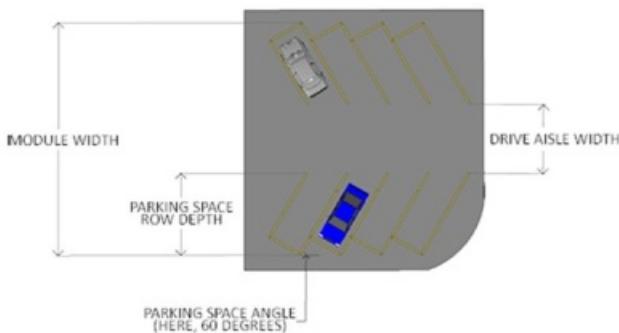
Parking Module Standards : Single Parking Row and Aisle



Dimension	One-Way Parallel	Space Angle (degrees)			
		30	45	60	90
Stall depth	9'	18'	21'	22'	18' or 20'
Parking aisle	12'	12'	13'	18'	24'
Minimum width of module (stall depth and aisle)	21'	30'	34'	40'	40 ' or 44'

FIGURE 11-6-4.2

Parking Module Standards: Double Parking Rows and Aisle



Dimension	One-Way Parallel	Space Angle (degrees)			
		30	45	60	90
Stall depth	18'	36'	42'	44'	40' or 44'
Parking aisle	12'	12'	13'	18'	24'
Minimum width of module (stall depth and aisle)	30'	48'	55'	62'	60' or 64'

2. Off-street parking spaces shall be clearly marked.
3. Parking spaces abutting an adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line. When wheel guards are used, they shall be centered at least 2.5 feet from the property line for 90 degree parking, 2.3 feet for 60 degree parking, and 2.0 feet for 45 degree parking.
4. Pedestrian access to buildings shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one public entrance. Such pathway shall be cleared of all obstructions related to construction activity prior to the opening to the general public. Where curbs exist along such pathways, as between a parking area surface and sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for access by wheelchairs.
5. Accessible pathways to each building entrance from parking areas shall have the number of level parking spaces set out in Table 11-6-4.2, Number of Accessible Parking Spaces. Each space shall be identified by above-grade signs as being reserved for persons with physical disabilities. A minimum of two spaces for persons with disabilities shall be required for industrial uses in industrial districts. All accessible parking spaces shall not be less than 12 feet in width.

TABLE 11-6-4.2

Number of Accessible Parking Spaces²

Number of Parking Spaces Required by this Section ¹	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
Number of Parking Spaces Required by this Section ¹	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 8 accessible parking spaces, rounded up

1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 8 accessible parking spaces, rounded up
----------------	--	--

NOTES:

1 This number includes all applicable reductions in the number of required off-street parking spaces. However, on-street parking spaces that are credited to a proposed use shall be included in this number.

2 In all cases, the minimum required to comply with all ADA requirements shall be required and provided.

6. Parking spaces for persons with disabilities shall be hard surfaced and meet the paving requirements of the City, regardless of the use or zoning of the property. Further, there shall be provided a paved, hard-surfaced area from the parking area to the primary use of the property. In all cases, all ADA requirements must be met.

7. Each parking space for persons with disabilities shall be marked with the standard international wheelchair symbol and with a sign not less than 12 inches by 18 inches posted at a height not less than three feet or more than eight feet. In all cases, markings must meet ADA requirements.

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

D. Off-Street Loading Areas.

1. Purpose. The purpose of this Subsection is to ensure that an adequate off-street loading area is provided with the construction, alteration, or change of use of any business building or structure, or with any change in land use.

2. Loading Areas Required. The owner and the occupier of any property upon which a business is located shall provide off-street area for loading and unloading.

3. Site Plan Required. Any person desiring a building permit for the construction, alteration, or change in land use or change of use of any business building or structure with existing or proposed loading areas shall submit a site plan to the City Planner designating the number, dimensions and locations of all loading areas and all proposed avenues of ingress and egress to the property from adjacent public streets. The City Planner shall refer the application for TAC review, and shall not issue a Zoning Clearance Permit if it is determined that the proposed loading and unloading facilities will present a direct or indirect hazard to vehicular or pedestrian traffic or will not comply with the requirements of this Title, such as, but not limited to, screening, buffering, location, or proximity to a residential zoning district.

4. Minimum Required Design Criteria.

a. Unless otherwise specified, a required off-street loading berth shall be at least 10 feet in width and 30 feet in length, exclusive of aisles, and shall have a vertical clearance of at least 14 feet.

b. Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least 15 feet in width designed to permit convenient off-street access and maneuverability to the berth by semitrailer trucks.

c. Unenclosed off-street loading areas shall be surfaced with a dust-free all-weather material.

d. Illumination of an off-street loading area, if any, shall be by constant light and shall be so arranged as to direct the light away from properties within an R district which do not contain uses for which the loading area is being provided. (Ord. 746, 11-14-2017)

11-6-5: SPECIAL STUDIES:

A. Generally. This Section sets out methodology to determine, modify, or reduce the number of off-street parking spaces as set out in Section 11-6-3, Off-Street Parking and Loading.

B. Special Studies. Some of the uses listed in the tables set out in Section 11-6-3, Off-Street Parking and Loading, have widely varying parking demand characteristics or can vary widely in their parking needs based on the specific site improvements proposed. Accordingly, the parking requirements for such uses are listed in the tables as "Special Study." Required parking for these uses shall be established by special study according to the standards of this Section. A special study shall also be required for any land use not listed in Section 11-6-3, Off-Street Parking and Loading.

1. Requirements:

a. The special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense; and

b. The special study, when required, shall provide:

(1) A peak parking analysis of comparable uses or other facilities operated by the applicant where empirical evidence of parking demand may be scientifically quantified; and

(2) Documentation regarding the comparability of the referenced uses, including name, function, location, floor

area, parking availability, access to transportation network (including vehicular or other if applicable), use restrictions, and other factors that could affect the parking demand.

2. Review and Consideration of Special Study. The City Planner shall forward a copy of the study to the TAC, who will review it and provide comments to the applicant, for any revisions, and to the Planning Commission and City Council for review and approval. (Ord. 746, 11-14-2017)

11-6-6: GENERAL ACCESS AND CIRCULATION:

A. Generally. For the purposes of this Section:

1. Arterial and collector streets refer to those existing and proposed streets identified on the Major Street and Highway Plan.

2. Access points include means of site ingress and egress located along highways, public and private streets, alleys, driveways, and marginal access streets.

B. Access and Circulation on Nonresidential and Mixed-Use Lots.

1. Parcels platted after the adoption of this Title that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible.

2. Where connections to abutting parcels are possible, but not currently provided:

a. The parcel proposed for development shall include a stub-out at a location that allows for a reasonable connection to the abutting parcel (i.e., one that allows for reasonable development of both parcels) in the future; and

b. The applicant shall record a cross-access easement in a form acceptable to the City to allow for future connection of the stub-out to a comparable facility on the abutting parcel and ensure that shared access maintenance responsibilities are included. In general, the City may require cross-access easements to include one or more of the following:

- (1) Sufficient width to accommodate a two-way access between properties;
- (2) Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access; or
- (3) Linkage to other cross-access drives in the area.

3. All entrances and exits to a parking area and interior circulation patterns shall be clearly delineated by appropriate signage and/or pavement markings. If signs are used as part of this delineation, the signs shall be in accordance with Chapter 7, Signs. (Ord. 746, 11-14-2017)

LANDSCAPING, SCREENING, AND BUFFERYARDS

11-6-7: PURPOSE AND APPLICABILITY:

A. Purpose. The purpose of this Subchapter is to:

1. Promote the beautification and character of the City and enhance the quality of life;
2. Promote the reasonable preservation and replenishment of existing trees and vegetation, especially to create greenbelts along transportation corridors, link linear parks or trails between neighborhoods and regional trail networks and waterways, and provide natural buffers between different uses;
3. Maintain ecological balance by contributing to air purification, oxygen regeneration, groundwater recharge, and stormwater runoff quality and reduced quantity;
4. Maintain a meaningful urban forest in a manner that does not discourage urban development; and
5. Ensure that buffers are provided between different land use types, or intensities of use, to maintain property values, livability, and compatibility between uses.

B. Applicability and Exemptions. The landscape requirements of this Subchapter shall be applicable to all land for which a building permit is sought, except that the requirements shall not be applicable to the following:

1. Individual single-family or duplex lots where only one such structure is to be constructed on the lot.
2. Restoration of buildings constructed prior to the effective date hereof which are damaged by fire, flood or other catastrophe.
3. Interior remodeling.
4. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 30 square feet.
5. The developed area of a lot if all proposed new buildings, or additions to buildings, contain less floor area than the floor area of existing buildings which remain on the lot after completion of the new construction. (Ord. 746, 11-14-2017)

11-6-8: CREDIT FOR EXISTING TREES:

A. Incentive Credits. To encourage preservation of existing mature trees and/or the planting of larger trees, each square foot of landscaped area which is permeable and within the drip line of a tree of at least six inches in caliper shall constitute

one and one-half (1.5) square feet of landscaped area for the purpose of meeting the 15 percent street yard landscaping requirement. The following conditions shall apply:

1. Overlapping drip line areas shall be counted only once;
2. At least one-half of the drip line shall be permeable;
3. The original grade of the drip line shall not be changed; and
4. The one and one-half (1.5) square foot credit shall not constitute more than 25 percent of the landscape requirement. The 25 percent credit limitation may be increased by the Planning Commission if the Commission determines such additional credit is warranted in that the trees proposed to be preserved are of such substantial size or quantity, provide superior buffering, and/or create corridor character, and the applicant is taking considerable measures to ensure the life of the trees, such as prohibiting impermeable materials on more than 50 percent of the tree drip line.

B. **Parking Credits.** For all nonresidential development on lots of record prior to the effective date hereof which are one acre in area, or less, the required number of off-street parking spaces shall be reduced by one space for each 300 square feet of street yard required to be landscaped by this Subchapter. (Ord. 746, 11-14-2017)

11-6-9: DEVELOPMENT LANDSCAPING:

A. Frontage and Perimeter.

1. Not less than 15 percent of the street yard shall be established and maintained as a landscaped area.
2. Within the lot, a landscaped area shall be established and maintained which is not less than seven and one-half (7.5) feet in width and which extends along the entirety of the abutting street right-of-way, except at vehicular access points. For lots abutting arterial streets, a landscaped area shall be established which is not less than 10 feet in width and which extends along the entirety of the abutting arterial right-of-way.
3. Within a lot used for office, commercial, industrial or multi-family residential purposes, off-street parking shall be separated from an abutting residential district or residential development area by a landscaped area not less than 10 feet in width. The tree planting requirements in this landscaped area shall be equal to those for a typical street yard as set out in Subsection C of this Section.
4. Required setbacks shall be landscaped in accordance with the street yard standards.
5. In computing the landscaped area required in Subsection A.1, above, the landscaped areas required by Subsections A.2 and A.3, above, if located within the street yard, shall be included within the computation.
6. New single-family and duplex residential development abutting arterial and collector streets shall provide a landscaped buffer of not less than 10 feet in width along the entirety of the arterial and collector street frontage. Setbacks from the arterial and collector streets which are larger than 10 feet shall be provided at each side of the project entry drive at its intersection with an arterial or a collector street.
7. For lots abutting U.S. Highway 75 and 151st Street (State Highway 67), a landscaped area shall be established and maintained which is not less than 15 feet in width and which extends along the entirety of the abutting arterial, except at vehicular access points.

B. Parking Areas. Within surface off-street parking areas, landscaped areas shall be established and maintained as follows:

1. For lots two and one-half (2.5) acres or less in size, no parking space shall be located more than 50 feet from a landscaped area containing at least 30 square feet, with a minimum width or diameter of five feet. A landscaped area, by definition, must contain at least one tree.
2. For lots greater than two and one-half (2.5) acres in size, no parking space shall be located more than 75 feet from a landscaped area containing at least 100 square feet, with a minimum width or diameter of seven feet. A landscaped area, by definition, must contain at least one tree, with all areas of 200 square feet or more containing at least two trees.

C. Trees.

1. Within the street yard, trees shall be preserved, planted, maintained or replaced as follows:
 - a. One tree for each 1,000 square feet, or fraction thereof, of street yard.
 - b. Each existing tree which is in the required street yard and which is at least six inches in caliper and which is removed by the development of the parking area shall be replaced at a two-to-one (2:1) ratio with trees sized as designated in Subsection C.7, below, and located within the required street yard. These two replacement trees shall be counted as one tree for purposes of compliance with street yard tree planting requirements.
2. For surface parking areas located outside the street yard, one tree for each 10 parking spaces, with at least one tree in each required landscaped area to be preserved or planted and maintained or replaced.
3. An existing or planted tree which is at least six inches in caliper shall be considered as two trees for the purpose of determining compliance with the requirements of this Subsection, provided that there is no alteration of the grade under existing tree drip lines.

4. For surface parking areas located on South Broadway Street which are designed for 10 or more spaces and which are located within 25 feet of a public street right-of-way, trees shall be planted as follows:

- a. One tree for each 35 linear feet of parking area which is located along and parallel to the street boundary.
- b. Required trees shall be located within 10 feet of the public street right-of-way.

5. For surface parking areas designed for 10 or more spaces and located within 25 feet of U.S. Highway 75 or 151st Street (State Highway 67) rights-of-way, trees shall be planted, preserved and/or replaced as follows:

- a. One tree for each 50 linear feet of parking area which is located along and parallel to the street boundary and which is within 25 feet of the public street right-of-way.
- b. Each existing tree which is located in the required street yard, and is removed by the development of the parking area and which is at least six inches in caliper shall be replaced at a three-to-one (3:1) ratio with trees sized as designated in Subsection C.7, below, and located within the required street yard. These three trees shall count as one tree for the purposes of compliance with street yard planting requirements.

6. Planted trees shall be planted in a pervious area not less than three feet in diameter.

7. Minimum tree sizes at the time of planting shall be as follows:

- a. Ornamental trees shall not be less than six feet in height and one inch in caliper.
- b. Conifers/evergreen trees, such as pine, spruce or cedar, shall not be less than five feet in height.
- c. Canopy trees shall not be less than eight feet in height and two inches in caliper.

8. Landscaped buffers separating new single-family or duplex residential development from arterial and collector streets shall be treated as follows:

- a. A minimum of one tree shall be planted for each 50 feet of linear frontage.
- b. Tree sizes shall conform to the standards in Subsection C.7, above.
- c. Each existing tree removed by the developer during construction which is larger than six inches in caliper when measured at three feet above the ground shall be replaced at a two-to-one (2:1) ratio with trees sized as designated in Subsection C.7, above.

The new trees shall be located within the 10-foot landscaped area adjacent to the arterial street or the expanded entry area setbacks. These two replacement trees count as one tree toward the satisfaction of the one per 50 linear foot requirement of Subsection C.8.a., above. To mitigate tree loss during construction, the developer may also propose to preserve existing trees less than six inches in caliper at other locations on the site.

d. Preservation or planting of trees within the required landscaped areas which are larger than six inches in caliper shall be considered as two trees for the purpose of determining compliance with the requirements of either Subsection C.8.a. or C.8.c., above, provided that there is no alteration of the soil under existing tree drip lines.

D. Miscellaneous Requirements.

1. Artificial vegetation of any type shall not satisfy the requirements of this Subchapter.
2. Required landscaping shall be irrigated by an underground sprinkler system, a drip system or hose bibs located within 100 feet of all landscaped areas.
3. All landscaped areas which are adjacent to pavements shall be protected with curbs or equivalent barriers.
4. Landscaping shall not obstruct traffic visibility at street intersections or at access points to the street.
5. Required landscaping shall be maintained in a live and healthy condition and shall be replaced as necessary to comply herewith.
6. Required landscaped areas shall be maintained free of debris and litter.
7. Required landscaping shall be installed in accordance with an approved landscape plan as out in Section 1-6-11. (Ord. 746, 11-14-2017)

11-6-10: SCREENING AND BUFFERYARDS:

- A. Purpose. For the purpose of maintaining a compatible relationship between different land uses, screening and buffering requirements are hereby established as set out below.
- B. General Specifications of Walls and Fences. When the provisions of this Title require the construction of a screening wall or fence as a development standard or as a requirement of a specific or limited use, the screening wall or fence shall:
 1. Be constructed, designed, and arranged to provide a visual and opaque separation between uses.
 2. Generally not be more than six feet in height, except where an eight foot height is required.
 - a. The City Planner has the discretion to allow, or require, a height up to eight feet to improve use compatibility.

b. Fence height shall be measured based on the prevailing natural grade, so fence height may increase when a site has uneven or undulating slope.

c. Ornamental columns, pilasters, column caps, trellises or similar features that enhance the character of a wall or fence are not subject to the height limitation.

3. Be constructed with all braces and supports on the interior side of a fence, except when both sides are of the same design and appearance.

4. Be constructed using a common material, color, and style on the perimeter of all residential developments, and along arterial and collector streets, as designated on the Major Street and Highway Plan, in all new developments.

5. Be installed prior to the occupancy of any building and prior to the initiation of the use.

6. Utilize materials that are compatible with the surrounding area and properties.

7. Be maintained by the owner of the lot containing the use required to install screening. Failure to maintain required screening shall constitute an offense hereunder.

C. Bufferyards Generally. The bufferyards required by this Subchapter are based on the amount of screening they provide and are classified from the least screening (Type A) to the most screening (Type D), depending on the types and intensities of adjacent uses.

D. Bufferyard Types.

1. There are four types of bufferyards, each of which varies in the width of the bufferyard and the numbers and types of plants that are required per 100 linear feet, or portion thereof, and whether a wall or fence is also required.

2. The minimum planting requirements for each type and composition of bufferyard are set out in Table 11-6-11.1, Bufferyard Classifications, except where another requirement of Title 11 or a condition of the City Council, the Commission, or Board requires a greater bufferyard.

E. Composition of Bufferyards. Bufferyards are classified as:

1. Structural Bufferyards. Structural bufferyards include fences, walls or buildings to achieve the required level of screening.

2. Natural Bufferyards. Natural bufferyards include earthen berms, a geologic grade change or a higher density, or opacity, of plant materials to achieve the required level of screening.

Table 11-6-11.1 Bufferyard Classifications

Type	Width	Required Plantings per 100 Linear Feet (Structural / Natural)				Height of Berm, Wall or Fence ^{1,2}
		Large Trees	Evergreen Trees	Small Trees	Shrubs	
Type A	5 ft.	1/2	1/2	1/3	10/15	-
Type B	10 ft.	2/3	2/3	2/6	20/30	-
Type C	25 ft.	3/6	3/6	3/9	30/40	6 ft.
Type D	35 ft.	4/8	4/8	4/12	40/55	8 ft.

NOTES:

1. An earthen berm, wall, or fence is not required for a natural bufferyard.

2. Per Chapter 3, Subchapter 3, Specific and Limited Uses, additional wall height may be required for some uses or as a condition of SUP approval.

F. Bufferyard Locations. Bufferyards are required between different adjacent zoning districts and between different levels of density (residential) and intensity (nonresidential and mixed use). Table 11-6-11.1, Bufferyard Classifications, and Table 11-6-11.2, District Bufferyard Standards, highlight how the bufferyard standards and adjacent land use are related and the degree of buffering required to improve compatibility between different land uses.

G. Composition of Bufferyards in Certain Locations.

1. Between Districts. Structural bufferyards are the preferred composition along a district boundary that is not a street, or where there is a specific privacy or security need that requires a wall or fence.

2. Between Mixed Housing Types and Uses. Structural or natural bufferyards may be used between mixed housing types and mixed uses within a development, depending on the use types and intensities and the desired degree of compatibility, privacy, and/or security.

3. Adjacent to Land Zoned Agriculture (AG), Residential Estate (RE), or Residential Single-Family Low Density (R-1).

Natural bufferyards are the preferred composition in these locations to reinforce the rural or low density residential character of the adjacent district.

4. Along Resource Features and Recreation Uses. Natural bufferyards are required adjacent to recreation uses and along natural areas and resources to act as a riparian buffer and to protect and enhance water quality and stormwater management.

H. Exemptions. A parcel proposed for development, redevelopment, or substantial improvement shall be exempt from the requirement to provide a bufferyard under the following conditions:

1. When there is an elevation difference between two adjacent properties that is six feet or greater.
2. When a property is separated from the adjacent property by a natural or man-made area that meets or exceeds the level of screening required.

I. Credits for Existing Buffer Treatments.

1. Generally. Existing landscape, trees, fences, and retaining walls that meet, in part but not in whole, the bufferyard requirements set out herein, may be counted toward the bufferyard requirements, provided that:

- a. The trees and landscaping are in good health.
- b. The fences or walls are structurally sound and in good repair.

2. Existing Landscaping Credit. Credit shall be given for existing trees that are located within bufferyards as set out in Section 11-6-8, Credit for Existing Trees.

3. Existing Fences and Walls. If a fence or wall is the preferred or required bufferyard composition and there is already a fence or retaining wall on the property line, then the City Planner may waive the fence or wall requirement if:

- a. The City Planner verifies and documents that an existing fence or wall is structurally sound and in good repair; and
- b. The height and level of existing screening meets the intent of this Subsection.

J. Bufferyard Standards.

1. Generally. Table 11-6-11.2, District Bufferyard Standards, sets out the classifications of bufferyards required between zoning districts not separated by a public street right-of-way.

2. Interpretation of the Table.

- a. The table is a matrix where all zoning districts are categorized into groups of similar use intensity.
- b. The rows indicate the zoning of the parcel proposed for development and the columns indicate the zoning of the adjacent property or properties.
- c. Where “-” is found there is no bufferyard required.

Table 11-6-11.2

District Bufferyard Standards

Zoning of Parcel Proposed for Development	Zoning of Adjoining Property				
	AG, RE, RS	RD, RMH, RM-1	RM-2, OL, OM	CS, CG	IL
AG, RE, RS	-	A	B	C	D
RD, RMH, RM-1	B	A	-	C	D
RM-2, OL, OM	C	B	A	A	C
CS, CG	C	C	B	-	-
IL	D	C	C	B	-

3. Relationship to Other Bufferyard Requirements.

a. Some limited uses or specific uses have different requirements for bufferyards, as specified in Chapter 3, Subchapter 3, Specific and Limited Uses.

b. If bufferyards are required by another Section of this Title along property lines that are also zoning district boundaries, then the greater bufferyard requirement shall apply.

4. Bufferyard Fencing. Where a fence is used to provide a buffer, the following requirements shall apply:

- a. The finished side of all fences shall face outward toward any adjacent public rights-of-way or the property that is

being buffered, with all braces and supports on the interior side of the fence.

b. All support posts and stringers shall face inward toward the property upon which the fence is located or the development that it screens.

K. Modification of Requirements. The Board of Adjustment may:

1. Consider modifications to or a waiver of the screening or bufferyard requirements when an existing physical feature provides the intended visual or physical separation of uses.

2. Modify the screening or bufferyard requirements where an alternative screening or buffering solution will provide the intended visual or physical separation of uses. (Ord. 746, 11-14-2017)

11-6-11: LANDSCAPE PLAN AND LANDSCAPE INSTALLATION:

A. Landscape Plan Required. An application for a building permit for uses requiring landscaping shall provide the information set out in Appendix A, Section A.1 of this Title.

B. Installation Schedule. The installation schedule of required landscaping and appurtenances shall specify installation of all improvements prior to the hookup of utilities. The Planning Commission may, upon recommendation of the City Planner, grant approval for hookup prior to the completion of tree installation, based upon a specific tree planting schedule, not to exceed 120 days from the date of Planning Commission approval.

C. Certification of Installation.

1. Prior to utility hookup, written certification shall be submitted to the City by an architect, landscape architect or engineer licensed in the State of Oklahoma that the installation of the landscaping and appurtenances has been accomplished in accordance with the approved landscaping plan.

2. If the Planning Commission grants preliminary approval for the hookup of utilities prior to the completion of tree planting, an architect, landscape architect or engineer licensed in the State of Oklahoma, shall provide written certification that all trees have been installed in accordance with the approved landscaping plan. Such certification shall be provided prior to or within the time frame approved in the specific tree planting schedule, and shall not exceed 120 days from utility hookup. If certification is not received within this time frame, it will be considered a violation of this Title, and the developer may be subject to daily fines until certification has been received.

D. Administrative Review.

1. After receipt of the landscaping plan, the City Planner shall:

- a. Approve the landscaping plan as complying with the requirements of this Subchapter;
- b. Conditionally approve the plan; or
- c. Reject the plan if it fails to comply with the requirements of this Subchapter.

2. The City Planner may, at his or her discretion, refer the plan to the Planning Commission for review and approval. The Commission decision shall be final.

E. Alternative Compliance. If the City Planner rejects the landscape plan, the applicant may file an application requesting Planning Commission review of the plan to determine if the plan implements the intent of this Subchapter even if not meeting the technical requirements of this Subchapter. The Commission decision shall be final. (Ord. 746, 11-14-2017)

11-6-12: LANDSCAPING, BUFFERYARD, AND SCREENING MAINTENANCE:

A. Maintenance.

1. All landscaping, bufferyard and screening elements shall be maintained in good condition.
2. Ongoing maintenance, including the replacement of dead or unhealthy plantings, and irrigation, is required for areas that are landscaped pursuant to an approved landscaping plan.
3. Structural improvements, such as fences and walls, shall be maintained in good order and repaired or replaced when damaged to maintain the purpose of the structure.

B. Periodic Inspections. The City may inspect each site periodically after approval of a subdivision plat or issuance of the certificate of occupancy to ensure compliance with this Subchapter. (Ord. 746, 11-14-2017)

CHAPTER 7

SIGNS

SECTION:

11-7-1: Purpose And Authority

11-7-2: Findings And Objectives

11-7-3: Applicability And Definitions

11-7-4: Permits Required

11-7-5: Development Standards

11-7-1: PURPOSE AND AUTHORITY:

A. Purpose. The purpose of this Chapter is to set out reasonable regulations for the design, location, installation, operation, repair, and maintenance of signs in a manner that advances the City's important, substantial, and compelling interests as set out in Section 11-7-2, Findings and Objectives, while simultaneously safeguarding the constitutionally protected right of free expression.

B. Authority. The City has the authority to regulate signs under the United States Constitution, the Constitution of the State of Oklahoma, and the Glenpool City Charter. (Ord. 746, 11-14-2017)

11-7-2: FINDINGS AND OBJECTIVES:

A. Findings. The City Council finds as follows:

1. This Chapter advances important, substantial, and compelling governmental interests.
2. The regulations set out in this Chapter are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this Chapter.
4. The City has a substantial and compelling interest in preventing traffic accidents.
5. The City has an important and substantial interest in preventing sign clutter that:
 - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians.
 - b. Degrades the aesthetic character of the City, making the City a less attractive place for residents, visitors, commerce, and private investment.
 - c. Dilutes or obscures messages displayed along the City's streets through the proliferation of distracting signs competing for attention.
6. Sign clutter can be reduced and prevented by reasonable sign regulations that:
 - a. Do not relate to the content of the regulated signs.
 - b. Balance the legitimate needs of individuals, entities, and organizations to convey messages with the legitimate objectives of the City to promote public safety; sustain, protect, and enhance community character; and support and enhance private property values.
7. Signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, may harm the safety and aesthetics of the City's streets and other public areas if they are not removed.
8. The City has a compelling interest in protecting minors from speech that is harmful to them as provided by state and federal law, and such speech may be prohibited in places accessible to minors.
9. Certain types of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

B. Objectives. It is the intent of the City Council to provide a reasonable balance between the right of an individual to communicate through the use of signs and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs. The objective of the regulations in this Chapter is to provide a balanced and fair legal framework for design, construction, and placement of signs that:

1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - a. Collapsing, catching fire, or being windblown in natural events, or otherwise decaying.
 - b. Confusing or distracting motorists.
 - c. Impairing drivers' ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - a. Are not overwhelmed by the number of messages presented.
 - b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose.
3. Protects the public welfare and enhances community appearance and economic value by reducing and preventing

sign clutter.

4. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property or to the use of public rights-of-way due to brightness, glare, reflectivity, bulk, or height.

5. Provides timely, fair, and consistent permitting and enforcement. (Ord. 746, 11-14-2017)

11-7-3: APPLICABILITY AND DEFINITIONS:

A. General. Regulations governing the use, size, type, design, and location of signs and outdoor advertising throughout the City are described in this Chapter.

B. Applicability. The regulations in this Chapter apply to business signs, neighborhood identification signs, public and institutional signs, permanent and temporary signs, outdoor advertising signs (billboards), and all other sign types, as are more particularly defined and described herein.

C. Sign Definitions. The following definitions strictly apply to the administration of the regulations contained in this Chapter:

ACCESSORY USE OR STRUCTURE:	A use or structure on the same lot with, and of a nature customarily associated with, and incidental and subordinate to, the principal use or structure.
CANDELA:	The international system unit of luminous intensity, that is, power emitted by a light source, in a particular direction, weighted by the luminosity function that is a standardized model of the sensitivity of the human eye to different wavelengths. A standard candle emits light with a luminous intensity of one candela. If emission in any direction is blocked by an opaque barrier, the emission would still be approximately one candela in the directions that are not obscured.
DWELL TIME:	The duration or interval of time during which each individual advertisement or message is displayed on any sign that is capable of sequentially displaying more than one advertisement or message on its display surface.
FOOT-CANDLE:	A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
INTERSECTION, SIGNALIZED:	An area where motor vehicle traffic is regulated by an official traffic control signal or light that is encompassed within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets that join one another at, or approximately at, right angles, or the area within which vehicles travel upon different streets joining at any other angle which may conflict, whether or not one such street or roadway crosses the other.
LED:	A semiconducting light emitting diode (LED) that emits light when powered.
LUMEN:	The international system unit of luminous flux, a measure of the power of light perceived by the human eye. A light source that uniformly radiates one candela in all directions radiates a total of 4π lumens.
NIT/CANDELAS PER SQUARE METER:	A unit of illuminative brightness equal to one candela per square meter, measured perpendicular to the rays of the source.
SIGN:	Any fabricated display structure, including its support, consisting of any letter, figure, character, mark, poster pointer, marquee advertising, design, picture, stripe, trademark, reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor, whether for profit or not for profit, that is sold, offered or conducted for public use or consumption, and displayed in any manner for recognized advertising or publicity purposes.
SIGN, BANNER:	A flexible sign, consisting of fabric, plastic, paper or other light pliable material on which copy or graphics may be displayed or overlaid, provided that a banner must be a commercially made, and not a homemade, sign. A banner is a temporary sign.

SIGN, BENCH:	A sign that is imprinted on, or affixed to, a bench and having measurements that do not exceed the boundaries of such bench and conforming to such other terms and conditions as are set out in an agreement between the business or entity seeking to install such signs and the City.
SIGN, BULLETIN BOARD:	A changeable message board used to announce on-site activities.
SIGN, BUSINESS:	A sign that is designed to direct public attention to a business, commodity, service, recreational activity, or performance, or similar related concepts of activities conducted for public consumption, whether or not for profit, sold, offered or conducted on the premises.
SIGN, CANOPY:	A sign wholly supported by a canopy projecting from a building or an extended roof or pitched roof and which does not extend above the mean height level of the roof of the building.
SIGN, CONSTRUCTION:	A temporary sign, erected during the period of construction, advertising the construction of improvements on the premises.
SIGN, DIGITAL/LIGHTED:	A sign that displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including, but not limited to, digital display boards, electronic variable message signs, electronic billboards, and LED signs.
SIGN, DIGITAL OUTDOOR ADVERTISING:	An outdoor advertising sign that is also a digital sign.
SIGN, FLASHING:	Any sign that incorporates in any manner apparent movement achieved by electrical pulsation, the use of intermittent lighting or by other means such as sequential light phasing.
SIGN, GROUND:	A sign that is attached to or is a part of a self-supporting structure, other than a building or portion of a building.
SIGN, IDENTIFICATION:	A sign that states only the name of a residential development, mobile home park, multi-family development or a nonresidential development.
SIGN, ILLUMINATED:	Any sign that is designed to give forth any artificial light or to reflect such light deriving from another source.
SIGN, OFF-SITE:	A sign displaying information, or advertising or otherwise directing public attention to a business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor conducted for public use or consumption, whether for profit or not for profit, that is not located on, or sold, offered or conducted on, the premises where the sign is erected and/or displayed. Premises on which an off-site sign may be permitted include public rights-of-way and private property that is not owned, or otherwise occupied or currently utilized, by the person, business entity or profession conducting such business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor, provided that consent of the City and the private property owner, respectively, is obtained.
SIGN, ON-SITE:	A sign displaying information, or advertising or otherwise directing public attention to a business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor conducted for public use or consumption, whether for profit or not for profit, that is located on, or sold, offered or conducted on the premises where the sign is erected and/or displayed and pertaining only to such business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor located on, or sold, offered or conducted on such premises, whether the sign is erected and/or displayed by the owner, a tenant, agent, invitee or permittee of the owner of such premises.
SIGN, OUTDOOR ADVERTISING:	A sign that directs attention to a business, commodity, service, industry, product, recreational or cultural activity, profession, performance, or similar related concept or endeavor conducted for public use or consumption, whether for profit or not for profit, that is sold, offered or conducted either on or off the premises where the sign is erected or displayed.

SIGN, POLE:	A freestanding sign that is supported by one or more column(s) or other structural member(s) that is/are permanently attached to the ground or a ground mounted structure and provides a minimum of eight feet of visible, vertical clearance, between any part of the sign and finished grade.
SIGN, PORTABLE:	A sign that is not permanently affixed to the ground or a building.
SIGN, PROJECTING:	A sign that is affixed to a building or wall in such a manner that its leading edge extends horizontally more than 12 inches beyond the surface of such building or wall supporting the sign and is perpendicular to such building or wall.
SIGN, PROMOTIONAL:	A temporary on-site or off-site outdoor advertising sign that may be a banner sign or a feather sign, or other sign approved in accordance with this Chapter, provided that no promotional sign may be a snipe sign, and may be a ground sign or may be attached to a permanent structure, that is in all respects regulated by this Chapter, notwithstanding any provisions, limitations, conditions or prohibitions with respect to signage otherwise applicable in any district in the City, or set forth in this Chapter.
SIGN, REAL ESTATE:	A temporary sign advertising the sale, rental or lease of the premises or related property.
SIGN, ROOF:	Any sign that is erected and constructed on and over the roof, extended roof, pitched roof or canopy of a building, supported by the roof structure, and extends vertically above any portion of the roof. Roof signs shall not include signs located on a mansard roof if the sign is mounted vertically and integrated with the roof. For the purpose of this Chapter, architecturally integrated mansard signs and other architecturally integrated signs located below the principal roofline shall be classified as wall signs.
SIGN, SNIPE:	A temporary sign that is made of any material, attached to a utility pole, tree, fencepost, stake, stick, mailbox or any similar object, whether in a public right-of-way, or not.
SIGN, TEMPORARY:	Any sign that is intended to be used, affixed to a structure or to a building or building surface or installed in the ground for only a limited and designated maximum period of time, including signs that are designed to be mobile and moved from one location to another. Portable signs are temporary signs. Promotional signs are temporary signs. The permissible time for display of temporary signs will be limited by the intended use and as expressly set forth in this Chapter.
SIGN, WALL:	A sign that is affixed to a building wall and does not project horizontally more than 12 inches from the wall nor extend above the height of the wall.
SIGN, WINDOW:	Any sign that is painted, attached, glued, otherwise affixed to or situated in the proximity of a window for the purpose of being visible from the exterior of the building.
STATIC MESSAGE:	An advertisement or message that, when displayed, contains no motion, flashing, changeable copy, running lights, variations in brightness or animation.
STORYBOARDING:	The consecutive display of advertisements or messages on a sign used to provide a continuing or evolving message, theme or story.
TRANSITION TIME:	The duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface. (Ord. 746, 11-14-2017)

11-7-4: PERMITS REQUIRED:

A. Permits.

1. Any new sign or the installation of a new sign face on, or the rebuilding, enlarging, extending or relocation of an existing sign, requires a sign permit from the City.
2. In addition, the installation of a new sign face on, or the rebuilding, enlarging, extending or relocation of, an existing sign of which any portion is located in a public right-of-way shall require a sign permit and a memorandum or other written evidence of agreement with the City for the purpose of documenting, specifying and limiting permitted changes.

B. Permit Application. The permitted use of a sign by a business, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits must include:

1. Proof of ownership or written permission of the owner of the lot or tract upon which the proposed sign will be constructed.
2. A site plan drawn to scale of the property showing dimensions illustrating the distance of the proposed sign location from property lines, structures, easements, and driveways. If the sign is to be located on the face of a building, the proposed sign shall be drawn to scale on the building.
3. The proposed dimensions (display area and height) of the sign.
4. If the sign is freestanding, either on-premises or off-premises, the site plan must show all existing signs within 1,200 feet (billboard only).
5. The plans are to be submitted in paper form as well as electronic format. (Ord. 746, 11-14-2017)

11-7-5: DEVELOPMENT STANDARDS:

A. Location Requirements.

1. Except as otherwise expressly set forth in Subsections J.5, K and L of this Section, pertaining, respectively, to the installation of bench signs, temporary election/political campaign signs and temporary promotional signs, and except for authorized traffic signals, hazard signs, or similar devices, no privately owned sign or portion of a privately owned sign or any of its supporting structure may be located on or within, extend into, encroach upon, or overhang any public property or right-of-way or be located within the existing or proposed right-of-way of any street or area designated in the Major Street And Highway Plan as a future street.
2. No sign shall be located less than 35 feet from the intersection of the pavement of two streets or from the intersection of street pavement and a railroad track. The point of intersection shall be measured from the edge of the paving of each street or railroad right-of-way and may be further restricted by Subsection A.5 of this Section or elsewhere in this Title.
3. No sign shall be located in such a manner as to obstruct, obscure, or in any manner interfere with any traffic signal light or public warning sign.
4. Signs located in such a manner so as to prevent any motorist, bicyclist, or pedestrian from obtaining a clear view of approaching vehicles for a distance of 500 feet along a public right-of-way are prohibited.
5. Except as otherwise expressly set forth in Subsection L of this Section pertaining to temporary promotional signs, and subject to review and approval by the City Planner, no business or outdoor advertising sign, including wall signs, shall be located within 150 feet of a residential district, if visible from such district. The 150 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the residential district.
6. No business or outdoor advertising sign, including wall signs, using LED or other digital lighted sign shall be located within 500 feet of a residential district. The 500 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the residential district.
7. Except as otherwise expressly set forth in Subsection L of this Section, pertaining to temporary promotional signs, and subject to review and approval by the City Planner, no business or outdoor advertising sign shall be located within 150 feet of a public park. The 150 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the park.
8. All lighted signs shall maintain constant light. No flashing or intermittent type of lighted signs are allowed, provided, however, that electronic and/or LED lighted signs may be permitted by the granting of a Specific Use Permit, subject to the procedural and substantive requirements of this Title for an SUP, as set out in Section 11-9-13, Specific Use Permit. The following considerations shall be used in making a determination regarding the SUP application:

- a. Brightness/light intensity, with the following standards to be considered reasonable:

- (1) Not exceeding an illumination of 70 foot-candles, measured at a two foot distance.

- (2) An illuminative brightness not exceeding 300 candelas per square meter (NITs) at any time between one-half hour after sunset until one-half hour before sunrise or 6,500 NITs between one-half hour before sunrise until one-half hour after sunset.

- (3) Notwithstanding the above, such signs should not display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

- b. Flashing or intermittent lighting and a combination of colors such as red and blue such as could be confused with emergency vehicles or traffic control signals or cause a traffic safety hazard shall be prohibited.

- c. Movement or flashing of light and/or images, or the speed of animation, shall be maintained with the standards of this Chapter.

- d. Such signs, that are flashing, intermittent or include the movement or animation of lights and/or images, are required to be equipped with:

- (1) A default mechanism that will freeze the sign in one position or static message if a malfunction occurs.
- (2) A mechanism able to adjust the display's illuminative brightness automatically, according to ambient light conditions.

e. Such signs shall not be located within:

- (1) 50 feet of the driving surface of a signalized intersection;
- (2) 20 feet of the driving surface of a street;
- (3) 200 feet of a residential district, other than street, highway or freeway right-of-way; or
- (4) 2,400 feet of another outdoor advertising sign facing the same direction.

9. Except as otherwise expressly set forth in Subsection L of this Section, pertaining to temporary promotional signs, and subject to review and approval by the City Planner, any on-site ground sign shall maintain a minimum separation of 50 feet from any other ground sign on the same frontage.

10. Off-premises billboard signs shall not be permitted except along the frontage of U.S. Highway 75, State Highway 117, and State Highway 67.

11. Any off-premises billboard sign shall maintain a minimum separation of 1,200 feet from any other off-premises billboard ground sign.

12. Except as otherwise expressly set forth in Subsection L of this Section, pertaining to temporary promotional signs, and subject to review and approval by the City Planner, any off-site ground sign shall maintain a separation of 500 feet from any on-site ground sign on the same frontage, provided that the on-site ground sign was constructed first. However, if the off-site sign was constructed prior to the request for an on-site sign, the separation between the existing off-site sign and the proposed on-site sign must be a minimum of 50 feet.

B. General Use Conditions.

- 1. For the purpose of display surface area calculation of a ground mounted sign, where a lot abuts more than one public street, that street frontage which is the largest shall be used.
- 2. Only one side of a double faced sign shall be included in the computation of display surface area.
- 3. Roof signs are prohibited in all zoning districts.
- 4. Balloons or other inflatable devices used for the purpose of advertising or directing attention to any location to which such devices are attached or to which public attention is directed are prohibited in all zoning districts.
- 5. Vehicles or trailers, whether motorized or not, parked upon public or private property within the City for the obvious purpose of advertising shall be prohibited in all zoning districts; provided that a commercial vehicle may be identified only by business name, type of business, business address, business telephone number and contractor's state/county/city license number, when required, except for temporary use during a special City event.
- 6. The following signs shall not be included in the regulated computation of display surface area:
 - a. Nameplates attached to the face of the wall and not exceeding two square feet in surface area.
 - b. Temporary real estate and construction signs, subject to temporary limitations defined in Subsection H of this Section.
 - c. Signs that are not visible from a public street.
 - d. Signs painted on glass surfaces of windows or doors and pertaining to the business conducted therein when the display surface area of the sign does not cover more than 25 percent of the window or door.
 - e. Tablets built into the wall of a building or other structure and used for inscriptions or as memorial tablets or for similar purposes.
 - f. Signs of warning, directive, or instructional nature erected by a public agency, franchised transportation or utility company, or governmental agency.
 - g. Legal notices and street numbers.
 - h. Election and political campaign signs governed by Subsection K of this Section.
 - i. Signs located within buildings, unless the sign is mounted in the window or standing inside the building within one foot of a window, having a display surface area covering no more than 25 percent of the window.
 - j. Signs not exceeding three square feet of display surface area of a warning, directive or instructional nature, including entrance, exit, and restroom signs.
 - k. Signs attached as labels of a commodity for sale, rent or lease.
- 7. Every ground sign must be constructed and braced to withstand a horizontal wind pressure of not less than 20

pounds for every square foot of surface exposed, and shall be supported and anchored in a manner approved by the Building Official. The building code recognized by the City shall be the engineering reference for computing supports and stress numbers of any sign structure.

8. No exterior sign visible to the public in the City shall be vulgar, obscene or otherwise offensive to prevailing community standards.

C. Prohibited Signs.

1. The following signs are expressly prohibited in all zoning districts within the City:

a. Any sign constructed after the effective date hereof without a sign permit approved by the City, except those signs expressly identified as signs authorized without a sign permit.

b. Signs located in such a manner to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

c. Signs which simulate or imitate the size, lettering, illumination, or design of any traffic control device in such a manner as to interfere with, mislead, or confuse the public.

d. Signs which blink, flash, or are animated by lighting in such a way as to have the appearance of traffic safety signs and/or lights, or municipal vehicle warnings from a distance.

e. Any sign attached to or placed on a vehicle or trailer parked on public or private property in a position visible to traffic on a public road, waterway, or parking area for a period longer than six days in a 60 day period, except for signs meeting the following conditions:

(1) The primary purpose of such vehicle or trailer is not the display of signs.

(2) The signs are magnetic, decals, or painted upon and are an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

(3) The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which signs relate.

f. Revolving signs.

g. Any sign attached to any fence, utility pole, light standard, street sign pole, tree, utility box or any other public facility located within, or outside of, the public right-of-way.

h. Any sign constructed that obstructs any fire escape or required exit, window, or door opening intended as a means of ingress or egress, or any sign located in such a manner as to interfere with any opening required for ventilation, whether on public or private property.

i. Any sign constructed or displayed that is deemed to be hazardous, a danger, a traffic hazard, causes a potential impediment to rescue personnel in the event of an emergency, or which constitutes a public nuisance.

2. No sign shall be erected or constructed in any zoning district within the City that states, "stop", "go", "slow", "danger" or any other similar term in a manner that could reasonably be confused with traffic signs. Furthermore, no sign shall be erected or constructed in any zoning district which would tend to be confused with or obstruct sight of traffic signs or traffic signals by motorists or pedestrians, or which would otherwise constitute a hazard to the safe and efficient operation of vehicles, or would create a condition which might endanger the safety of any person.

3. Except as otherwise expressly set forth in Subsections J.5, K and L of this Section, pertaining, respectively, to the installation of bench signs, temporary election or political campaign signs, temporary promotional signs, and except for authorized traffic signals, hazard signs, or similar devices, no privately owned sign or portion of a privately owned sign or any of its supporting structure may be located on or within, extend into, encroach upon, or overhang any public property or right-of-way or be located within the existing or proposed right-of-way of any street or area or area designated in the Major Street And Highway Plan as a future street.

4. No sign, except as set forth in Subsections J.5, K and L of this Section, shall be painted, pasted, posted, printed or nailed to or on any curb, sidewalk, tree, light standard, utility pole, hydrant or bridge, or in any manner displayed within the public property or public rights-of-way except officially designated street numbers, legal notices, and identification, informational or directional signs erected by a government agency in compliance with such agency's regulations.

D. Nonconforming Signs. Any sign legally existing at the effective date hereof that does not conform in use, location, height, or size with the regulations of the zoning district in which the sign is located shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status only until such time as the sign is abandoned, removed, relocated or replaced, subject to the following restrictions:

1. The structure of the sign may not be altered in any way except toward compliance with this Chapter. Structural alterations which are necessary for the maintenance, repair or restoration of the nonconforming sign are permissible, provided said alterations do not increase the size, height, or degree of nonconformity, or exceed 50 percent of the replacement value of the sign.

2. The legal nonconforming sign may not be replaced except with a sign conforming to the requirements of this

Chapter.

3. The legal nonconforming sign is subject to all requirements of this Section regarding safety, maintenance and repair. If, however, the sign suffers damage or deterioration in excess of 50 percent of its replacement value, it must be brought into compliance with this Chapter or removed within 30 days of notification to the owner by the City.

4. The changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed an alteration or replacement.

E. Maintenance of Signs. All signs and sign structures shall be properly maintained in good condition and repair. Should any sign become structurally unsafe or a safety hazard, the owner, upon notification by the City, shall be required to return the sign to a safe condition or remove the sign.

F. Removal of Obsolete, Non-maintained or Abandoned Signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, are not maintained, have been determined to present a hazard, or have otherwise been abandoned, shall be removed or restored by the business or property owner within 30 days of notification by the City.

G. AG District Requirements.

1. Principal Use Signs. Signs as principal uses are subject to the following conditions:

a. Off-site and outdoor advertising on a lot abutting designated state or federal highways must conform to all applicable state and federal regulations;

b. The maximum display surface area for ground signs and outdoor advertising on a lot abutting U.S. Highway 75, State Highway 117, State Highway 67, or frontage roads thereof, shall be limited to an aggregate of one and one-half (1.5) square feet of display area per each linear foot of street frontage, provided that no single sign shall exceed 300 square feet;

c. The maximum display surface area of ground signs and outdoor advertising on a lot not abutting U.S. Highway 75, State Highway 117, State Highway 67, or a frontage road thereof, shall be limited to one square foot of display area per linear foot of street frontage, provided that no single sign shall exceed 160 square feet; and

d. A ground sign shall not exceed 30 feet in height, measured from the mean curb level of the lot upon which it is erected, unless, in addition to the minimum setback prescribed in Subsection A.2 of this Section, the sign is set back one foot for each one foot of height exceeding 30 feet, provided the sign shall not exceed 50 feet in height regardless of the setback. Further provided, that on a lot abutting U.S. Highway 75, or a frontage road thereof, a sign shall not exceed 50 feet in height regardless of the setback. On a lot abutting State Highway 117 or State Highway 67, or a frontage road thereof, a sign shall not exceed 30 feet in height regardless of the setback.

2. Accessory Use Signs. Signs as accessory uses are subject to the following conditions:

a. One bulletin board sign may be erected on each street frontage of an educational, religious, institutional, or similar use which requires announcements of its activities. The bulletin board shall not exceed 12 square feet in area nor eight feet in height. Illumination, if any, shall be by constant light.

b. One identification sign may be erected on each arterial street frontage of a permitted nonresidential use. The sign shall not exceed 32 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

c. One identification sign may be erected on each non-arterial street frontage of a permitted nonresidential use. The sign shall not exceed 16 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

d. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each arterial street frontage of the premises. The sign shall not exceed 32 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

e. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each non-arterial street frontage of the premises. The sign shall not exceed 16 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

f. Signs are permitted on private site light poles with a permit if included as part of an entire site sign package.

g. Signs shall not be allowed on state or federal highway rights-of-way or access roads to such highways.

h. Signs are not allowed on fences, utility poles, trees, rocks, etc.

i. On-site and off-site temporary promotional signs may be permitted in agricultural districts subject to the provisions of Subsection L of this Section, provided that a sign permit is obtained subject to review and zoning approval by the City Planner.

H. Residential District Requirements. Signs are permitted in residential districts as follows:

1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use which requires announcements of its activities. The bulletin board shall not exceed 12 square feet in area nor eight feet in height, and illumination, if any, shall be by constant light.

2. One identification sign may be erected on each arterial street frontage of a permitted use. The sign shall not exceed

32 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

3. One identification sign may be erected on each non-arterial street frontage of a permitted use. The sign shall not exceed 16 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light.

4. During the period of development construction, a temporary sign advertising the construction and sale of improvements on the premises may be erected on each perimeter street frontage of the development. The sign shall not exceed one-half (0.5) square foot per each linear foot of arterial street frontage. Such temporary construction sign shall not exceed 32 square feet in surface area nor eight feet in height. Illumination, if any, shall be by constant light. All such signs must be removed prior to building permits being issued on more than 75 percent of the lots in the subdivision.

5. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed eight square feet in surface area nor five feet in height. Illumination, if any, shall be by constant light in an RM or RD district. In an RS or RE district, the sign shall not exceed two square feet in surface area nor more than four feet in height and shall not be illuminated in any manner.

6. Off-site temporary residential subdivision banner signs are permitted, subject to the following requirements:

- a. A sign permit and permit fee are required.
- b. The sign is allowed at the entrance into a residential subdivision only.
- c. The sign must be secured inside of PVC pipe or a metal frame.
- d. The sign must be stretched tightly inside the frame.
- e. The sign height shall be four feet maximum.
- f. The maximum display area shall be 32 square feet.
- g. A site plan must be submitted with the sign permit showing the proposed sign location.
- h. The time frame is 30 days, and is renewable.
- i. Signs are allowed on private property and City rights-of-way.
- j. Signs are not allowed on state or federal highway rights-of-way or access roads to such highways.

7. Off-site temporary directional signs, such as real estate "open house" signs, are permitted, subject to a sign permit and payment of a permit fee.

a. Permittee may have a total of five signs per permit at any one time per "open house", including a combination of entrance signs and directional signs, as defined in this Chapter.

b. All signs under this permit are required to have the name and phone number of the licensed real estate agent or applicant who filed for the sign permit permanently affixed to each sign.

c. Types of signs allowed for "open house" advertising with this permit include:

(1) **Entrance Signs:** Up to a maximum of five signs, including directional signs, are allowed at the entrance of a subdivision to advertise the "open house" inside that subdivision. The maximum display area per sign is four square feet per side. The hours the signs may be posted are 4:00 P.M. Thursday until 8:00 P.M. the immediately following Sunday.

(2) **Directional Signs:** Up to a maximum of five signs, including entrance signs, are allowed in the interior of a subdivision to direct the public to an "open house". The maximum display area per sign is four square feet per side. These signs are allowed to remain for the duration of the listing agreement for the "open house" property. Directional signs may be allowed on private property with the permission of the property owner, but do not abrogate any applicable subdivision covenants, conditions and restrictions or HOA approval. Signs are allowed on City rights-of-way provided that they do not impede or negatively affect the line- of-sight of drivers on public rights-of-way.

- d. No paper, cardboard or homemade signs are allowed.
- e. Signs are not allowed on state or federal highway rights-of-way or access roads to such highways.

8. Garage sale signs are permitted in all R districts, subject to the following requirements:

- a. A garage sale sign permit and permit fee are required.
- b. Signs are limited to three and shall be supplied by the City.
- c. No paper, cardboard or homemade signs are allowed.
- d. Each sign shall contain the address, permit number and dates of sale.
- e. The hours the signs may be posted are 4:00 P.M. Thursday until 8:00 P.M. the immediately following Sunday.
- f. A map showing the proposed locations of signs must be part of the permit application submitted.
- g. There is a limit of four garage sale sign permits allowed per year, per address/owner.

- h. Signs are allowed on private property and city rights-of-way.
- i. Signs are not allowed on state or federal highway rights-of-way or access roads to such highways.

9. On-site and off-site temporary promotional signs may be permitted in residential districts subject to the provisions of Section L of this Chapter, provided that a sign permit is obtained subject to review and approval by the City Planner.

I. Office District Requirements. Signs are permitted in office districts as follows:

1. In the OL and OM districts, one business sign not exceeding 32 square feet of surface area may be erected on each street frontage of a lot. Ground signs shall not exceed the height of the building in which the principal use is located or 15 feet, whichever is lower. No accessory use sign shall be located within 150 feet of a residential district. Illumination, if any, shall be by constant light.
2. Wall signs shall not exceed an aggregate display surface area of one square foot per linear foot of the building wall to which the sign or signs are affixed. The size of a wall sign located on a multi-tenant building will be determined by the linear feet of street frontage of any individual business.
3. During the period of development construction, a temporary sign advertising the construction of improvements on the premises may be erected on each arterial street frontage of the development. The sign shall not exceed one-half (0.5) square foot per each linear foot of arterial street frontage. Such temporary construction sign shall not exceed 32 square feet of surface area nor more than 15 feet in height. Illumination, if any, shall be by constant light. All such signs must be removed upon completion of construction or revocation of the building permit, except, if the temporary sign is for a subdivision under construction, then the sign must be removed prior to building permits being issued on more than 75 percent of the lots in the subdivision.
4. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed 32 square feet in surface area nor more than 15 feet in height. Illumination, if any, shall be by constant light.
5. On-site permanent advertising banners are subject to the following requirements:
 - a. A sign permit and permit fee are required.
 - b. The sign must be secured inside of PVC pipe or a metal frame.
 - c. The sign must be stretched tightly inside the frame.
 - d. The maximum display area shall be 32 square feet.
 - e. The sign height shall be four feet maximum.
 - f. One sign is allowed per lot frontage on a public street.
 - g. No homemade signs are allowed.
- h. Signs are not allowed on City rights-of-way or on state or federal highway rights-of-way or access roads to such highways.
 - i. A map must be submitted with the sign permit application showing the proposed sign location.
 - j. These signs may be included in the site signage program and may be changed out with each new advertising item without a new sign permit. If included in the permanent site signage program, the four foot maximum sign height does not apply.

- 6. On-site and off-site temporary promotional signs may be permitted in office districts subject to the provisions of Subsection L of this Chapter, provided that a sign permit is obtained subject to review and approval by the City Planner.

J. Commercial and Industrial District Requirements. Signs are permitted in commercial and industrial districts as follows:

1. Height Requirements. A ground sign shall not exceed 30 feet in height, measured from the mean curb level of the lot or tract upon which it is erected, unless, in addition to the minimum intersection setback prescribed in Subsection A.2 of this Chapter, the sign is set back one foot for each foot of sign height exceeding 30 feet. If the lot or tract abuts U.S. Highway 75 or a frontage road to that highway, the sign may be 50 feet in height regardless of the setback from the right-of-way. However, no sign shall exceed 50 feet in height regardless of setback.
2. Display Surface Area Requirements.
 - a. The maximum display surface area of a ground sign on a commercial or industrial lot abutting a state or federal highway, or an access road to such a highway, shall be limited to an aggregate of one and one-half (1.5) square feet of display area per each linear foot of street frontage, provided that no single sign shall exceed 300 square feet of display area.
 - b. The maximum display surface area of a ground sign in a commercial or industrial district not abutting a state or federal highway, or an access road to such a highway, shall be limited to an aggregate of one square foot of display area per each linear foot of street frontage, provided that no single sign shall exceed 180 square feet.
 - c. Wall signs shall not exceed an aggregate display surface area of one and one-half (1.5) square feet per linear foot of the building wall to which the sign or signs are affixed. The size of a wall sign located on a multi-tenant building will be

determined by the linear feet of street frontage of any individual store or business with a maximum size of 300 square feet.

d. Window signs are limited to an area of 25 percent of a window area or door with a maximum of 25 square feet.

3. On-site and Off-site Temporary Promotional Signs. On-site and off-site temporary promotional signs are permitted in commercial and industrial districts subject to the provisions of Section L of this Section, provided that a sign permit is obtained subject to review and approval by the City Planner.

4. On-site Permanent Advertising Banners.

a. A sign permit and permit free are required.

b. The sign must be secured inside of PVC pipe or a metal frame.

c. The sign must be stretched tightly inside the frame.

d. The maximum display area shall be 32 square feet.

e. The sign height shall be four feet maximum.

f. One sign is allowed per lot frontage on a public street.

g. No homemade signs are allowed.

h. Signs are not allowed on City rights-of-way or on state or federal highway rights-of-way or access roads to such highways.

i. A map, or site plan, must be submitted with the sign permit application showing the proposed sign location.

j. These signs may be included in the site signage program and may be changed out with each new advertising item without a new sign permit. If included in the permanent site signage program, the four foot maximum sign height does not apply.

5. Off-Site Bench Signs.

a. Bench signs are a type of sign which, because of their potential location in a City right-of-way, and the extent to which they could proliferate, if unregulated, shall require the consent of the property owner, the issuance of a Specific Use Permit, and a Specific Use Agreement.

b. Bench signs shall be subject to the terms and conditions of an SUP, which may be granted by the City Council upon receipt of a recommendation by the Planning Commission, subject to all submittal, notification, public hearing and procedural requirements for an SUP. The following information shall be submitted with an SUP application:

(1) Size and dimensions of each proposed bench sign, and a rendering of the same.

(2) Sign display surface area, and the maximum sign copy area proposed.

(3) A site plan, plat or map showing the location of each bench and the street setback in adequate detail to ensure that the benches will not impede or negatively affect the line of sight of drivers on public rights-of-way.

(4) Separation distances from other defined uses and buildings.

(5) Proposed bench maintenance plan.

(6) The maximum number of signs that are proposed.

c. The Commission may recommend, and the Council may attach, terms and conditions to an SUP approval as each body deems to be necessary and appropriate. Such conditions may include minimum liability and insurance requirements. For benches approved to be located in a street right-of-way, the City shall have the right to require that the applicant execute an indemnification and hold harmless agreement.

K. Election/Political Campaign Sign Requirements. Election and political campaign signs may be erected no more than 45 days prior to an election. Such signs shall be removed by seven days following said election. Said signs may be erected on City street rights-of-way or private property. The display surface area of any political campaign sign shall not exceed 16 square feet. Political campaign signs located in a public right-of-way may not exceed six square feet of surface area regardless of zoning district. Only one side of a double-faced sign shall be included in the computation of display area.

L. Temporary Promotional Signs.

1. Temporary promotional signs shall be permitted in any zoning district, only as provided in this Subsection.

2. A site plan must be submitted with the sign permit application showing the proposed number, construction material, surface and structural dimensions, color, type of illumination, if any, and proof of ownership or written permission of the owner of any lot upon which a proposed sign is to be constructed or installed. A map showing the proposed location of each proposed promotional sign, and the orientation of all proposed promotional signs, including the spacing from other structures on the same lot as the proposed promotional sign and on the nearest adjacent lot, must be submitted with the sign permit application.

3. A permit fee shall be required for all promotional sign applications if a sign permitted thereby is to be displayed for up

to 30 days. Additional fees shall be collected for all promotional sign applications if a sign permitted thereby is to be displayed for up to 60 days, or for up to 90 days.

4. The sign permit application, including site plan, shall be submitted to the City Planner for review and approval, denial or modification. The City Planner may consult with the applicant and other appropriate city officers as necessary during the review process. The City Planner shall render a decision no later than one week after the application submission. An applicant whose sign permit application is denied has the option of appealing the decision of the City Planner to the Board of Adjustment, as set out in Section 11-9-17, Appeals. Except as otherwise provided by law for appeals to the Tulsa County District Court, the decision of the Board of Adjustment shall be final.

5. The sign display term, measured in number of days of permissible display of any promotional sign, shall be determined by the City Planner as a part of the application review process. Factors to be considered shall include:

a. A reasonable or necessary time period during which the sign may be displayed prior to the event which it advertises.

b. The duration of the event which it advertises.

c. The nature of the event which it advertises, such as, without limitation, whether it is a commercial or charitable event.

d. Maximum number of days after the event by which the permittee shall have all promotional signs removed and properly disposed, but in no case shall this be longer than 72 hours after the last day of the event.

In no case shall any promotional sign permit be valid for more than 90 days, at which time the permittee may apply for a new permit under the same terms and conditions as the original application.

6. Promotional signs are allowed on private property and City rights-of-way, provided that the consent of the private property owner or the City, respectively, is obtained. Proof of ownership or written permission of the owner of any lot upon which a proposed sign is to be constructed or installed must be submitted with the site plan and application.

7. No paper, cardboard or homemade promotional signs, and no snipe signs, are permitted.

8. Promotional signs are not allowed on state or federal highway rights-of-way or access roads to such highways.

9. Neither the maximum height nor the maximum display area of a promotional sign shall exceed the height or display area of any ground sign or outdoor advertising sign permitted in the district where the proposed promotional sign is to be erected and displayed.

10. Any promotional advertising sign attached to fencing surrounding the sporting grounds at any public park may be of no larger dimensions than those of the fence to which it is attached and must be positioned so as to face inwardly toward users of the fenced-in sporting grounds unless otherwise allowed due to the unique nature of a particular event and subject to approval by the City Planner.

11. On-site inflatable devices may be used for the purpose of advertising in any zoning district subject to site plan review and approval. No off-site inflatable devices are permitted and no inflatable device may be installed on the roof of any building.

12. Promotional signs shall not be permitted on the roof of any building.

13. No promotional sign shall contain more than two sides, and only one side shall be included in the computation of display surface area. The two sides shall face in opposite directions. Opposite shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed 30 degrees (30°).

14. Temporary promotional signs shall be oriented to be visible primarily from the adjacent roadway.

15. No promotional sign shall include:

a. Illuminated digital signage.

b. Flashing, blinking or scrolling signage.

c. Signage that is illuminated from within.

d. Signage that includes illumination from an external source that is either a flashing light of any intensity or a constant spotlight or focused beam of light in excess of 70 foot-candles, measured at a two-foot distance.

e. Illuminated signage where the illumination extends beyond the surface of the sign in such a manner as to shine or reflect upon a street surface, vehicle, residence or business.

16. Promotional signs that include animation, revolving or rotating components, or any other kind of mechanical movement shall be permitted at the sole discretion of the City Planner, subject to the following limitations:

a. No such sign shall be located within 50 feet of the driving surface of a signalized intersection. The 50 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.

b. No such sign shall be located within 20 feet of the driving surface of a street. The 20 feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb or edge of the traveled roadway.

marked or understood as such.

c. No such sign shall be visible from a residential district except to the extent that it is visible when placed within 50 feet of the business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor for which the sign is installed and displayed.

17. No promotional sign shall be permitted to be located upon or constructed within a required parking space or loading berth, nor to otherwise obstruct vehicular or pedestrian access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

18. Every promotional sign shall be maintained in good structural condition at all times including, as applicable, painted surfaces, metal parts, and such repairs or alterations as necessary to prevent dilapidation or unsightly damage.

19. All promotional signs that are ground signs shall be securely built, constructed and erected upon foundations, posts, standards, or supports designed adequately to support the sign. In no case shall "A-frame" signs be permitted.

20. Promotional signage of any description serving the purpose of advertising or otherwise directing public attention to any business, commodity, service, industry, product, recreational or cultural activity, profession, performance or similar related concept or endeavor, whether for profit or not for profit, may, at the discretion of the City Planner, be limited to such events as take place within or otherwise benefit the City.

21. Any reference in this Subsection to the City Planner shall include any designee of the City Planner.

M. Penalty. Any signs installed in violation of this Chapter shall be subject to the enforcement and remedies set out in Chapter 11, Enforcement and Remedies, of this Title. (Ord. 746, 11-14-2017)

CHAPTER 8

CODE ADMINISTRATORS

SECTION:

Purpose And Application

11-8-1: Purpose And Applicability

11-8-2: Code Of Ethics

Code Administrators

11-8-3: City Council

11-8-4: Planning Commission

11-8-5: Board Of Adjustment

11-8-6: Technical Advisory Committee (TAC)

11-8-7: City Planner

11-8-8: Other City Officials

PURPOSE AND APPLICATION

11-8-1: PURPOSE AND APPLICABILITY:

Generally. The purpose of this Chapter is to:

- A. Describe the role of City staff in the administration of this Title and the approvals issued hereunder;
- B. Establish and describe the roles and responsibilities of the Planning Commission and Board of Adjustment in the administration of this Title and for making recommendations and decisions; and
- C. Describe the scope of authority retained by the City Council with respect to the implementation and amendment of this Title. (Ord. 746, 11-14-2017)

11-8-2: CODE OF ETHICS:

A. Conflict of Interest. The Mayor or any member of the City Council, Planning Commission, or Board of Adjustment, to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this Title, shall not be a participant in that action. The possibility, not the actuality, of a conflict, shall govern. The individual experiencing a conflict of interest shall declare his or her interest, abstain from voting on the matter and refrain from any deliberations on the matter. The individual shall not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

B. Ex Parte Contacts Prohibited.

1. For the purposes of this Chapter, ex parte contacts and communications are defined as the receipt, either directly or

indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record, at which all parties and all Board, Commission or Council members have an opportunity to be present.

2. Members shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.

3. Ex parte contacts shall not influence quasi-judicial proceedings. If a member of the Board, Commission or Council obtains information outside of the public hearing process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, he or she shall fully disclose the information or knowledge to the Board, Commission or Council during the public hearing, along with the source of the information.

4. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall also be prohibited for matters under reconsideration by the Board, Commission or Council.

5. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the Board, Commission or Council until after all appeal and remands for further consideration and reconsideration have concluded or the time for such proceedings has expired. (Ord. 746, 11-14-2017)

CODE ADMINISTRATORS

11-8-3: CITY COUNCIL:

The City Council shall have all powers conferred upon it by City Code, Title 1, Chapter 7, and those specific duties and responsibilities set out in this Title. (Ord. 746, 11-14-2017)

11-8-4: PLANNING COMMISSION:

A. Establishment, Membership. The Planning Commission is hereby created, effective when all of the appointive members have been appointed as herein provided. The Commission shall consist of five appointive members, all of whom shall be residents of the City. The City Planners, the City Engineer, and City Attorney, shall be ex-officio members.

B. Appointments, Terms, Compensation, Vacancies, and Removals.

1. Appointments to the Planning Commission shall be made by the City Council upon proper motion and majority vote thereof;

2. Commissioners shall serve for terms of three years, with the term to end at six thirty o'clock p.m. on the second Monday in May;

3. Vacancies shall be filled by the City Council for any unexpired terms;

4. The members shall serve without compensation; and

5. The Council may remove members of the Commission for cause.

C. Organization and Proceedings.

1. Officers and Rules. The Planning Commission shall elect a Chair, a Vice Chair, and Secretary, who shall serve until six thirty o'clock p.m. on the second Monday of the subsequent May after their election. The Secretary need not be a member of the Commission. The Commission may adopt by-laws or any rules necessary to conduct its affairs.

2. Proceedings. The Commission shall determine the time and place of its regular meetings, and the Chair, the City Council, or any three Commissioners, may call a Special Meeting of the Commission.

D. Powers and Duties.

1. The Planning Commission shall have all the powers and duties prescribed therefor by Oklahoma Statutes Title 11, § 11-45-101 through § 11-45-104, and all other powers and duties now, or hereafter, prescribed therefor by any other provision of state law.

2. The Planning Commission is hereby designated as the Zoning Commission of the City, and shall have all powers of a Zoning Commission, as provided by state law, whether exercising the powers of the Planning Commission or the powers of a Zoning Commission.

3. In exercising the powers of a Zoning Commission, the Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a zoning commission by Oklahoma Statutes Title 11, § 11-43-101 through § 11-43-109, and all powers which now or in the future may be granted by applicable state law to such authorities.

4. The Commission shall have those specific duties and responsibilities expressly set out in this Title.

E. Advisors, Staff, and Expenses. The Planning Commission may employ engineers, attorneys, clerks, and other assistance deemed necessary, subject to City Council approval. (Ord. 746, 11-14-2017)

11-8-5: BOARD OF ADJUSTMENT:

A. Establishment and Membership. There is hereby established a Board of Adjustment with the powers and duties hereinafter set forth. The Board shall consist of five members who shall be residents of the City. The City Council may designate alternate members to serve as a Board member in the absence of any regular Board member, provided that the

alternate members meet the criteria of this Section to serve on the Board.

B. Appointments, Terms, Compensation, and Vacancies.

1. All appointments of Board of Adjustment members shall be made by the City Council, upon majority vote thereof.
2. Board members, and any alternate members, shall serve without pay for a term of three years.
3. Vacancies shall be filled by City Council for any unexpired term.

C. Removals. A Board of Adjustment member, upon written cause and after a public hearing, may be removed from the Board by the City Council for any one of the following causes:

1. Failure to attend three consecutive regular or special meetings or failure to attend two- thirds (2/3) of the regular or special Board meetings held during any six month period.
2. Actions and conduct unbecoming a public official of the City.
3. Repeated acts and conduct detrimental to the peace, health, safety and welfare of the City.

D. Organization and Proceedings.

1. Officers and Rules. The Board of Adjustment shall elect a Chair, Vice Chair, and Secretary. The City Planner may be designated as Secretary. The Board may adopt by- laws or any rules necessary to conduct its affairs.

2. Proceedings.

a. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. The Chair, or in his absence, the Vice Chair or Acting Chair, may administer oaths and compel attendance of witnesses.

b. All meetings, deliberations, and voting of the Board shall be open to the public.

c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, in the Official Records of the City.

d. In all matters, the Board shall render a decision within 90 days after the filing of an application for Board consideration.

e. The quorum, notice, filing and substantive requirements of the Board shall be as set forth in this Title concerning the Board's exercise of a particular power.

E. Powers and Duties.

1. The Board of Adjustment shall have the power to hear appeals from the determinations of the City Planner or Building Official in administering and enforcing this Title, grant special exceptions and variances, and make interpretations of the Official Zoning Map and text of this Title, in accordance with the substantive and procedural standards hereinafter set forth.

2. The Board shall have all the powers and duties prescribed therefor by Oklahoma Statutes Title 11, § 11-44-101 through § 11-44-110, and all other powers and duties now, or hereafter, prescribed therefor by any other provision of state law.

F. Notice of Public Hearing.

1. The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the City Planner or Building Official, and before granting any Special Exception or variance.

2. The Board may not conduct a public hearing or render a decision on any variance or Special Exception until public notice of the Board meeting is provided a minimum of 10 days prior to the public hearing and meeting in a newspaper of general circulation in the City and written notice has been provided to all owners of property within a 300 foot radius of the outer boundaries of the subject property. Appeals shall not require publication or written notice.

3. Required notice shall contain:

a. The legal description of the property and the street address or approximate location of the property.

b. The present zoning of the property and the nature of the relief sought.

c. The date, time and place of the hearing and the name and contact information of the City Planner to obtain addition information regarding the request.

4. Through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners. The costs of publication, mailing and related administrative expenses shall be billed to the applicant. (Ord. 746, 11-14-2017)

11-8-6: TECHNICAL ADVISORY COMMITTEE (TAC):

The Technical Advisory Committee, as established in Title 12 (Subdivision), Section 12-3-2, Technical Advisory Committee,

may be convened by the City Planner, as necessary, to administrate any of the requirements of this Title. Section 12-3-2, in its entirety, is incorporated by reference into this Title. (Ord. 746, 11-14-2017)

11-8-7: CITY PLANNER:

A. Administration. It shall be the duty of the City Planner, or in consultation with the TAC and Building Official, to administer all requirements set out in this Title.

B. Violations. If the City Planner finds that any provision of this Title is being violated, the City Planner shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action(s) necessary to correct the violation and to take any additional action to ensure compliance with, or prevent violation of, its provisions as set out in Chapter 11, Enforcement and Remedies, of this Title. (Ord. 746, 11-14-2017)

11-8-8: OTHER CITY OFFICIALS:

City officials vested with the authority to issue any permit, license, service connection, or other approval shall comply with the requirements of this Title and withhold the issuance of any permit, license, service connection, or other approval for any use, purpose, excavation, construction, driveway, structure, building, or sign in conflict with the provisions of this Title. (Ord. 746, 11-14-2017)

CHAPTER 9

PERMITS AND PROCEDURES

SECTION:

Administrative Permits And Procedures

11-9-1: Zoning Clearance Permit

11-9-2: Site Plan

11-9-3: Limited Use Authorization

11-9-4: Minor PUD Amendments

11-9-5: Approved Site Plan Amendment, Minor

Public Meeting Permits And Procedures

11-9-6: Approved Site Plan Amendment, Major

11-9-7: Zoning Text Amendment

11-9-8: Zoning Map Amendment (Rezoning)

11-9-9: Conceptual Development Plan (CDP) For A PUD

11-9-10: Preliminary Development Plan (PDP) For A PUD

11-9-11: Final Development Plan (FDP) for a PUD

11-9-12: Major PUD Amendments

11-9-13: Specific Use Permit (SUP)

11-9-14: Limited Use and Site Plan Referrals

11-9-15: Comprehensive Plan Amendment

Board of Adjustment Actions

11-9-16: Zoning Interpretations

11-9-17: Appeals

11-9-18: Variances

11-9-19: Special Exceptions

ADMINISTRATIVE PERMITS AND PROCEDURES

Chapter 9 is divided into Subchapter 1, Administrative Permits and Procedures, which only require administrative approval, and Subchapter 2, Public Meeting Permits and Procedures, which require action by the City Council, Planning Commission or Board of Adjustment. In all instances, approvals granted under both Subchapters are issued on the basis of approved plans and applications and only authorize the uses, arrangements and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Development at variance with the approved site plan, application or condition of approval shall be deemed a violation of this Title, subject to the remedies set out in Chapter 11, Enforcement and Remedies.

11-9-1: ZONING CLEARANCE PERMIT:

A. Permit Required. It shall be unlawful for any person to erect, move, add to, or structurally alter any building or structure, or to use or change the use of any building or land, or to permit the aforementioned actions, until a Zoning Clearance Permit is issued by the Building Official, upon clearance by the City Planner.

B. Application for Permit. An application for a Zoning Clearance Permit shall be accompanied by a legal description of the lot, plans drawn to scale showing dimension of the lot; the location, size, and height of any existing building or structures; the location, size, and height of buildings or structures proposed to be erected or altered; existing and intended use of each building or structure; and other information necessary to determine compliance with this Title.

C. Action on Application. The Building Official, in consultation with the City Planner, shall act on the application for a Zoning Clearance Permit within three days after it is filed. The Building Official shall return one copy of the plans marked as "Approved" and issue a Zoning Clearance Permit or notify the applicant in writing why a permit cannot be issued and the reasons therefore.

D. Permit Fees. A Zoning Clearance Permit shall not be issued until plans demonstrating compliance with the requirements of this Title are submitted, approved and a Zoning Permit Application fee paid. A group Zoning Clearance Permit may be issued covering five or more residential lots in the same subdivision, subject to the payment of applicable "per lot" application fees. (Ord. 746, 11-14-2017)

11-9-2: SITE PLAN:

A. Purpose. The purpose of the site plan process is to determine if a site plan complies with all requirements of this Title, all requirements of the City Code and other applicable ordinances, and the requirements of all utilities and referral agencies with jurisdiction.

B. Process. The site plan process shall generally be an administrative process managed by the City Planner and TAC. However, the site plan could be referred to the Planning Commission by reasons of:

1. Potential adverse effects on public services or the ability of the City or a referral agency to provide adequate services;
2. Potential adverse effects on surrounding properties or uses;
3. Failure of the developer to provide traffic mitigation improvements, on-site or off-site, as set out in Title 12, Section 12-4-1, Responsibilities of the Subdivider or Developer;
4. City Planner or TAC referral due to questions or issues regarding the ability of the site plan to comply with all applicable City or referral agency requirements;
5. An appeal by an applicant following the denial of a site plan by the City Planner;
6. A requirement for Commission approval as a condition of approval as stipulated in this Title or by the Board of Adjustment, Planning Commission or City Council as a condition of approval for a development process in Subchapter 2, Public Meeting Permits and Procedures.

The Commission shall deny, approve, conditionally approve or refer the application to the City Council with a recommendation. If the application is denied by the Commission, the applicant may appeal that action to the City Council, whereby the Council shall approve, conditionally approve or deny the application.

C. Site Plan Contents. The site plan shall contain all information necessary to demonstrate compliance with this Title and all other codes, ordinances and referral agency requirements. Attached in Appendix A, Section A.2, Site Plan Requirements, is a site plan contents checklist. Additional information may be required by the City to determine if a proposed development will result in the need for public improvements, such as, but not limited to additional right-of-way, turn lanes, traffic signals or utilities, or if platting is required.

D. Site Plan Review of Mobile Home Parks and Multi-Family Complexes with Eight or More Dwelling Units. By reason of the potential adverse effects of these uses on public services and to neighboring land uses, the City shall assure that each development has proper emergency vehicle accessibility, safe circulation, proper functional relationships of uses, and is compatible with adjoining and nearby development in terms of dumpster placement, parking, building height, screening and buffering, and activity areas. No Zoning Clearance Permit or Building Permit shall be issued and no use shall be commenced until a site plan has been approved or a Certificate of Occupancy issued until the use complies with the site plan which was approved.

E. Prohibited Actions.

1. No site plan will be approved prior to the platting of the subject property. However:
 - a. A plat may be submitted simultaneously with the proposed site plan upon approval of the City Planner.
 - b. In such cases, approval of the site plan application shall be conditional upon the approval and recordation of the plat, and the City is not obligated to approve the plat unless it complies with all requirements of Title 12.
2. No Zoning Clearance Permit, Building Permit or approval to allow land clearing shall be issued for development prior to the approval of a site plan required by this Title.
3. No lot grading, drainage work, parking lot construction or other site improvements may commence without first

obtaining approval of a site plan for the proposed improvements.

4. No Certificate of Occupancy may be issued until all improvements depicted as part of an approved site plan have been completed.

F. Enforcement. A Zoning Clearance Permit issued on the basis of an approved site plan shall authorize only the uses, arrangement and construction set forth in such approved plan and application, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with the approved site plan shall be deemed a violation of this Title, subject to the actions provided by Chapter 11, Enforcement and Remedies. (Ord. 746, 11-14-2017)

11-9-3: LIMITED USE AUTHORIZATION:

A. Generally. The authorization of a limited use is an administrative procedure where the City Planner determines if an application complies with the standards set out in Chapter 3, Subchapter 3, Specific and Limited Uses, and other applicable requirements of this Title.

B. Applicability.

1. Uses requiring limited use authorization are specified in Chapter 3, Subchapter 2, Sections 11-3-8, Residential Uses by Zoning District, and 11-3-8, Nonresidential Uses by Zoning District. Applications requiring limited use authorization shall be submitted to the City Planner for review. The City Planner may convene a TAC meeting to assess the application.

2. Until authorization of a limited use is given by the City Planner:

a. No construction, reconstruction, or remodeling of any structure shall be commenced which would result in the alteration of any exterior dimension of such structure, any structural alteration of such structure, or any alteration in the amount of off-street parking or loading required in conjunction with such structure.

b. No structure shall be moved.

c. No alteration of land preliminary to any use of such land shall be commenced.

d. No building or other permits pertaining to the construction, reconstruction, remodeling, or moving of any structure, or a change in the use of any land or structure shall be issued by the City.

C. Submittal Requirements. Every application for limited use authorization shall contain:

1. The name and contact information of the applicant and /or agent;

2. The address or location of the subject property;

3. The present use and zoning classification of the subject property;

4. A brief description of the construction or alteration of land, change of use, or proposed use that requires the authorization of a limited use; and

5. A description of the use in adequate detail to determine if the proposed use will comply with all applicable limited use requirements, along with a site plan, plan of operation and any supplemental information necessary to ascertain if the use will comply with this Title.

D. Process and Decision.

1. Applications for limited use authorization shall be approved or denied by the City Planner.

2. If the City Planner determines that an application does not comply with the applicable standards and requirements for the use, the request shall be denied. Upon denial, the applicant may appeal the decision to the Planning Commission.

3. If Planning Commission action is required:

a. The City Planner shall file a written report detailing the specific issues warranting denial of the application and measures taken by the applicant to address the issues.

b. The Commission shall deliberate and vote to approve, conditionally approve, or deny the application and make written findings stating how the application complies with, or failed to comply with, the applicable standards and requirements.

c. The Commission may impose any reasonable conditions of approval to mitigate any issues in order to approve the application.

d. Action by the Commission shall be final.

E. Enforcement. If an applicant fails to obtain authorization for a limited use or fails to abide by all applicable standards, requirements, and conditions of the authorization, the City may utilize any of the processes and procedures set out in Chapter 11, Enforcement and Remedies, including, but not limited to, the revocation of the administrative authorization. (Ord. 746, 11-14-2017)

11-9-4: MINOR PUD AMENDMENTS:

A. Generally. Subject to the provisions of this Section, the City Planner is authorized to approve minor changes or modifications to Conceptual, Preliminary, and Final Development Plans for a PUD if the proposed changes will not result in

substantial deviation from the original plan, as set out in Subsection C, Minor Amendment Determination Criteria, below.

B. PUD Plans and Permitting.

1. Permits may not be issued for any improvements that would result in a major deviation from a Development Plan for a PUD, as set out in Section 11-9-12, Major PUD Amendments.

2. A Zoning Clearance Permit and building permit may be issued for minor deviations from a Development Plan for a PUD if:

- a. The Minor Amendment is approved by the City Planner, subject to TAC review; and
- b. Is consistent with Subsection C, Minor Amendment Determination Criteria.

C. Minor Amendment Determination Criteria.

1. Determination of Major Amendments. In reaching a determination as to whether a change is minor and may be approved by the City Planner or is a major modification requiring Planning Commission review and recommendation and City Council approval, the following criteria shall be used:

- a. Any increase in intensity of use is a major amendment;
- b. Any increase in total usable floor area, the total number of dwelling or lodging units, or the amount of outdoor area devoted to a use is a major amendment;
- c. Any change that necessitates an increase of 10 percent or more in the number of parking spaces required is a major amendment;
- d. Any structural alteration that significantly affects the basic size, form, style, and location of a building, particularly in relation to sensitive uses, is a major amendment;
- e. Any reduction in the amount of open space or buffer yard, or any change in the location or characteristics of open space, is a major amendment; and
- f. Any change in use from one use group to another is a major amendment.

Changes in the density and intensity of the development shall be determined based on the entire PUD, and not only a portion of the PUD, unless the portion where a change is proposed borders on a sensitive land use or deviates from the purpose of the original PUD.

2. Determination of Minor Amendments. Minor amendments must demonstrate that:

- a. Development density or intensity will not materially change, in that:
 - (1) The number of buildings is not increased by more than 10 percent;
 - (2) The height of the buildings is the same or less; and
 - (3) The number of residential dwelling units is the same or fewer.

Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area is not changed and the above conditions are met.

- b. Design will not materially change if:

- (1) Recreational facilities are added or are converted from one recreational use to another;
 - (2) The materials and architectural expressions for building elevations are substantially similar to those shown on the approved plans;
 - (3) Contemplated building footprints or envelopes are modified but the buildings are not located any closer to protected uses or exterior property lines than as shown on the approved plans;
 - (4) The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as shown on the approved plans;
 - (5) The open space is in the same general location, is the same or greater amount, and is configured in a manner that does not diminish a previously intended buffer;
 - (6) Building setbacks are the same, or a greater distance from perimeter property lines, except that those for lot line homes, townhomes, and cluster development may be decreased due to the nature of such development, provided that all building code requirements are satisfied;
 - (7) Parking areas are in the same general location and configuration as shown on the approved plans; and
 - (8) The roadway patterns, including ingress-egress points, are in the same general location and are no closer to the rear or interior side property lines than as shown on the approved plans.

- c. The proposed changes will not have the effect of creating any noncompliance or nonconformity with the strict

application of this Title that was not previously approved at a public hearing, or of expanding the scope of existing variances, minor modifications, or other approvals, such that they would differ to a greater degree from the strict application of this Title.

D. Administrative Approval Criteria. Subsequent to approval of a site plan, Minor PUD Amendments may only be authorized by the City Planner if a minor change will not cause any of the following circumstances to occur:

1. A change in the character of the development;
2. A change in the scale or impact of the existing use;
3. An increase in the residential density of the proposed development;
4. An increase in the gross floor area of nonresidential uses by more than five percent;
5. A reduction in the originally approved separations between buildings;
6. An increase in the external negative effects on adjacent property;
7. A reduction in the originally approved setbacks from property lines unless conditions have changed on adjoining properties to warrant a reduction, such as a change in zoning or land use;
8. An increase in the demand for services that the City or utility provider cannot provide;
9. An increase of more than five percent in ground coverage by structures;
10. Locations of open spaces, provided that the percentage of common open space and/or landscaped area is not diminished or open space or buffering around sensitive uses is not diminished; or
11. A change in the size, lighting or orientation of signs in relation to sensitive uses.

E. City Planner Evaluation.

1. The City Planner, in reviewing a proposed Amendment, shall:
 - a. Compare the proposed amendment to the original approval;
 - b. Determine if any other amendments have been approved since the original approval;
 - c. Consider the cumulative impact of any previously approved and proposed amendments; and
 - d. Determine if a proposed Amendment is Minor or Major, as set out in this Section.
2. Administrative approval or denial of a proposed Minor PUD Amendment shall be documented in a report for the official project file with adequate details to explain why the request was approved or denied and the rationale for the decision.
3. Any other proposed changes shall be treated as a new application, shall follow all procedures in this Subsection, and shall include evaluation of the cumulative impact with previous amendments that may have been approved.

F. Procedures. Applications for a Minor Amendment to a Development Plan for a PUD may be subject to TAC review and are processed in accordance with all procedures for Administrative Site Plan reviews. Minor Amendments that are approved shall be clearly notated in the official project file as to the nature of the amendment and the date of approval. The overall Development Plan governing the PUD shall be amended to show the amendment and shall clearly notate the changes that were approved.

G. Decisions.

1. The City Planner shall approve, approve with conditions, or deny applications for Minor PUD Amendments.
2. The City Planner, upon determining that a proposed amendment is a Major Amendment, shall reject the application.
3. The decision of the City Planner determining that the proposed amendment is "Major" may be appealed to the Planning Commission. Upon appeal, the Commission shall evaluate the request based on all of the requirements set out in this Section.

H. Construction Adjustments.

1. During the construction of an approved PUD, the City Planner and TAC are authorized to grant adjustments in the location of a principal or accessory building to any position within a construction site envelope consistent with the specified minimum distance between buildings when such adjustments are necessary in light of technical or engineering considerations first discovered during construction.
2. Such adjustments shall be subject to the following limitations:
 - a. Parking and loading areas, access aisles, driveways, sidewalks, walkways and pathways, signs, landscaping, and fences and screening may be adjusted, as necessary, to accommodate changes in building location within the construction site envelope;
 - b. Curb cuts and street intersections along public rights-of-way serving the Planned Development shall not be

adjusted, except as approved by the TAC;

c. The plan for the treatment of the perimeter of the Planned Development shall not be adjusted as to the type or quality of buffer yard elements; and

d. Surface drainage leaving the site shall not be altered, except as approved by the TAC. (Ord. 746, 11-14-2017)

11-9-5: APPROVED SITE PLAN AMENDMENT, MINOR:

A. Applicability. The City Planner may authorize minor modifications to a site plan approved by the City Council, Planning Commission or Board of Adjustment if the amendments do not deviate from the original purposes of the approved site plan and will comply with all requirements of this Title.

B. Procedures. All processes and procedures set out in Section 11-9-2, Site Plan, shall be applicable.

C. Approval Criteria. Decisions to approve or deny a minor amendment to an approved site plan shall be based on the following criteria:

1. The amendment would be in the public interest.

2. The amendment would not:

a. Negatively impact the adjoining property or neighborhood.

b. Adversely impact the site on which the minor modification is requested or any surrounding property.

c. Endanger the public health or safety.

d. Adversely affect the enjoyment, use, development or value of any property.

D. Decision. Within 10 business days of the application, the City Planner shall issue a written decision to approve or deny the minor modification, or determine that the amendment exceeds the criteria for a minor amendment to an approved site plan. Written findings shall be filed documenting the results of the review and the rationale for the decision.

E. Effect of Approval. Upon approval of a minor modification, the applicant may proceed with requests for other required approvals and permits.

F. Violations. Permits granted on the basis of an approved site plan for which a minor amendment was also approved shall only authorize those uses, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Use, arrangement, or construction at variance with the approved site plan shall be deemed a violation of this Title, subject to the requirements set out in Chapter 11, Enforcement and Remedies. (Ord. 746, 11-14-2017)

PUBLIC MEETING PERMITS AND PROCEDURES

11-9-6: APPROVED SITE PLAN AMENDMENT, MAJOR:

A. Section 11-9-5, Approved Site Plan Amendment, Minor, sets out criteria to allow administrative approval of minor amendments to any site plan approved by the City Council, Planning Commission or Board of Adjustment. All other site plan amendments shall be considered to be Major Site Plan Amendments and may only be approved after filing a new application and completing all procedures applicable to the process through which the original site plan was approved. An example is a site plan approved with an SUP application. Major amendments to that site plan would require the filing of a new SUP application.

B. The requirements of this Section are not applicable to site plans associated with a PUD, major amendments to which are processed in accordance with Section 11-9-12, Major PUD Amendments.

C. Zoning Clearance Permits, variances, SUPs and Special Exceptions granted on the basis of approved plans and applications authorize only the uses, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Development at variance with the approved site plan shall be deemed a violation of this Title, subject to the remedies set out in Chapter 11, Enforcement and Remedies. (Ord. 746, 11-14-2017)

11-9-7: ZONING TEXT AMENDMENT:

A. City Policy. It shall be the policy of the City that, in the consideration of proposed amendments to this Title, amendments will be adopted to recognize changes in the Comprehensive Plan, to correct errors, and to recognize changed or changing conditions in a particular area or the City in general.

B. Applicability.

1. The provisions of this Section apply to any request for an amendment to the text of this Title but do not pertain to a specific piece of property.

2. The City Council may, from time to time, on its own motion, or at the request of the City staff, amend, supplement, change, modify or repeal the text of any portion of this Title to establish and maintain sound, stable and desirable development.

3. The regulations in this Section shall exclude amendments to any requirements of an outside agency or utility adopted by reference.

C. Application Requirements. Requests for amendments to the text of this Title may be initiated by the Planning Commission, City Council, City Planner or City Manager.

D. Processing of Application and Decision.

1. Submittal.

a. An application for an amendment to the text of this Title shall be submitted to the City Planner or his designee.

b. The City Planner or his designee shall review the application and may direct the proposed amendment to any other City Departments or consultant for review and recommendation.

2. Notice of Public Hearings.

a. The City shall:

(1) Publish notice of the public hearings in a newspaper of general circulation within the City at least 20 days prior to the first public hearing; and

(2) Describe the nature of the matters to be considered, the time, date, and place of the public hearings, and the City Planner contact information.

b. The City shall also post notice of the public hearings at City Hall.

3. Planning Commission Recommendation.

a. The City Planner shall forward a recommendation to the Planning Commission for review and consideration.

b. The Commission shall hold a public hearing prior to taking action on the proposed amendment to this Title.

c. The Commission shall make a written recommendation to the City Council regarding the proposed amendment.

4. Decision by City Council.

a. The City Council shall receive the written recommendations of the Commission and the City Planner regarding the proposed amendment.

b. The City Council shall hold a public hearing prior to taking action on the proposed amendment.

E. Criteria for Approval. The following criteria shall be considered by the City Planner, Planning Commission and City Council in consideration of a proposed amendment to this Title:

1. The amendment will promote the health, safety, or general welfare of the City and the safe, orderly and efficient development of the City;

2. The amendment is consistent with other goals and policies of this Title and the Comprehensive Plan;

3. The amendment is consistent with the purposes of this Title, as stated herein; and

4. The amendment is consistent with other criteria deemed to be relevant.

F. Non-Substantive Amendments.

1. Notwithstanding the other provisions of this Section, the City Council may, by resolution, correct spelling or punctuation errors, cross-reference errors or changes, mapping errors, and other matters herein determined by the City Attorney to be non-substantive without complying with the foregoing provisions of this Section.

2. The number of any such adopted resolution shall be noted on the Official City Records. (Ord. 746, 11-14-2017)

11-9-8: ZONING MAP AMENDMENT (REZONING):

A. Application Requirements.

1. Prior to submitting an application, the applicant shall meet with City staff and conduct one or more Technical Advisory Committee (TAC) conferences. Minutes of a TAC conference shall be taken by the City, provided to the applicant, and become a permanent part of the application, should an application be filed, or in the official records of the City Planner if an application is not filed.

2. An amendment to the Official Zoning Map shall be initiated by the filing of an application and application fee with the City Planner.

3. Through a registered bonded abstract company or a licensed title insurance company, the applicant shall submit to the City Planner a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners.

4. The administrative costs of mailed notice, publication and notification signs shall be paid by the applicant.

5. An application, once determined to be complete by the City Planner, shall be set for public hearing by the City Clerk or City Planner, as appropriate.

B. Notice Requirements.

1. The City shall use the list of property owners and address labels provided by the applicant to notify such property owners of the required public hearing, by mail, in the manner required by 11 Oklahoma Statutes Section 43-106, for public hearings requesting a zoning change. The applicant shall be responsible for all administrative costs associated with postage and the mailing of notice.

2. The City shall publish legal notice of the required public hearing in a newspaper of general circulation in the City not less than 20 days, nor more than 30 days, prior to the public hearing. Publication arrangements will be made by the City.

3. Rezoning notice signs shall be posted on the subject property by the City. The signs shall include the current and proposed zoning of the property, the identity of the property owner, the date of the public hearings, and the City Planner contact information, and shall be posted at least 20 days prior to the initial public hearing.

4. Written notice of the public hearings to consider the rezoning shall be mailed not less than 20 days prior to the initial public hearing to all owners of property within a 300 foot radius of the outer boundaries of the subject property. The notice shall contain:

- a. The date, time, and place of public hearing.
- b. The legal description of the property and the street address or approximate location of the property.
- c. The present zoning district classification of the property and the proposed zoning district classification.
- d. City Planner contact information.

C. Procedural Requirements. In accordance with Title 11, Oklahoma Statutes, Sections 43-113, 43-114, 45-106 and 43-109.1, the requirements set out below govern the rezoning process:

1. Planning Commission Action. The Planning Commission, after conducting a public hearing, receiving the comments from TAC, if applicable, the recommendation of the City Planner, and any public comments, shall make a recommendation to the City Council to approve, conditionally approve, or deny the application.

2. City Council Action. The City Council, after conducting a public hearing, receiving the recommendation of the Commission and City Planner, TAC comments, if applicable, and public comments, shall take action to approve, conditionally approve, or deny the application.

3. Super Majority Required. In the event of a protest against the zoning change filed with the City Clerk at least three days prior to the public hearing by the owners of 20 percent or more of the area of the lots included in such proposed change, or by the owners of 50 percent or more of the area of the lots immediately abutting any side of the territory included in such proposed change, or separated therefrom only by an alley or street less than 300 feet wide, the rezoning application may not be approved except by the favorable vote of three-fifths (3/5) of all members of the City Council.

4. Application Amendment. During the course of the rezoning process, the applicant, or the Planning Commission or City Council, may determine the requested rezoning should be amended to a less intensive zoning classification. Following are the parameters for such a modification that will not automatically require new notice:

- a. Notice of a proposed RM-2 rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon RM-1, RD, RS-3, RS-2, RS-1, and RE, or any combination thereof.
- b. Notice of a proposed CG rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon CG, CS, OM, and OL or combination thereof, in the disposition of the application, and in like manner, notice of any proposed C rezoning shall confer jurisdiction to consider any less intensive C and O districts.
- c. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon IM, IL, or combination thereof, in the disposition of the application, and in like manner, notice of any proposed I rezoning shall confer jurisdiction to consider any less intensive I district.
- d. Notice for proposed rezoning shall confer jurisdiction on the Planning Commission and City Council to consider less intensive alternatives in all use groups, those being single-family residential, multi-family residential, office, commercial, and industrial. Proposed rezoning to the RMH and PUD districts shall confer no latitude with respect to notice. (Ord. 746, 11-14-2017)

11-9-9: CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR A PUD:

A. Purpose. The purpose of a CDP is to enable a prospective development applicant to demonstrate how a proposed PUD, at an initial conceptual stage, will comply with the requirements set out in Chapter 3, Subsection 4, Planned Unit Development, and Chapter 4, Subchapter 4, Design Standards, and other relevant requirements of this Title. The City will determine if the substance of the PUD concept may result in the public deriving adequate benefits to justify an alternative approach to development design than possible under conventional zoning standards. City staff will provide the prospective applicant with feedback and direction should he choose to proceed with a Preliminary Development Plan (PDP). The CDP will not contain the level of detail required for Preliminary and Final Development Plans for a PUD and generally will not exceed the submittal requirements in this Section, although a prospective applicant may voluntarily submit more detailed information to convey the concept of a proposed PUD.

B. Applicability. A CDP shall be submitted prior to the submittal of any other application or plat in which PUD approval is requested.

C. Submittal Requirements. A CDP application shall provide the information set out in Chapter 3, Subchapter 4, Planned Unit Developments, and the following additional information:

1. Existing and proposed land uses, their relationship to each other, and to surrounding uses. This plan may take the form of a "bubble" map that shows proposed use types in an approximate fashion, including tentative circulation diagrams and anticipated buffers or screening.

2. A map depicting physiographic information for the subject property such as soil types, topography and any severe slopes, geology, vegetation, flood plain boundaries and the location and availability of water and sanitary sewer services.

3. A written narrative that includes:

a. The approximate number of acres of each type of land use.

b. The character, density, and intensity of dwellings, structures, and uses on each section of the PUD.

c. Justification for the proposed uses, density and/or intensity in relation to existing or proposed surrounding uses.

d. Proposed phasing of the development, if any, and a general indication of the expected development schedule.

e. General discussion of the anticipated impacts that build-out may have on community facilities and the measures necessary to address those impacts.

D. Process. City staff reviews the CDP and prepares an informal report with comments and questions for the applicant. The purpose of the staff/applicant interaction is to identify strengths, weaknesses and potential issues with the prospective application at an early stage, and these may be discussed further through meetings between the applicant and staff.

1. The applicant may request to provide a preliminary presentation regarding the CDP during a regular Planning Commission meeting. Commissioners may ask questions of the applicant but should direct all comments to the City Planner involving issues that should be addressed, or additional information or details that should be provided, during the PDP process to facilitate Commission review and decision.

E. Review Criteria. The CDP application shall be reviewed based on the PUD rationale and purposes set out in Chapter 3, Subchapter 4, Planned Unit Developments, and the ability of the CDP to adhere to the following criteria at a conceptual level of review pending further details:

1. The CDP will further the objectives of the Comprehensive Plan and other City plans.

2. The CDP will be compatible with, or blend into, the development pattern and intensities in the area, or will establish a more desirable pattern in terms of implementing City plans.

3. Adequate public services are available or may be extended to serve the PUD.

4. The PUD design and proposed amenities will provide a high quality environment.

5. Streets will have the capacity to serve the proposed development and are consistent with the Major Street and Highway Plan.

6. Geologic hazard areas, steep slopes, open spaces, and natural resources will be appropriately protected from the impacts of development.

7. Any off-site street or utility improvements necessary to adequately serve the development are identified at a conceptual level, as set out in Title 12, Chapter 4, Developer and City Responsibilities.

F. Effect of CDP Process.

1. City staff will not approve or deny any CDP, but will offer comments and recommendations to address the review criteria in Subsection E above, to facilitate the preparation of a Preliminary Development Plan as set out in Section 11-9-10, below.

2. Completion of the CDP process shall not provide any vesting for the development or obligate the City to approve a Preliminary or Final Development Plan when each is submitted. (Ord. 746, 11-14-2017)

11-9-10: PRELIMINARY DEVELOPMENT PLAN (PDP) FOR A PUD:

A. Purpose. The purpose of a PDP is to provide a detailed site layout for the proposed PUD. Like a Preliminary Plat prior to a Final Plat, PDP approval provides the basis for approval of a Final Development Plan.

B. Establishment of a Specific Density for Proposed Residential Development.

1. The PDP shall propose an overall density per gross acre for all portions of the site indicated for any form of residential use, consistent with the allowable densities (residential units per acre) set out for each type of residential use. This overall gross density, known as the specific density for the proposed development, shall be justified by the PDP, based on the quality of the design and the degree of its anticipated impacts and public benefits. Once the specific density is established through the PDP, it shall be included in the approved contract documents and plats to be submitted for approval with the Final Development Plan.

2. If the applicant proposes phased development of a PUD:

- a. The PDP shall assign a specific density to each phase that involves any form of residential use.
- b. The proposed density at each preliminary phase shall be justified by a specific design.
- c. Approved specific density from a phase which is not utilized when that phase is built out may be carried over to another phase, so long as the approved character of the overall PUD is not significantly altered and the overall specific density for all phases involving any form of residential use is not exceeded.
- d. In no case shall the overall specific density established for the PUD as a whole be increased.

C. Submittal Requirements. A PDP application shall include the following information:

- 1. Proposed building envelopes, common open areas, public uses, amenities and common use facilities to be dedicated to the City or reserved in common ownership.
- 2. Approximate locations of all buildings, structures, and improvements, and open space around buildings and structures.
- 3. A written statement describing the proposed PUD character, to justify the creation of the PUD, and further narrative to elaborate on the overall design style, colors, materials, and sign program for the PUD, which may be accompanied by conceptual elevations or renderings.
- 4. Plans, reports and diagrams that include:
 - a. Proposed off-street parking and loading areas.
 - b. A circulation plan showing the proposed car, truck, bicycle, and pedestrian networks and their relationship with existing or proposed streets.
 - c. Any special engineering features, such as, but not limited to, stormwater detention areas, drainage plan, utility plan and traffic control improvements.
 - d. Designation of any improvements to be dedicated to, or accepted by, the City.
 - e. Proposed open space, buffering, perimeter design treatments and amenity plans.
- 5. A development schedule indicating:
 - a. The approximate date when construction of the project is expected to commence.
 - b. The phases in which the project will be built and the approximate sequence and timing of when the public improvements, landscaping, buffering, and amenities are proposed to begin and be completed in conjunction with the phasing schedule.
 - c. Anticipated development rates per year in terms of acres, number of residential units, square footage of nonresidential floor area, or similar quantitative measures.
 - d. The location and area of common open spaces that will be provided at each stage.
- 6. Legal agreements, provisions, and/or covenants and restrictions to govern the use and maintenance of common areas.
- 7. The names and addresses of all property owners within 300 feet of the PUD boundary.

D. Process.

- 1. The PDP shall be processed as set out in Section 11-9-8, Zoning Map Amendment (Rezoning).
- 2. A PDP shall require a public hearing and recommendation by the Planning Commission and a public hearing and action by the City Council.
- 3. The City Planner may recommend amendments to the PDP throughout the review process.
- 4. A Preliminary Plat may be filed and processed concurrently with the PDP, at risk to the developer, or following PDP approval. If the Preliminary Plat is filed with the PDP, the City may not take any action on the plat until first approving the PDP. Applicants proposing concurrent PDP and Preliminary Plat applications shall automatically consent to a waiver of all statutory subdivision plat review and approval deadlines to the degree necessary to allow the zoning approval of the PDP to occur prior to plat approval. Concurrent action on both applications may be taken by the Commission and Council in a single meeting, respectively for each body, provided that zoning action precedes platting action. If the PDP application is denied, the Preliminary Plat shall automatically be denied.

E. Review Criteria. The PDP shall comply with all applicable PUD standards and PUD purposes and criteria set out in Chapter 3, Subchapter 4, Planned Unit Developments.

F. Effect of PDP Decision.

- 1. Following the approval of a PDP, the applicant may submit an application for a Final Development Plan and for a Preliminary or a Final Plat.

2. An approved PDP may be finalized by more than one FDP and Final Plat.
3. If the PDP is denied, the applicant may submit an amended PDP addressing the issues central to the denial of the PDP. Such a submittal will not be considered a substantially similar application. (Ord. 746, 11-14-2017)

11-9-11: FINAL DEVELOPMENT PLAN (FDP) FOR A PUD:

A. Purpose. The purpose of an FDP is to finalize the approval of the PUD and provide documentation for the recordation of a Final Plat(s) to be submitted to complete the development of the PUD.

B. Submittal Requirements. An FDP application shall include the following additional information:

1. All materials and information required for a Final Plat.
2. A list of all conditions of approval of the PDP and a statement of how each condition was addressed on the FDP.
3. All of the items required for a site plan as set out in Appendix A, Site Plan Submittal Requirements, and the following information pertinent to the PUD:
 - a. The approved specific density, including the specific densities assigned to individual phases in a phased PUD.
 - b. Required setbacks along all street frontages and any build-to lines or other special building setback or spacing provisions within the interior of the development.
 - c. A list of all approved and specifically excluded uses, including the areas in which such uses are allowed or excluded. All uses shall be classified as provided in this Title, or, if alternative classifications are used, they shall be defined and justified.
 - d. A final narrative describing all aspects of the final PUD, to be incorporated by reference, along with the FDP, into the ordinance establishing the PUD district.
 - e. Proposed building footprints, or envelopes, for all buildings and major structures, excluding single-family dwellings.
 - f. Sidewalks, pedestrian ways, trails, and associated structures.
 - g. Drainage facilities and stormwater best management practice improvements.
 - h. Open space and other amenities.
 - i. Major utility locations and easements.
 - j. All other improvements that reflect significant aspects of the approval of the PUD.

4. A development schedule for all private and commonly-owned site improvements, including, but not limited to, circulation networks, curbs and gutters, signage and street and trail lighting.

C. Process.

1. The FDP shall be processed as set out in Section 11-9-8, Zoning Map Amendment (Rezoning).
2. Upon City Council approval of an FDP, the PUD shall be established by ordinance and all of the "Final Form" plans and narrative submitted with the FDP shall be incorporated by reference into the ordinance to govern the development of the PUD.

D. Effect of Approval.

1. Upon approval of the FDP, a Final Plat and all related agreements shall be executed and shall be recorded by the County Clerk of Tulsa County.
2. Applications involving site plans, Zoning Clearance Permits, and building permits, consistent with the FDP, may then be filed, approved, and permits issued to implement the FDP.
3. Any property owner association created to administer the common land in the PUD shall be incorporated. (Ord. 746, 11-14-2017)

11-9-12 MAJOR PUD AMENDMENTS:

A. Applicability. Section 11-9-4, Minor PUD Amendments, sets out criteria for Minor PUD Amendments that may be approved administratively. Any amendment that does not meet the Minor PUD Amendment criteria is considered to be a Major PUD Amendment.

B. Process. The process for any Major Amendment shall be governed by whichever element of the PUD would be amended:

1. CDP, PDP and FDP Major Amendments. An applicant proposing to amend an approved CDP, PDP, or FDP shall file an application and plans that clearly depict the areas to be amended, both as they were originally approved and as they are proposed to be revised. Rationale for the revision shall be provided. If the narrative of the PUD is proposed to be amended, the original text that is affected shall be highlighted and the proposed changes noted. All of the normal processes and procedures for a CDP, PDP, or FDP shall be followed, as applicable, including notice and public hearings by the Planning Commission and City Council. The PUD process to which the amendment pertains shall be followed.

2. Amendments to an Approved PUD. When a PUD has completed the entire zoning and platting processes and is recorded, the amendment process will typically require a revised FDP and an amended Final Plat, provided that the spirit and intent of the revised PUD is similar to the original PUD. If the applicant proposes a new PUD direction, the applicant shall file a CDP to determine if the City is receptive to the new PUD direction and to allow the City an opportunity to determine if the change warrants PDP and FDP approvals or only FDP approval. The CDP also allows the City an opportunity to determine the subdivision plat approvals that are necessary.

C. Review Criteria. The review criteria for any Major PUD Amendment shall be the same as that used in the original review and approval of the PUD. The City is not obligated to amend the PUD but may consider an amendment if the original spirit and intent of the PUD is not adversely affected. (Ord. 746, 11-14-2017)

11-9-13: SPECIFIC USE PERMIT (SUP):

A. General. As used in this Title, Specific Use Permit (SUP) refers to a permit granted by the City Council within any zoning district of the City where a Specific Use Permit is required, as set out in Chapter 3, Zoning Districts and Map, and subject to any applicable conditions or requirements set out in Chapter 3, Subchapter 3, Specific and Limited Uses. A Specific Use Permit may be granted only after due notice and a City Council public hearing, and following review and recommendations by the City Planner and a public hearing and recommendation to City Council by the Planning Commission.

B. Purpose. This Title requires a Specific Use Permit to authorize certain uses which, because of the nature and characteristics of those uses, may potentially have adverse impacts on surrounding properties. The SUP process allows the City to evaluate the merits of each proposed specific use on the basis of its particular location and context and a site plan, to ensure that the specific use, if authorized, will be operated in a manner that is compatible with the surrounding uses.

C. Application Requirements. The procedures required for application, review and consideration of an SUP application include the following:

1. Prior to submitting an application, the applicant shall meet with City staff and conduct a TAC conference. Minutes of the TAC shall be taken by the City, provided to the applicant, and shall become a permanent part of the application, should an application be filed, or filed in the official records of the City Planner if an application is not filed.

2. The applicant shall submit the following to the City Planner:

a. An SUP application and application fee.

b. A set of preliminary site plans, drawn to scale, showing the location of buildings, parking and other pertinent data concerning operation of the proposed use, and other details, such as, but not limited to, a Plan of Operation, to demonstrate that the proposed use will be compatible with surrounding properties.

c. Through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners and administrative fees associated with the mailing notice and posting signage.

D. Procedural Requirements. In accordance with Title 11, Oklahoma Statutes, Sections 43-113, 43-114, 45-106 and 43-109.1, the requirements set out below govern the SUP process:

1. The Planning Commission, after conducting a public hearing, and upon receipt of recommendations from the City Planner and TAC, and written public comments, shall make a recommendation to approve, conditionally approve or deny the SUP. Conditions of approval shall be applied as necessary, as set out in Subsection E, Conditions of Approval, below.

2. The City Council, after conducting a public hearing, and upon receipt of recommendations from the Planning Commission, City Planner, and TAC, and written public comments, shall take action to approve, conditionally approve or deny the SUP. Conditions of approval shall be applied as necessary, as set out in Subsection E, Conditions of Approval, below.

3. The Commission and Council may, in the interest of the public welfare and to ensure compliance with the intent of this Title and the Comprehensive Plan, require such conditions, development standards and operational conditions as necessary, as set out in Subsection E, Conditions of Approval, below.

E. Conditions of Approval. Development standards and operational conditions and safeguards may be required by the City as follows:

1. Conditions shall be reasonably related to the proposed use, including, but not limited to, other permitted uses, lot sizes, setback, height limits, required facilities, buffers, open space areas, lighting, signage, landscaping, parking and loading, compatibility, land use density, and such other development standards and operational conditions necessary for the protection of adjacent property and the community.

2. If determined to be appropriate, the City may require the platting of the property and/or require the dedication of easements, or a half right-of-way for a substandard street or a street designated on the Major Street and Highway Plan, to further the public good.

3. Conditions may be applied to ensure that the use is not detrimental to the health, safety and welfare of the City and based on the valid exercise of statutory police powers.

4. Conditions may relate to the standards and regulations established in this Title and other codes and ordinances of the City.

5. Findings used as the basis for imposing conditions to approve an SUP shall be stated in the written record of such actions. The City Clerk shall maintain a record of conditions and any subsequent amendments thereto.

6. Such conditions need not be uniform with regard to each type of land use if equitable processes and procedures, and statutory requirements, recognizing due process principles and avoiding arbitrary decisions have been followed in making regulatory decisions.

F. Notice.

1. The City shall use the list of property owners and address labels provided by the applicant to notify such property owners of the required public hearing, by mail, in the manner required by 11 Oklahoma Statutes Section 43-106, for public hearings for proposed zoning changes. The applicant shall be responsible for all postage and administrative costs associated with notice.

2. The City shall publish legal notice of the required public hearing in a newspaper of general circulation in the City not less than 20 days, nor more than 30 days, prior to the public hearing. Publication arrangements will be made by the City, and the applicant shall be responsible for the expense of such publication.

3. SUP notice signs shall be posted on the subject property by the City and will include, as a minimum, the nature of the proposed specific use, the identity of the property owner, the dates of the public hearings, and City Planner contact information, at least 20 days prior to the initial public hearing.

G. Appeals. Any suit to challenge any action, decision, ruling or order of either the Planning Commission or City Council under provisions of this Section shall be filed with the Tulsa County District Court within 30 business days from the action, decision, ruling or order being challenged. (Ord. 746, 11-14-2017)

11-9-14: LIMITED USE AND SITE PLAN REFERRALS:

A. General. A request proposing a limited use or a site plan may be referred to the Planning Commission when:

1. The City Planner determines that discretion is required as to the appropriateness and level of conformity of the site plan with the standards for a limited use or compliance with all applicable requirements of this Title.

2. An applicant requests an alternative method to comply with the spirit and intent of the regulations of this Title.

3. An applicant appeals the decision of the City Planner or TAC to deny a site plan.

Requests referred to the Planning Commission shall be heard by the Commission within 45 days of the referral date. Notice and publication is not required, but rather general notice as an item of consideration on the Commission agenda.

B. Commission Action. Upon referral, the Planning Commission shall:

1. Review the request for its conformance with the standards and requirements of this Title and its consistency with the policies and objectives of this Title and the Comprehensive Plan.

2. Seek input and recommendations from the City Planner.

3. Assess whether an alternative method of compliance is satisfactory to satisfy requirements of this Title.

4. Determine if the request satisfies all of the applicable limited use requirements and if any other conditions should be imposed to address issues to ensure that the use is compatible with surrounding properties.

5. Review the issues that were the basis for the denial, or referral of the site plan, and uphold or overturn the decision of the City Planner or TAC, or find a satisfactory alternative solution to the issue agreeable to all parties.

6. Render decisions in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare, compatibility between different land uses, and the fair and equitable application of this Title.

The Commission may grant a continuance if, during the course of considering a request, the Commission finds that proper action cannot be made without additional information. The Commission is authorized to request that the applicant submit such reasonable additional information and withhold further action on the application. Decisions of the Planning Commission shall be final. (Ord. 746, 11-14-2017)

11-9-15: COMPREHENSIVE PLAN AMENDMENT:

A. Purpose. Amendments to the Comprehensive Plan or any element of the Comprehensive Plan shall only be made with the general purpose of guiding and accomplishing coordinated and harmonious development of the City.

B. Applicability. The Comprehensive Plan includes goal and objective statements and establishes policies and guidelines and land use and transportation recommendations that assist City staff, the Planning Commission, and City Council in administering, reviewing, and evaluating development proposals.

C. Plan Implementation. This Title is written to reflect the intent and purposes of the Comprehensive Plan and to implement the goals, objectives, policies, and guidelines set out therein.

D. Comprehensive Plan Amendments. Following are the two types of Comprehensive Plan Amendments for the

purposes of this Title:

1. Amendment to a Plan Map. An amendment to any adopted Comprehensive Plan Map may be proposed by the City Council, Planning Commission, City staff, or property owners.
2. Amendment to Plan Text. Amendments to the text of the plan may be proposed by the City Council, Planning Commission, City staff, any resident of the City, or property owners.

E. Criteria for Review of Comprehensive Plan Amendments. The Planning Commission and City Council shall consider the criteria of this Subsection in determining if proposed amendments should be approved.

1. Amendment to a Plan Map. Sufficient evidence must be provided to demonstrate that the Plan Map amendment meets the following criteria:

- a. The amendment is compatible with existing or planned land uses on adjacent properties.
- b. Adequate public utilities, facilities, and services are available, or proposed to be extended, to warrant an amendment.
- c. An amendment is warranted by changing conditions in the area or corrects an error when the map was originally adopted.
- d. Addresses a currently unaddressed need of the City.

2. Amendment to Plan Text. Sufficient evidence must be provided to demonstrate that a text amendment will:

- a. Further the goals, objectives, and policies of the Comprehensive Plan.
- b. Advance a legitimate public need.
- c. Respond to changing conditions or a currently unaddressed need of the City.

F. Amendment Procedures. Any amendment to the Comprehensive Plan shall follow all statutory requirements and procedures governing the adoption of the Comprehensive Plan. (Ord. 746, 11-14-2017)

BOARD OF ADJUSTMENT ACTIONS

11-9-16: ZONING INTERPRETATIONS:

- A. The Board of Adjustment shall interpret the text of this Title and the Official Zoning Map upon an appeal from a determination of the City Planner.
- B. Where a question arises as to the zoning district classification of a particular use, the Board, upon written request of the City Planner, may find and determine the classification of the use in question and may, prior to such determination, order the requirement of notice and a public hearing, as prescribed for a variance application in this Subchapter. (Ord. 746, 11-14-2017)

11-9-17: APPEALS:

- A. Right to Appeal. An appeal to the Board of Adjustment may be filed by any person aggrieved or by an officer or Department of the City where it is alleged there is error in any order, requirement, decision or determination of the City Planner, Building Official or other official in the enforcement of this Title.
- B. Time for Appeal; Investigation. An appeal shall be filed within 10 days from the determination that is the subject of the appeal by filing the appropriate application with the City Planner, Building Official or City Clerk and specifying the grounds for the appeal. The City Planner and Building Official, or other official, upon receipt of the application, shall transmit to the City Clerk certified copies of all the papers constituting the record of said matter. Upon receipt of the record, the City Clerk shall cause an investigation to be made and shall set the matter for public hearing.
- C. Board Action.
 1. The Board, after conducting a public hearing, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken.
 2. The Board shall make its decision within 30 days after the public hearing. The decision shall be in writing and filed in the Official Records of the City by the City Clerk. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City Planner, Building Official or other official. A decision of the Board shall not become final until the expiration of 15 days from the date such decision is made, unless the Board shall find the immediate taking of said decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action from which appealed, unless the City Planner, Building Official or other official from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal was filed, that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board or by a Court of proper jurisdiction on due and sufficient cause shown.
- E. Written Findings of Fact. The Board shall file with the City Clerk written findings of fact that were the basis for the

approval or denial of the appeal. (Ord. 746, 11-14-2017)

11-9-18: VARIANCES:

A. Authority; Restrictions.

1. The Board of Adjustment, upon application, statutory notice, and public hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant a variance from the terms of this Title.

2. The applicant shall be responsible for all postage and administrative costs associated with the provision of statutory notice.

3. Variances shall not be detrimental to surrounding properties or the public good or be contrary to the spirit, purposes and intent of this Title or the Comprehensive Plan.

4. Variances shall be based on site specific factors unique to a lot or parcel that are atypical from other surrounding properties, such as, but not limited to, reasons of lot width, depth, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a property and not created by any actions of the applicant.

5. The condition shall cause the literal enforcement of this Title to result in an unnecessary hardship.

6. The Board shall not take any action that effectively results in allowing a use not permitted in the zoning district.

B. Variance Application.

1. A request for a variance shall be initiated by the filing of an application with the City Planner and shall be set for public hearing by the City Clerk in accordance with all statutory requirements.

2. The variance application shall include:

a. A site plan, drawn to scale, showing location of buildings, parking and other pertinent data concerning the variance.

b. Findings of fact, as set out in Subsection C, Findings; Board Actions; Conditions, demonstrating the hardship and factors that prevent the development of the property in accordance with this Title.

c. Through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners and administrative fees associated with the mailing of notice.

C. Findings; Board Action; Conditions. The Board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance after finding:

1. That, by reasons of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure, or building involved, the literal enforcement of the terms of this Title would result in unnecessary hardship.

2. That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district.

3. That the variance will not be detrimental to the public good or adversely affect the use or value of surrounding properties and will not impair the purposes, spirit and intent of this Title or the Comprehensive Plan.

4. The condition for which the variance is requested was not created by any actions of the applicant.

The Board, in granting a variance, may prescribe appropriate conditions and safeguards and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

D. Time Limit on Variances. A variance which has not been utilized within one year from the date of the order granting the variance shall thereafter be void. For the purpose of this Subsection, "utilization" shall mean actual use, the issuance of a building permit or a Certificate of Occupancy, or any other condition of time imposed by the Board, provided construction, or other improvements that were the subject of the variance, are diligently carried to completion.

E. Written Findings of Fact. The Board shall file with the City Clerk written findings of fact that were the basis for the approval or denial of the variance application. (Ord. 746, 11-14-2017)

11-9-19: SPECIAL EXCEPTIONS:

A. General. The Board of Adjustment, upon application, statutory notice, and a public hearing, may grant a Special Exception in the following circumstances, subject to the procedural and substantive standards set forth herein:

1. Special exception uses as designated and regulated within the Industrial Moderate (IM) zoning district, and subject to such uses conforming to the bulk and area requirements of the IM district, or as such requirements are made more restrictive by any conditions of approval imposed by the Board of Adjustment as set forth in Subsection C., below.

2. The change of a nonconforming use, as provided in Section 11-10-3, Nonconforming Uses.

3. The restoration of a partially destroyed structure containing a nonconforming use, as set out in Section 11-10-3, Nonconforming Uses.

4. The restoration of a partially destroyed nonconforming structure, as set out in Section 11-10-5, Structural Nonconformities.

B. Application for Special Exception.

1. A request for a Special Exception shall be initiated by the filing of an application with the City Planner and shall be set for public hearing by the City Clerk, in accordance with statutory requirements.

2. Through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses, within a 300 foot radius of the outer boundaries of the subject property, as well as addressed adhesive envelope labels for all such property owners and administrative fees associated with the mailing of notice.

C. Board Action; Conditions. The Board of Adjustment, upon holding a public hearing, and, upon the concurring vote of three members, may grant a Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of this Title and will not be injurious to surrounding properties or otherwise detrimental to the public welfare. The Board, in granting a Special Exception, may prescribe appropriate conditions and safeguards and may require such evidence and guarantee or bonds as it may deem necessary to enforce compliance with the conditions attached.

D. Time Limit on Special Exceptions. A Special Exception which has not been utilized within one year of the date on which it was granted shall thereafter be void. For the purpose of this Subsection, "utilization" shall mean actual use or the issuance of a building permit, or a Certificate of Occupancy, when applicable, or any other condition of time imposed by the Board, provided construction is diligently carried to completion.

E. Written Findings of Fact. The Board shall file with the City Clerk written findings of fact that were the basis for the approval or denial of the Special Exception application. (Ord. 746, 11-14-2017)

CHAPTER 10

NONCONFORMITIES

SECTION:

Purpose And Applicability

11-10-1: Preamble

11-10-2: Application

Classification Of Nonconformities

11-10-3: Nonconforming Uses

11-10-4: Nonconforming Lots

11-10-5: Structural Nonconformities

11-10-6: Repairs and Maintenance

PURPOSE AND APPLICABILITY

11-10-1: PREAMBLE:

Within the districts established by this Title, and by subsequent amendments, there exist uses, lots, structures, and signs that were lawfully established but that would not be permitted under this Title, or future amendment to this Title. These uses, lots, structures, and signs are referred to in this Chapter as legal nonconformities that are permitted to continue, as regulated by this Chapter. (Ord. 746, 11-14-2017)

11-10-2: APPLICATION:

A. Generally. This Chapter applies to uses, accessory uses, lots, buildings, structures, landscaping and buffering, signs, lighting, and parking that were lawfully created or constructed but that do not conform to the requirements of this Title.

B. Effect of Section. Nothing in this Chapter, or in this Title, shall be interpreted to require a change in plans, construction, or a designated use of any building for which a building permit was lawfully obtained prior to the effective date of this Title, or subsequent amendment, provided that construction:

1. Commences within the period of time authorized by Title 10, Building and Development; and
2. The work proceeds diligently toward completion.

C. Changes of Ownership. Nothing in this Chapter shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Chapter.

D. Destruction of a Legal Nonconforming Use, Building, or Structure. If a legally nonconforming building or structure, or a legally nonconforming use located in a legally conforming or nonconforming structure, is damaged or partially destroyed to the extent of more than 50 percent, but less than 75 percent, of its current replacement cost at the time of damage, the restoration of the building or structure, and the use, shall be subject to Board of Adjustment findings in consideration of a Special Exception, that restoration is necessary for the continuance of the nonconforming use, and will not result in any increase of incompatibility with the present and future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of more than 75 percent of its replacement cost at the time of

damage, the nonconformity shall not thereafter be continued or resumed.

E. Evidence of Status. Evidence that a nonconforming situation is a legal nonconformity and not a violation of this Chapter shall be submitted by the owner of the property, or use, upon the request of the City.

F. Exceptions.

1. Unlawful Uses, Lots, Buildings, Structures, or Signs. This Section does not allow for the perpetuation of uses, lots, buildings, structures, or signs that were unlawfully established or constructed. Such improvements are not legally nonconforming, but instead are unlawful, and may be subject to Chapter 11, Enforcement and Remedies, or any other applicable law.

2. Natural Shifts of Zone Boundaries. If a zoning boundary changes as a result of a change in the location of a stream channel centerline, or other natural occurrences, such change of zoning district boundary does not render existing development as nonconforming.

3. Nonconformities Created by Public Action. Any nonconforming land, building, structure, or sign expressly created, or caused, by the conveyance of privately owned land to a federal, state or local government to serve a public purpose, such as but not limited to right-of-way for highways, is conforming for the purposes of this Title, and is not subject to the limitations of this Chapter. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, which creates a nonconformity for the remainder parcel in terms of lot size, setback, or other applicable standards of this Title. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other development approvals. (Ord. 746, 11-14-2017)

CLASSIFICATION OF NONCONFORMITIES

11-10-3: NONCONFORMING USES:

A. Generally. A nonconforming use is a use of land lawfully established before the effective date of this Title, or amendments hereto, which is no longer allowed.

1. Any use lawfully established, but that is not a permitted, limited, specific, or temporary use, as set out in Chapter 3, is a legally nonconforming use.

2. Lawfully established uses that do not comply with parking, loading, screening, buffering, sign, or any other development regulation, which are otherwise lawful, shall not constitute a nonconforming use within the meanings established in this Chapter.

B. Standards.

1. Change in Use.

a. A nonconforming use shall not be changed to another nonconforming use.

b. A nonconforming use may be changed to a conforming use, thereby precluding the resumption of the nonconforming use.

c. If the use of a portion of a building or property is changed from a nonconforming use to a conforming use, that portion of the building or property may not be changed back to the nonconforming use.

2. Discontinuance of Use. If a nonconforming use is discontinued for a period of one year, for any reason, it shall not be resumed.

3. Nonconforming Use of Unimproved Land (Aggregate Area No More than 10 Percent). Upon the effective date of this Title, if a lawful use of land exists which would not be permitted by this Title, and the only structures used in connection with such use are all accessory or incidental to such use and do not have an aggregate area that covers more than 10 percent of the lot area, such use shall be deemed a nonconforming use of unimproved land and shall be terminated as follows:

a. If the replacement cost of the accessory structures, other than fences, is less than \$1,000.00, the nonconforming use shall terminate within five years of the effective date hereof, or of the date on which the use became nonconforming, whichever is later.

b. If the replacement cost of the accessory structures, other than fences, is \$1,000.00 or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the structures at an annual rate of \$200.00, from the effective date hereof, or from the date on which the use became nonconforming, whichever is later.

c. Pending termination, the nonconforming use of land may be continued, provided that:

(1) The nonconforming use is not changed to another nonconforming use, enlarged, or extended to occupy a greater area of land than that which was occupied at the effective date hereof.

(2) The nonconforming use is not moved, in whole or in part, to any portion of the lot other than that occupied by such use at the effective date hereof.

(3) No additional structure, other than fences, shall be erected.

(4) If the nonconforming use ceases for any reason for a period of more than 90 days, except when government

action impedes access to or use of the premises, any subsequent use of such land shall conform to this Title.

4. Nonconforming Use of Buildings and Improved Land (Aggregate Area 10 Percent or Less). Upon the effective date of this Title, if there exists a lawful use of a building, a principal building and land, or the use of land with accessory structures, and such use has an aggregate area that covers more than 10 percent of the lot area, and such use would not be permitted by this Title, such use shall be deemed nonconforming and may continue, provided that:

- a. No building devoted to a nonconforming use shall be enlarged or extended, except to change the use of the building to a permitted use.
- b. The nonconforming use of a portion of a building may not be extended to the remaining portions of the building, unless such portions were manifestly arranged and designed for such use. In no case shall the conformity be extended to occupy any land outside the building.
- c. A former nonconforming use of a building, or building and land in combination, once superseded by a permitted use, shall not be changed back to the former nonconforming use.
- d. A nonconforming use of a building, or building and land in combination, if discontinued for 12 consecutive months, or for 12 months during any 18 month period, except when governmental action impedes access to or the use of the premises, shall not thereafter be resumed.
- e. Where nonconforming use status applies to a building and land used in combination, the termination of the use of the building shall eliminate the nonconforming status of the use of the land. (Ord. 746, 11-14-2017)

11-10-4: NONCONFORMING LOTS:

A. Single Lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date hereof or amendment hereto. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This Subsection shall apply, without regard for compliance with the requirements for lot area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving lot area or width, or both, shall conform to the regulations for the district in which the lot is located.

B. Adjoining Lots. If two or more adjoining lots with continuous frontage are in a single ownership after the effective date hereof, or amendment hereto, and such lots individually do not meet the applicable development standards of the district in which they are located, such groups of lots shall be considered as a single lot, or as multiple lots, of the minimum permitted size in compliance with applicable development standards of this Title and applicable permitting and platting requirements of Titles 10 and 12, respectively.

C. Uses Permitted By Right. In districts other than residential districts, any use permitted by right in the applicable district may be located on any lot of official record at the effective date hereof, irrespective of its area or width, provided that the use complies with all other requirements of the district. (Ord. 746, 11-14-2017)

11-10-5: STRUCTURAL NONCONFORMITIES:

A lawfully established building or structure which is prohibited by the terms of this Title, by reason of restrictions on floor area, density, intensity, height, setbacks, location, or other development standards of this Title, shall be deemed to be legally nonconforming and may continue, subject to the following:

- A. No such nonconforming building or structure may be enlarged or altered in any manner which increases its nonconformity, but may be altered to decrease its nonconformity, provided that the addition of a mezzanine or a similar alteration does not increase the cubic content of the structure and thereby cause an increase in nonconformity.
- B. Should such a building or structure be damaged or partially destroyed by any means to the extent of more than 50 percent of its current replacement cost at the time of damage, the restoration of a nonconforming building or structure shall be subject to Board of Adjustment findings, in consideration of a Special Exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages. If the building or structure is damaged or destroyed to the extent of more than 75 percent of its replacement cost at the time of damage, the nonconformity shall not thereafter be continued or reconstructed.
- C. Should such a building or structure be moved or relocated in the City, it shall be sited to conform to the regulations of the district in which it will be located.
- D. Restrictions regulating nonconforming signs are set out in Chapter 7, Signs, Section 11-7-5.D, Nonconforming Signs. (Ord. 746, 11-14-2017)

11-10-6: REPAIRS AND MAINTENANCE:

A. Minor repairs to or maintenance of a legal nonconformity necessary to keep the use, lot, structure, building, or other legal nonconformities in a safe condition are permitted, provided that the minor repair or maintenance does not increase the extent of the nonconformity. For purposes of this section, minor repair or maintenance shall mean:

1. Repairs necessary to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
2. Maintenance of property and uses to protect against health and environmental hazards and promote the safety of surrounding land uses; and

3. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

B. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by the Building Official by reason of physical condition, it shall not thereafter be used, restored, repaired, or rebuilt except in conformity with the provisions of the district in which it is located. (Ord. 746, 11-14-2017)

CHAPTER 11

ENFORCEMENT AND REMEDIES

SECTION:

Enforcement

11-11-1: Purpose

11-11-2: Enforcement Procedures and Remedies

11-11-3: Violations And Penalties

Remedies

11-11-4: Civil Liability

11-11-5: Criminal

Appendix A

Appendix A.1: Landscape Plan Requirements

Appendix A.2: Site Plan Requirements

ENFORCEMENT

11-11-1: PURPOSE:

The purpose of this Chapter is to set out the general procedures for enforcing the requirements of this Title and outline the legal remedies that are generally available to the City when it initiates an enforcement action. Nothing in this Chapter is intended to limit the remedies that are available to the City to prevent and abate violations of this Title, or to prescribe any particular remedy. The City may take any lawful action to remedy violations of this Title, including seeking any remedy and/or imposing any penalty that is available under this Title, the City Code, state law or administrative rules promulgated thereunder, or federal law within the corporate boundary of the City, as appropriate. (Ord. 746, 11-14-2017)

11-11-2: ENFORCEMENT PROCEDURES AND REMEDIES:

- A. Generally. The City may enforce the provisions of this Title as set out in this Chapter or as otherwise authorized by law.
- B. Responsible Official. The Director of Community Development, or his designee, shall administer and enforce the provisions of this Title. The Director may consult with the Building Official, City Planner, City Manager, and City Attorney in the exercise of this duty.
- C. Records. The City shall maintain a record of all complaints of violations of this Title, including how they were resolved.
- D. Right to Enter. The City shall investigate and find as a matter of fact whether an alleged violation of this Title has occurred. Any person authorized by the City for such investigation shall have the right to enter any premises at any reasonable time for the purpose of making inspection of buildings, property, or premises necessary to carry out the duty to enforce this Title.
- E. Filing a Complaint. Any person may allege a violation of this Title by written and signed complaint filed with the City Planner or Building Official. Such complaint shall state the factual basis for the alleged violation along with the complainant's name, address, and telephone number.
- F. Notice of Violation. Upon investigation, with or without a complaint, the City may issue a written Notice of Violation alleging the existence of a violation of this Title, including violations of conditions of approval established in connection with the granting of variances, special exceptions, specific use permits, zoning approvals, or any other aspect of the Title.

At a minimum, the Notice of Violation shall:

1. Specify the address of the property where the violation is alleged.
2. Reference specific Sections of this Title and/or conditions of a development approval which are alleged to have been violated.
3. State the actions that must be taken to bring the property or use into compliance with this Title, including:
 - a. Specifying a time frame, not to exceed 30 days, to bring the property or use into compliance with this Title. An

extension may be granted by the City if the property owner is diligently working toward a resolution. The City reserves the right to deny an extension to repeat violators.

b. Advising that a citation or summons may be issued if the property or use is not brought into compliance with this Title within the stated time frame.

c. Providing contact information for a person or department at the City that can answer questions about the notice.

4. Be served to the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such Notice of Violation is also properly served to the responsible party by certified mail to the last known mailing address, residence, or place of business of the responsible party. The postmark date of the certified letter shall constitute the date on which Notice of Violation was served.

G. Informal Dispute Resolution.

1. Generally. Written warnings may be issued by the City to notify a property owner, or other relevant persons, of an alleged violation of this Title and the actions necessary to bring the property or use into compliance. Subject to the limitations of Subsection 2, below, and the discretion of the City, warnings are the preferred method of assuring compliance with this Title.

2. Limitations. Issuance of a written warning shall not be necessary if:

a. During the previous 24 months, the property owner has been warned of, cited for, or summoned to court for the same violation.

b. The violation is likely to create an imminent hazard to life or property.

H. Correction of Violation.

1. For a first violation, the person responsible for the violation shall have a period of 30 days to correct the violation.

2. For subsequent or continued violations, the person responsible for the violation shall correct the violation within 24 hours, unless the City prescribes additional time.

3. Any violation that creates an immediate danger to the public safety or health shall be corrected immediately, regardless of whether it is a first violation, a continuing violation, or a subsequent violation.

I. Further Enforcement. If the violation is not corrected in accordance with the requirements of Subsection H., above, the City may proceed with available means for enforcing this Title.

J. Immediate Orders and Immediate Actions.

1. Generally. As provided in this Chapter, the City may issue immediate orders or take other immediate actions as necessary to halt violations of this Title, to prevent activities that cause violations or exacerbate violations of this Title, and to remedy violations of this Title. These orders and actions may be appealed as set out in Section 11-9-17, Appeals.

2. Removal of Temporary Signs. The City may immediately remove, or cause to be removed, temporary signs that are placed in violation of Chapter 7, Signs.

K. Relationship to Other Enforcement Procedures. The City may pursue any and all lawful remedies, separately or concurrently, to effect compliance with an issued Notice of Violation or warning, including issuance of immediate orders and prosecution of violations as criminal offenses. If a recipient of a Notice of Violation, warning, or immediate order does not take timely action as specified by the City and does not timely request administrative review pursuant to this Chapter, then the City may proceed with available means for enforcing this Title. (Ord. 746, 11-14-2017)

11-11-3: VIOLATIONS AND PENALTIES:

A. Generally.

1. Any person, firm, or corporation that has been found to have violated any of the provisions of this Title, is:

a. Guilty of a misdemeanor; and

b. Subject to a fine and/or imprisonment, as allowed by applicable state statutes.

2. Each day that any violation or noncompliance with the provisions of this Title occurs shall constitute a separate and distinct offense and shall be subject to a fine, as allowed by applicable state statutes.

3. The penalties prescribed in this Chapter may be imposed upon:

a. The owner of a building or premises in or upon which a violation of this Title was committed.

b. The lessee or tenant of an entire building or entire premises, in or upon which a violation of the Title was committed.

c. An agent, architect, building contractor, or any other person, firm, or corporation that participated, facilitated, assisted, or took any part in any violation of this Title.

d. Any person, firm, or corporation that maintained any building or premises in or upon which a violation of this Title

was committed.

4. The penalties provided herein shall be cumulative of other remedies provided by state law.
5. The power of injunction may be exercised by the City in enforcing this Title.

B. Payment of Fines. Fines that are imposed shall be payable to the City not later than 30 days after the date on which action affirming the violation of this Title is concluded.

C. Collection of Fines. Assessed fines may be collected by the City by any means allowed by law. (Ord. 746, 11-14-2017)

REMEDIES

11-11-4: CIVIL LIABILITY:

- A. Manner of Collection. The procedure for the issuance of Notices of Violation, collection of fines, and trial with respect to disputed or unsatisfied notices shall be that prescribed in state law.
- B. Duty of Local Officials.
 1. The City has the authority to issue an original Notice of Violation and deliver it to a person believed to be committing a civil violation, and the City's designated personnel are hereby declared to be the officials with the duty of enforcing this Title for that purpose.
 2. The City Planner and Building Official are jointly declared to be the officials with the duty of enforcing this Title with respect to:
 - a. Receiving and filing a copy of each original Notice of Violation and any fines or notices of intention to stand trial.
 - b. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the notice.
 - c. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after the City has given formal notice thereof.
- C. Court Appearance. The person who issued the initial Notice of Violation and any other members of the City so directed by the City Manager or City Attorney shall appear and testify in any trial held with respect to the notice.
- D. City Attorney. The City Attorney is authorized to prosecute any civil violation. (Ord. 746, 11-14-2017)

11-11-5: CRIMINAL PENALTY:

- A. Generally. The violation and/or failure to comply with any of the provisions of this Title shall be and is hereby declared to be a misdemeanor. Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of this Title may be punished by a fine or imprisonment, or both, as prescribed by state law, for each week, or portion thereof, that the violation or noncompliance has continued.
- B. Responsible Parties. Every person concerned in the violation of, or showing failure to comply with, this Title, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal. (Ord. 746, 11-14-2017)

APPENDIX A:

A.1: LANDSCAPE PLAN REQUIREMENTS:

Landscape plans shall demonstrate compliance with all landscaping and buffering requirements of this Title by including the information set out below, unless the City Planner determines that any item(s) are unnecessary due to the type of development or site conditions. The City Planner may require additional information, if necessary.

1. Proposed topography of the site, shown at one-foot contours.
2. Dimensions and surfacing of all existing and proposed easements, pedestrian walkways, and pedestrian-oriented areas.
3. Location of existing and proposed utilities and drainage facilities.
4. Location of all proposed site improvements, including curbs, gutters, sidewalks, parking areas, driveways, landscape areas, buildings, and an indication of which existing trees will be retained or removed.
5. Dimensions, surface area, and type of planting area (e.g., bufferyard, parking area landscaping, etc.) for each planting area.
6. The location, spacing, and quantity of trees and shrubs to be installed, which shall be drawn at three-fourths of mature size and annotated with species, common name, and size at planting.
7. The location, spacing and extent of areas of ground cover, flower beds, raised or inset planters, and turf, seed, or inorganic materials to be installed or planted.
8. Dimensions of all landscape elements, including fences, walls, earthen berms, other landscape features, and amenities, as applicable.

9. Special landscape features for storm water management, such as rain gardens or bioswales.
10. Dimensions and locations of required sight distance triangles.
11. Any credits that are requested for preserving existing trees.
12. Calculations demonstrating that minimum landscaping requirements will be met.
13. If a phased development project is proposed, a landscaping phasing program.
14. A schematic drawing of the proposed location and type of irrigation system, or hose bibs.
15. Identification of the method of reclamation for repair of cut and fill areas and other landform disruptions caused by construction.
16. A general note stating that "The owner, agent, or developer of the property shall replace any mandatory landscaping which dies within a one-year period from the time of planting, and thereafter."
17. The date the plan was prepared, scale, north arrow, project name, and owner name. (Ord. 746, 11-14-2017)

A.2: SITE PLAN REQUIREMENTS:

1. Site plans shall be drawn to a scale not less than one inch = 50 feet, titled "Preliminary Site Plan", and include space for revision numbers and revision dates to track each update to the site plan.
2. The site plan scale drawing, or supporting plan sheets, shall contain, but not be limited to, the following minimum information, along with any other information necessary to demonstrate compliance with all applicable development requirements. This list is not intended to be inclusive of all details that are required to be submitted with the site plan application:
 - a. Site Design:
 - (1) Driveways, streets, and rights-of-way.
 - (2) Clear sight visibility areas.
 - (3) Surfacing materials.
 - (4) All easements and name of the easement holder.
 - (5) Location and dimensions of structures and signs.
 - (6) Sidewalks, ramps, and accessibility improvements.
 - (7) Off-street parking spaces, accessible spaces, and driveway aisle dimensions.
 - (8) Tabulation of required / provided off-street parking spaces, landscaping, open space, etc.
 - (9) Fire lanes, fire hydrants, fire department connection locations, and a fire coverage plan.
 - (10) Loading and refuse areas.
 - (11) Exterior lighting and a lighting plan.
 - (12) Locations of any proposed outdoor uses.
 - (13) Required bufferyards and screening.
 - (14) Landscaping, both graphically as to size and location, and in tabular form showing the amount of landscaping required and the amount to be provided.
 - (15) Topography, including grading, drainage, and stormwater runoff prevention plan.
 - (16) Soils report and narrative.
 - (17) Adequate trip generation details to determine if the developer will be responsible for any traffic impact mitigation improvements, as set out in Title 12, Section 12-4-1, Responsibilities of the Subdivider or Developer.
 - (18) Specific areas proposed for specific types of land uses.
 - (19) Existing and proposed utilities, utility meters, and utility connections.
 - (20) Lots and property lines.
 - (21) Areas proposed for dedication to the City.
 - b. Building Design Standards:
 - (1) Illustrations and supporting detail to demonstrate how the standards of Chapter 4, Subchapter 4, Design Standards, will be satisfied, including with regard to:
 - (A) Required exterior finish materials, and within minimum required and maximum permitted amounts.

(B) Appropriate location and required screening of mechanical and utility equipment.

(C) Required articulation of building walls and rooflines and use of architectural design features to mitigate building mass, create visual interest, and avoid monotonous appearance. (Ord. 746, 11-14-2017)

CHAPTER 12

PLANNED UNIT DEVELOPMENT (PUD)

SECTION:

11-12-1: Statutory And Code Authorization, Purposes And Goals

11-12-2: Code Provisions And Standards

11-12-3: Building The PUD Development Plan

11-12-4: Application Requirements For Development Plan

11-12-5: Planning Commission Review

11-12-6: City Council Review

11-12-7: Administration

11-12-8: Site Plan Review

11-12-9: Minor PUD Amendments

11-12-10: Major PUD Amendments

11-12-1: STATUTORY AND CODE AUTHORIZATIONS, PURPOSES AND GOALS OF A PUD:

A. Planned Unit Development ("PUD") design and implementation is authorized by Oklahoma Statutes at Title 11 § 43-110, et seq., the City of Glenpool Comprehensive Plan, and this Chapter 11 of the Zoning Ordinance with the purpose of according to the Planning Commission and City Council sufficient discretion to implement development and design standards that may or may not conform to residential and/or non-residential standards otherwise applicable in conventional zoning districts when such deviations serve a benefit to the community and are offset by considerations that may equal or exceed standards elsewhere in the Code.

B. PUD requirements are intended to permit the applicant maximum flexibility in the regulation of land development; encourage innovation in land use and variety in design; lay out the type of structures to be constructed; achieve efficiency in the use of land, natural resources, and energy; provide for public services and utilities; encourage useful, common open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the City of Glenpool and most especially those within and in proximity to the proposed PUD than otherwise available.

C. It is the intent of a PUD that permissive latitude in the imposition of site plan and design standards, when offset by beneficial concessions from the applicant, serve a greater good than could be accomplished on the same property if subject to the limitations of a traditional zoning district. (Ord. 788, 6-21-2021)

11-12-2: CODE PROVISIONS AND STANDARDS:

A. Applicability.

1. A PUD Application may more correctly be understood as an application for a Zoning Map Amendment (Rezoning) as set out in Section 11-9-8. Except as otherwise set forth in this Chapter 11 for a zone change to PUD, the requirements of Section 11-9-8 shall be followed.

2. PUD application shall be reviewed as to the proposed location and conformity of proposed uses with those identified as Residential in Table 11-3-8 or with those identified as Non-Residential in Table 11-3-9, as well as compatibility with neighboring uses.

3. Nothing shall prevent the City Council from approving residential or non-residential design standards not otherwise available in any conventional zoning district recognized by this Code, provided that any ordinance approving such standards adopts a PUD with elements compensating beneficially for the otherwise nonconforming standards.

4. The following types of development can only be achieved by use of a PUD and are encouraged by the City:

a. Mixtures of residential types, densities, dwelling sizes and heights, lot sizes and widths, and design characteristic in a single cohesive manner throughout the development.

b. Mixtures of residential types with specific nonresidential uses in appropriate locations relative to residential uses and with standards to ensure the compatibility and design integration of all uses.

c. Residential development in dwelling units that facilitate and preserve common open space, protect natural resources, provide corridors for linear parks and bikeways, buffer different use types, buffer streams, wetlands, and

floodplains to improve water quality and minimize flood risk, ensure safe and convenient traffic circulation and emergency access, and provide areas for active and passive recreation opportunities.

5. **District Types.** A PUD application may be permitted for land located within the following District types, as shown on Table 11-3-2:

- a. Agricultural (AG)
- b. Residential Single Family (RE, RS-1, RS-2, RS-3)
- c. Residential Multi-Family (RD, RM-1, RM-2, RMT)
- d. Office (OL, OM)
- e. Commercial (CS, CG)
- f. Industrial Light (IL)

6. **Non-PUD Districts.** A PUD application will not be considered in locations with the following District types except subject to a Specific Use Permit:

- a. Residential Manufactured Home (RMH)
- b. Industrial Moderate (IM)

B. **Uses.** Residential and Nonresidential Uses that are permissible within a PUD District are identified on Tables 11-3-8 and 11-3-9, respectively. Similarity or compatibility of uses not listed in such tables to uses that are listed shall be within the judgment of the City Planner, Planning Commission and City Council in their respective capacity.

C. **Residential Development Standards.** PUD's shall meet or exceed Residential Development Standards in the conventional district type to be displaced by a PUD, as shown on Table 11-4-5, provided that Lot Width, Lot Area, Land Area Per Dwelling Unit, and Setbacks may be exempt from minimum standards shown or may incorporate standards unique to the proposed PUD if, in the judgment of the City Planner, Planning Commission and City Council, resulting density of dwelling units is offset by shared amenities and common open-space or recreational areas not otherwise available in conventional zoning districts.

D. **Non-Residential Development Standards.** All PUD's shall meet or exceed Non- Residential Development Standards in the conventional district type to be displaced by a PUD, as shown on Table 11-4-8, provided that Lot Width, Lot Area, Floor to Area Ratio and Setbacks may be exempt from minimum standards shown for Office, Commercial and/or Industrial Light uses if, in the judgment of the City Planner, Planning Commission and City Council, such flexibility facilitates corresponding beneficial development not otherwise available in conventional zoning districts.

E. **Parking Requirements.** All PUDs shall meet or exceed the respective Residential, Institutional, Recreation, and Commercial Use Parking Requirements in the conventional District type to be displaced as provided in Tables 11-6-3.1, 11-6-3.2 and 11-6-3.3, respectively, provided that shared or multiple-facility parking arrangements may be considered where deemed feasible and safe.

F. **Landscaping, Screening and Bufferyards.** All PUDs shall meet or exceed the Landscaping, Screening and Bufferyard Requirements set forth in Subchapter 2 of Chapter 6 of this Title, provided that greater flexibility may be permitted in order to facilitate the shared purposes of the PUD.

G. **Phased PUD Development.**

1. Final approval may be granted on each phase of multi-phased planned unit developments provided that each phase contains the necessary consideration of the natural environment and the health, safety, and welfare of the users of the planned unit development and the landowners immediately adjacent thereto.

2. Incremental development of public improvements, landscaping, buffering, and aesthetic and recreational amenities within a single-phase development or within each phase of a multi-phased development is not intended to fall within this provision for phased developments. The sequence and timing of development of all components of any single- or multi-phased PUD shall be articulated as part of the PUD Development Plan subject to staff review and approval. (Ord. 788, 6-21-2021)

11-12-3: BUILDING THE PUD DEVELOPMENT PLAN:

A. **Purpose of the PUD Development Plan.**

1. The "PUD Development Plan" is the foundational document into which details of any PUD will be incorporated. Great care is required of the applicant and staff to ensure sufficient detail is provided the Planning Commission and City Council in the PUD Development Plan for meaningful evaluation, recommendations and review/action.

2. A PUD Development Plan supports phasing for large projects because it allows the developer to make changes based on market factors, infrastructure costs, and other considerations without having to renegotiate a detailed PUD Development Plan before moving to the next phase.

3. The PUD Development Plan should serve as a site plan at the lot level that shows uses, densities and intensities, building elevations, open space, circulation and utility systems, grading, landscaping, circulation systems, and other project features, such as signage and lighting. It may also show floor area and height and include sketches. Documents showing

easements and dedications should be added in anticipation of preparing a preliminary and final plat. This kind of plan, with the engineering, time, and resources that go with it, requires a major investment, but cost should be lessened by building on the foundation of a good PUD Development Plan.

B. Content of the PUD Development Plan. An applicant may propose one or more uses, expressly prohibit certain uses, or itemize the list of uses proposed for the PUD. Uses should be proposed in aesthetically and intuitively reasonable locations based on surrounding uses, roads, utility services and the ability to provide buffer areas to ensure that all uses in the PUD, and outside the PUD, are compatible. These elements should be presented as follows:

1. Graphic Development Plan.

a. Proposed PUD uses shall be illustrated in a way that shows:

- (1) Where each use is to be located;
- (2) Proposed acreage of each use;
- (3) Proposed density of each residential use (gross units per acre);
- (4) Proposed intensity of each nonresidential use (ratio of floor area to site area);
- (5) Detailed design standards such as lot dimensions and linkage; and
- (6) How open space is proposed to be used as buffers, preserved as common open space, or used for recreational purposes.

b. A map depicting physiographic information for the subject property such as soil types, topography and any severe slopes, geology, vegetation, flood plain boundaries and the location and availability of water and sanitary sewer services.

2. Narrative Development Plan.

a. Development Standards. The applicant shall propose and describe in narrative form the objectives and intended character of the proposed development as well as specific development standards to govern each proposed use in the PUD. This may be done either by referencing the development standards of specific zoning districts in this Title or by proposing a unique set of development standards for each use in the PUD.

b. Collateral Information. Along with basic use and dimensional standards, the development standards narrative shall outline an architectural design palette, sign program, and amenity program, and also specify how open spaces and other common areas will be designed and maintained.

3. Design Elements. Following is a representative list of design elements that are typically encouraged or required by the City in general and particularly within PUDs:

a. Aerated ponds surrounded by trails and other amenities, or dry detention with appropriate slopes to allow active recreation.

b. Wider sidewalks and markings that can accommodate pedestrians and bicycles.

c. Linear parks or trails that can connect to other local and regional trail networks and adjoining development.

d. The use of unified and consistent design elements, such as materials, colors, and design for perimeter walls or fencing, primary road frontage, entry signs, and amenities in the development.

e. Provision of common open space designated for trails, playgrounds, active or passive recreation and as water quality buffer areas.

f. Preservation of trees and sensitive areas to enhance the appearance of the perimeter of the development, provide buffers between uses, and enhance livability.

g. Buffer areas and design elements to minimize noise and traffic disruption potentially created by any office, light industrial or commercial uses.

h. Potable water delivery, stormwater and sanitary sewer systems, fire protection, emergency access and traffic configuration must be addressed in a manner indicative of the PUD Development Plan.

i. Signage and street lighting that conform to Code standards unless deviation offers an improvement.

4. Design Standards. Every PUD proposed for the City's consideration shall be unique, meaning there are no universally applicable development standards. Development standards that are deemed appropriate for each PUD shall be derived by the following factors, without limitation:

a. Context Sensitivity. Identify existing uses and streets that adjoin the PUD or that are proposed to adjoin the PUD. The Future Land Use Map and Major Street and Highway Plan should be consulted.

b. Site Constraints. Identify development constraints on the property where the PUD is proposed, and on adjoining sites. Examples of constraints include uneven terrain, steep slopes, creeks and other water features, wetlands and floodplains, dense tree cover, and any pre-existing mineral extraction facilities. Natural constraints should be treated as opportunities that, when preserved, will provide meaningful open space, greenbelts for linear parks and trails, and land use

buffers, as well as focal points within a development.

c. **Linkage.** It is essential that PUDs are designed in a manner that will provide appropriate auto, pedestrian, bicycle and utility linkages between existing and future development, as well as safe, convenient access to arterial streets and/or highways and adequate emergency access.

d. **Site Visibility.** The perimeter of the development, particularly along highways and arterial and collector streets, must be designed appropriately with greenbelts, decorative walls or fencing, and landscaping to create a positive appearance for community residents and those traveling through the City.

5. Following details should be included:

- a. The approximate number of acres of each type of land use.
- b. The character, density, and intensity of dwellings, structures, and uses on each section of the PUD.
- c. Justification for the proposed uses, density and/or intensity in relation to existing or proposed surrounding uses.
- d. General discussion of anticipated impacts that build-out may have on community facilities and the measures necessary to address those impacts.
- e. Linkages of utility and roadway infrastructure.
- f. Common open areas, public uses, amenities and common use facilities to be dedicated to the City or reserved in common ownership.
- g. Proposed off-street parking and loading areas.
- h. A circulation plan showing proposed car, truck, bicycle, and pedestrian networks and their relationship with existing or proposed streets.
- i. Any special engineering features, such as, but not limited to, stormwater detention areas, drainage plan, utility plan and traffic control improvements.
- j. A development schedule indicating:
 - (1) The approximate date when construction of the project is expected to commence.
 - (2) The approximate sequence and timing of when public improvements, landscaping, buffering, and aesthetic and recreational amenities are proposed to begin and be completed in conjunction with the project schedule for the development as a whole or within each phase of a multi-phase project. See Section 11-12-2. G. 1. and 2 above.
 - (3) The location and area of common open spaces that will be provided at each stage.
- k. Legal agreements, provisions, and/or covenants and restrictions to govern the use and maintenance of common areas, including public infrastructure, utility easements, detention basins, etc. (Ord. 788, 6-21-2021)

11-12-4: APPLICATION REQUIREMENTS FOR DEVELOPMENT PLAN:

A. Preliminary Administrative Steps.

1. **Consultation.** Prior to submitting an application, the applicant shall meet with the City Planner in one or more conferences, to include other Community Development staff in the discretion of the City Planner. Notes of any such conference(s) shall be taken by the City Planner, provided to the applicant, and become a permanent part of the application in the official records of the City Planner.

2. **Filing.** The PUD Development Plan process is initiated by the filing of an application and application fee with the City Planner. Payment of fee is as shown on a fee schedule published by and maintained at the Community Development office.

a. The applicant shall submit to the City Planner a list of property owners and their mailing addresses within a 300-foot radius of the outer boundaries of the subject property, as certified by a registered bonded abstract company or a licensed title insurance company, as well as addressed adhesive envelope labels and postage for all such property owners.

b. All costs associated with publication and mailing of notice for any public hearing associated with the application shall accrue to the applicant.

3. **Preliminary Plat.** An applicant may, but is not required to, file a Preliminary Plat to be filed and processed concurrently with the PUD Development Plan or concurrently with or following PUD Development Plan approval. If a Preliminary Plat is filed with the PUD Development Plan, the City may not take any action on the plat until the PUD Development Plan is approved. If a PUD Development Plan application is denied, the Preliminary Plat application shall be deemed withdrawn.

4. **Review Criteria.** The PUD Development Plan shall comply with all applicable PUD standards and PUD purposes and criteria set out in this Chapter 11. (Ord. 788, 6-21-2021)

11-12-5: PLANNING COMMISSION REVIEW:

A. Preparation and Notice.

1. Once an applicant, with the assistance of staff, has formulated the PUD Development Plan, the City Planner will set

a date for a presentation before and public hearing with the Planning Commission. PUD Development Plan review by the Planning Commission is mandatory. The purpose is to allow the applicant/developer to receive comments and written recommendations on the record.

2. The City shall use the list of property owners and address labels provided by the applicant to notify the persons identified thereon of the required public hearing in writing, by mail, not fewer than twenty (20) days nor more than thirty (30) days prior to the Planning Commission public hearing to consider the PUD Development Plan.

3. The City shall publish legal notice of the required public hearing in a newspaper of general circulation in the City of Glenpool not fewer than twenty (20) days, nor more than 30 days, prior to the public hearing. Publication arrangements will be made by the City. The cost will be assessed to the applicant.

4. The City shall post rezoning notice signs on the subject property by the City. The signs shall include the current and proposed zoning of the property, the identity of the property owner, the date of the public hearings, and the City Planner contact information, and shall be posted at least 20 days prior to the initial public hearing.

5. Written notices prepared for mailing and publication as provided above shall contain, without limitation:

- a. The date, time, and place of public hearing.
- b. The agency/entity that will conduct the public hearing (Planning Commission).
- c. Legal description of the property and the street address or approximate location of the property.
- d. Present owner of the subject property
- e. The present zoning district classification of the property.
- f. The proposed zoning district classification sought by the applicant.
- g. General description of proposed use of the property.
- h. Any other information as may be necessary to provide adequate and timely public notice.

6. All costs associated with mailing or publication of the public notice shall accrue to the applicant.

7. Written notice of a public hearing on any proposed zoning change (including a PUD) that would request a permit for the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses or any housing or facility that may be used for medical or nonmedical detoxification, shall be mailed within thirty (30) days prior to the hearing to all real property owners within one-quarter (1/4) of a mile of where the property affected by the zone change is located.

B. Conduct of Public Hearing and Possible Action.

1. The applicant will be afforded the opportunity to make a full and adequate presentation of the PUD Development Plan to the public and to the Planning Commission. Members of the public shall be afforded the opportunity to comment on the Plan subject to such parliamentary rules as the chair of the Commission deems appropriate and consistent with Robert's Rules of Order.

2. Comments and interaction during the public hearing shall be directed to the Commission Chair. A written record will be made of any stated conditions or expectations for further approval and will be incorporated into minutes of the meeting.

3. Following the public hearing, the Planning Commission will vote to recommend to the City Council adoption of the PUD Development Plan as is, to recommend approval subject to written recommendations and conditions stated on the record, or to deny the PUD Development Plan. All recommendations, if any, will be recorded as part of a vote to recommend approval subject to such conditions.

4. An applicant whose PUD Development Plan has been approved by the Planning Commission as is or, having received and incorporated stated conditions from the Planning Commission, if any, into the PUD Development Plan, shall proceed with submission of the PUD Development Plan to the City Council.

5. Upon an action to recommend denial of the PUD Development Plan by the City Council, the applicant may negotiate with the City Planner, and such other Community Development staff as the City Planner deems advisable or necessary, to prepare and submit a revised PUD Development Plan for consideration and commentary by the Planning Commission following the same procedures as those applicable to the original PUD Development Plan application.

C. Review Criteria. The PUD Development Plan application shall be reviewed based on the compatibility of the Plan with the following PUD criteria set out in this Chapter:

- a. The PUD represented by the PUD Development Plan will further the objectives of the Comprehensive Plan and other City plans.
- b. The PUD will be compatible with, or blend into, the development pattern and intensities in the area, or will establish a more desirable pattern in terms of implementing City plans.
- c. Adequate public services are available or may be extended to serve the PUD.
- d. The PUD design and proposed amenities will provide a higher quality environment than achievable by conventional zoning.

e. Streets will have the capacity to serve the proposed development and are consistent with the Major Street and Highway Plan.

f. Geologic hazard areas, steep slopes, open spaces, and natural resources will be as appropriately protected from the impacts of development as feasible.

g. Any off-site street or utility improvements necessary to serve the development adequately are identified.

D. Effect of Planning Commission Review.

1. The Planning Commission will not approve or deny any PUD Development Plan but will offer comments and recommendations to address the review criteria in this chapter and to facilitate the preparation of a PUD Development Plan ready for submission to the City Council.

2. No action of the Planning Commission shall provide any limitation on the discretion of the City Council nor is the Commission's action intended as a representation of action anticipated by the City Council. (Ord. 788, 6-21-2021)

11-12-6: CITY COUNCIL REVIEW:

A. Notice and Public Hearing.

1. Once an applicant, with the assistance of staff, if necessary, considers and implements comments and recommendations received thus far in the Plan's evolution, the City Planner will set a date for a presentation before and public hearing to be held by the City Council.

2. Publication and mailing of notice requirements are identical to those for the public hearing before the Planning Commission.

B. City Council Action. Upon conclusion of the public hearing, the Council shall receive and consider the recommendations of the Planning Commission and City Planner, and record of public comments and shall take action on the application.

1. Action taken by the City Council may be to approve the PUD Development Plan as presented by the adoption of a zone change ordinance in accordance with the procedural requirements of section 11-9-8 of this Title 11, grant conditional approval contingent upon the satisfaction of stated conditions, denial of the PUD Development Plan or such other action as the City Council deems appropriate.

2. The findings of the Council supporting approval, as well as any conditions imposed with respect to the approval of a PUD Development Plan shall be stated or incorporated by reference into the adopting ordinance and shall not be changed or amended except as authorized in accordance with Sections 11-12-8 or 11-12-9 of this Chapter.

3. Vote Required if Protest Filed. In the event a protest against the zoning change was filed with the City Planner as Secretary of the Planning Commission at least three (3) days prior to the public hearing by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owners of fifty percent (50%) or more of the area of the lots immediately abutting any side of the territory included in such proposed change, or separated therefrom only by an alley or street less than 300 feet wide, then the rezoning application may not be approved except by favorable vote of three-fifths (3/5) of all members of the City Council.

B. Effect of Approval or Denial of PUD Development Plan.

1. Platting. Upon approval of a PUD Development Plan, no modification of the use or bulk and area requirements that would have applied to the original zoning standards for the affected district shall be effectuated by issuance of any building or zoning clearance permit until a subdivision plat incorporating the provisions and requirements of the PUD is approved by the City in accordance with all application requirements set forth in Title 12, Subdivision Regulations, and duly filed of record in the office of the County Clerk of Tulsa County.

2. Property Owners' Association. Any property owner association created to administer the common areas of the PUD shall be incorporated.

3. Displacement. Upon approval of a PUD, the previously existing zoning district will cease to exist, and the property shall be rezoned to "PUD" and assigned a number, subject to all of the requirements adopted by the City Council in the ordinance that established the PUD.

4. A PUD approved prior to the effective date of this Chapter shall be carried forth in full force and effect, and all conditions, restrictions, regulations, and requirements that apply to the respective PUD shown on the Official Zoning Map at the date of adoption shall continue to apply.

5. Notwithstanding the provision of the immediately preceding paragraph 4, implementation of a final plat of a previously adopted PUD shall be subject to requirements that are current at the time of such implementation.

6. If the PUD Development Plan is denied, the applicant may choose to abandon the PUD; interact with staff to make such additional revisions as staff and the applicant deem appropriate for resubmission; or take an appeal to the Tulsa County District Court. Any suit to challenge any action, decision, ruling or order of the City Council with respect to an application to adopt a PUD by amending the zoning ordinance shall be filed with the district court within thirty (30) business days from the action, decision, ruling or order. (Ord. 788, 6-21-2021)

11-12-7: ADMINISTRATION:

A. Subdivision Platting.

1. The applicant may submit PUD subdivision plats concurrently with the PUD Development Plans. Plats shall be processed in accordance with the requirements of Title 12, Subdivision Regulations.
2. Covenants to provide for the ownership and maintenance of common open space to reasonably ensure its continuity and conservation shall be provided to the City for review as to form. Open space may be dedicated to a private association or to the public, subject to the approval of City Council.

B. Building Permits. Upon the recordation and filing of an approved Final PUD Subdivision Plat, the acceptance of any required public improvements, and the issuance of a Zoning Clearance Permit, a building permit may be issued for land in the PUD in accordance with the approved plat and PUD plan.

C. Amendments. Minor and Major Amendments to the PUD may be considered in accordance with the processes set out in Section 11-12-8 of this title, Minor PUD Amendments, and Section 11-12-9, Major PUD Amendments.

D. Abandonment. Abandonment of a PUD is subject to City Council approval upon receiving a recommendation by the Planning Commission of an application for an amendment to the Official Zoning Map to repeal the PUD. Public hearing and Planning Commission and City Council action, resulting in the adoption of an ordinance repealing the previously adopted PUD Development Plan, shall be required to the same extent as applicable to the original PUD Development Plan. If a PUD is repealed, the zoning of the subject property shall automatically revert to the conventional zoning district classification which existed prior to establishment of the PUD and shall be so noted on the Official Zoning Map. Upon final action authorizing the abandonment of a PUD, no building permit shall be issued except in accordance with the restrictions and limitations of the prior conventional zoning of the property. (Ord. 788, 6-21-2021)

11-12-8: SITE PLAN REVIEW: (See also Section 11-9-2 of this Title)

A. Meaning of Site Plan. As used in the section, "site plan" means the documents and plans specified in the PUD Development Plan needed to ensure that the proposed land use(s) are in compliance with all applicable ordinances and state and federal regulations, if any.

B. Requirement. Site plan submission, review and approval is required for and central to Planned Unit Developments. Decisions denying, approving, or conditionally approving a site plan shall be based upon the approved PUD conditions and standards, and other requirements contained in this Chapter.

C. Purpose. The purpose of the site plan process is to determine whether a site plan complies with all requirements of this Title, all requirements of the City Code and other applicable ordinances, and the requirements of all utilities and referral agencies with jurisdiction over any feature of the PUD.

D. Process. The site plan process shall generally be an administrative process managed by the City Planner. However, a site plan may be referred to the Planning Commission in instances of:

1. Potential adverse effects on public services or the ability of the City or an affected agency to provide adequate services.
2. Potential adverse effects on surrounding properties or uses.
3. Failure of the developer to provide traffic mitigation improvements, on-site or off-site, as set out in Title 12, Section 12-4-1, Responsibilities of the Subdivider or Developer.
4. City Planner referral due to questions or issues regarding the ability of the site plan to comply with all applicable City or agency requirements.
5. An appeal by an applicant following the denial of a site plan by the City Planner.

E. Site Plan Contents. The site plan shall contain all information necessary to demonstrate compliance with this Title and all other codes, ordinances and referral agency requirements. Attached to the ordinance codified herein, in Appendix A, Section A-2, Site Plan Requirements, is a site plan contents checklist. Additional information may be required by the City to determine if a proposed development will result in the need for public improvements, such as, but not limited to additional right-of-way, turn lanes, traffic signals or utilities, or if platting is required.

F. Prohibited Actions.

1. No site plan will be approved prior to the platting of the subject property.
2. A plat may be submitted simultaneously with the proposed site plan upon approval of the City Planner.
3. In such cases, approval of the site plan application shall be conditional upon the approval and recordation of the plat, and the City is not obligated to approve the plat unless it complies with all requirements of Title 12.
4. No Zoning Clearance Permit, Building Permit or approval to allow land clearing shall be issued for development prior to the approval of a site plan required by this Title.
5. No lot grading, drainage work, parking lot construction or other site improvements may commence without first obtaining approval of a site plan for the proposed improvements.
6. No Certificate of Occupancy may be issued until all improvements depicted as part of an approved site plan have been completed.

G. Enforcement. A Zoning Clearance Permit issued on the basis of an approved site plan shall authorize only the uses, arrangement and construction set forth in such approved plan and application, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with the approved site plan shall be deemed a violation of this Title, subject to the remedies applicable to infractions and enforceable pursuant to the provisions of Chapter 12, Enforcement and Remedies, as well as those at Title 10, Building and Development, Chapter 1, Section 10-1-3, Violations and Penalties. (Ord. 788, 6-21-2021)

11-12-9: MINOR PUD AMENDMENTS:

A. Generally.

1. Subject to the provisions of this Section, the City Planner is authorized to approve minor changes or modifications to an approved PUD Development Plan if the proposed changes will not result in substantial deviation from the original plan, as set out in Subsection B, Minor Amendment Determination Criteria, below.

2. Permits may not be issued for any improvements that would result in a major deviation from an approved PUD Development Plan except as set out in Section 11-12-10, Major PUD Amendments.

3. A zoning clearance permit and building permit may be issued for Minor Amendments to an approved PUD Development Plan if:

- a. They are consistent with subsection B, Minor Amendment Determination Criteria; and
- b. The Minor Amendment is approved by the City Planner.

B. Minor Amendment Determination Criteria.

1. No amendment to an approved PUD Development Plan determined by the City Planner to be a Major Amendment may be approved except by the criteria and steps provided by section 11-12-10.

2. In reaching a determination as to whether a change is minor and may be approved by the City Planner or is a major amendment requiring Planning Commission review and recommendation and City Council approval, the following criteria shall be used. That is, an amendment having any of the following effects shall be deemed a Major Amendment and shall not be qualified for administrative action only:

- a. Any material increase in intensity of use;
- b. Any material increase in total usable floor area, the total number of dwelling or lodging units, or the amount of outdoor area devoted to a use;
- c. Any change that necessitates an increase of 10 percent or more in the number of parking spaces required;
- d. Any structural alteration that, in the judgment of the City Planner, significantly affects the size, form, style, and location of a building, particularly in relation to sensitive uses, is a major amendment;
- e. Any reduction in the amount of open space or buffer yard, or any change in the location or characteristics of open space that, in the judgment of the City Planner, diminishes their value added to the PUD;
- f. Any change in use from one use group to another is a major amendment; and
- g. Any proposed amendment of an approved PUD Development Plan for which the final plat has been approved, released and recorded shall be deemed a Major PUD Amendment.

3. A minor change will not cause any of the following circumstances to occur:

- a. A material change in the character of the development;
- b. A material change in the scale or impact of the existing use;
- c. An increase in the residential density of the proposed development;
- d. A reduction in the originally approved separations between buildings without mitigation;
- e. Any measurable creation of, or increase in, external negative effects on adjacent property;
- f. A reduction in the originally approved setbacks from property lines unless conditions have changed on adjoining properties so as to warrant a reduction, such as a change in zoning or land use;
- g. An increase in the demand for services that the City or utility provider cannot provide;
- h. An increase of more than five percent (5 %) in ground coverage by structures;

i. Locations of open spaces, provided that the percentage of common open space and/or landscaped area is not diminished or open space or buffering around sensitive uses is not diminished; or

- j. Increase in the size, intensity of lighting or orientation of signs in relation to sensitive uses.

4. Minor amendments must demonstrate that:

- a. Changes in development density or intensity will not be deemed material if:

- (1) The number of buildings is not increased by more than ten percent (10%);
- (2) The height of the buildings is the same or less;
- (3) The number of residential dwelling units is the same or fewer;
- (4) No increase in the gross floor area of nonresidential uses will be more than five percent (5 %);
- (5) Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area is not changed and the above conditions are met.

b. Changes in design will not be deemed material if:

- (1) Recreational facilities are added or are converted from one recreational use to another without reduction in space dedicated to common recreational use;
- (2) Materials and architectural components for building elevations are substantially similar to those shown on the approved plans;
- (3) Contemplated building footprints or envelopes may be modified but the buildings are not located any closer to protected uses or exterior property lines than as shown on the approved plans;
- (4) Proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as shown on the approved plans;
- (5) Open space is in the same general location, is the same or greater amount, and is configured in a manner that does not diminish a previously intended buffer;
- (6) Building setbacks are the same, or a greater distance from perimeter property lines, except that those for lot line homes, townhomes, and cluster development may be decreased due to the nature of such development, provided that all building code requirements are satisfied;
- (7) Parking areas are in the same general location and configuration as shown on the approved plans; and
- (8) Roadway patterns, including ingress-egress points, are in the same general location and are no closer to the rear or interior side property lines than as shown on the approved plans.

5. The proposed changes must not have the effect of creating any noncompliance or nonconformity with the application of this Title that was not previously approved at a public hearing, or of expanding the scope of existing variances, special exceptions or other approvals, such that they would differ to a greater degree from the application of this Title than previously approved.

C. City Planner Evaluation and Approval Process.

1. The City Planner, in reviewing any proposed amendment, shall:
 - a. Compare the proposed amendment to the original approval;
 - b. Determine whether any other amendments have been approved since the original approval;
 - c. Consider the cumulative impact of any previously approved and proposed amendments; and
 - d. Determine whether a proposed amendment is minor or major, as set out in this section and proceed accordingly.
2. Administrative approval or denial of a proposed Minor PUD Amendment shall be documented in a report for the official project file with adequate details to explain why the request was approved or denied and the rationale for the decision.
3. Any further proposed changes shall be treated as new application(s), shall follow all procedures in this section, and shall include evaluation of the cumulative impact with previous amendments that may have been approved.

D. Procedures. Applications for a Minor Amendment to a PUD Development Plan are subject to City Planner review and are processed in accordance with all procedures for Administrative Site Plan reviews.

1. Minor Amendments that are approved shall be clearly notated in the official project file as to the nature of the amendment and the date of approval.
2. The PUD Development Plan shall be amended to show the amendment and shall clearly notate the changes that were approved.

E. Decisions.

1. The City Planner shall approve, approve with conditions that are acceptable to the applicant, or deny applications for Minor PUD Amendments.
2. The City Planner, upon determining that a proposed amendment is a Major Amendment, shall reject the application.
3. The decision of the City Planner to refuse to treat an amendment as minor and require application for a major amendment is final.

4. The decision of the City Planner determining that any proposed amendment is Major shall necessitate application to the Planning Commission and processing in the manner of a Major PUD Amendment, pursuant to subsection 11-12-10.

F. Construction Adjustments.

1. During the construction of an approved PUD, the City Planner is authorized to grant adjustments in the location of a principal or accessory building to any position within a construction site envelope consistent with the specified minimum distance between buildings when such adjustments are necessary in light of technical or engineering considerations first discovered during construction.

2. Such adjustments shall be subject to the following limitations:

a. Parking and loading areas, access aisles, driveways, sidewalks, walkways and pathways, signs, landscaping, and fences and screening may be adjusted, as necessary, to accommodate changes in building location within the construction site envelope;

b. Curb cuts and street intersections along public rights-of-way serving the Planned Unit Development shall not be adjusted, except as approved by Community Development staff;

c. The plan for the treatment of the perimeter of the Planned Development shall not be adjusted as to the type or quality of buffer yard elements; and

d. Surface drainage leaving the site shall not be altered, except as approved by Community Development Staff. (Ord. 788, 6-21-2021)

11-12-10: MAJOR PUD AMENDMENTS:

A. Applicability. Section 11-12-9, Minor PUD Amendments, sets out criteria for determining whether a given application for PUD amendment is a Minor PUD Amendment application that may be approved administratively. Any amendment that does not meet the Minor PUD Amendment criteria is considered to be a Major PUD Amendment.

B. Major PUD Plan Amendment Application.

1. An applicant proposing to amend an approved PUD Development Plan shall file an application and plans that clearly depict the areas to be amended, both as they were originally approved and as they are proposed to be amended.

2. Rationale for the revision shall be provided.

3. If the narrative of the PUD is proposed to be amended, the original text that is affected shall be highlighted and the proposed changes noted.

4. All of the standard procedures for processing a PUD Development Plan shall be followed, as applicable, including notice and public hearing/recommendations by the Planning Commission and action by the City Council.

C. Amendments to an Approved Plat.

1. When a PUD Development Plan has completed the zoning and platting processes and the plat has been approved, released and recorded, the amendment process will require an application for Major Amendment to the PUD Development Plan and an amended Final Plat, provided that the spirit and intent of the proposed amendment are consistent with those originally approved.

2. If the applicant proposes a PUD amendment that substantially differs from the first approved, the applicant shall file a PUD Development Plan to determine whether the City is receptive to the new PUD direction and to allow the City an opportunity to determine whether the change warrants PUD Plan approvals or an entirely new application.

D. Review Criteria. The review criteria for any Major PUD Amendment shall be the same as that used in the original review and approval of the PUD. The City is not obligated to amend the PUD but may consider an amendment if the original spirit and intent of the PUD is not adversely affected. (Ord. 788, 6-21-2021)