

City of Owasso

Zoning Ordinance



Amendments

Ordinance 978, Specific Use Permits, Adopted February 15, 2011

Ordinance 998, Definitions, Adopted December 20, 2011

Ordinance 999, Easement Closures and Rights of Way, Adopted December 20, 2011

Chapter 20, Landscaping and Buffer Requirements, Approved through promulgation of rules
October 20, 2011

Ordinance 1002, Off Street Parking Requirements, Adopted March 20, 2012

Ordinance 1004, US-169 North Overlay District, Adopted April 17, 2012

Ordinance 1006, Small Wind Energy Systems, Adopted June 5, 2012

Ordinance 1009, Setbacks for Pool and Accessory Structures, Adopted August 21, 2012

Ordinance 1014, Flood Hazard Regulations, Adopted October 16, 2012

Ordinance 1020, Planned Unit Developments, Adopted January 8, 2013

**CITY OF OWASSO OKLAHOMA
ORDINANCE NO 978**

AN ORDINANCE ADOPTING BY REFERENCE THE OWASSO ZONING CODE AS A PART OF PART 12 CHAPTER 2 ZONING REGULATIONS TWOIT CHAPTER 1 TITLE PURPOSES INTERPRETATION AND JURISDICTION AND CHAPTER 2 GENERAL PROVISIONS AND CHAPTER 3 AGRICULTURE DISTRICT PROVISIONS AND CHAPTER 4 RESIDENTIAL DISTRICT PROVISIONS AND CHAPTER 5 OFFICE DISTRICT PROVISIONS AND CHAPTER 6 COMMERCIAL DISTRICT PROVISIONS AND CHAPTER 7 INDUSTRIAL DISTRICT PROVISIONS AND CHAPTER 8 PLANNED UNIT DEVELOPMENTS AND OVERLAY DISTRICTS AND CHAPTER 9 OFF STREET PARKING REQUIREMENTS AND CHAPTER 10 NONCONFORMITIES AND CHAPTER 11 ENFORCEMENT AND CHAPTER 12 BOARD OF ADJUSTMENT AND CHAPTER 13 AMENDMENTS AND CHAPTER 14 DEFINITIONS AND CHAPTER 15 TELECOMMUNICATION TOWERS AND CHAPTER 16 FENCING REQUIREMENTS AND CHAPTER 17 FLOOD HAZARD REGULATIONS AND CHAPTER 18 SIGNS AND CHAPTER 19 OUTDOOR LIGHTING AND CHAPTER 20 LANDSCAPING REQUIREMENTS AND CHAPTER 21 ACCESS GATES FOR GATED COMMUNITIES AND APPENDIX A OWASSO PLANNING COMMISSION BYLAWS AND APPENDIX B OWASSO BOARD OF ADJUSTMENT BYLAWS AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

- Chapter 1 TITLE, PURPOSES, INTERPRETATION, AND JURISDICTION
- Chapter 2 GENERAL PROVISIONS
- Chapter 3 AGRICULTURE DISTRICT PROVISIONS
- Chapter 4 RESIDENTIAL DISTRICT PROVISIONS
- Chapter 5 OFFICE DISTRICT PROVISIONS
- Chapter 6 COMMERCIAL DISTRICT PROVISIONS
- Chapter 7 INDUSTRIAL DISTRICT PROVISIONS
- Chapter 8 PLANNED UNIT DEVELOPMENTS AND OVERLAY DISTRICTS
- Chapter 9 OFF-STREET PARKING REQUIREMENTS
- Chapter 10 NONCONFORMITIES
- Chapter 11 ENFORCEMENT
- Chapter 12 BOARD OF ADJUSTMENT
- Chapter 13 AMENDMENTS
- Chapter 14 DEFINITIONS
- Chapter 15 TELECOMMUNICATION TOWERS
- Chapter 16 FENCING REQUIREMENTS
- Chapter 17 FLOOD HAZARD REGULATIONS
- Chapter 18 SIGNS
- Chapter 19 OUTDOOR LIGHTING
- Chapter 20 LANDSCAPING REQUIREMENTS
- Chapter 21 ACCESS GATES FOR GATED COMMUNITIES

CHAPTER 1

TITLE, PURPOSES, INTERPRETATION AND JURISDICTION

- 100 Title
- 110 Purposes, Interpretation, and Jurisdiction
- 120 Enactment

SECTION 100 TITLE

Title 100, of this ordinance shall be known and may be cited as the Zoning Code of the City of Owasso, Oklahoma.

SECTION 110 PURPOSES, ON INTERPRETATION, AND JURISDICTION

110.1 Purposes

This code is enacted for the purposes of promoting the health, safety, peace, morals, comfort, convenience, prosperity, order and general welfare; to promote productive and enjoyable harmony between man and the built environment; to achieve a balance between population and resource use which will permit high standards of living and a wide sharing of amenities; to encourage the residential, commercial, and industrial growth of the community as well as the most appropriate use of land; and to encourage the development of the community in accordance with a Comprehensive Plan.

110.2 Interpretation

A. Validity of Other Laws

Where this code imposes a greater restriction upon the use of structures or land upon height or bulk of structures, or requires larger open space or yards than are imposed by other ordinances, laws, or regulations, the provisions of this code shall not be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.

B. Severability

In case any portion of this code shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the code shall not thereby be invalid, but shall remain in full force and effect.

110.3 Jurisdiction

A. Territorial Jurisdiction

This code shall be in full force and effect and shall apply to all lands within the incorporated limits of the City of Owasso, Oklahoma.

B. Annexed Territory

When any territory shall be brought into the zoning jurisdiction of the City of Owasso by annexation or otherwise, such territory shall be deemed to be in the AG Agriculture district, provided, however, that the City Council may annex and rezone in one ordinance properties given previous zoning in Tulsa County or Rogers County. In order for a property subject to annexation to be rezoned to a district other than AG Agriculture or as the previous zoning given by the County, proper notification must be made as provided in Chapter 15. This provision shall not operate to preclude subsequent rezoning of such property by amendment in the manner set forth in Chapter 15.

Rezoning must be in accordance with the adopted Owasso Land Use Master Plan. If a property that is annexed is the subject of a rezoning application that does not conform with the adopted Owasso Land Use Master Plan, the plan must first be amended at a separate meeting than the meeting at which the rezoning application is considered.

C. City Owned Property

Property owned, leased or operated by the City of Owasso, Oklahoma, or any other public or government body or agency, shall be subject to the terms of this code.

SECTION 120 ENACTMENT

120.1 Planning Commission Approval and Recommendation

The Owasso Planning Commission, after Public hearing, does hereby approve and recommend to the City Council that this new Zoning Code be adopted.

Approved and Recommended this 11th day of December, 2006.

_____, Planning Commission Chairperson

Owasso, Oklahoma

120.2 City Council Adoption

The City Council after the Planning Commission recommendation for approval does hereby adopt this Zoning Code and Zoning Map. Due to the immediate necessity for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

Passed and adopted by the City Council of the City of Owasso, Oklahoma, this ____ day of ____, 20__.

_____, Mayor

ATTEST:

_____, City Clerk

Approved as to form and legality

_____, City Attorney

CHAPTER 2

GENERAL PROVISIONS

- 200 Zoning Districts Established
- 201 Supplemental Districts Established
- 202 Official Zoning map Established
- 203 District Boundary Description and Interpretation
- 204 Limitation on Land Use
- 205 Division of Lots
- 206 One Single-Family Dwelling Per Lot of Record
- 220 Height Exceptions
- 230 Lot Area and Width Exceptions
- 240 Yards
- 250 Reserved
- 260 Platting Requirement
- 270 Reserved
- 280 Reserved
- 290 Code of Ethics

SECTION 200 ZONING DISTRICTS ESTABLISHED

The Zoning Districts set forth below are hereby established. The District Symbol is in the column to the left.

- AG Agriculture District
- RE Residential Estate District
- RS-1 Residential Single-Family Low Density District
- RS-2 Residential Single-Family Medium Density District
- RS-3 Residential Single-Family High Density District
- RD Residential Duplex District
- RTH Residential Multi-Family Townhouse District
- RM Residential Multi-Family District
- RMH Residential Mobile Home Park District
- OL Office Light District
- OM Office Medium District
- CS Commercial Shopping Center District
- CG Commercial General District
- CH Commercial High Intensity District
- IL Industrial Light and Research/Development District

- IM Industrial Moderate District
- IH Industrial Heavy District

SECTION 201 SUPPLEMENTAL DISTRICTS ESTABLISHED

201.1 Supplemental Districts Established

The supplemental districts set forth below are hereby established. The district symbol is in the column to the left.

PUD Planned Unit Development (see Chapter 8)

201.2 Flood Hazard Area maps Adopted

The Owasso Planning Commission shall adopt by resolution Flood hazard Area maps prepared by the City Engineer, or as prepared by the US Corps of Engineers or the Federal Emergency Management Agency and confirmed by the City Engineer, or as prepared by a registered professional engineer and certified by the City Engineer, for each river, creek, or tributary within a recognized flood hazard area. The adoption of the Flood Hazard Area maps is essential for the protection of health, safety and general welfare of the public. Such Flood Hazard Area Maps shall be made available for public inspection in the office of the Floodplain Manager. The following requirements shall be met before a zoning clearance permit or building permit is issued within a flood hazard area as depicted on said Flood Hazard Area Maps:

- (A) Permitted uses within the flood hazard area shall be those uses permitted in the respective general use district, provided that after the effective date of this code any building constructed, reconstructed, moved or altered shall have the lowest floor at least one (1) foot above the elevation of the 100-year frequency flood as recorded on the appropriate adopted Flood Hazard Area map.
- (B) Permitted uses shall conform to the bulk and area requirements of the use district in which located.

The boundaries of the Flood Hazard Area Maps may be amended by resolution of the Owasso City Council on recommendation from the Owasso Planning Commission so as to maintain uniformity with the purposes of this code upon finding that:

- (A) A flood control project of the federal, state, county, or city government, or a private person, has substantially altered the boundaries of the flood hazard area.
- (B) Flood data compiled subsequent to the adoption of the Flood Hazard Area Maps indicated that the boundaries of the flood hazard areas should be adjusted, or,
- (C) Proposed improvements, such as channel improvements, or flood retention reservoirs, will substantially alter the boundaries of the flood hazard areas and

the actual construction of said improvements has been assured by the submission and acceptance of the bond.

Proposed amendments to the adopted Flood Hazard Area Maps that do not originate in the City Engineer's office but are made as a formal request to the Planning Commission shall be transmitted in writing to the City Engineer for a review and recommendation. Upon a finding by the City Engineer that proposed amendment of Flood Hazard Area Maps meets one of the three conditions listed above, he shall certify in writing and shall furnish to the Planning Commission two (2) copies of the amended boundaries, including the elevations of the 100-year flood, for adoption by the Planning Commission and approval by the City Council. If the proposed amendment does not meet one of the conditions listed above, the City Engineer shall deny the proposal in writing and furnish the Planning Commission a copy of his findings.

SECTION 202 OFFICIAL ZONING MAP ESTABLISHED

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 of the City of Owasso, Oklahoma. The Official Zoning Map shall be maintained by the City of Owasso through its duly appointed representative 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.

SECTION 203 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to 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 centerline of abutting street, alley, or railroad right-of-way, as the same were of record at the time of adoption. 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.

SECTION 204 LIMITATION ON LAND USE

No land or building shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space and other requirements established in the district in which such land, building, structure or improvement is located, except as provided by Chapter 10, Nonconformities.

Nothing in this code 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 code, and pursuant to such permit, construction is diligently

carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter 10, Nonconformities.

SECTION 205 DIVISION OF LOTS

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which it is located. When a new lot, resulting from a lot split, is non-conforming with this code, it shall be attached to another lot in order to become conforming.

SECTION 206 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD

Not more than one residential structure may be constructed on a lot in a RE, RS, or RD district except in the case of a lot which is within an approved Planned Unit Development.

SECTION 220 HEIGHT EXCEPTIONS

The following structures shall not be subject to the height limitations of the district in which they are located: Antennas, belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.

SECTION 230 LOT AREA AND WIDTH EXCEPTIONS

The lot area and width requirement of Zoning Districts shall not apply to public utilities.

SECTION 240 YARDS

240.1 Compliance with Yard requirements

Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky.

240.2 Permitted Yard Obstructions

Obstructions are permitted in required yards as follows:

- (A) Cornices, canopies, eaves, and similar architectural features may project into a required yard.
- (B) Fire escapes may project into a required yard.

- (C) Fences, hedges, plant materials, and walls may be located in any yard provided that on any corner lot on which a front and side yard is required, no wall fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two (2) and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a "sight triangle" on the area of the lot adjacent to the street intersection. Fences and walls within yards shall not exceed the city height of eight (8) feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four (4) feet. The Board of Adjustment, as a Special Exception, may modify these limitations.
- (D) Signs which are permitted in residential districts may be located within any yard which is bounded by a public street.
- (E) In the RS Residential Districts, a detached accessory structure may be located in a required rear yard provided (1) the structure or structures do not cover more than 20 percent of the area of the minimum required rear yard and, (2) the total gross floor area for any accessory building or buildings located in the rear yard, required rear yard, and or both, shall not exceed 750 square feet. (The Board of Adjustment upon application, and after notice and public hearing, may grant a special exception of E (2) above.)
- (F) Swimming pools, hot tubs, tennis courts, covered patios, satellite dishes, and protective shelters shall be located in the rear yard and shall have a minimum setback of five (5) feet from any side yard or rear lot lines. The walls of all in-ground swimming pools shall be placed no closer to the edge of any property line than the required building setbacks of the zoning district in which the property is located. A minimum five (5) foot setback shall be maintained for any pool and no portion of any pool shall encroach into any easement. All above-ground pools shall be a minimum of ten (10) feet from any property line and shall not encroach into any easement. Diving boards, slides, or other appurtenances may not be placed within any required setback or within any easement. Pool decks and patios built at-grade shall not be required to meet the setback requirement. Pool equipment such as pumps and filters, may be placed within the minimum setback, but said items may not be placed on top of or within 2 feet of buried utility lines. The Administrator may modify the provisions of this code in certain circumstances where it may be necessary to ensure the safety and privacy of adjoining neighbors, but cannot modify the requirements to allow less than the minimum setback. However, the Board of Adjustment may, upon application and after public hearing, permit the aforementioned accessory uses in the front yard provided; (1) the minimum front yard requirement is adhered to, and (2) a minimum setback of five (5) feet from any side lot line is met.
- (G) Mobile home hitches.

- (H) Carports by Special Exception requiring Board of Adjustment approval.
- (I) Customary accessory structures, such as clotheslines, barbecue pits, and playground equipment.

240.3 Use of Yards in R District

No inoperative or unlicensed motor vehicles shall be parked or stored within a yard in R Districts. No vehicle shall be parked except on pavement.

SECTION 250 RESERVED

SECTION 260 PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

For any land that has been rezoned upon application of a private party, no building permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to the Planning Commission for their review and recommendation, approved by the City Council, and filed in the office of the County Clerk where the property is situated.

SECTION 270 RESERVED

SECTION 280 RESERVED

SECTION 290 CODE OF ETHICS

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 code, 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 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.

CHAPTER 3
AGRICULTURE DISTRICT PROVISIONS

- 300 Purposes
- 310 Principal Uses
- 320 Accessory Uses
- 330 Bulk and Area Requirements

SECTION 300 PURPOSES OF AGRICULTURE DISTRICT

SECTION 310 USES PERMITTED IN THE AGRICULTURE DISTRICT

The principal uses permitted in the Agriculture Districts are: animal and poultry raising, arboretum, chick hatchery, cultivation, dairy farming, electrical regulation station (excluding storage or service garages and yards), farming, fishery, flood management project, forestry, grazing, guest or dude ranch, horticulture nursery, planting, pressure control station (gas or liquid, excluding storage or service garages and yards), ranching, reservoir, riding stable or academy, shelter (civil and storm), single-family detached dwelling, transmitting tower (excluding amateur radio tower), water storage facility NEC, wildlife preserve.

The following uses require a Specific Use Permit in the Agricultural District:

Airport	Frisbee Golf Course	Rodeo
Aquarium	Go-Cart Track	Sanitarium
Arena	Golf Course	San. Landfill
Art Gallery	Government Services	School
Bus Station	Gun Club	Sewage Disp.
Cemetery	Halfway House	Skate Park
Child Care Center	Helipoint	Stadium
Church	Hospital	Tennis Court
College	Juvenile Delinquency Ctr.	Water Park
Commercial Camp Ground	Library	Water Trtmnt.
Community Center	Marina	Plant
Convent	Mausoleum	
Construction Trailer	Monastery	
Crematory	Park	
Cultural Center	Planetarium	
Day Camp	Post Office	
Drag Strip	Power Plant	
Drive-in Theater	Pre-Release Center	
Fairgrounds	Racing Tracks (auto, horse, dog)	
Family Care Home	Rifle/Skeet Range	

The Specific Use Permit uses permitted in the Agriculture District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the—Planning

Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the Agriculture District.

SECTION 320 ACCESSORY USES IN THE AGRICULTURE DISTRICT

320.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District are permitted in such district.

In addition, home occupations are permitted as accessory uses. A home occupation is an occupation, profession, or trade customarily carried on by occupants of a dwelling unit as a secondary use that is clearly incidental to the principal use of the dwelling unit for residential purposes. Home occupations are allowed as an accessory use in agriculture districts, subject to the following provisions:

- A. Location: Home Occupation shall be conducted only within the principal structure.
- B. Area: The maximum floor area utilized for home occupation purposes shall not exceed twenty-five percent (25%) 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. Merchandise: The home occupation shall not involve the retail sale of merchandise manufactured off the premises.
- E. Visibility of Merchandise: No merchandise shall be displayed in such a manner as to be visible from outside.
- F. Outdoor Storage: No outdoor storage shall be allowed in connection with any home occupation.
- G. Maintenance of Non-Commercial Character: No alteration of the non-commercial character of the premises may be made, including the removal of garage doors.
- H. Signs: No signs, display, or advertising on premises shall be permitted.
- I. Disturbances: No mechanical or electrical equipment or other activities shall be allowed which create a noise, dust, odor, or electrical disturbance.

- J. Traffic and Parking: No home occupation shall generate more than 15 trips per day to and from the premises and all parking needs generated shall be accommodated by off-street parking which does not alter the non-commercial character of the premises.

320.2 Accessory Use Conditions

General Conditions

1. An accessory building constructed as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
2. Accessory buildings shall meet the minimum yard or building setback requirements.

SECTION 330 BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT

Table 3

Bulk and Area Requirements in the Agriculture District

	AG District
Lot Width (Min. Feet)	200
Lot Area (Min. Acres)	2
Land Area (Min. Acres per Dwelling Unit)	2.2
Front Yard and Any Yard Abutting a Right of Way	
Arterial	35
Not an Arterial	25
Side Yard (Min. Feet)	
One Side Yard	15
Other Side Yard	15
Rear Yard (Min. Feet)	40
Building Height (Max. Feet)	N/A

CHAPTER 4

RESIDENTIAL DISTRICT PROVISIONS

- 400 Purposes
- 410 Principal Uses
- 420 Accessory uses
- 430 Bulk and Area Requirements
- 440 Specific Use Permit, Requirements
- 450 Site Plan Review

SECTION 400 PURPOSES OF RESIDENTIAL DISTRICTS

400.1 General Purposes

The residential districts are designed to:

- (A) Achieve the residential objectives of the Comprehensive Plan.
- (B) Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- (C) Achieve a suitable environment for family by permitting in residential areas appropriate neighborhood facilities, such as churches, schools, and certain cultural and recreational facilities.
- (D) Permit a variety of dwelling types and densities to meet the varying needs of families.
- (E) Control the density of residential development to facilitate the planning for an economical provision of streets, utilities, and other public facilities.

400.2 Purposes of the RE Residential Estate District

The RE District is designed to permit the development and conservation of single-family detached dwellings in a suitable environment for family life on large parcels of land at a low population density.

400.3 Purposes of the RS Residential Single-Family Districts.

The RS-1, RS-2, and RS-3 districts are designed to permit the development and conservation of single-family detached dwellings in suitable environments in a variety of densities to meet the varying requirements of families.

400.4 Purposes of the RD Residential Duplex District

The RD district is designed to permit a more intense yet compatible use of tracts in or near single-family residential and other neighborhoods which, because of size, topography, or adjacent land use are not ideally suited for single-family use.

400.41 Purposes of the RTH Residential Multi-Family Townhouse District

The RTH district is designed to permit the development of attached single-family townhouse dwellings, on separate lots, which are designed expressly for separate ownership, in suitable residential environments at a higher density than conventional detached single-family dwellings.

400.5 Purposes of RM Residential Multi-Family District

The RM district is designed to permit the development and conservation of multi-family dwelling types, such as garden apartments and townhouses, in suitable environments in a variety of densities to meet the varying requirements of families.

400.6 Purposes of the RMH Residential Mobile Home Park District

The RMH district is designed to recognize mobile home living as a residential use necessitating location in residential areas yet requiring regulation to insure a suitable living environment.

SECTION 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS

410.1 Uses within the RE and RS Residential Estate and Single-Family Districts

The principal uses permitted in the RE and RS Residential Districts are: single-family detached dwellings, open land uses (i.e. arboretum, flood management project, reservoir, wildlife preserve), passive agricultural uses (i.e. cultivation, forestry, planting).

The following uses require a Specific Use Permit in the RE and RS Residential Districts:

Ambulance Service	Hospital	Tennis Court
Child Care Center	Library	University
Church	Park	Water Storage Facility
College	Post Office	
Community Center	Pressure Control Station (CNG, excluding storage or service garages and yards)	
Electrical Regulation Station (excluding storage or service garages)		

Fire Station
Golf Course

School
Storm Shelter

The Specific Use Permit uses permitted in the RE and RS Districts shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the RE and RS Districts.

410.2 Uses within the RD Residential Duplex District

The principal uses permitted in the RD Residential Duplex District are: duplex dwellings and all the principal uses listed in Section 410.1.

The following uses require a Specific Use Permit in the Residential Duplex (RD) District:

Ambulance Service
Child Care Center
Church
College
Community Center
Electrical Regulation
Station (excluding storage
or service garages and
yards)
Fire Station
Golf Course

Hospital
Library
Park
Post Office
Pressure Control
Station (CNG, excluding
storage or service garages
and yards)
School
Storm Shelter
Tennis Court

University
WaterStorage
Facility

The Specific Use Permit uses permitted in the RD District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the RD District.

410.3 Uses within the RTH Multi-family Townhouse District

The principal uses permitted in the RTH Residential Townhouse District are: townhouses, duplex dwellings, and all the principal uses listed in Section 410.1.

The following uses require a Specific Use Permit in the Residential Townhome (RTH) District:

Ambulance Service
Child Care Center
Church

Hospital
Library
Park

University/College
Water Storage
Facility

College	Post Office
Community Center	Pressure Control
Electrical Regulation Station (excluding storage or service garages and yards)	Station (CNG, excluding storage or service garages and yards)
Fire Station	School
Golf Course	Storm Shelter
	Tennis Court

The Specific Use Permit uses permitted in the RTH District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the RTH District.

410.4 Uses within the RM Multi-family District

The principal uses permitted in the RM Multi-family District are: multi-family dwellings, fraternity or sorority houses, rooming/boarding house, townhouse, duplex dwellings, and all the principal uses listed in Section 410.1.

The following uses require a Specific Use Permit in the Residential Multi-family (RM) District:

Ambulance Service	Hospital	University/College
Child Care Center	Library	Water Storage
Church	Park	Facility
College	Post Office	
Community Center	Pressure Control	
Electrical Regulation Station (excluding storage or service garages and yards)	Station (CNG, excluding storage or service garages and yards)	
Fire Station	School	
Golf Course	Storm Shelter	
	Tennis Court	

The Specific Use Permit uses permitted in the RM District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the RM District.

All multi-family dwellings shall be located within an approved Planned Unit Development (PUD).

410.5 Uses within the RMH Mobile Home Park District

The principal uses permitted in the RMH Mobile Home Park District are: mobile home dwellings (excluding travel, camp or recreational vehicles) and all the principal uses listed in Section 410.1.

The following uses require a Specific Use Permit in the Residential Mobile Home Park (RMH) District:

Ambulance Service	Hospital	University/College
Child Care Center	Library	Water Storage
Church	Park	
College	Post Office	
Community Center	Pressure Control	
Electrical Regulation	Station (CNG, excluding	
Station (excluding storage	storage or service garages	
or service garages and	and yards)	
yards)	School	
Fire Station	Storm Shelter	
Golf Course	Tennis Court	

The Specific Use Permit uses permitted in the RMH District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the RMH District.

SECTION 420 ACCESSORY USES IN RESIDENTIAL DISTRICTS

420.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a residential district are permitted in such district. In addition, the following uses set forth in Table 1 are permitted accessory uses.

Table 1
Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Home Occupations	All R Districts
2. Roomers and Boarders (two persons maximum)	All RE & RS Districts
3. Shelters	All R Districts
4. Swimming Pool	All R Districts
5. Management Office and Private Recreation, Laundry and Storage Facilities	RM, RMH, RMT

420.2 Accessory Use Conditions

(A) General Conditions

1. An accessory building constructed as an integral part of the principal building shall be made structurally a part thereof, 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 observed.
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 or boat, a length of 30 feet or less, may be parked upon a lot as an accessory use, provided that the vehicle is parked upon a paved surface.

(B) Home Occupations

An occupation, profession, or trade customarily carried on by occupants of a dwelling unit as a secondary use that is clearly incidental to the principal use of the dwelling unit for residential purposes is allowed as an accessory use in residential districts, subject to the following provisions:

1. Location: Home Occupation shall be conducted only within the principal structure.
2. Area: The maximum floor area utilized for home occupation purposes shall not exceed twenty-five percent (25%) of the total floor area of the principal structure.
3. 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 household residing on the premises.
4. Merchandise: The home occupation shall not involve the retail sale of merchandise manufactured off the premises.
5. Visibility of Merchandise: No merchandise shall be displayed in such a manner as to be visible from outside.

6. Outdoor Storage: No outdoor storage shall be allowed in connection with any home occupation.
7. Maintenance of Residential Character: No alteration of the residential character of the premises may be made, including the removal of garage doors.
8. Signs: No signs, display, or advertising on premises shall be permitted.
9. Disturbances: No mechanical or electrical equipment or other activities shall be allowed that create a noise, dust, odor, or electrical disturbance.
10. Traffic and Parking: No home occupation shall generate more than 5 trips per day to and from the premises and all parking needs generated shall be accommodated by off-street parking which does not alter the residential character of the premises.
11. Customers: No home occupation shall be allowed where it is expected that customers will visit the location.

C) Roomers and Boarders

In a dwelling unit occupied as a private residence, one or more rooms may be rented or table board furnished, to not more than two persons who are non-members of the family occupying said premises as a permitted accessory use. However, no window display or sign board shall be used to advertise such use.

SECTION 430 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

430.1 Bulk and area requirements in the RE, RS, RD, RTH and RM districts are shown on Table 2 and 3 on the following two pages.

Table 2
**BULK AND AREA REQUIREMENTS
 SINGLE-FAMILY DISTRICTS**

	RE	RS-1	RS-2	RS-3
Lot Width (Ft)	150*	100	75	65
Lot Area (Sq Ft)	24,000	13,500	9,000	7,000
Land Area Per Dwelling (Sq Ft)	28,375	16,000	10,875	8,400
Livability Space (Sq Ft)	12,000	7,000	5,000	4,000
Front Yard Setback (Arterial)	35	35	35	35
Front Yard Setback (Non-Arterial)	35	35	30	25
Corner Yard Setback (Arterial)	20	20	20	20
Corner Yard Setback (Non-Arterial)	15	15	15	15
Rear Yard Setback	25	25	25	20
Side Yard Setbacks (Both Listed)	15/15	5/5	5/5	5/5

Side yard setbacks will be measured from the point of the wall that is nearest to the property line of the adjacent property.

TOWNHOUSE DEVELOPMENT **

Development Width (min. feet)	70
Lot Width (min. ft.)	20
Lot Area (min.sq. ft.)	1,600
Land Area (of development) per dwelling (min. sq. ft.)	3,600

Table 3
BULK AND AREA REQUIREMENTS
MULTI-FAMILY DISTRICTS

	RD	RTH	RM
Lot Width (Ft)			
One and Two Family	60	40	60
Multi-Family (Other than RTH)			100
Lot Area (Sq Ft)			
One and Two Family	6,900	5000	7,000
Multi-Family (Other than RTH)			6,000
Land Area Per Dwelling (Sq Ft)			
One Family	8,400	6,500	7,500
Two Family	4,200	4,000	4,200
Multi-Family (Other than RTH)			
First Two D.U.			4,200
Each Additional D.U.			
Less than Two			2,400
Bedrooms			3,100
Two or More Bedrooms			
Livability Space (Sq Ft)	2,000	1,000	800
Front Yard Setback (Arterial)	35	35	35
Front Yard Setback (Non-Arterial)	25	25	10
Corner Yard Setback (Arterial)	15	20	15
Corner Yard Setback (Non-Arterial)	15	15	15
Rear Yard Setback	20	20	10
Side Yard Setbacks (both Listed)	5/5	N/A	10/10

****** Any multi-family developments within the RM district must be located within an approved Planned Unit Development.

430.2 Bulk and Area requirements in the RMH District

A. The Mobile Home Park Development:

Tract Area (Min)	5 acres
Tract Width (Min)	200 feet
Land Area per Dwelling Unit (Min)	6,000 square feet

Livability Space per Dwelling Unit 300 square feet
 Livability space shall be provided in common areas of not less than 7,500 square feet, located so as to be conveniently accessible to the mobile homes it is intended to serve.

Front yards and any yards abutting a Public Street:
 Measured from centerline, and 1/2 of right-of-way width designated on Major Street Plan or 25 feet if not designated on Major Street Plan (Min.)

Abutting an Arterial	35 feet
Abutting a Non-Arterial	25 feet
Side Yard (Min)	10 feet
Rear Yard (Min)	10 feet
Height (Max)	One Story

B. Internal Requirements

Mobile Home Space (Min), exclusive of streets, required off-street parking, and required livability space 3,000 square feet

Separation between Mobile Homes (Min) 15 feet

Mobile Home Setback from Centerline of a Private Internal Street (Min) 25 feet

All interior private streets must comply with Owasso Engineering Design Criteria.

C. Mobile Home Subdivisions

A mobile home park development containing a tract area of not less than 5 acres may be subdivided to permit individual ownership of mobile home spaces, provided the resulting lots shall comply with the bulk and area requirements set out below and a subdivision plat incorporating the bulk and area requirements is submitted to and approved by the Planning Commission and filed of record in the office of the County Clerk where the property is located.

Land Area per Dwelling Unit (Min)	6,000 square feet
Lot Size (Min)	4,000 square feet
Livability Space per Dwelling Unit (Min)	1,000 square feet
Height (Max)	One Story

Front yards and any yards abutting a Public Street:
 Measured from centerline, add 1/2 of right-of-way width designated on the Major Street Plan or 25 feet if not designated (Min)

Abutting an Arterial	35 feet
Abutting a Non-Arterial	25 feet
Side Yards (Both Min. Listed)	5/5 feet

Rear Yard (Min)

10 feet

SECTION 440 SPECIFIC USE PERMIT USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS

The Specific Use Permit, permitted in the residential districts, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Planning Commission.

A. In the RE and RS districts, children's nurseries shall comply with the lot width, lot area, height, and yard requirements for single-family use and, in addition, a maximum floor area ratio of .5 (50%) shall apply.

B. Specific Use Permit uses shall comply with the least restrictive yard and height requirements of the district in which located, and, in addition, shall comply with the following requirements:

1. Maximum floor area ratio of .5 (50%).
2. Maximum lot size of 10,000 square feet.
3. Minimum frontage of 100 feet.
4. A minimum building setback of 25 feet from abutting properties located within an R district.

Provided that if the use unit requirements are greater, the use unit requirements shall control.

SECTION 450 SITE PLAN REVIEW - MOBILE HOME PARKS AND MULTI-FAMILY COMPLEXES OVER 10 UNITS

450.1 Purpose

By reason of potential adverse effects on public services or to neighboring land uses, site plan approval by the Community Development Department is required for all mobile home parks and multi-family complexes over four units for the purpose of assuring proper accessibility, circulation, functional relationships of uses and compatibility with adjoining and nearby development. No building permit shall be issued nor use commenced within this development except in accordance with an approved site plan.

450.2 Application for Site Plan Review

An application for site plan review shall be filed with the Community Development staff. The plan must show information showing compliance with applicable sections of this code and all other applicable city codes and ordinances. Appeals from denial of the Community Development staff shall be made to the City Council.

Site Plan application packets must be submitted to the Community Development Department no later than the 1st Business Day of the Month in which the Owasso Technical Advisory Committee will address the Site Plan. The Site Plan shall be accompanied by an application and checklist, as provided by the City Planner, in the following format and with the following information:

- Fifteen (15) Full Size Copies (24"x 36")*
- Ten (10) ½ Scale Copies*
- One 8 ½" x 11" Copy

*Plans should be folded to be no larger than 9"x12" in size

- One Digital Copy (dwg. Format)
- Completed application, \$25.00 fee.
- Owner authorization to proceed with application. Attach copy if applicant is not record owner's agent.

SITE PLAN REQUIREMENTS:

- Date, Indication of the scale (Minimum Scale 1"=100', 1"=20' preferred), bar scale, north arrow and location map (does not have to be drawn to scale).
- Sufficient surrounding area to demonstrate the relationship of the development to adjacent uses, both existing and proposed based on topographic and/or ALTA survey or previously approved site plan. The base information should include, but not be limited to, the existing topographic character of site including trees, mass vegetation, wetland delineation, etc., extending onto adjacent property a minimum of 40 feet.
- Location of all floodplain boundaries and notation of FEMA Flood Insurance Rate Map (FIRM) with which the site is associated.
- Location and size of existing water, sanitary sewer, stormwater systems, natural gas, telephone, cable, electric and any other utility adjacent to or proposed to serve the site.
- Location and dimensions of required building setbacks, landscape setbacks and/or easements.
- Zoning and land uses of all adjacent properties.

- Location and size of all existing and proposed parking areas including driving, maneuvering lanes, and loading areas or berths.
- The location and dimension of all existing and proposed curb lines, driveways and neighboring street intersections within 150' of project.
- The location of all existing and proposed storm water conveyance structures.
- Proposed stormwater detention facilities and structures.
- Outdoor Lighting Plan
Included on the site plan or as a separate sheet, if necessary, locate all illuminating devices and include a description of each device, fixture, lamp, support, reflector, pole, foundation/footing and other device (including but not limited to manufacturers or electric utility catalog specification sheets). There should also be a table included on the plan that indicates the fixture classification (i.e. cutoff fixture, wall pack, flood light, etc.).

For projects that will likely impact nearby residential developments, a photometric plan (a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices) will be required.

Site Plans must show and/or dimension the following information:

- Existing and Proposed Right-of-way and easements should be shown and dimensioned.
- Parcel/Lot Dimensions. (Tie to street monument)
- Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways).
- Driveway locations and widths.
- Existing and proposed street names and classifications.
- Existing and proposed driveways along with size of drive.
- Raised islands, existing and proposed traffic signals and other traffic control devices.

Site Plans must show the following information on all existing and proposed buildings and structures:

- Location
- Dimension and square footage.
- Building height.
- Proposed building finished floor elevation
- Dimension building(s) to property lines and distances between buildings
- Label each building with the proposed use

Site Plans must show the following information regarding existing streets adjacent to the development site:

- Right-of-way and pavement widths.
 - Existing, proposed and anticipated street names and classifications.
 - Existing and/or proposed access points.
 - Acceleration and deceleration lanes (required on arterial streets).
 - Traffic Island and other traffic control devices.
 - Proposed curb cuts, service drives and drainage survey indicating that stormwater flow will not be adversely affected.
-
- Pedestrian walkways or sidewalks including curb ramps where required.
 - Location and length of queuing areas for drive through service areas.
 - Location of proposed retaining walls (include detail and cross-section).
 - Show and label screening/buffering from adjacent Residential uses.
 - Trash enclosure (include detail).
 - Location, height and material of fences.
 - Location, height, size, and type of any proposed ground sign (signs are approved by separate permit).
 - Show all phases of development for each lot/site plan (if applicable).
 - Location of all planned landscape areas.

Plan data table including the following information:

- Site Area (Gross and Net)
- Gross Building Area
- Percent of Lot Coverage (show calculation)
- Parking Required and Provided (including ADA accessible)

Site Plans must also provide a narrative statement explaining the character of the development (i.e. eating place, convenience goods, intensive outdoor recreation, etc).

CHAPTER 5
OFFICE DISTRICT PROVISIONS

500	Purposes
510	Principal Uses
520	Accessory Uses
530	Bulk and Area Requirements
540	Specific Use Permit, Requirements
550	Site Plan Review

SECTION 500 PURPOSES OF THE OFFICE DISTRICT

500.1 General Purposes

The Office Districts are designed to preserve and promote the development of efficient office facilities and to maximize the compatibility with other land uses by:

- A. Establishing bulk and area controls.
- B. Requiring off-street parking and loading facilities.
- C. Establishing the districts necessary to meet the need for a variety of office types.

500.2 Purposes of the OL Office Low Intensity District

The OL District is designed to facilitate the development and preservation of low intensity office development.

500.3 Purposes of the OM Office Medium Intensity District

The OM District is designed to provide areas for offices, together with certain community facilities normally compatible with primary office uses. It is designed to preserve existing medium intensity office development and to facilitate the development of new medium intensity office areas.

SECTION 510 PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

410.6 Uses within the Office Districts

The principal uses permitted in the Office Districts are: abstract company, advertising agency, ambulance service, artist's studio, broadcasting or recording studio, church, college, community center, computing service, copying service, data processing service, drafting service, dental clinic and laboratory, employment agency, financial institution (other than pawn shop), fire protection facility, funeral home, general business offices excluding on-premise sale of merchandise, hospital, interior design (no retail sales), library, medical offices, medical clinics, medical laboratories, optician or optical offices, optician or optical laboratories, park, photography studio, post office, prescription pharmacy (provided that no sundry or other merchandise is sold or offered for sale), school, studio for teaching ballet, dance, drama, fine arts, music, language, business, or modeling, tennis court, transportation ticket office, travel agency, and veterinary office (excluding boarding services).

The following uses require a Specific Use Permit in the Office Districts:

Beauty/Barber Shop	Gift Shop	Tobacco Store
Book Store	Golf Course	Water Storage
Candy Store	Newstand	Facility
Child Care Center	Nut Store	
Eating Place	Pressure Control	
Electrical Regulation	Station (CNG, excluding	
Station (excluding storage	storage or service garages	
Or service garages and	and yards)	
yards)	Liquor Store	
Florist	Private Club	
Golf Course	Stationary and Office	
Newstand	Supply Store	

The Specific Use Permit uses permitted in the Office Districts shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the Office Districts.

SECTION 520 BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS

Table 3
BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS

REQUIREMENT	OL	OM
Lot Area Minimum (Sq. Ft.)	N/A	N/A
Frontage (Min Ft.)		
Arterial and Freeway Service Road	75	100
Non-Arterial	50	50
Floor Area Ratio (maximum)	.25	.50
Setback from Centerline of Abutting Street (Min. Ft.): To the setback distance shown, add ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated.		
Arterial and Freeway Service Road	30	50
Non-Arterial	20	25
Setback from Abutting AG or R District boundaries	10	10*
Building Height (Max. Ft.)	18	N/A

*Plus 1 foot of setback for each 1 foot of building height exceeding 18 feet, if the abutting property is within an RE, RS, or RD District.

SECTION 530 SPECIFIC USE PERMIT USES IN OFFICE DISTRICTS, REQUIREMENTS

The Specific Use Permit uses permitted in the Office Districts are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Planning Commission:

1. Shopping Goods and Services in the Office districts shall comply with the following requirements:
 - A. The permitted Specific Use Permit shopping goods and services listed below shall be located entirely within the principal building and shall have their pedestrian entrance and exit through the principal building.
 - B. Permitted Specific Use Permit shopping goods and services in the Office districts are limited to the following uses and use groupings:

Barber Shop
Beauty Shop
Book Store
Florist
Gift, Novelty
Liquor Store
Newsstand
Medical, Dental, Optical, and Orthopedic Supplies
Stationary and Office Supplies
Tobacco, Candy, and Nut Store

- C. Each accessory use shall be limited to a maximum of 4,000 square feet of floor area per specific use grouping (1-10) listed above.
2. A minimum frontage of 100 feet is a requirement of the Specific Use Permit uses.

SECTION 550 SITE PLAN REVIEW

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval by the Community Development Department, after review by the Technical Advisory Committee, is required for all office developments for the purpose of assuring proper accessibility, circulation, functional relationships of uses and compatibility with adjoining and nearby development. No building permit shall be issued, nor use commenced within an office development, except in accordance with an approved site plan.

550.1 Purposes

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval by the Community Development Department, after review by the Technical Advisory Committee, is required for all commercial developments for the purpose of assuring proper accessibility, circulation, functional relationships of uses and compatibility with adjoining and nearby development. No building permit shall be issued, nor use commenced within this development, except in accordance with an approved site plan.

550.2 Application for Site Plan Review

An application for site plan review shall be filed with the Community Development staff. The plan must show information showing compliance with applicable sections of this code and all other applicable city codes and ordinances. Appeals from denial of the Community Development staff shall be made to the City Council.

Site Plan application packets must be submitted to the Community Development Department no later than the 1st Business Day of the Month in which the Owasso Technical Advisory Committee will address the Site Plan. The Site Plan shall be accompanied by an application and checklist, as provided by the City Planner, in the following format and with the following information:

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- Date, Indication of the scale (Minimum Scale 1"=100', 1"=20' preferred), bar scale, north arrow and location map (does not have to be drawn to scale).
- Sufficient surrounding area to demonstrate the relationship of the development to adjacent uses, both existing and proposed based on topographic and/or ALTA survey or previously approved site plan. The base information should include, but not be limited to, the existing topographic character of site including trees, mass vegetation, wetland delineation, etc., extending onto adjacent property a minimum of 40 feet.
- Location of all floodplain boundaries and notation of FEMA Flood Insurance Rate Map (FIRM) with which the site is associated.
- Location and size of existing water, sanitary sewer, stormwater systems, natural gas, telephone, cable, electric and any other utility adjacent to or proposed to serve the site.
- Location and dimensions of required building setbacks, landscape setbacks and/or easements.
- Zoning and land uses of all adjacent properties.
- Location and size of all existing and proposed parking areas including driving, maneuvering lanes, and loading areas or berths.

- The location and dimension of all existing and proposed curb lines, driveways and neighboring street intersections within 150' of project.
- The location of all existing and proposed storm water conveyance structures.
- Proposed stormwater detention facilities and structures.
- Outdoor Lighting Plan
Included on the site plan or as a separate sheet, if necessary, locate all illuminating devices and include a description of each device, fixture, lamp, support, reflector, pole, foundation/footing and other device (including but not limited to manufacturers or electric utility catalog specification sheets). There should also be a table included on the plan that indicates the fixture classification (i.e. cutoff fixture, wall pack, flood light, etc.).

For projects that will likely impact nearby residential developments, a photometric plan (a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices) will be required.

Site Plans must show and/or dimension the following information:

- Existing and Proposed Right-of-way and easements should be shown and dimensioned.
- Parcel/Lot Dimensions. (Tie to street monument)
- Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways).
- Driveway locations and widths.
- Existing and proposed street names and classifications.
- Existing and proposed driveways along with size of drive.
- Raised islands, existing and proposed traffic signals and other traffic control devices.

Site Plans must show the following information on all existing and proposed buildings and structures:

- Location
- Dimension and square footage.
- Building height.
- Proposed building finished floor elevation
- Dimension building(s) to property lines and distances between buildings
- Label each building with the proposed use

Site Plans must show the following information regarding existing streets adjacent to the development site:

- Right-of-way and pavement widths.
- Existing, proposed and anticipated street names and classifications.
- Existing and/or proposed access points.

- Acceleration and deceleration lanes (required on arterial streets).
- Traffic Island and other traffic control devices.
- Proposed curb cuts, service drives and drainage survey indicating that stormwater flow will not be adversely affected.
- Pedestrian walkways or sidewalks including curb ramps where required.
- Location and length of queuing areas for drive through service areas.
- Location of proposed retaining walls (include detail and cross-section).
- Show and label screening/buffering from adjacent Residential uses.
- Trash enclosure (include detail).
- Location, height and material of fences.
- Location, height, size, and type of any proposed ground sign (signs are approved by separate permit).
- Show all phases of development for each lot/site plan (if applicable).
- Location of all planned landscape areas.

Plan data table including the following information:

- Site Area (Gross and Net)
- Gross Building Area
- Percent of Lot Coverage (show calculation)
- Parking Required and Provided (including ADA accessible)

Site Plans must also provide a narrative statement explaining the character of the development (i.e. eating place, convenience goods, intensive outdoor recreation, etc).

CHAPTER 6
COMMERCIAL DISTRICT PROVISIONS

- 600 Purposes
- 610 Principal Uses
- 620 Accessory Uses
- 630 Bulk and Area Requirements
- 640 Specific Use Permit, Requirements
- 650 Location of Sexually Oriented Businesses
- 660 Site Plan Review

SECTION 600 PURPOSES OF COMMERCIAL DISTRICTS

600.1 General Purposes

The Commercial Districts are designed to:

- A. Achieve the commercial objectives of the Comprehensive Plan.
- B. Meet the needs for commercial services and goods of the trade area.
- C. Preserve and promote the development of efficient commercial facilities and encourage a compatible relationship between commercial facilities and other land issues and thoroughfares by:
 - 1. Differentiating the types and purposes of commercial activities.
 - 2. Establishing bulk and area controls.
 - 3. Requiring off-street loading and parking facilities.
 - 4. Protecting the character of commercial districts and their peculiar suitability for commercial uses.

600.2 Purposes of the CS Shopping Center District

The CS District is designed to accommodate convenience, neighborhood, sub-community, community, and regional shopping centers providing a wide range of retail and personal service uses.

600.3 Purposes of the CG General Commercial District

The CG District is designed to:

- A. Accommodate existing development of mixed commercial uses which are well established, while providing a degree of protection to adjacent residential areas.

- B. Accommodate the grouping of certain commercial and light industrial uses which are compatible with one another.

600.4 Purposes of the CH Commercial High Intensity District

The CH District is designed to accommodate high intensity commercial and related uses.

SECTION 610 USES PERMITTED IN COMMERCIAL DISTRICTS

610.1 Uses within the CS Commercial District

The principal uses permitted in the CS Commercial District are: abstract company, advertising agency, ambulance service, antique shop, appliances store or repair, art gallery, artist supply store, artist’s studio, automotive parts and accessories store, bakery (retail), barber shop, bicycle shop, billiard parlor, book store, bowling alley, broadcasting or recording studio, bus station, business machine sales, candy store, cafeteria, caterer, church, clothing store, coffee shop, college, community center, computing service, confection shop, copying service, cosmetic shop, costume or uniform rental, dairy store, dance hall, data processing service, delicatessen, dental clinic and laboratory, department store, drafting service, dressmaking shop, drug store, dry cleaning, dry goods store, employment agency, enclosed recreation establishments, financial institution, fire protection facility, florist, food specialty store, funeral home, furniture store, garden supply, gasoline service station, general business offices, gift shop, grocery, gunsmith, gymnasium, hardware, health club, health food store, hobby shop, home furnishing store, hospital, hotel, ice cream store, interior decorating or design, jeweler, leather goods, library, laundry, liquor store, locksmith, medical offices, medical clinics, medical laboratories, motel, motion picture theater (enclosed), music store, newsstand, novelty shop, nut shop, office machine sales, optician or optical offices, optician or optical laboratories, paint store, park, pawn shop, pet shop, photographic supply store, photography studio, post office, prescription pharmacy, racquet ball club, restaurant, rifle range (enclosed), school, shoe repair, shoe store, skating rink (enclosed), slot car track, souvenir shop, sporting goods, stationary store, studio for teaching ballet, dance, drama, fine arts, music, language, business, or modeling, swimming pool (enclosed), tailor, tavern, tennis court, tobacco store, toy store, transportation ticket office, travel agency, variety store, veterinary clinic (excluding outside animal runs), wallpaper store, and weight reduction center.

The following uses require a Specific Use Permit in the Commercial Shopping Center (CS) District:

Agricultural Implement Sales	Carpet Store	Monument Sales
Air Conditioning/Heating Service	Construction Contractor Office	Motorcycle Sales
Aircraft Sales	Copying Service	Plastic Material Sales
	Disinfecting Services	Plumbing Shop

Auctioneer	Drapery Service	Portable Storage
Auto Wash	Exterminating Service	Building Sales
Auto Rental	Fence Construction Co.	Printing and
Auto Sales	Frozen Food Locker	Publishing
Bait Shop	Fuel Oil Sales	Rug Cleaning
Bakery (wholesale)	Greenhouse (retail)	Store
Bindery	Heating Equipment	Taxidermist
Boat Sales	Janitorial Services	Vehicle Repair
Bottled Gas Sales	Kennel	Vending Sales
Cabinet Maker	Linen Supply	and Services
Camper Sales	Lumber Yard	Window Cleaning
		Shop
		Woodworking Shop

The Specific Use Permit uses permitted in the CS District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the CS District.

610.2 Uses within the CG Commercial District

The principal uses permitted in the CG Commercial District include all the principal uses permitted in the CS Commercial District plus: agricultural implement sales, air conditioning and heating service, aircraft sales, auctioneer, auto wash, automobile rental, automobile sales, bait shop, bakery (wholesale), bindery, boat sales, bottled gas sales, cabinet maker, camper sales, carpet store, contract construction service, copying services, disinfecting services, drapery service, exterminating services, fence construction establishment, frozen food locker, fuel oil sales, greenhouse (retail), heating equipment, janitorial service, kennel, linen supply, lumber yard, monument sales, motorcycle sales, plastic materials sales, plumbing shop, portable storage building sales, printing and publishing, rug cleaning, taxidermist, vehicle repair, vending sales and services, window cleaning, and woodworking shop.

The following uses require a Specific Use Permit in the Commercial General (CG) District:

Arena	Rodeo Grounds
Commercial Camp	Skateboard Track
Drag Strip	Shooting Range (outdoor)
Drive-In Theater	Stadium
Fairgrounds	Truck Rentals
Frisbee Golf Course	Water Park
Go-Cart Track	Wholesale Businesses
Golf Driving Range	Fuel Oil Sales
Miniature RC Auto Track	Mini-Storage

Outdoor Recreation
Racing Tracks (auto, horse, dog)

The Specific Use Permit uses permitted in the CG District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the CG District.

610.3 Uses within the CH Commercial District

The principal uses permitted in the CH Commercial District include all the principal uses permitted in the CG Commercial District plus: truck rental, trucking establishments and warehouses.

The following uses require a Specific Use Permit in the Commercial High Intensity (CH) District:

Arena	Rodeo Grounds
Commercial Camp Ground	Skateboard Track
Drag Strip	Shooting Range (outdoor)
Drive-In Theater	Stadium
Fairgrounds	Water Park
Frisbee Golf Course	Mini-Storage
Go-Cart Track	
Golf Driving Range	
Miniature RC Auto Track	
Outdoor Recreation	
Racing Tracks (auto, horse, dog)	

The Specific Use Permit uses permitted in the CH District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the CH District.

SECTION 620 ACCESSORY USES PERMITTED IN COMMERCIAL DISTRICTS

620.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in a Commercial District are permitted in such district.

620.2 Accessory Use Conditions

- A. Accessory buildings shall meet the minimum building setback lines of the applicable district.
- B. 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.

SECTION 630 BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS

Table 1
BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICT

REQUIREMENTS	CS	CG	CH
Frontage (Min. Ft.)			
Arterial and Freeway Service Road	150	150	N/A
Non-Arterial	50	50	N/A
Floor Area Ratio (maximum)	.50	.75	N/A
Setback from Centerline of Abutting Street (Min Ft.): To the setback distance shown, add ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated.			
Arterial and Freeway Service Road	50	40	N/A
Non-Arterial	10	10	N/A
Setback from Abutting R District Boundary (Min. Ft.)	20*	20*	20*
Building Height (Max. Ft.)	N/A	N/A	N/A

* Plus 2 feet of setback for each 1 foot building height exceeding 15 feet if the abutting property is within an RE, RS, RD or RTH District.

SECTION 640 SPECIFIC USE PERMIT USES IN COMMERCIAL DISTRICTS, REQUIREMENTS

All Specific Use Permit uses shall comply with the bulk and area requirements of the use district in which located.

SECTION 650 LOCATIONS OF SEXUALLY ORIENTED BUSINESSES

650.1 Definitions

As used in this Section, the terms sexual conduct and specified anatomical areas shall mean as follows:

1. Sexual Conduct includes the following:
 - A. The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
 - B. Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
 - C. Masturbation, and;
 - D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

2. Specified Anatomical Areas includes the following:
 - A. Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 - B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

For the purpose of this Ordinance, sexually-oriented businesses are defined as follows:

1. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or materials depicting, describing or relating to Sexual Conduct or Specified Anatomical Area, 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, film, 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 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 be limited to bath houses, massage parlors, and related or similar activities.

650.2 Prohibition

No person shall cause or permit the establishment of any of the sexually oriented businesses as defined in Section 650.1, in an area zoned other than "CH" and "CG". In addition, no person shall cause or permit the establishment of any of the sexually oriented businesses, as defined in Section 650.1, within one thousand (1000) feet of any other sexually oriented business, or within one thousand (1000) feet of a church, day care, school (type which offers a compulsory education curriculum), public or private park, or within one thousand (1000) feet of areas zoned residential or within one thousand (1000) feet of a nonarterial street which provides access to a residentially zoned area. Provided further that the Planning Commission may permit

by a Specific Use Permit sexually oriented businesses, as defined in 650.1 in an IL, IM, or IH District, subject to the distance limitations set forth herein.

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 Section 650.1.

Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under the provision of this Code or under any state or federal laws.

SECTION 660 SITE PLAN REVIEW

660.1 Purposes

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval by the Community Development Department, after review by the Technical Advisory Committee, is required for all commercial developments for the purpose of assuring proper accessibility, circulation, functional relationships of uses and compatibility with adjoining and nearby development. No building permit shall be issued, nor use commenced within this development, except in accordance with an approved site plan.

660.2 Application for Site Plan Review

An application for site plan review shall be filed with the Community Development staff. The plan must show information showing compliance with applicable sections of this code and all other applicable city codes and ordinances. Appeals from denial of the Community Development staff shall be made to the City Council.

Site Plan application packets must be submitted to the Community Development Department no later than the 1st Business Day of the Month in which the Owasso Technical Advisory Committee will address the Site Plan. The Site Plan shall be accompanied by an application and checklist, as provided by the City Planner, in the following format and with the following information:

- Fifteen (15) Full Size Copies (24"x 36")*
- Ten (10) ½ Scale Copies*
- One 8 ½" x 11" Copy

*Plans should be folded to be no larger than 9"x12" in size

- One Digital Copy (dwg. Format)
- Completed application, \$25.00 fee.

- Owner authorization to proceed with application. Attach copy if applicant is not record owner's agent.

SITE PLAN REQUIREMENTS:

- Date, Indication of the scale (Minimum Scale 1"=100', 1"=20' preferred), bar scale, north arrow and location map (does not have to be drawn to scale).
- Sufficient surrounding area to demonstrate the relationship of the development to adjacent uses, both existing and proposed based on topographic and/or ALTA survey or previously approved site plan. The base information should include, but not be limited to, the existing topographic character of site including trees, mass vegetation, wetland delineation, etc., extending onto adjacent property a minimum of 40 feet.
- Location of all floodplain boundaries and notation of FEMA Flood Insurance Rate Map (FIRM) with which the site is associated.
- Location and size of existing water, sanitary sewer, stormwater systems, natural gas, telephone, cable, electric and any other utility adjacent to or proposed to serve the site.
- Location and dimensions of required building setbacks, landscape setbacks and/or easements.
- Zoning and land uses of all adjacent properties.
- Location and size of all existing and proposed parking areas including driving, maneuvering lanes, and loading areas or berths.
- The location and dimension of all existing and proposed curb lines, driveways and neighboring street intersections within 150' of project.
- The location of all existing and proposed storm water conveyance structures.
- Proposed stormwater detention facilities and structures.
- Outdoor Lighting Plan
Included on the site plan or as a separate sheet, if necessary, locate all illuminating devices and include a description of each device, fixture, lamp, support, reflector, pole, foundation/footing and other device (including but not limited to manufacturers or electric utility catalog specification sheets). There should also be a table included on the plan that indicates the fixture classification (i.e. cutoff fixture, wall pack, flood light, etc.).

For projects that will likely impact nearby residential developments, a photometric plan (a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices) will be required.

Site Plans must show and/or dimension the following information:

- Existing and Proposed Right-of-way and easements should be shown and dimensioned.
- Parcel/Lot Dimensions. (Tie to street monument)
- Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways).
- Driveway locations and widths.
- Existing and proposed street names and classifications.
- Existing and proposed driveways along with size of drive.
- Raised islands, existing and proposed traffic signals and other traffic control devices.

Site Plans must show the following information on all existing and proposed buildings and structures:

- Location
- Dimension and square footage.
- Building height.
- Proposed building finished floor elevation
- Dimension building(s) to property lines and distances between buildings
- Label each building with the proposed use

Site Plans must show the following information regarding existing streets adjacent to the development site:

- Right-of-way and pavement widths.
 - Existing, proposed and anticipated street names and classifications.
 - Existing and/or proposed access points.
 - Acceleration and deceleration lanes (required on arterial streets).
 - Traffic Island and other traffic control devices.
 - Proposed curb cuts, service drives and drainage survey indicating that stormwater flow will not be adversely affected.
-
- Pedestrian walkways or sidewalks including curb ramps where required.
 - Location and length of queuing areas for drive through service areas.
 - Location of proposed retaining walls (include detail and cross-section).
 - Show and label screening/buffering from adjacent Residential uses.
 - Trash enclosure (include detail).

- Location, height and material of fences.
- Location, height, size, and type of any proposed ground sign (signs are approved by separate permit).
- Show all phases of development for each lot/site plan (if applicable).
- Location of all planned landscape areas.

Plan data table including the following information:

- Site Area (Gross and Net)
- Gross Building Area
- Percent of Lot Coverage (show calculation)
- Parking Required and Provided (including ADA accessible)

Site Plans must also provide a narrative statement explaining the character of the development (i.e. eating place, convenience goods, intensive outdoor recreation, etc).

**CHAPTER 7
INDUSTRIAL DISTRICT PROVISIONS**

- 700 Purposes
- 710 Principal Uses
- 720 Accessory Uses
- 730 Bulk and Area Requirements
- 740 Site Plan Review

SECTION 700 PURPOSES OF INDUSTRIAL DISTRICTS

700.1 General Purposes

The Industrial Districts are designed to:

- A. Achieve the industrial objectives of the Comprehensive Plan.
- B. Meet the needs for industrial services and goods of the City of Owasso trade area.
- C. Preserve and promote the development of efficient industrial areas and to minimize the adverse effects of industrial uses on other land uses and thoroughfares by:
 - 1. Differentiating the types and purposes of industrial activities.
 - 2. Establishing bulk and area controls.
 - 3. Requiring off-street loading and parking facilities.
 - 4. Protecting the character of industrial districts and their peculiar suitability for industrial uses.

700.2 Purposes of the IL Industrial Light Manufacturing, Research, and Development District

The IL District is designed to provide an environment conducive to the development and conservation of modern industrial and scientific research facilities and to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences.

700.3 Purposes of the IM Industrial Moderate District

The IM District is designed to group together a wide range of industrial uses which may produce moderately objectionable environmental influences in their operation and appearance.

700.4 Purposes of the IH Industrial Heavy District

The IH District is designed to provide areas for manufacturing and other industrial activities which may constitute substantial objectionable environmental influences or hazards.

SECTION 710 PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS

710.1 Uses within the IL Industrial District

The principal uses permitted in the IL Industrial District are: abstract company, advertising agency, agricultural implement sales, air conditioning and heating, aircraft sales, ambulance service, arena, armored car service, artist's studio, auctioneer, auto wash, automobile rental, bakery, bait shop, bindery, broadcasting or recording studio, bottled gas, bottling plant, building contract construction service and storage, cabinet maker, carpentry, carpeting, cesspool cleaning, church, computing service, concrete construction service, copying service, data processing service, decorating, drafting service, dental clinic and laboratory, drapery service, electrical regulation station, electrician, employment agency, enclosed scientific research and testing and development, exterminator, fence, financial institution, fire protection facility, frozen food locker, fuel oil, funeral home, gasoline service station, general business offices, general merchandising establishment, grain elevators, greenhouse, heavy construction contracting service, hospital, ice plant, janitorial service, kennel, landscape contractor, laundry, linen supply, lumber yard, machine repair, masonry, medical offices, mini storages, mobile home sales, monument shaping and sales, oil well drilling and cleaning establishments, optical offices, outdoor recreation, painting contractor, paper hanging contractor, pawn shop, plastering contractor, plastic materials trade establishment, photography studio, pharmacy, plumbing, portable storage building construction and sales, post office, pressure control station, printing and publishing, race tracks (auto, dog, horse), reupholstery, roofing, rodeo grounds, rug cleaning, school, sheet metal, shelter (civil defense and storm), sign painting, skateboard track, stone work, stadiums, storage, temporary open air facilities (such as a carnival, Christmas tree sales, circus, and tent revival), taxidermist, tile setting, transportation ticket office, travel agency, trucking establishments, truck rentals, vehicle repair, vehicle sales, vending sales and service, veterinary office, warehouses,

water storage facility, water well drilling and cleaning, welding shop, wholesale establishments, window cleaning, and woodworking shop.

The following uses require a Specific Use Permit in the Light Industrial (IL) District:

Airport	Dry Cleaning	Retail Trade not
Barber Shop	Fairgrounds	Otherwise Classified
Beauty Shop	Florist	Rifle and Skeet
Bus Station	Frisbee Golf	Range
Cafeteria	Go Cart Track	Sanitary Landfill
Candy store	Golf Driving Range	Sewage Disposal
Cemetery	Governmental Services	Tobacco Store
Coffee Shop	Grocery Store	Water Treatment
Construction Contractor's	Gun Club	Plant
Office	Heliport	Water Park
Convict Prerelease Ctr.	Juvenile Delinquency Ctr.	Gift Shop
Crematory	Liquor Stores	
Delicatessen	Mausoleum	
Dairy Store	Newstand	
Drag Strip	Restaurant	
Drive In Theater		

The Specific Use Permit uses permitted in the IL District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the IL District.

710.2 Uses within the IM Industrial District

The principal uses permitted in the IM Industrial District include all the principal uses permitted in the IL Industrial District plus: manufacturing of: acetylene gas, aluminum, bleaching powder, brass, brick, cellophane, celluloid, chlorine, coke, copper, creosote, dextrin, disinfectant, dyestuff, fertilizer, gas (heating or illuminating), gelatin, glucose, grease, hair, insecticide, lamp black, lard, linoleum, matches, oil, oilcloth, paint, paper, pickle, printing ink, rayon, rubber, sausage, sauerkraut, soap, soda ash, starch, tallow, turpentine, terra cotta, varnish, vinegar, washing compound, and yeast; blast furnace; boiler works; concrete ready mix plant; recreational uses such as: drag strip, fair grounds, frisbee golf course, go-cart track, golf driving range, gun club, rifle and skeet range, and waterslide; iron or steel foundry; rolling mill; sugar refining; tanning or curing of leather; and wool scouring.

The following uses require a Specific Use Permit in the Industrial Medium Intensity (IM) District:

Airport	Dry Cleaning	Retail Trade not
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Barber Shop	Fairgrounds	Otherwise
Beauty Shop	Florist	Classified
Bus Station	Frisbee Golf	Rifle and Skeet
Cafeteria	Gift Shop	Range
Candy store	Go Cart Track	Sanitary Landfill
Cemetery	Golf Driving Range	Sewage Disposal
Coffee Shop	Governmental Services	Tobacco Store
Construction Contractor's	Grocery Store	Water Treatment
Office	Gun Club	Plant
Convict Prerelease Ctr.	Heliport	Water Park
Crematory	Juvenile Delinquency Ctr.	
Delicatessen	Liquor Stores	
Dairy Store	Mausoleum	
Drag Strip	Newstand	
Drive In Theater	Restaurant	

The Specific Use Permit uses permitted in the IM District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the IM District.

710.3 Uses within the IH Industrial District

The principal uses permitted in the IH Industrial District include all the principal uses permitted in the IM Industrial District plus: auto salvage; manufacturing of: acid, ammonia, asphalt, cement, explosives, glue, gypsum, lime, and plaster of paris; distillation of bones, coal, tar, or wood; fat rendering; incineration or reduction of dead animals, garbage, offal or refuse; junk yard; refining of petroleum or other crude materials; refuse dump; slaughtering of animals; smelting; and stock yards;

The following uses require a Specific Use Permit in the Industrial High Intensity (IH) District:

Airport	Heliport
Bus Station	Juvenile Delinquency Ctr.
Construction Contractors	Rifle/Skeet Range
Office	Sanitary Landfill
Convict Prerelease Ctr.	Sewage Disposal Facility
Crematory	Water Park
Drag Strip	Water Treatment Facility
Go-Cart Track	
Golf Driving Range	
Governmental Services	
Gun Club	

The Specific Use Permit uses permitted in the IH District shall follow the process outlined Section 1330.5, Chapter Thirteen (13), Amendments and are subject to the requirements, safeguards, and conditions as may be imposed by the Planning Commission. Further, the Specific Use Permit uses shall conform to the bulk and area requirements of the IH District.

SECTION 720 ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS

720.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an industrial district are permitted in such district.

720.2 Accessory Use Conditions

- A. Accessory buildings shall meet the minimum building setback lines of the applicable district.

- B. 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 the requirements applicable to the principal building.

- C. Accessory storage of materials, equipment, or products within 200 feet of an abutting R or AG 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.

SECTION 730 BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS

Table 1
BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS

REQUIREMENTS	IL	IM	IH
Frontage (Min. Ft.)			
Arterial and Freeway Service Road	150	200	200
Non-Arterial		100	100
Floor Area Ratio (Max.)	N/A	N/A	N/A
Setback from Centerline of Abutting Street (Min. Ft.)			
To the setback distance shown, add ½ of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated.			
Arterial and Freeway Service Road	50	50	50
Non-Arterial	25	25	25
Setback from Abutting AG, R, or O District boundary lines (Min. Ft.)*	50	75	100
Building Height (Max. Ft.)	N/A	N/A	N/A

* Does not apply when lot abuts a freeway zoned AG, R, or O; however, in those instances a 10 feet setback shall be required.

SECTION 740 SITE PLAN REVIEW

740.1 Purposes

By reason of potential adverse effects on public services or to neighboring land uses, site plan review and approval by the Community Development Department, after review by the Technical Advisory Committee, is required for all industrial developments for the purpose of assuring proper accessibility, circulation, functional relationships of uses and compatibility with adjoining and nearby development. No building permit shall be issued, nor use commenced within this development, except in accordance with an approved site plan.

740.2 Application for Site Plan Review

An application for site plan review shall be filed with the Community Development staff. The plan must show information showing compliance with applicable sections of this code and all other applicable city codes and ordinances. Appeals from denial of the Community Development staff shall be made to the City Council.

Site Plan application packets must be submitted to the Community Development Department no later than the 1st Business Day of the Month in which the Owasso Technical Advisory Committee will address the Site Plan. The Site Plan shall be

accompanied by an application and checklist, as provided by the City Planner, in the following format and with the following information:

- Fifteen (15) Full Size Copies (24"x 36")*
- Ten (10) ½ Scale Copies*
- One 8 ½" x 11" Copy

*Plans should be folded to be no larger than 9"x12" in size

- One Digital Copy (dwg. Format)
- Completed application, \$25.00 fee.
- Owner authorization to proceed with application. Attach copy if applicant is not record owner's agent.

SITE PLAN REQUIREMENTS:

- Date, Indication of the scale (Minimum Scale 1"=100', 1"=20' preferred), bar scale, north arrow and location map (does not have to be drawn to scale).
- Sufficient surrounding area to demonstrate the relationship of the development to adjacent uses, both existing and proposed based on topographic and/or ALTA survey or previously approved site plan. The base information should include, but not be limited to, the existing topographic character of site including trees, mass vegetation, wetland delineation, etc., extending onto adjacent property a minimum of 40 feet.
- Location of all floodplain boundaries and notation of FEMA Flood Insurance Rate Map (FIRM) with which the site is associated.
- Location and size of existing water, sanitary sewer, stormwater systems, natural gas, telephone, cable, electric and any other utility adjacent to or proposed to serve the site.
- Location and dimensions of required building setbacks, landscape setbacks and/or easements.
- Zoning and land uses of all adjacent properties.
- Location and size of all existing and proposed parking areas including driving, maneuvering lanes, and loading areas or berths.
- The location and dimension of all existing and proposed curb lines, driveways and neighboring street intersections within 150' of project.
- The location of all existing and proposed storm water conveyance structures.

- Proposed stormwater detention facilities and structures.
- Outdoor Lighting Plan
Included on the site plan or as a separate sheet, if necessary, locate all illuminating devices and include a description of each device, fixture, lamp, support, reflector, pole, foundation/footing and other device (including but not limited to manufacturers or electric utility catalog specification sheets). There should also be a table included on the plan that indicates the fixture classification (i.e. cutoff fixture, wall pack, flood light, etc.).

For projects that will likely impact nearby residential developments, a photometric plan (a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices) will be required.

Site Plans must show and/or dimension the following information:

- Existing and Proposed Right-of-way and easements should be shown and dimensioned.
- Parcel/Lot Dimensions. (Tie to street monument)
- Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways).
- Driveway locations and widths.
- Existing and proposed street names and classifications.
- Existing and proposed driveways along with size of drive.
- Raised islands, existing and proposed traffic signals and other traffic control devices.

Site Plans must show the following information on all existing and proposed buildings and structures:

- Location
- Dimension and square footage.
- Building height.
- Proposed building finished floor elevation
- Dimension building(s) to property lines and distances between buildings
- Label each building with the proposed use

Site Plans must show the following information regarding existing streets adjacent to the development site:

- Right-of-way and pavement widths.
- Existing, proposed and anticipated street names and classifications.
- Existing and/or proposed access points.
- Acceleration and deceleration lanes (required on arterial streets).
- Traffic Island and other traffic control devices.
- Proposed curb cuts, service drives and drainage survey indicating that stormwater flow will not be adversely affected.

- Pedestrian walkways or sidewalks including curb ramps where required.
- Location and length of queuing areas for drive through service areas.
- Location of proposed retaining walls (include detail and cross-section).
- Show and label screening/buffering from adjacent Residential uses.
- Trash enclosure (include detail).
- Location, height and material of fences.
- Location, height, size, and type of any proposed ground sign (signs are approved by separate permit).
- Show all phases of development for each lot/site plan (if applicable).
- Location of all planned landscape areas.

Plan data table including the following information:

- Site Area (Gross and Net)
- Gross Building Area
- Percent of Lot Coverage (show calculation)
- Parking Required and Provided (including ADA accessible)

Site Plans must also provide a narrative statement explaining the character of the development (i.e. eating place, convenience goods, intensive outdoor recreation, etc).

CHAPTER 8

PLANNED UNIT DEVELOPMENTS AND OVERLAY DISTRICTS

- 810 General Description.
- 820 Standards of Development.
- 830 Procedures for Obtaining PUD Zoning.
- 840 Amendments.
- 850 Administration and Enforcement.
- 860 Overlay District.

SECTION 810 GENERAL DESCRIPTION

8.10 INTRODUCTION AND PURPOSE

A Planned Unit Development (PUD) is a special zoning overlay that provides alternatives to conventional land development. Upon approval, it becomes a supplement to the existing zoning of the subject property. A PUD is also a means of encouraging creative development of land and promotes project design that is often unseen in conventional development. A PUD shall not be seen as a tool to circumvent the zoning and subdivisions regulations of the City of Owasso, but rather as a tool for intelligent, well-planned, and quality developments that fit within Owasso's existing neighborhoods and context of the surrounding area. A PUD provides flexibility to allow for the development on properties with unique physical characteristics by promoting innovative design and providing guidelines which ensure that development is beneficial to the City of Owasso's future growth. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

8.10.1 GOALS

Because PUD's allow greater flexibility than otherwise would be allowed with the base zoning, there are specific goals that need to be accomplished with each application. All PUD's shall be evaluated on their ability to accomplish the following:

1. Maintain and Enhance the Quality of Life in Owasso
2. Provide Opportunities for Urban Infill
3. Maintain and Promote a Sense of Community
4. Encourage Development That Otherwise Could Not Occur on the Site
5. Preserve and Provide Meaningful Open Space
6. Promote Connectivity and Compatibility with Surrounding Development
7. Inspire Unique and Thoughtful Development
8. Support the Development of Strong Neighborhoods

9. Provide Amenities Beyond Conventional Development
10. Preserve the Physical Characteristics of the Land

8.10.2 APPLICABILITY

1. A PUD may be submitted for any parcel of land located within any general zoning district or combination of general zoning districts within the Owasso City Limits. In all cases, the PUD will be reviewed as to the proposed location and character of the uses and the unified treatment of the development of the tract. The regulations of the general zoning district or districts remain applicable except as specifically modified pursuant to the provisions of this chapter.
2. Approval of a Conceptual Development Plan is required prior to development of a PUD district. Conceptual Development Plans are subject to recommendation by the Planning Commission and approval by the City Council.
3. This PUD chapter shall complement the other sections of the Owasso Zoning Code. In instances where the requirements are conflicting, the Community Development Administrator shall determine the correct action.
4. The Conceptual Development Plan shall be submitted concurrently with a request for rezoning.

8.20 MINIMUM STANDARDS

A. DENSITY

By their very nature, PUD's are designed to develop parcels of land with unique or unusual, natural or man-made conditions. In order to promote development that makes use of and preserves such unique features, it may be necessary to cluster density within developments. If clustering of density is proposed, additional amenities shall be provided; the design shall promote and maintain useable open space; and a layout shall be provided that complements the existing conditions of the site.

All PUD's shall calculate density based upon the gross area of the tract, which may include flood plains, rights of way, or easements to provide an overall gross density for the project that shall be expressed in units per acre. The gross density calculations shall be provided within the PUD Design and Intent Statement.

1. Single-Family Residential Densities - A residential PUD shall not exceed a gross density above five (5) dwelling units per acre for single-family residential developments. Should a development propose a density higher than five (5) units per acre, written justification shall be provided explaining the rationale of the decision and additional amenities shall be provided to mitigate the increased densities.
2. Multi-Family Residential Densities - Multi-family densities shall be consistent with Chapter 4 of the Owasso Zoning Code and shall not exceed a maximum of twenty-five (25) units per acre gross density. Any proposed development that

contains over 25 units/acre shall provide an explanation of why the higher density would be appropriate and how the additional density would be mitigated. All multi-family residential developments shall be accomplished through a PUD.

B. LAND USE PERCENTAGES

In any residential PUD, at least 20% of the gross area of the tract should be devoted to open space, common areas or amenities. Rights-of-way and utility easements on individual lots shall not apply to open space calculations. If at least 20% open space cannot be achieved, the project may be required to provide additional amenities to those required in section 8.20 L. in order to mitigate the reduction in open space. Because all PUD projects are unique, the administrator shall determine if additional amenities are required in relation to the amount of open space provided.

C. PRESERVATION OF TREES AND OTHER NATURAL FEATURES

PUD's shall be designed to preserve and enhance the existing physical characteristics of the land and the natural vegetation that exists on the land. Projects that require clear cutting or denuding of large tracts of land for development are discouraged. Trees in excess of eight (8) inches in caliper shall be preserved and worked into the overall design of the project, unless the applicant can provide substantial justification to remove said trees. Tree preservation credits shall be applied to all landscaping plans and additional landscaping shall be required for projects that remove excessive healthy vegetation.

D. SCREENING AND BUFFERING

Screening is an important part of any PUD proposal, especially when incompatible uses are proposed within the PUD, or exist in adjoining developments. Screening may be employed in the form of:

1. Fencing - Wood fencing shall have metal posts placed on the inside.
2. Walls - Stone, brick, split-faced block, or similar decorative materials shall be used.
3. Berms - Berms may be used in combination with vegetation or fencing to achieve the desired result.
4. Vegetation - Vegetation provides a screening mechanism that can be efficient and aesthetically pleasing. In many cases, leaving the natural vegetation as a means of screening achieves the desired results. New vegetation may be planted that also achieves the intent of this section. Materials and sizes of vegetation shall be provided with the required Conceptual Development Plan and conform to Chapter 20 of the Zoning Code.

Buffer yards shall be provided at all boundaries of the PUD where higher intensity or higher density uses adjoin existing tracts that are of a lower intensity or density. An example of this may be 5000 SF lots adjoining an existing single family development containing 20,000 SF lots. Buffers shall vary in size depending on the use or the density of the development, but in shall be a minimum of 20 feet in width. Vegetation and screening is required in buffer yards.

All residential PUD's shall contain decorative fencing along adjacent arterial roadways and shall also contain language covering the long-term maintenance of the fencing. If wood fencing is to be used, decorative columns of rock, brick, split face block, or similar permanent material shall be used at regular intervals.

E. TRANSITION OF USES

Great care shall be given as to the location of the more intense uses or densities within the PUD. Transition shall be achieved when possible by placing less intense uses along the perimeter of the PUD area with more intense uses near the center of the PUD. For example, if a PUD is proposed in an area that abuts mostly acreage lots, the PUD should place larger lots meeting RE or RS-1 standards along the perimeter and move towards smaller lots within the core of the PUD area or along arterial streets. If transition cannot be achieved, a large and well-vegetated buffer should be provided.

F. CONCEPTUAL LANDSCAPE PLAN

Each PUD shall require a landscape concept plan at the time of submittal. The landscape plan shall depict general locations for landscaping, but shall not be required to go into great detail on the conceptual plan. Trees, however, shall be shown on the conceptual landscape plan. More detailed landscape plans may be required in the later stages of the development process in conformance with the City's adopted landscape requirements, or if the Administrator or Planning Commission deems it necessary.

G. ADHERENCE TO CITY LANDSCAPE REQUIREMENTS

All adopted landscape requirements shall be met by any PUD. A PUD shall provide landscaping that exceeds the City's minimum requirements in order to meet the goals, purpose, and criteria outlined in the PUD ordinance.

H. SITE DEVELOPMENT

1. Low-Impact Design (LID) Criteria

All PUD proposals are encouraged to incorporate LID techniques. Utilizing LID techniques can greatly reduce infrastructure costs and can be incorporated into common areas and open space. Some LID design possibilities are: Bio-retention areas (rain gardens), Green roofs, Permeable paving or driveways, Cisterns, Vegetated swales, and Impervious surface reduction. All PUD's are encouraged to define how LID principles shall be applied.

2. Grading and Site Disturbance

PUD sites shall not be denuded of all vegetation. Great care should be given to developing drainage and grading plans that incorporate natural areas and preserve the topography and vegetation of the PUD area. All creeks or perennial streams shall have a minimum of a 20 foot undisturbed buffer measured from the top of the stream or creek bank and shall be included into the design of the PUD whenever possible.

3. Adherence to City, State, and Federal Requirements

All grading and drainage plans shall meet all City, State and Federal requirements.

I. PARKING AND CIRCULATION

The developer shall provide plans that depict the safe and efficient movement of vehicles throughout the PUD. For any PUD that proposes more than two-hundred (200) residential units, a traffic study shall be provided to the City of Owasso for review. All Federal, State, and City regulations shall be met by the PUD proposal. All parking areas, driveways or other means of vehicular access shall be designed in accordance with Chapter 9 of the Owasso Zoning Code.

J. OPEN SPACE

At least 25% of the provided open space shall be developed and maintained for active or passive recreational activities. The remainder should be kept as marshland, wildlife areas, woodlands, creeks, etc. At least 10% of the above reference area shall be out of the floodplain (100-Year) and floodway.

K. COMMON AREAS

Common areas promote social interaction and help to create a sense of community. Common areas shall be provided throughout the development for the use and enjoyment of the residents of the surrounding area.

L. AMENITIES REQUIRED

Any residential PUD development shall provide at least one (1) amenity from each of the categories from the Table 8-1.

1. For any residential development that proposes a gross density of more than four (4) units per acre, one an additional amenity from any category shall be required for each 0.5 units per acre over 4.
2. A developer may propose any amenity not provided on the list and an explanation of what category it should fall under. The Community Development Administrator, the Planning Commission, or the City Council shall determine if an amenity is acceptable.

3. Amenities may be combined into one or more park/recreation areas. (i.e. pool with a club house or a park area with a basketball court, playground, and walking trails).
4. Park and recreation areas shall be placed in a centralized location within the development so it is convenient and accessible.
5. Any standing water feature or pond shall be re-circulated through a fountain, waterfall, or other aeration device. This requirement applies to any storm retention pond that maintains a pool elevation of water.
6. All amenities will have long-term maintenance requirements that should be considered by future Homeowners Associations. Appropriate language should be included that clearly states that maintenance shall be covered by the developer until the turnover date as described in Section 3.14 of the Subdivision Regulations. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements in a Planned Unit Development. Said responsibilities and ownership of these areas shall be clearly articulated in the covenants for the development.
7. Amenities approved as a part of any PUD should be installed prior to the completion of the entire project. At least one (1) amenity shall be installed by the time 25% of the lots are developed and all amenities should be installed or completed prior to 75% of the lots being developed. No building permit shall be issued if a development does not meet these amenity requirements.

TABLE 8-1, REQUIRED AMENITIES

CATEGORY	AMENITY FEATURE
<i>ACTIVE RECREATION</i>	<i>SPORTS FIELDS, TENNIS COURTS, BASKETBALL COURTS, VOLLEYBALL COURT, DISC GOLF COURSE, SKATE FACILITIES, BIKE PATHS, HIKING TRAILS, GOLF FACILITIES</i>
<i>PASSIVE RECREATION</i>	<i>STOCKED FISHING POND, NATURE PRESERVE AREAS OF AT LEAST 2 ACRES, HORSE SHOE PIT, WILDLIFE VIEWING AREA (IF ADJACENT TO PRESERVED HABITAT), CAMP GROUNDS, EQUESTRIAN FACILITIES, MEDITATION AREA, WALKING PATHS OR TRAILS, PEDESTRIAN BOULEVARDS, GREENS AND COURTS</i>
<i>PUBLIC GATHERING AREAS</i>	<i>DOG PARKS, PICNIC AREAS, PAVILLIONS, OUTDOOR AMPHITHEATRE, CLUBHOUSE, GAZEBO, BBQ AREA, DOCK AREAS, COMMUNITY GARDEN, PARK AREA</i>
<i>FAMILY RECREATIONAL AREAS</i>	<i>TOT LOT, SPLASH PAD, SWIMMING POOL, PLAYGROUND</i>

M. CONSISTENCY WITH LAND USE PLAN

Any proposed PUD shall be developed in accordance with the adopted Owasso Land Use Master Plan. The PUD shall meet the Goals, Objectives and Action Strategies stated within the plan.

N. COMPATIBILITY WITH SURROUNDING DEVELOPMENT

Each PUD shall be designed in a manner that is compatible with the surrounding development in the area. If the proposed development is not in character with the surrounding area, the PUD shall show how the development can be screened or employs techniques that will mitigate the incompatibility.

8.30 PROCEDURE

A. PRE-APPLICATION MEETING

A pre-application meeting is required prior to submitting a formal application for the proposed PUD project. This step offers the developer a chance to meet with City staff to discuss ideas related to the development of a PUD on a piece of

property. City staff from different departments shall be available to discuss the project, answer questions and provide information to the developer.

B. SUBMITTAL OF DEVELOPMENT APPLICATION

1. After submittal of a completed PUD application packet with all required information, the Administrator shall provide a professional review of the project and shall assist the developer in understanding the PUD process.
2. The Administrator shall require sufficient detail in the Conceptual Development Plan to provide an opportunity for the reviewing bodies to make informed decisions and evaluate compliance with the applicable approval criteria.
3. The Administrator shall provide recommendations regarding changes or additions to the PUD that would make the project more consistent with the goals, purpose and standards of the PUD outlined in this chapter. Upon completion of a successful application, the PUD shall be placed on the next available Planning Commission Agenda.

C. TECHNICAL ADVISORY COMMITTEE (TAC)

1. Prior to the Planning Commission, the City of Owasso's Technical Advisory Committee (TAC) shall review the PUD proposal and all supporting documentation.
2. The TAC shall provide comments to the developer regarding utilities, engineering, planning, and project design.
3. All TAC comments shall be addressed by the developer prior to the PUD being reviewed by the Planning Commission or City Council.

D. NEIGHBORHOOD MEETING

A neighborhood meeting between the applicant and adjoining property owners is strongly encouraged to introduce the project and listen to any concerns of the citizens. If such a meeting is held, City Staff will be present to answer procedural and City-related questions, but will otherwise observe and report on the discussions held at the meeting. Neighborhood meetings should be held at least 14 calendar days prior to the project being heard by the Planning Commission. It is also suggested that developers provide the Homeowners Associations of surrounding neighborhoods with a copy of the proposed development plans.

E. PLANNING COMMISSION

The function of the Planning Commission is to listen to public concerns, afford the applicant or his or her designee an opportunity to make a formal presentation regarding the project, review the project for conformity with the requirements of this ordinance, and to offer suggestions regarding the project design as it relates

to impacts to adjoining properties. It shall be the duty of the Planning Commission to review each PUD prior to consideration of the City Council.

At the Planning Commission meeting, the applicant or his or her designee shall be present and shall present a conceptual development plan and such other narrative or other graphic information pertinent to the City's initial review and evaluation of the potential of the Planned Unit Development proposed. At the Planning Commission meeting, the applicant or his or her designee and interested citizens will have the opportunity to discuss the merits of the Planned Unit Development proposal. The Planning Commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of the Staff, the applicant's presentation, and the community's response. The Planning Commission shall review each application using the following process.

1. Planning Commission Action

- a) The Planning Commission shall review each PUD application for conformity to this ordinance. The Planning Commission action shall follow the process identified in section 1330.3 of the Zoning Code.
- b) The Planning Commission shall study the proposed PUD application, taking into account the recommendations of the staff, the review criteria and other applicable standards in this Ordinance. If the Planning Commission determines that the ordinance is not being met in certain areas, then they may make suggestions to the applicant and transmit the suggestions to the City Council as part of their report. The Planning Commission shall hear from the general public, and engage the developer in discussion of the project.
- c) The Planning Commission shall discuss any potential issues that they feel the project has and offer suggestions that may help the project meet the goals, purpose, and criteria identified in this chapter and this information shall be transmitted to the City Council.
- d) The Planning Commission shall have 90 days to act on a PUD application from the time of the submittal to the Community Development Department. If after 90 days the Planning Commission cannot render a decision with all requested documents and information provided by the applicant, the applicant may proceed to the City Council for consideration. Delays by the applicant in providing materials or documents to City staff shall not be counted towards the 90 days. Requests for changes and/or additional materials by the Planning Commission shall not be counted towards the 90 days. The 90 day review period shall only consist of time when an application is complete, the item placed on the agenda, and all requested materials or information have been provided.

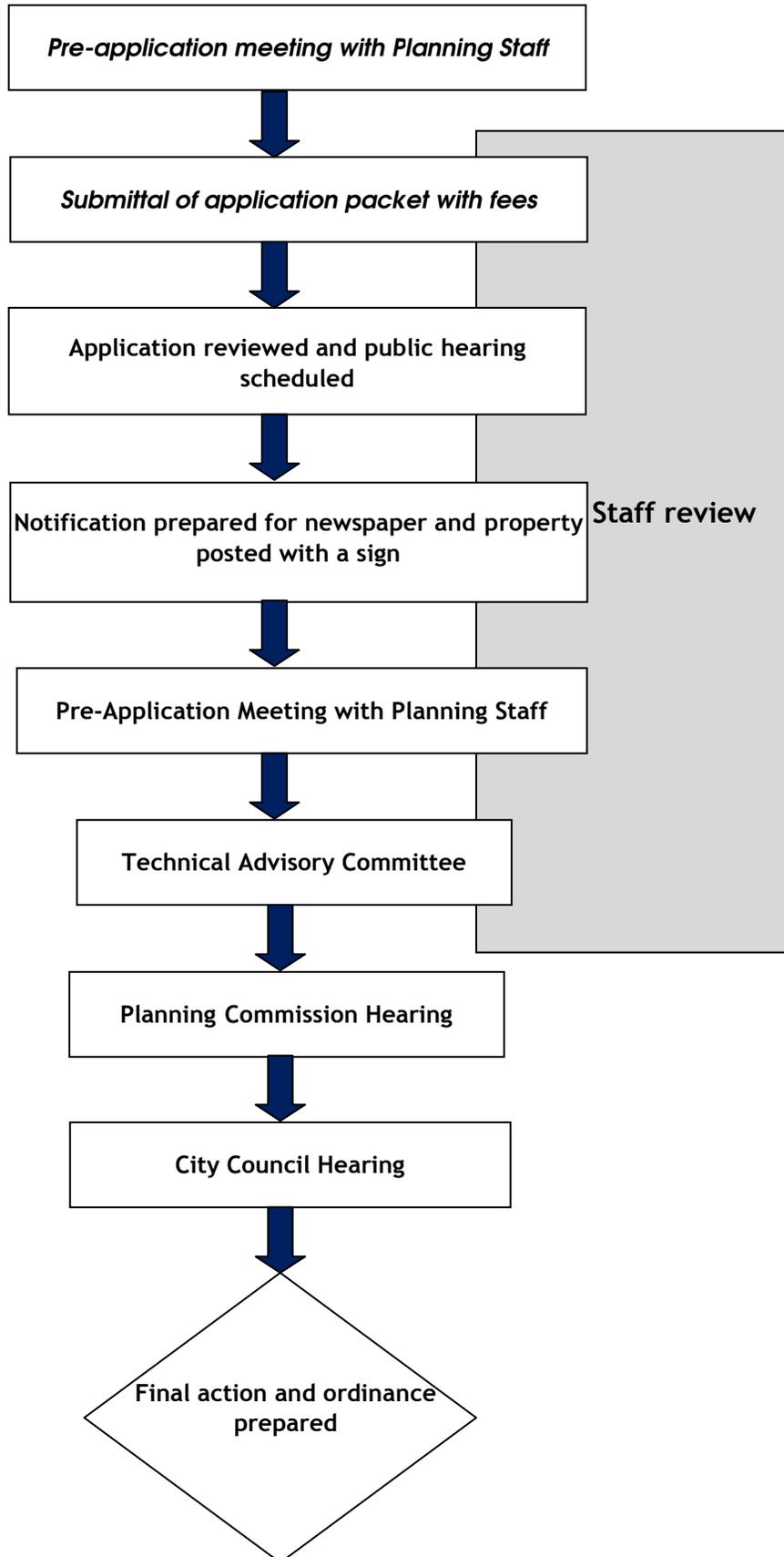
F. CITY COUNCIL

The City Council shall make the final decision on any PUD application. A final PUD plan shall be approved along with an Ordinance. The approved ordinance and PUD development plan shall dictate any future development on the subject property, unless the PUD is amended or expires.

The City Council shall use the information provided by City staff, the recommendation from the Planning Commission, input from the public and the applicant to make a decision as approve or deny and proposed PUD.

1. The City Council may add conditions to the project that they feel are necessary to meet the intent of the PUD Ordinance.
2. Should the City Council require more information; the item can be tabled to a future meeting. If any major changes are made to the plans or new information is brought forward after review by the Planning Commission, the City Council may ask that the project return to the Planning Commission for review.
3. All conditions imposed by the Council shall become binding and shall be met before the project may proceed.
4. All planned development districts approved in accordance with provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning districts map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained in the Community Development Department.

PUD Process



8.40 TIMELINE, EXPIRATION AND AMENDMENTS

A. VALIDATION

A PUD shall be validated once any portion of the property has been platted and recorded or a building permit is approved.

B. ZONING ORDINANCE

Because a PUD is a zoning action approved through City Council by Ordinance, the City shall file the ordinance approving the designation of a PUD on a tract of land, with the County Clerk's Office upon platting and recording any portion of the PUD.

C. EXPIRATION

For any PUD in which there has been no building permit issued nor any portion of the property platted after five (5) years since approval by the City Council, the PUD shall be considered null and void and shall be brought back before the Planning Commission and City Council for consideration prior to any development on the property. Upon approval of the PUD by the City Council, the Administrator shall transmit in writing the date by which the PUD will expire. PUD's are approved with underlying zoning. The underlining zoning of the site shall not expire, only the PUD overlay shall expire.

D. CONFORMANCE WITH CURRENT REGULATIONS

Expired PUD's shall be required to meet the most recently adopted regulations, ordinances, and development standards.

E. EXTENSIONS

An extension may be granted by the Administrator for PUD's that are nearing the 5 year expiration date. PUD's may be extended one (1) time for a maximum of two (2) additional years, provided a letter is submitted to the Administrator asking for the extension no less than two (2) months prior to the five (5) year expiration date. Said letter must indicate the following:

1. Reason for the extension
2. That there are no changes to the original PUD approved by the City Council.
3. Expected date by which a portion of the PUD will be platted

It shall be the developing party or an individual who has legal authority to sign documents on their behalf responsibly to ask for and sign the letter of extension. If no extension has been sought and granted, said PUD shall be considered expired. If no portion of the property has been platted nor any building permit received by the Community Development Department, within the two (2) year extension period, said PUD shall expire and a new PUD application must be submitted.

8.40.1 AMENDMENTS

There may be instances when a change or amendment to the original PUD is necessary or desired. In these situations, the magnitude of these amendments is considered. There are two types of amendments that can occur with a valid PUD, a major amendment and a minor amendment. If amendments have been made, then a determination shall be required as to whether or not said amendments constitute a major or minor plan change.

A. MAJOR AMENDMENT

A major amendment is described as a significant change that increases the density, intensifies the use, redistributes uses, or creates inconsistencies with the character of the PUD that was initially approved. A major amendment shall proceed through the entire PUD process as outlined in this chapter. The Administrator shall determine if the changes to the PUD meet the criteria for a major amendment, is an appropriate change, and will maintain the spirit of what was approved in the original PUD. Modifications from the previously approved PUD plan shall be deemed by the administrator to be a major amendment if said modifications cause one of the following to occur:

1. Increase the total number of dwelling units by more than ten percent (10%);
2. Reduce the amount of common open space by ten percent (10%) from what was originally approved;
3. Substantially change the location of any multi-family or non-residential areas as shown on the approved PUD

Example: An approved 100 acre PUD shows 20 acres for office, 10 acres for commercial, and 70 acres for residential single family. If the amendment proposes to move the commercial area to another location within the PUD, then it would be deemed to be a major amendment.

4. Eliminate a proposed use that was approved with the original PUD that substantially changes the character of the project;
5. Change the location of the access points into the PUD or connections to adjoining residential development. Modifications in the location or design of minor streets, cul-de-sacs, alleys, or facilities for water and for disposal of stormwater and wastewater internal to the development shall not be considered as a major amendment;
6. Complete elimination of a recreational feature that was identified in the approved PUD, without replacing it with an in-kind feature.

B. APPEAL

An appeal from the Administrators decision that the changes to the PUD construe a major amendment shall be made in writing by filing a notice of appeal to the Planning Commission within ten (10) days of the Administrators decision. Said appeal shall be heard a regular meeting of the Planning Commission, at which time the applicant may defend his proposal. Appeals shall not require public notification.

C. MINOR AMENDMENT

Small changes that still meet the intent of the ordinance, do not increase the density in excess of 10%, are consistent with surrounding development, and do not pose a threat to the health, safety, or welfare of the City of Owasso can be administratively approved as a Minor Amendment. Minor amendments may also include relocation of landscape areas, parking areas, drive aisles, or other similar changes that are minor in scope.

1. Minor amendments shall be approved administratively. Depending upon the nature of the amendment, the Administrator may be require the PUD to go before the Technical Advisory Committee (TAC).

8.50 CONCEPTUAL DEVELOPMENT PLAN

A. CONCEPTUAL SITE PLAN

The required conceptual plan shall be a rendered plan that clearly articulates the overall concept of the PUD. Figure 8.2 illustrates an acceptable conceptual site plan rendering. The site plan shall include the entire PUD area, and may include site plans of smaller areas to provide more specificity if the development is large.

1. The site plan shall include, at a minimum, the following:
 - a. Name of the proposed development
 - b. Name and address of the property owner and developer
 - c. Name of the preparer of the document
 - d. Graphic scale drawn at a scale no smaller than 1:100, a north arrow, date of preparation, and a legend. Vicinity map outlining the location of the development in relation to major streets within 1000 feet, schools, and other landmarks. The County where the development lies shall be depicted
 - e. Legal description of the property
 - f. Total acreage of the tract, total acreage of the proposed area to be improved, and acreage of open space
 - g. Location and name of abutting subdivisions and City Limit Lines
 - h. Wooded areas, wetlands, waterways, floodplain and floodway, ponds and other natural features
 - i. General location of all proposed streets
 - j. Proposed density of the development depicted in gross density figures (gross units per acre of the entire development)

- k. Location and identification of all land uses within the PUD shall be depicted. Identification of all amenity locations, detention areas, open space areas, etc.
- l. General location of parking areas for non single-family areas
- m. Depiction of any proposed walking trails, pathways, and buffer yards, including fences
- n. Notation on the plan of how wide the buffer yards will be and how they will be landscaped
- o. Location and type of amenities provided

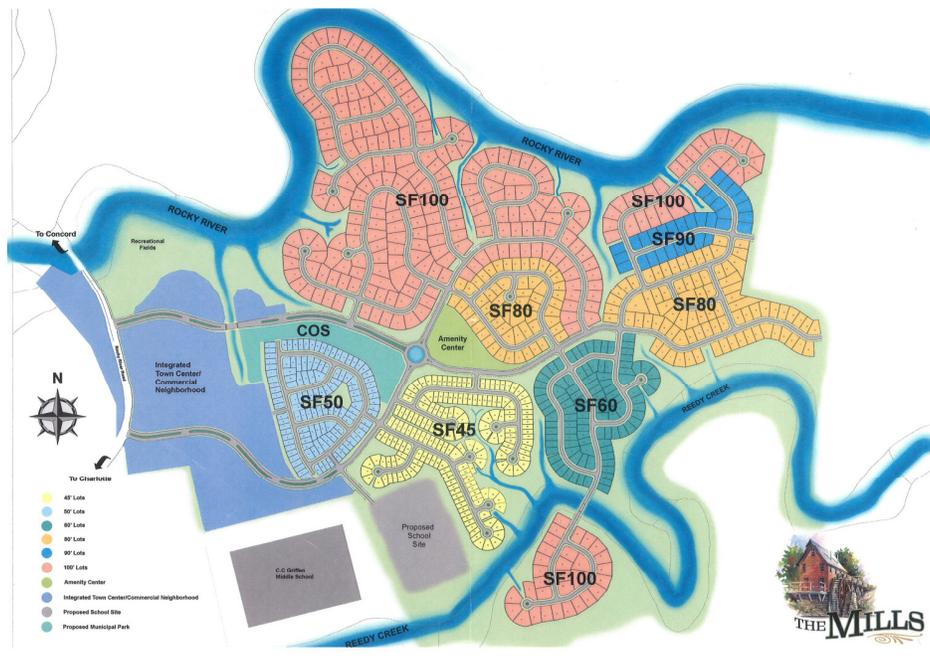


Figure 8.2
Acceptable Conceptual Development Plan

B. CONCEPTUAL DEVELOPMENT PLAN AS THE PRELIMINARY PLAT

Should a conceptual development plan be provided that goes into sufficient detail necessary for submittal of a preliminary plat, the plan may be used as the preliminary plat for the PUD project. If the conceptual development plan is to be used as the preliminary plat, it must contain all of the required elements for preliminary plat approval outlined in the subdivision regulations of the City of Owasso. If the PUD is approved with a site plan that is sufficient to be used as a preliminary plat, the applicant may proceed to the final plat stage. It is not required that the entire development be platted, only the portion the applicant intends to develop initially. Additionally, the conceptual site plan can be used as

the actual site plan for the development if it has TAC comments that have been addressed. If the site plan is unchanged, additional TAC review will not be required.

8.50.1 DESIGN AND INTENT STATEMENT

A. REQUIREMENTS

The design and intent statement shall clearly articulate the vision for the proposed development and shall identify key elements of the project that justify using a PUD approach over conventional zoning.

1. At a minimum, the design and intent statement shall include some basic elements, listed below.
 - a. Overall project statement of proposed use and intent.
 - b. List of the proposed land uses including residential densities
 - c. List of all parties involved (applicant, owner, agent, plan preparer)
 - d. Thorough narrative explaining why the development is appropriate, how it complies with the PUD ordinance. The applicant should explain how the PUD is consistent with the goals, purposes, and standards listed in this chapter.
 - e. A statement regarding the compatibility of the proposed development with the surrounding area. The statement should address buffer zones, transition, screening, types of materials to be used, square footage of structures, .
 - f. A table showing how the proposed PUD will differ from current bulk standards, with an outline of what sections of the zoning ordinance or subdivision regulations that the PUD seeks relief from.
 - g. An outline of the covenants that will govern the property and information about the development of a Homeowners Association and how they will govern the common areas.
 - h. An anticipated timeline for development, which may include a phasing plan.
 - i. The PUD's consistency with the Owasso Land Use Master Plan.

Sections 8.50.2-8.59 Reserved

SECTION 860 OVERLAY DISTRICT

860.1 General Description

It is the purpose and intent of the Overlay District to provide enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors while providing for development opportunities. These characteristics may include natural scenic beauty, manmade features or other features. Overlay Districts may also be used to protect or facilitate a particular design theme established through specific architectural styles or periods, or to protect or facilitate site plan conventions such as setbacks that are both minimums and maximums. The purposes of any Overlay District may include:

1. Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures.
2. Encouraging the redevelopment of an area consistent with a particular design theme.
3. Minimizing the detrimental impact on hillsides, watercourses and other significant natural features.
4. Giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention.
5. Giving special attention to the existing architectural style or to the style that is planned, so as to create an easily identifiable area in those areas identified as architecturally significant.

860.2 Establishment of Overlay Districts

The City Council of the City of Owasso may adopt Overlay Districts as the needs are identified in order to implement specific purposes, intents, and design standards based upon the adopted Land Use Plan for the area being regulated, which shall be applied as additional standards to other ordinance regulations required by the City. Such Overlay Districts shall be made a part of the Zoning Ordinance. Upon adoption, the boundaries of such Overlay Districts shall be shown on the Zoning Map of the City of Owasso.

860.3 Development Criteria

The development criteria for each Overlay District shall be those standards as set out in each Overlay District.

860.4 US-169 Corridor Overlay District North

Definition. An overlay district is the application of an additional layer of development standards, regulations or exceptions that modifies existing land use regulations. It acts as a supplement to the underlying zoning designation.

860.4.1. PURPOSE

- Encourage sustainable development that will become a long term asset to Owasso
- Protect an area that represents a significant opportunity for business and corporate investment, important to the long term economic health of Owasso
- Establish uses and regulations that promote the development of this area as a corridor that promotes an environment of business, learning and growth
- Protect the area around Tulsa Technology Center from uses that may have a detrimental impact on the facility and the City's ability to attract quality development
- Establish regulations that protect the investment of existing and new businesses and corporations from unattractive, non-compatible uses
- Ensure the area is visually pleasing, sustainable, and developed in a coordinated fashion
- Ensure a high quality of development that will ultimately generate an economically enhanced and pedestrian friendly area for Owasso.
- Follow the principals of the Quality of Life Initiative

860.4.2 US-169 CORRIDOR OVERLAY DESIGNATED

The District covers an area roughly $\frac{1}{4}$ to $\frac{1}{2}$ mile on either side of US-169 from 86th Street North to 126th Street North, and is depicted in figure 860.2-1 and defined on the official zoning map.

860.4.3 PERMITTED USES

The base zoning districts of properties fully or partially within the designated overlay district shall not be affected except as noted in this chapter. All applicable regulations for use, yard, area, lot dimensions, utility placement, and landscaping shall be those specified for each district, including planned development stipulations. Where any of the above regulations conflict with those of the overlay district, the more restrictive shall apply.

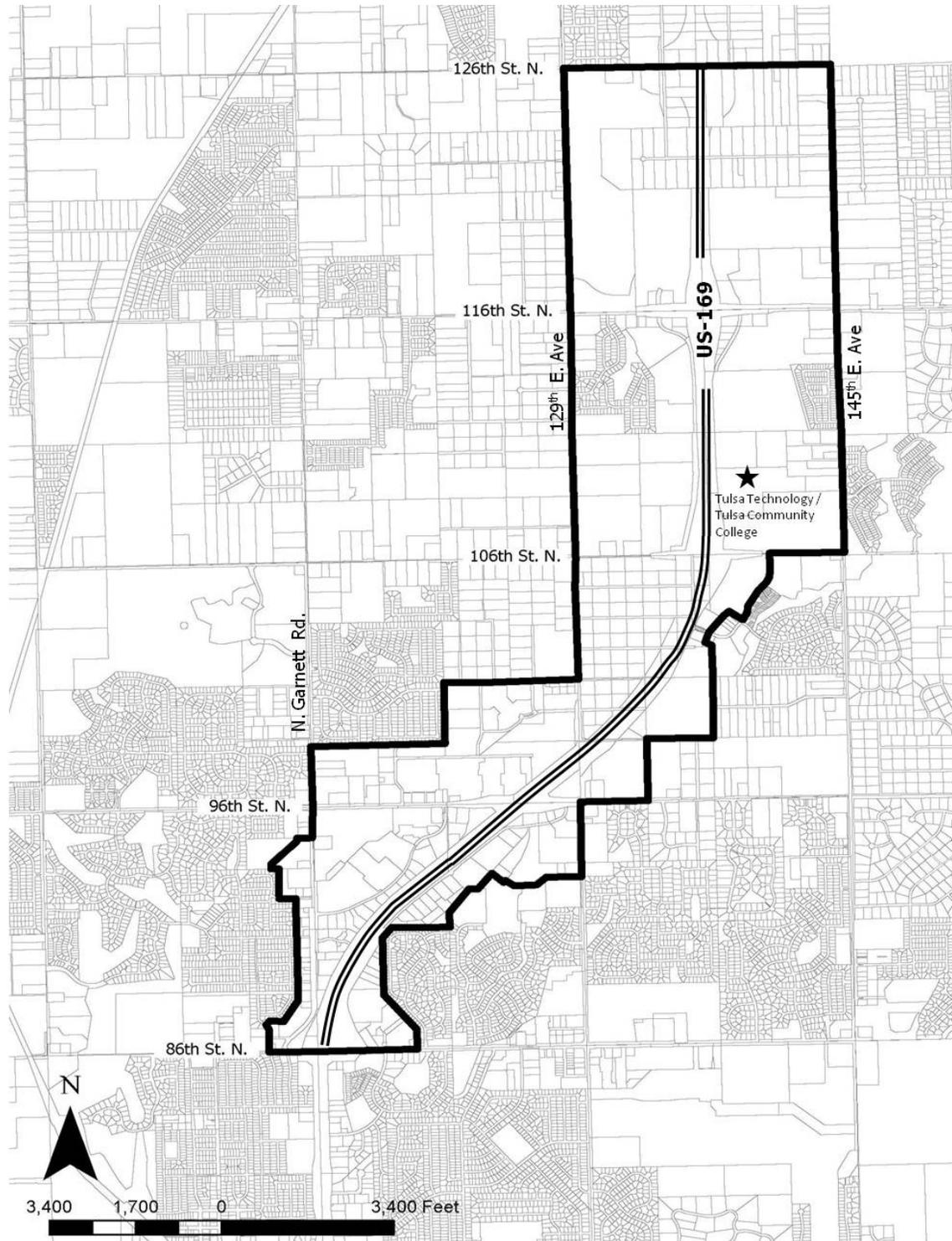


Figure 860.2-
1
US-169
Overlay

A. USE RESTRICTIONS

1. In AG districts, only existing agricultural uses shall be permitted and shall be subject to all applicable standards and regulations in Section 300-330. No Specific Use Permits shall be issued for any land zoned AG and no new AG uses or businesses shall be allowed.
2. In each zoning district, all uses respective to that district shall be permitted by right or with the issuance of a Specific Use Permit, except for those listed below in Section 860.2.3 A.3.
3. Allowed Uses. Within the US-169 North Overlay, unless otherwise restricted, any use permitted, or with a specific use permit in the underlying zoning district shall be permitted. All uses shall be defined by the most recent version of the NAICS (North American Industry Classification System) book.

Upon annexation all tracts of land shall be zoned commercial, office or in conformity to the existing adopted land use plan in effect at the time of the annexation. New residential development of any kind shall be developed as a Planned Unit Development (PUD).

4. The following By-Right and Specific Use Permit uses shall be prohibited in the US-169 North Overlay District.
 - Industrial Uses in the IH and IM District
 - Any new agricultural uses or businesses
 - Chick hatchery
 - Halfway house
 - Landfill
 - Bindery
 - Casino/Gaming Center
 - Juvenile Delinquency Center
 - Pre-Release Center
 - Animal and Poultry Raising
 - Power Plant
 - Sexually-oriented businesses
 - Bottled Gas Sales
 - Outdoor Kennels (not a part of veterinary or grooming business)
 - Taxidermist
 - Cemetery
 - Oil Well Drilling and Cleaning Establishment
 - Fuel oil sales(does not include gas station or convenience store)
 - Race tracks (animal or vehicle)
 - Mini-storage warehouses (as a primary use)
 - Truck stop
 - Shooting range (outdoor)
 - Drag strip
 - Outdoor storage of any kind as the principal use
 - Portable building sales
 - Cesspool Cleaning

- Concrete Construction Service
5. The following uses shall be permitted with the issuance of a Specific Use Permit, subject to compliance with the provisions of this section.
- Auctioneer
 - Auto wash
 - Agricultural implement sales
 - Appliance store and repair
 - Woodworking shop
 - Aircraft sales
 - Boat and Recreational Vehicle sales
 - Fence construction company
 - Golf Driving range
 - Truck rentals
 - Monument sales
 - Camper Sales
 - Disinfecting Services
 - Lumber yard
 - Cabinet Maker
 - Plastic material sales
 - Construction equipment sales
 - Go-kart track
 - Outdoor Recreation including amusement parks
 - Auto Sales (5 Acre Maximum Parcel Size)
 - Auto Rental
 - Motor vehicle repair
 - Retail greenhouse
 - Janitorial service Vending sales and service
 - Exterminating services
 - Bus station
 - Any retail use with primarily outdoor sales
 - Park and ride lots
 - Motorcycle Sales

860.4.4 NON-CONFORMING USES

Existing, but non-conforming properties, which existed as of the date these regulations became effective, shall be allowed to continue in the same manner after the adoption of these regulations. However, such non-conforming properties shall be subject to these regulations if feasible when:

1. A property is annexed into the City;
2. A property owner requests any zoning change;
3. The principle use on the property is discontinued for a period of six calendar months;
4. The property is destroyed or significantly altered (60% or greater);
5. Enlargements or improvements are made to the property that increase the gross square footage by 25%; or

6. When any change as identified above occurs, the property owner must demonstrate that the change to the property shall not significantly impair the safe and efficient flow of traffic within the study area. The Administrator may require the property owner to provide a site specific traffic study to determine the potential impacts of the proposed changes as part of the site development plan.

860.4.5 EXISTING USES

A. **SINGLE FAMILY RESIDENTIAL** - The US-169 North Overlay shall not affect existing single family residential uses, neighborhoods, or platted residential developments. Said uses may continue to exist in perpetuity until such time as they may be redeveloped or rezoned for another use.

B. **PROPERTIES OUTSIDE OWASSO CITY LIMITS** - This overlay covers areas that are currently outside of Owasso City Limits. Unless these properties are annexed into Owasso City Limits, they shall not be required to comply with the regulations of this chapter. If annexed, these properties shall be subject to the regulations set forth in this chapter.

C. **PREVIOUSLY APPROVED PROJECTS OR DEVELOPMENT** - Any project or development that was approved or had plans submitted prior to the effective date of this section shall not be required to comply with these regulations unless they meet any of the criteria from section 860.4.4. Previous approvals remain valid unless the approval date lapses or unless changes are made to the previous approvals. This shall refer to site plans, building plans, Planned Unit Developments or Specific Use Permits submitted prior to the effective date of this overlay shall only be required to comply with the zoning regulations in affect at that time. An approved plat shall not constitute approval of a project. The Administrator shall determine if a project meets these criteria.

860.4.6 LANDSCAPE REQUIREMENTS

Development and or redevelopment shall comply with Chapter 20 of the Owasso Zoning Code with the following additional requirement:

1. All signage shall have shrubs and/or perennial flowers at the base. Said shrub/flower bed shall and be enclosed with an edging material such as brick, stone, steel edging, concrete or similar material.

860.4.7 GENERAL REQUIREMENTS

1. All development shall follow City of Owasso procedures and requirements described in Section 2, General Provision, except as noted in this Section.
2. Architectural details and/or drawings shall be submitted to the Community Development Department at the time of site plan submittal. Architectural plans shall depict architectural details outlined in this Section and shall consist of:

- a. Preliminary renderings or drawings of building elevations plus typical cross sections to clearly define the character of the project and to ensure these provisions are met; and
- b. Exterior building materials inventory to indicate compliance with this Section. The Administrator shall review the proposed building materials for compliance.

860.4.8 DESIGN CONSIDERATIONS

Developments shall be evaluated using the following criteria

O. COMPATABILITY

Adjacent buildings shall relate in similarity of architectural style, roof style, and configuration.

P. PROPORTIONS

Windows, doors, columns, piers, projections, ribs, awnings, cornices, parapets, eaves, and other building components shall be proportional to the overall scale of the building. Windows should be greater in height than width, unless otherwise required by a specific design feature or architectural style.

860.4.9 BUILDING AND SITE DESIGN STANDARDS

A. BUILDING ENTRANCE

Primary building entrances shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhang, or portico (in order to provide weather protection for pedestrians). Public entrances flush with the building wall with no cover are not allowed. (See Figure 860.2-3)

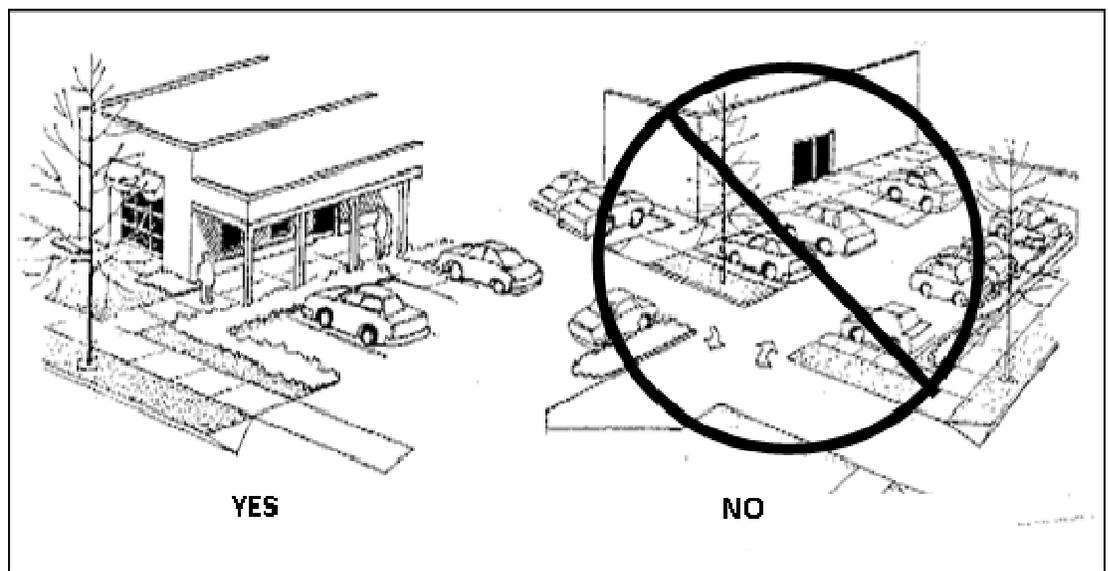


Figure 860.2-3

B. BOULEVARD ENTRANCE

For developments containing total floor area in excess of 50,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median that complies with Chapter 20 of the Owasso Zoning Code.

C. OFF STREET PARKING

Off street parking areas are encouraged to be located to the side or rear of buildings or in the interior of a block whenever possible. See Figure 860.2-4. Loading areas shall be located behind the main building and screened in accordance with Chapter 20. All parking lots, drives, aisles and other elements shall comply with Chapter 9 of the Owasso Zoning Code.

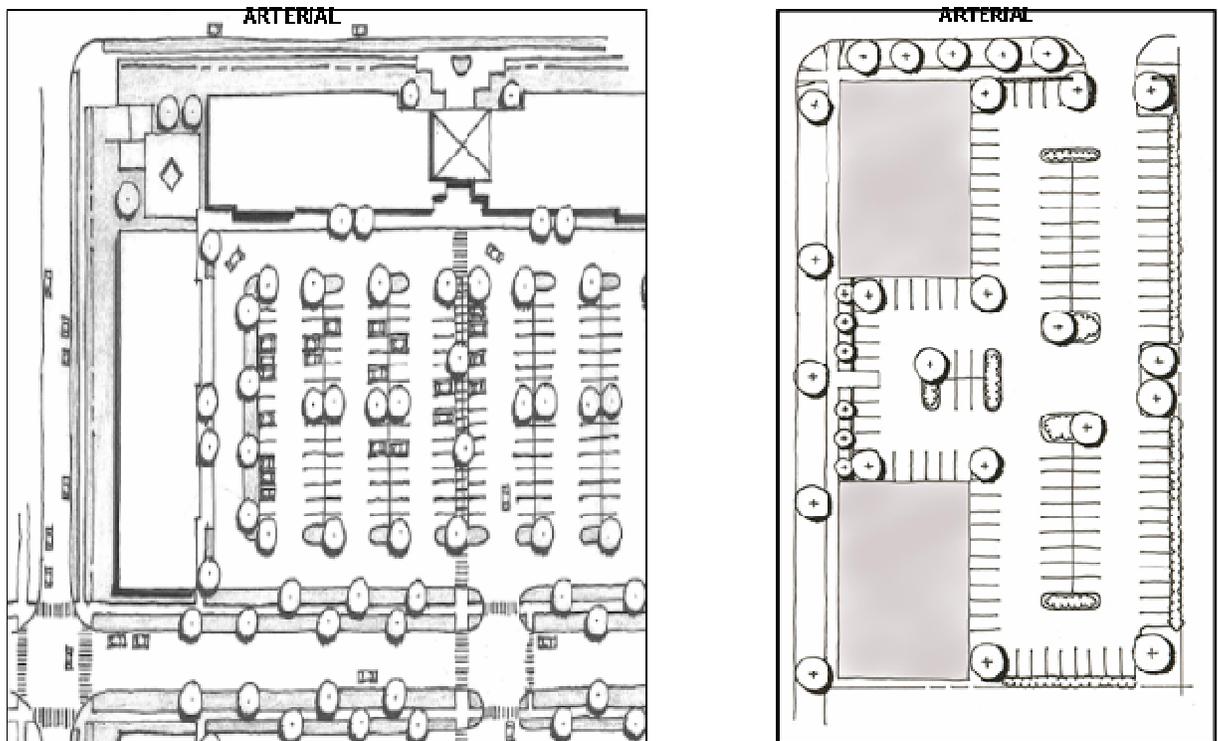


Figure 860.2-4

Preferred Off-Street Parking
Configurations

D. BUILDING SETBACK

It is the intent of this chapter to enhance and preserve the character of the overlay by promoting parking area placement to the rear of lots or along the sides of buildings and bring visually pleasing building architecture to the street,

therefore building setbacks along highway frontage roads may be reduced to 20 feet.

E. TRANSIT STOPS

All transit stops shall be covered to offer shade and shelter from the elements.

F. OUTDOOR SPACE

Each site with a building larger than 10,000 square feet shall be designed to include public pedestrian walkways internally and throughout the development, linking all areas and buildings facilities open to the public, and shall include one (1) or more plazas or courtyards with benches, or patios/seating areas. For single developments containing total floor area in excess of 80,000 square feet, at least one (1) outdoor space or site amenity shall be required on the site or on adjacent land, in addition to the required plaza or courtyard area. All features shall be accessible, useable spaces. Outdoor Space or Site Amenities may include, but are not limited to:

1. Window shopping walkway
2. Water feature
3. Clock tower
4. Seating walls
5. Benches
6. Courtyards or plazas
7. Fountains
8. Sculpture or public art

The Administrator may approve any other such deliberately shaped area or focal feature or amenity that, in the judgment of the Administrator, adequately enhances such community and public spaces.

G. SIDEWALKS

All buildings, parking areas, public spaces, amenity features, and adjoining developments of similar use, shall be linked with sidewalks. Sidewalks shall be provided along public streets that provide access to the development. Sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in City of Owasso Engineering Standards.

H. EXTERIOR MATERIALS

Exterior building materials shall include brick, split-faced concrete block, stone, stucco, synthetic stucco, or cement-board or wood siding. Metal may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. All windows and doors to customer service areas along building frontages at the ground floor level on any retail building shall be transparent.

1. MULTIPLE BUILDINGS IN COMMERCIAL CENTERS

In order to achieve unity between all buildings in a commercial development consisting of more than one building, all buildings in such a development, including pad site buildings, shall employ a consistent architectural style or theme, be constructed of similar exterior materials.

Design criteria for large and multi-phase developments shall be provided for review.

I. ROOF PITCH

Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one (1) foot from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

J. ELECTRICAL AND SERVICES EQUIPMENT

HVAC and similar types of incidental machinery or equipment shall be screened from view in accordance with Chapter 20. Utility meters, aboveground tanks, satellite dishes and antennas shall also be screened from view. Wall-mounted mechanical equipment that extends six inches (6”) or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Unless a waiver is authorized by the City Council, all electrical and telephone lines and wires including, but not limited to, street lighting, shall be placed underground. Feeder and other major transmission lines may remain overhead. All utility installation shall conform to the City’s adopted Technical Standards and Specifications.

K. WALL ARTICULATION

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable “top” consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets. All sides of a building and any accessory structure shall utilize materials and design characteristics consistent with those of the front facade. In order to prevent large flat expanses of featureless exterior walls, structures having single walls exceeding fifty feet (50’) in length shall incorporate one or more of the following features at least every fifty feet (50’) in length (See Figure 860.2-6):

1. Changes in color, graphical patterning, changes in texture, or changes in material
2. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of twelve inches (12”)
3. Windows and fenestration
4. Gable projections
5. Horizontal/vertical breaks
6. Other similar techniques

The Administrator may approve variations or alternate treatments, so long as the intent of the ordinance is met.

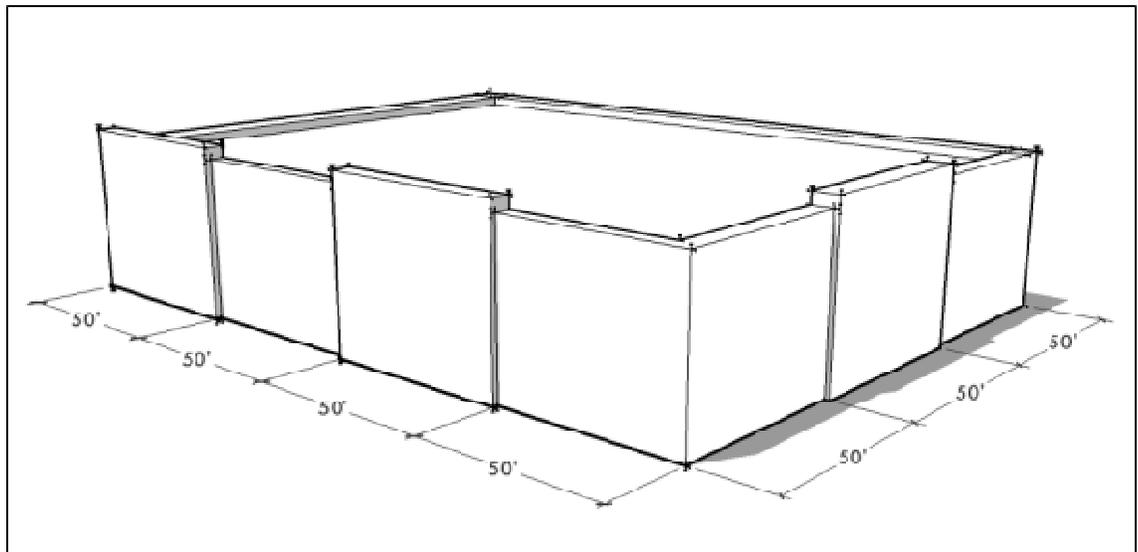
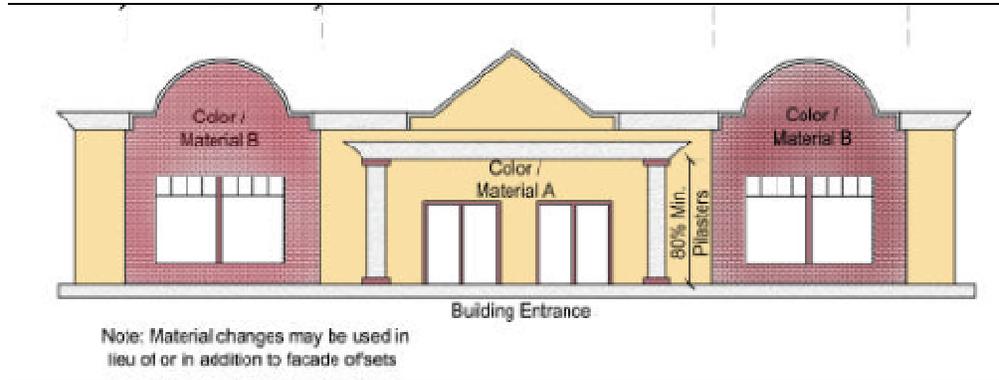


Figure 860.2.6

M. SIGNAGE

Signs shall be permitted in accordance with Chapter 18 of the Owasso Zoning Code, with the following exceptions:

1. Pole signs of any type over twenty five (25) feet in height are prohibited. Pole signs shall only be allowed on parcels adjacent to US-169.
2. All signs not attached to buildings shall be of monument form and constructed of materials that complement the main building(s).
3. All signs not attached to buildings shall be set in a landscaped bed.
4. Maximum height shall be twenty five (25) feet for property with frontage on US-169 and SH-20.
5. Maximum height shall be twenty (20) feet for property with frontage on all arterial roads.

6. Maximum height for signage shall be ten (10) feet for all other public roads.
7. Full video message boards and signs are prohibited within the Overlay District.
8. New developments shall be allowed to use the Unified Sign Permit process and are encouraged to do so.

N. BUILDING ORIENTATION

All primary buildings on lots or tracts with frontage on the highway are encouraged to be oriented towards the highway. If any such building is on a lot or tract with a second frontage, it shall have equally detailed and prominent facades, constructed of equally high quality materials, facing both the highway and the secondary street. All buildings are encouraged to be oriented towards the front of the lot, with parking lots towards the rear or alongside buildings.

O. COMMERCIAL DRIVE THROUGH LANES

Drive-through facilities associated with commercial uses shall be architecturally integrated with the building.

Q. OUTDOOR DISPLAY AND SALES

All outdoor display or sales areas shall be shown on the site plan and shall encompass less than 20% of the area of the building footprint. Said display area shall be landscaped to provide definition of the area. Any allowed use that requires primarily outside sales shall not be required to meet these criteria.

R. SCREENING OF REFUSE COLLECTION AND LOADING AREAS

Refuse collection areas shall be screened in accordance with Chapter 20. In order to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets, non-enclosed service, storage, and off-street loading areas shall be screened with opaque sight-obscuring walls and/or fences of between six feet (6') and eight feet (8') in height made of durable materials. Screening materials shall be the same as, or of equal quality to, the materials used for the primary building and landscaping.

CHAPTER 9

OFF-STREET PARKING REQUIREMENTS

9.1 GENERAL PROVISIONS

The purpose of these off-street parking requirements is to provide standards that will protect the health, safety and general welfare of the public and achieve the following:

- Provide and maintain an orderly system of parking lots that provide safe and adequate access to drivers and vehicles.
- Create a network of public and private streets, driveways, aisles and parking lots that provide a safe means of travel within Owasso.
- Provide for 'green' design opportunities.
- Augment existing regulations.

9.1.1 PARKING STANDARDS

- A. The standards and diagrams provided within this chapter are designed to create an ingress and egress system that provides Owasso citizens and visitors with a safe environment on public roads and in private parking areas. Any deviation from these requirements must be approved by the officials from the Community Development and Public Works Departments, or through variance or appeal to the Owasso Board of Adjustment.
- B. Provided parking calculations found within this chapter are designed to provide a minimum number of parking stalls that will meet customer demand for certain types of businesses as well as provide adequate parking for employees and other persons integral to operating those specific businesses.
- C. All off-street parking lots for any use shall be designed based upon the criteria listed in this chapter. Any parking lots that are expanded or altered excluding routine or regular maintenance, shall meet the requirements of this chapter. Any expansion of any current business by more than twenty five percent (25%) shall trigger a requirement to meet the requirements set forth in this chapter.
- D. All required parking for any use shall be provided on the same lot as the use. Off-site parking arrangements shall not be allowed unless the parking lot is contiguous to the subject property and evidence of a shared parking agreement shall be provided to the City of Owasso.

- E. The regulations found within this chapter are designed to be in accordance with and supplement the other chapters of the Owasso Zoning Code. Wherever these regulations may be in conflict with other sections of Owasso City Code, the more restrictive shall apply.
- F. Failure to maintain parking lots, parking spaces, driveways or any vehicle drives, loading areas, storage areas, or parking areas as outlined in this chapter shall constitute a Zoning Code violation and shall be subject to enforcement.
- G. No person shall park or place an automobile, trailer, vessel or any other type of vehicle upon a public or private street, parking lot or any public or private property for the purpose of displaying such automobile, trailer, vessel or any other type of vehicle for sale, hire, or rental, or for other advertising purposes, unless said property is zoned by the City for such purpose and the vendor is duly licensed to transact such business at that location. This prohibition shall not apply to the sale of a vehicle on private residential property belonging to the owner of any such vehicle.

9.1.2 DUTY TO PROVIDE AND MAINTAIN OFF-STREET PARKING

The duty to provide and maintain the paved off-street parking spaces herein required shall be the responsibility of the operator and owner of the use or business on a site and/or the owner of the land on which the use or uses exists. Each standard parking space shall have adequate space for ingress and egress. No land shall be used or occupied, no structure shall be built, altered, used, or occupied, and no use shall be operated unless the off-street parking spaces herein required are provided in at least the amount specified, and maintained in the manner herein set forth.

9.1.3 SURFACING

All parking stalls shall be constructed of concrete or asphalt. ‘Green’ design alternatives to concrete or asphalt such as permeable paving systems shall also be allowed upon approval by the Community Development Administrator. Documentation of how permeable paving systems would be installed shall be provided for review and approval. Permeable paving systems include but are not limited to systems such as pavers, ‘grasscrete’, permeable asphalt, and other approved applications.

All private parking lot surfaces shall be maintained in such a way as to ensure a safe and flat travel surface. Potholes, large cracks, and pieces of paving that are missing shall be replaced and/or repaired. Curbing shall be repaired or replaced whenever it becomes broken. Failure to maintain parking lots in a safe manner shall constitute a Zoning Code violation and shall be subject to enforcement.

9.1.3 STRIPING

All parking spaces, required ADA improvements, drive lanes, no-parking areas, and all other required components shall be clearly striped or delineated. All striping shall be clearly maintained and visible. If striping is faded or becomes removed, it shall be

replaced in the exact layout as approved. Failure to meet these criteria shall be handled as a Zoning Code violation and shall be subject to enforcement.

All required striping shall be yellow or white surface markings at least four (4) inches in width. One-way or two-way drives and required turning areas shall be identified with directional arrows.

9.2 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

9.2.1 GENERAL PROVISIONS

- A. If not otherwise specified within this chapter, all parking calculations shall be based on gross square footage of the building or the use.
- B. If a classification is not specified within this chapter, the Administrator shall calculate parking requirements for that use based upon national and regional parking standards.
- C. All existing parking situations shall not be required to comply with these standards. However, any additions or new development that increase the square footage of the building by 25% or increase the number of parking spaces by 25% shall be required to comply with these standards.
- D. If a lot has multiple uses, each use shall provide the minimum number of parking spaces as outlined in this chapter.
- E. Bicycle parking shall be provided as shown in Table 9.1. Bicycle parking shall be provided in a bike rack or other structure affixed to the ground that holds a bicycle vertical and allows a lock or chain to be connected from the bike to the rack. A minimum of two (2) bicycle spaces shall be provided for any business requiring bicycle parking.
- F. Off-street parking spaces for motor vehicles shall be provided in at least the amount shown in Table 9.1. A minimum of four (4) parking spaces shall be provided for any business.

Table 9.1
Parking Requirements by Type of Use

<u>USE</u>	<u>PARKING REQUIRMENT</u>	<u>BICYCLE</u>
AGRICULTURAL		
Agricultural Implement Sales	1 per 500 sq. ft. of sales area	N/A
ANIMAL RELATED		
Kennel	1 per 750 sq. ft., plus 1 per employee	N/A
Veterinarian	1 per 250 sq. ft. of gross area	N/A
EDUCATIONAL/CHILD CARE		
Child Care / Day Care	1 per 400 sq. ft.	10%
College/University/Junior College	1 per 6 students	25%
Elementary School	2 per classroom	100%
Extra School Stadium Requirements	1 per 4 seats	15%
Fraternity or Sorority	1 per bed within the building	25%
Library	1 per 500 sq. ft.	25%
Middle School	2 per classroom	100%
High School	5 spaces per classroom	60%
Trade School	1 per 2 students, plus 1 per employee	25%
FINANCIAL		
Automatic Teller Machines	Not required for drive-thru, 2 required for walk-up	N/A
Banks and Financial Institutions	1 per 400 sq. ft.	N/A
FOOD/BEVERAGE		
Coffee Shop	1 per 100 sq. ft. of customer service area	25%
Ice Cream/Yogurt Shop	1 per 100 sq. ft. of customer service area	25%
Restaurant with Drive-thru	1 per 100 sq. ft. , including outdoor areas	10%
Restaurant - Drive-In	1 per 100 sq. ft. of dining area (indoor/outdoor)	10%
Restaurant	1 per 100 sq. ft. , including outdoor areas	5%
Restaurant - Take-out only	1 per 100 sq. ft. of customer service area	10%
Tavern/Bar/Nightclub	1 per 100 gross sq. ft.	5%
INDUSTRIAL		
Equipment Rental	1 per 300 gross sq. ft.	N/A
Manufacturing	1 per 750 sq. ft.	N/A
LODGING		
Bed and Breakfast	1 per guestroom, plus 2 for primary residence	N/A
Boarding or Rooming Houses	1 per bedroom + 2 spaces	10%
Hotel / Motel	1 per 1.5 per guest rooms, plus 1 per 300 sq. ft. of meeting/restaurant area, plus 1 per employee of largest shift	N/A
MEDICAL/CARE		
Funeral Home	1 per 4 seats of assembly area	N/A
Halfway Houses / Sober Living	1 per 2 beds, plus 2	25%
Hospital	1.25 per 2 beds, plus 1 for each employee of largest shift	N/A
Medical Office	1 per 200 gross sq. ft.	N/A

Nursing Home / Care Home	1 per 3 beds, plus 1 per employee of largest shift	N/A
Social Assistance	1 per 250 sq. ft.	10%
OFFICE		
Professional Office	1 per 250 gross sq. ft.	N/A
Radio/TV Studio	1 per 250 gross sq. ft.	N/A
Research and Development	1 per 500 sq. ft.	N/A
OTHER		
Airport	1 per 100 sq. ft. of waiting area	N/A
RECREATION/ENTERTAINMENT		
Amusement	1 per 600 sq. ft. of site area	10%
Arcade/Game Room	1 per 300 sq. ft.	25%
Athletic/Recreation Facility - Indoor	1 per 3 persons at max capacity, plus 1 per employee of largest shift	10%
Athletic/Recreation Facility - Outdoor	1 per 5 seats	10%
Auditorium/Arena	1 per 5 seats	5%
Billiard Parlor	2 per billiard table	10%
Bowling Alley	2 per lane, plus 1 per employee of largest shift	10%
Campground	1 per campsite	N/A
Community Center	1 per 250 sq. ft.	20%
Dance Hall	1 per 100 gross sq. ft.	5%
Day Use Area	Min. of 5 spaces	10%
Golf Course	40 per 9 holes, plus 1 per 300 sq. ft. of clubhouse	5%
Golf Driving Range	1 per tee, plus 1 per 300 sq. ft. of shop	5%
Mini Golf Course	2 per hole	20%
Museum / Gallery	1 per 400 sq. ft.	10%
Skating Rink	1 per 500 sq. ft.	25%
Swimming Pool	1 per 200 sq. ft. of facility	25%
Theater	1 per 3.5 seats	10%
RESIDENTIAL		
Mobile / Manufactured Home	2 off-street spaces (can include garage)	N/A
Residential Single-Family	2 off-street spaces (can include garage)	N/A
Residential - Duplex / Triplex	2 off-street spaces per unit (can include garage)	N/A
Residential Multi-Family		
-2-bedroom unit	2 per unit	10%
-3-bedroom unit	2.5 spaces per unit	10%
-4-bedroom unit and above	.75 spaces per bedroom	10%
-Studio or 1-bedroom unit	1 space per unit	20%
RETAIL & PERSONAL SERVICES		
Convenience Stores	1 per 200 sq. ft., plus 1 adjacent to each gas pump	10%
Drug Store	1 per 300 sq. ft.	10%
Furniture Store	1 per 500 sq. ft.	N/A
General Retail	1 per 300 gross sq. ft.	5%
Grocery Store	1 per 250 gross sq. ft.	5%
Gym / Workout Facility / Health Club	1 per 200 sq. ft.	10%
Hardware/Home Improvement Store	1 per 250 gross sq. ft.	N/A
Liquor Store	1 per 300 sq. ft.	5%

Nursery / Greenhouse	1 space per 500 sq. ft.	N/A
Outdoor / Uncovered Retail	1 per 500 sq. ft. of sales area	N/A
Personal Services	1 per 200 sq. ft. of gross area	N/A
Wholesale Retail	1 per 500 sq. ft. of gross area	N/A
UTILITY		
Utility Office	1 per 200 sq. ft. of customer area, plus 1 per employee of largest shift	N/A
VEHICLE		
Car/Vehicle Wash	2 plus bays for each wash unit and 1 bay per vacuum	N/A
Vehicle Rental	1 per 300 sq. ft. of office area, plus 1 per rental car	N/A
Vehicle Sales	1 per 400 sq. ft. gross area	N/A
Vehicle Service/Repair	1 per 300 sq. ft., repair bays shall not be counted	N/A
WAREHOUSE/PARCEL/FREIGHT		
Self-Storage / Mini-Storage	1 per 300 sq. ft. of office area	N/A
Warehouse	1 per 1500 sq. ft., plus 1 per employee of largest shift	N/A
WORSHIP		
Church/Place of Worship - Multi Use	1 per 4 seat in assembly area, plus 1 per 150 sq. ft in other areas	5%
Church/Place of Worship - Single Use	1 per 4 seats in assembly area	5%

9.3 DESIGN OF COMMERCIAL PARKING STALLS AND PARKING LOTS

9.3.1 GENERAL PROVISIONS

- A. Plans - Any applicant submitting a site plan for approval must submit plans showing the off-street parking areas required by this ordinance. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory for the safety and convenience of pedestrian, as well as vehicular, traffic. A title block will accompany the plan showing: scale, date, north arrow, name and address of property owner, and name and address of the company preparing site plan.
- B. All parking lot lighting shall comply with Chapter 19 of the Owasso Zoning Code.
- C. All parking lots shall comply with the requirements of Chapter 20 of the Owasso Zoning Code - Landscaping, Screening, and Buffering
- D. All parking lots shall be designed to meet all applicable ADA guidelines.
- E. All parking lots and parking stalls are encouraged to be designed to incorporate Low-Impact Design (LID) principles and 'green' building materials and techniques are encouraged to be used as well.

- F. All parking lots and parking stalls shall be fully installed and striped prior to issuance of any Certificate of Occupancy.
- G. All parking areas are encouraged to be built at the rear of lots or beside buildings, with buildings brought to the front of lots, especially when abutting an arterial, a frontage road, or a highway.
- H. For all approvals not requiring City Council or Planning Commission approval, the Community Development Administrator shall be the approving authority for parking design. The City of Owasso Fire Marshall shall have approving authority for any and all plans dealing with Fire safety. Any appeals of any Administrative Official shall be taken to the Owasso Board of Adjustment.

9.3.2 STANDARD PARKING STALL DESIGN

- A. All parking lots in the City of Owasso shall be designed according to the criteria contained within this chapter. All parking stalls and parking lot aisles shall meet the minimum standards contained in Table 9.2.
- B. Each standard parking space shall be at least nine (9) feet wide and twenty (20) feet long. A parking space may be reduced to eighteen (18) feet long if a minimum two (2) foot overhang is provided. The overhang area shall not encroach into any required sidewalk area and shall not interfere with any required landscaping. See Table 9.2 for all parking space design criteria.
- C. Wheel or bumper guards shall be located so that no part of any vehicle extends beyond the parking area, intrudes on pedestrian ways, or comes in contact with walls, fences or planting areas.

9.3.3 COMPACT PARKING SPACE DESIGN

Compact parking is an option for new development, but is not required. For any parking lot, up to 10% of the parking stalls may be constructed as compact parking spaces. Compact parking spaces shall be a minimum of eight and a half (8.5) feet wide and a minimum of seventeen (17) feet long. All compact parking areas shall provide a landscape strip or raised area with stamped concrete at least 8.5 feet wide and 3 feet deep at the front of each space. The rear of the compact parking spaces shall align with all other parking spaces in the row. Signage shall be provided for each compact space. See Figure 9.1.

CITY OF OWASSO PARKING SPACE DESIGN CRITERIA			
<u>Angle</u>	<u>Width</u>	<u>Aisle Width One-Way</u>	<u>Aisle Width Two-Way</u>
90°	9 ft.	24 ft.	24 ft.
60°	9 ft.	18 ft.	23 ft.
45°	9 ft.	13 ft.	22 ft.
30°	9 ft.	11 ft.	22 ft.
0° (parallel)	8.5 ft.	12 ft.	24 ft.

Table 9.2

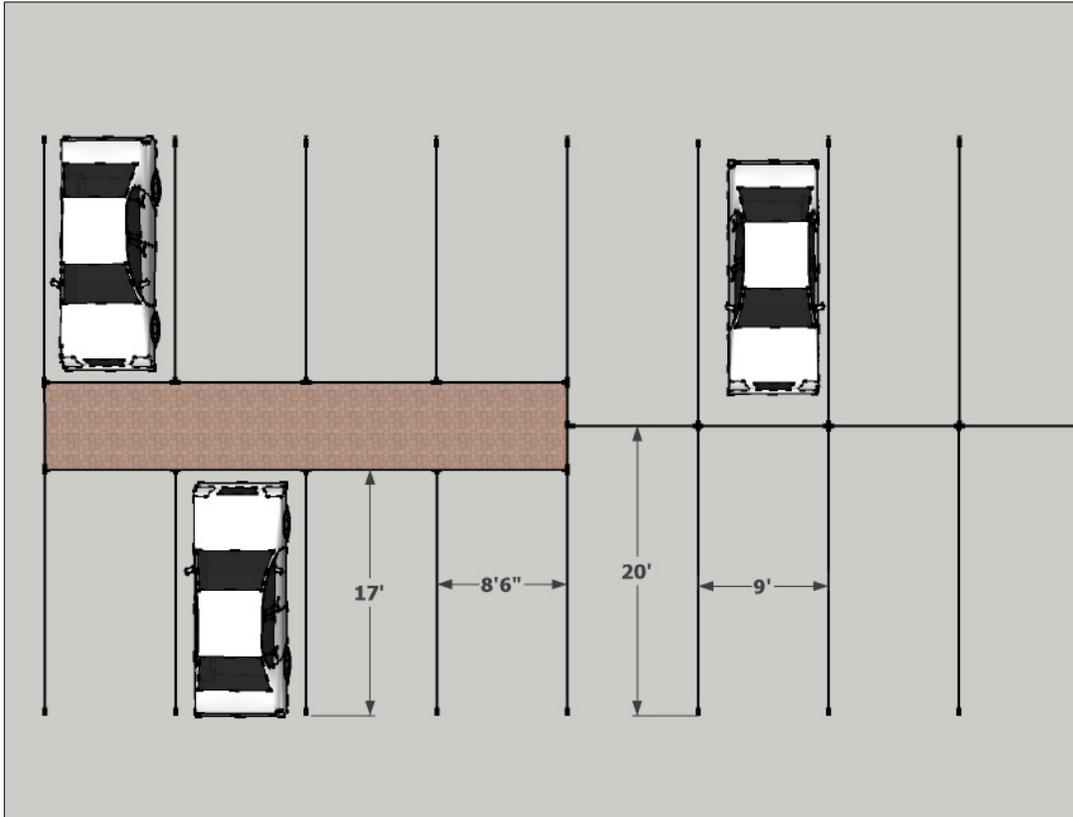


Figure 9.1
Compact Parking Design

9.3.4 MOTORCYCLE PARKING

- A. Motorcycle parking is encouraged to be provided for all businesses. Parking spaces designed to be used only as motorcycle spaces shall be designed according to these standards. Signage and appropriate striping shall be provided for all motorcycle parking areas. Any business that provides a motorcycle parking space may reduce the number of required automobile parking space by one (1), up to a maximum of ten (10) spaces.
- B. Motorcycle parking spaces shall be provided in vehicular parking lots and no sidewalks shall be used for the parking or storage of motorcycles. Motorcycles shall not be parked in bicycle parking areas.
- C. A motorcycle parking space shall be designed at a minimum of four (4) feet in width and nine (9) feet in length. Motorcycle parking spaces should be clustered together and shall be designed so that the rear of the stalls are in line with standard parking stalls in the aisle.

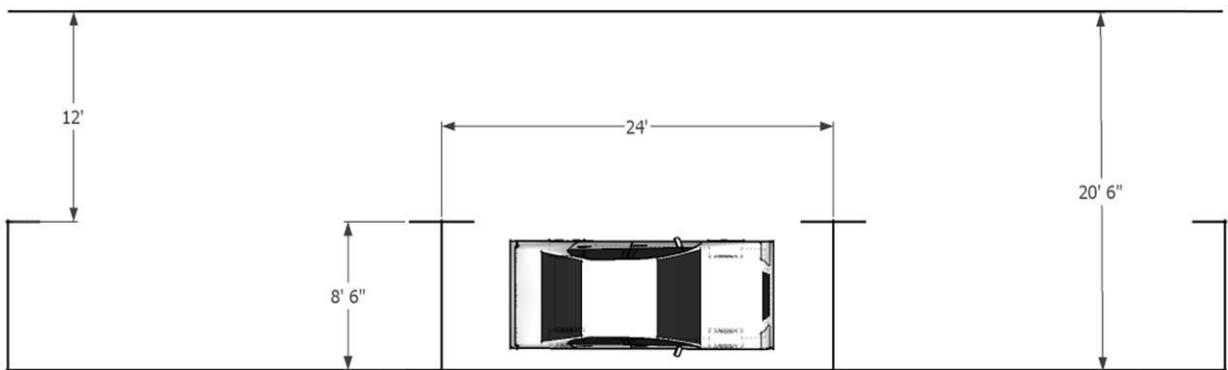
9.3.5 OVERSIZED VEHICLE PARKING

- A. Any use which requires heavy traffic of oversized vehicles such as recreational vehicles or tractor trailers shall provide pull-thru parking areas for these vehicles.

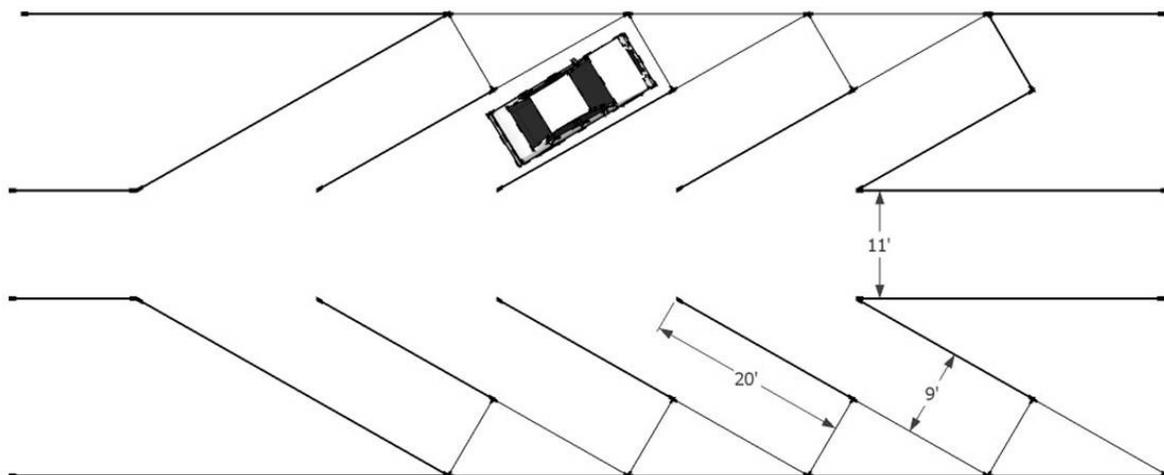
Aisles of sufficient size and means of ingress and egress shall be designed to accommodate these vehicles. Said parking areas shall be provided with signage and properly delineated. Each oversized parking space should be designed to be a minimum of ten (10) feet in width and a minimum of seventy (70) feet in length.

9.3.6 PARKING LOT DESIGN

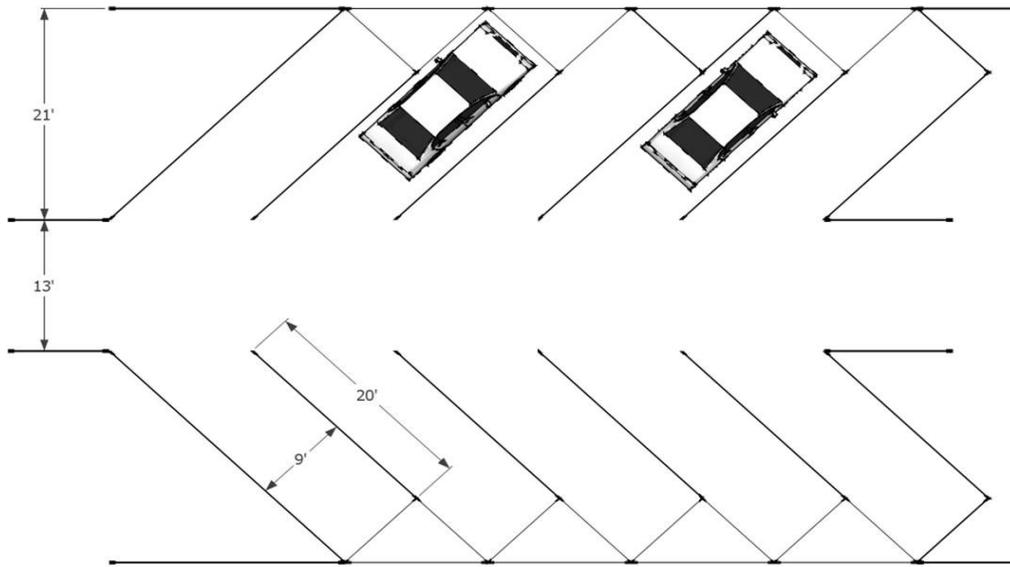
- A. Access - Adequate access drives shall be provided for all parking spaces not abutting a public street or alley. Ingress and egress driveways shall be designed to meet City of Owasso Public Works Design Standards.
- B. All parking lots shall comply with the standards outlined in Table 9.1 and designed in accordance with Figures 9.2, 9.3, 9.4, 9.5 or 9.6.
- C. All drive aisles shall meet the standards set forth in Table 9.2 above.
- D. Parking lots may encroach into required setbacks, provided that no vehicle is placed within a sight triangle or other area that may cause a public safety



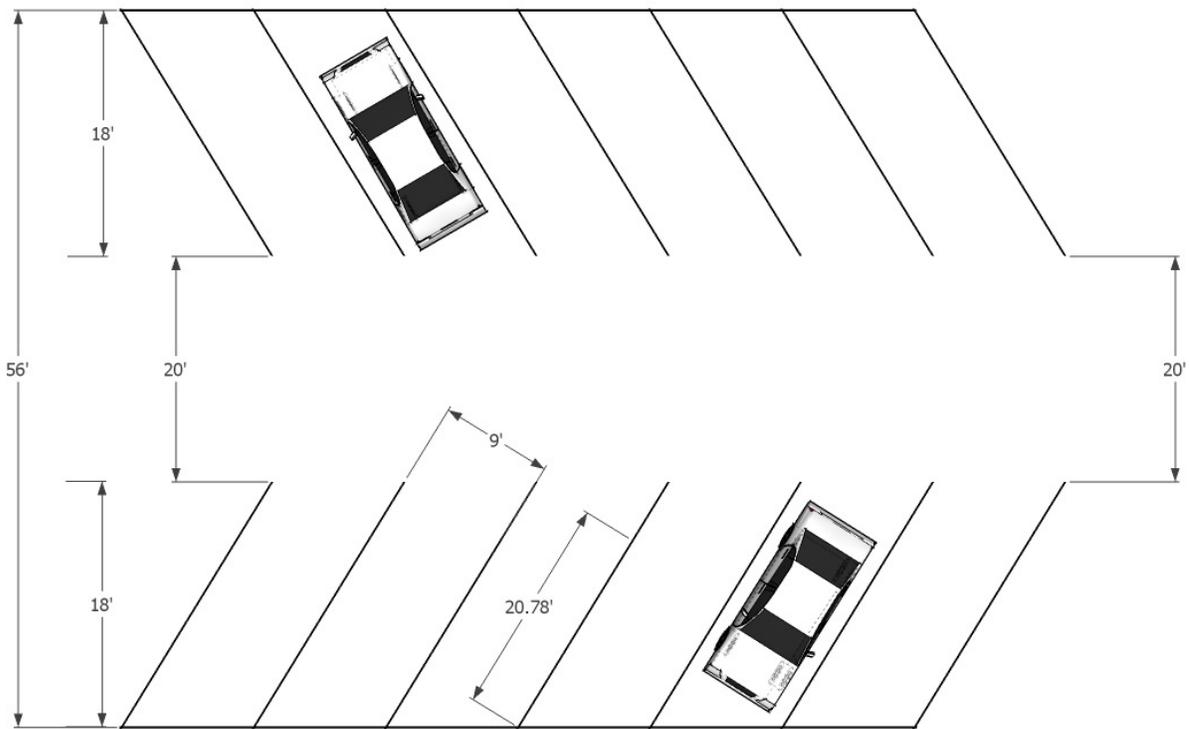
Parallel Parking
Figure 9.2



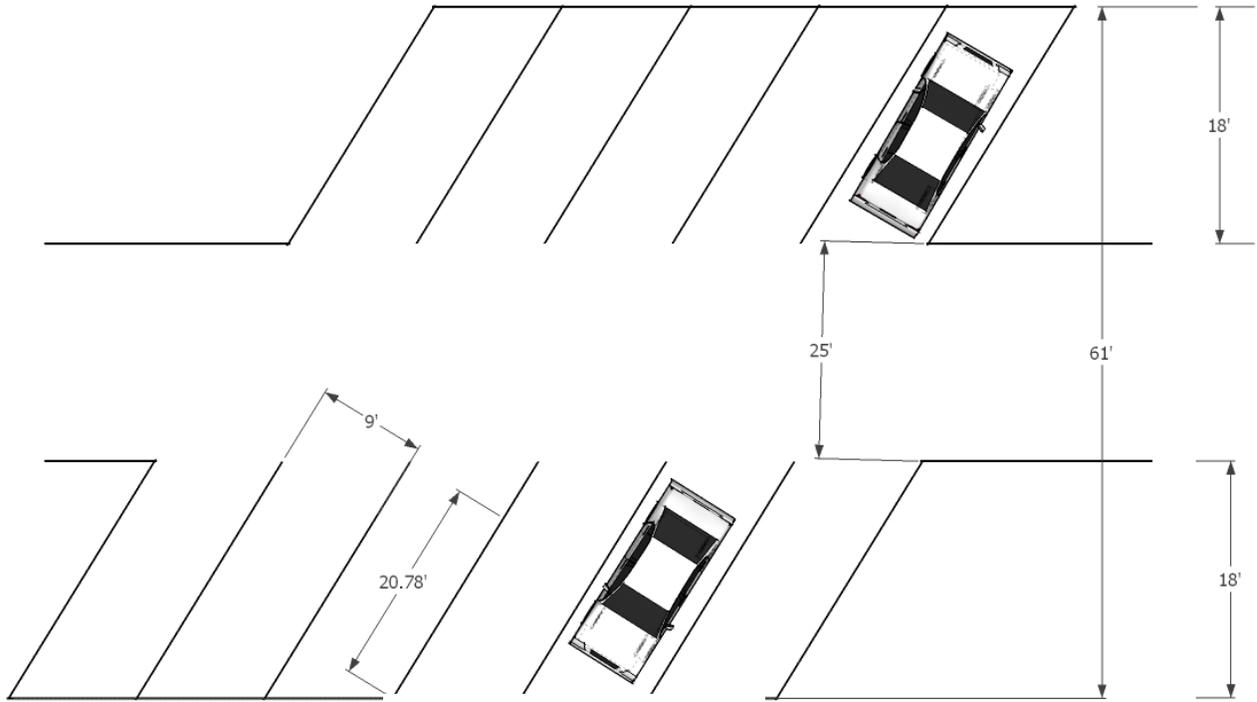
30° Parking
Figure 9.3



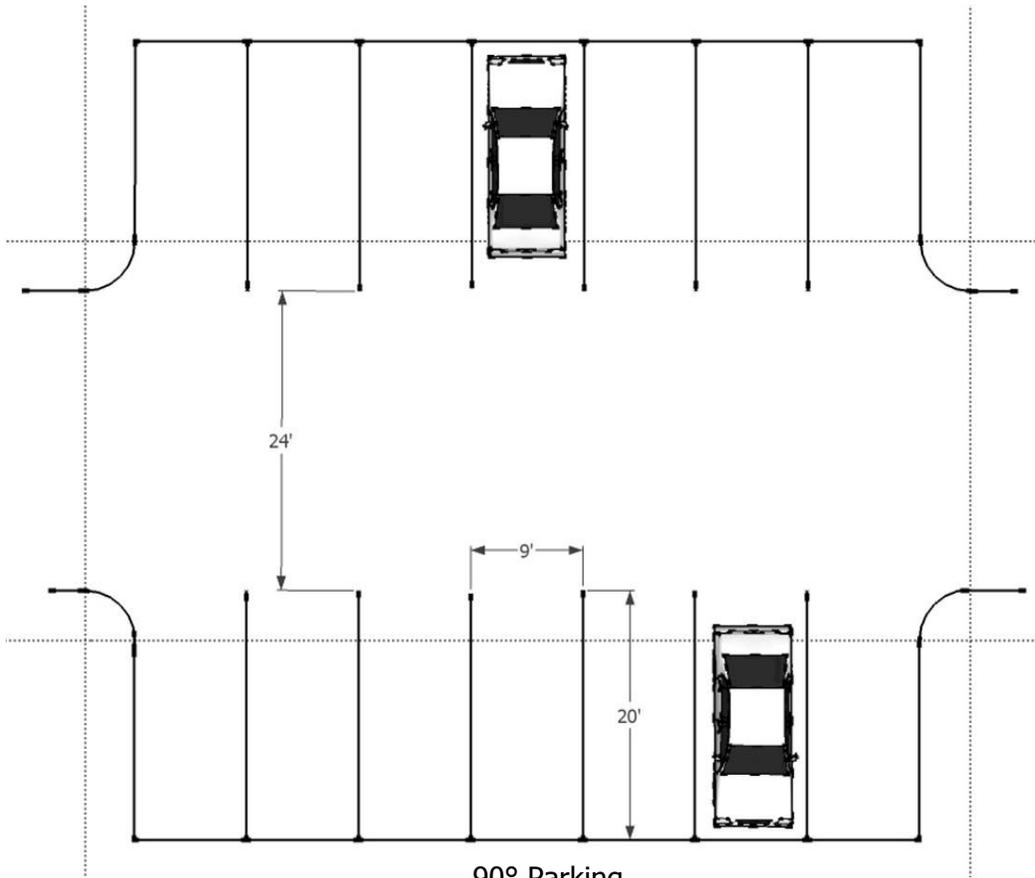
45° Parking
Figure 9.4



60° Parking – One-Way
Figure 9.5



60° Parking – Two-Way
Figure 9.6



90° Parking
Figure 9.7

9.3.7 QUEUING REQUIREMENTS

- A. For all food and/or beverage service uses, a minimum of five (5) queuing spaces shall be required from the point of service. The point of service shall mean the location where a driver comes face to face with an employee of the business and remits payment and/or is provided with goods purchased.
- B. All other non-food or beverage related commercial services with a drive-thru shall maintain a queue of two (2) spaces per lane.
- C. Each queuing space shall be at least eight (8) feet in width and at least twenty (20) feet in length. A proper turning radius shall be provided at all corners and turns in a queuing line.
- C. Queuing lines or spaces shall not be used for thru-traffic and shall not be calculated into any required driveways or aisles for any parking lot. These lanes shall be designed to not impact traffic-flow in a parking lot. All queuing lanes shall be clearly striped or shall be surrounded by curbing.

9.4 AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

All new parking lots and parking stalls shall be designed in accordance with ADA requirements. ADA requirements shall be set by the State of Oklahoma in adopted building codes. The required number of accessible parking spaces shall be provided and the spaces provided shall meet the accessible standards.

All required ADA parking stalls shall be striped and shall be provided with signage in accordance with State building codes. Said parking stalls shall be maintained to meet these standards at all times.

The number of required parking spaces shall be consistent with adopted State building code standards.

9.5 RESIDENTIAL OFF-STREET PARKING SPACES - RS AND RE DISTRICTS

A. GENERAL PROVISIONS

- 1. In a residential district, no unenclosed part of a front yard, side yard, or rear yard shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle except upon a hard-surfaced driveway or parking pad.
- 2. All driveways and parking areas shall be fully paved, have driveway ribbons, or use permeable material as defined in this chapter.
- 3. Curbs cuts for all residential driveways shall meet the City of Owasso standards. Driveways shall be a minimum of ten (10) and a maximum of thirty-five (35) feet

in width. All driveways or other improvements that require cutting or modifying a City sidewalk, curb, gutter, storm water conveyance system or street shall require a curb cut permit through the City of Owasso. All curb cuts or association modifications shall follow City of Owasso Design Standards.

4. One (1) additional parking pad may be constructed on lots that have the required two (2) off-street parking spaces. The parking pad shall be designed to cover the entire undercarriage of the vehicle placed upon it. The parking pad shall be accessible only from a driveway. Parking pads shall not be accessed by driving over existing curbs or through lawn areas. The additional parking pad may be constructed with any concrete, asphalt, permeable paving system or with clean washed gravel upon approval by the Community Development Administrator. In any application that uses gravel, the area shall be constructed on a stable base, shall have an underlayment or filter fabric beneath all gravel, and shall have edging that keeps all gravel in the parking area. These areas shall be properly maintained with sufficient gravel and shall be kept free of weeds and other vegetation. All gravel shall be kept off sidewalks and out of public rights-of-way.

B. DRIVEWAYS

1. Ribbon Driveways or Paving Strips. Driveways can be constructed with concrete or hard-surfaced paving strips placed for vehicle wheel travel (See Figure 9.8). These ribbons can be constructed of concrete, asphalt, pavers or other materials approved by the Community Development Administrator. The areas outside the ribbons can be filled with landscaping, grass, mulch, gravel or other approved materials. All areas containing grass or vegetation shall be maintained according to City Code. Areas containing mulch, gravel or other material shall contain proper edges or barriers to keep the material in the specified area and shall be maintained free of grass and weeds..
2. Access to the driveway shall be limited to properly approved curb cuts or other approved access points.
3. All portions of the driveway, sidewalk and driveway apron located within the right-of-way shall be constructed of contiguous concrete or asphalt and shall meet all City standards.

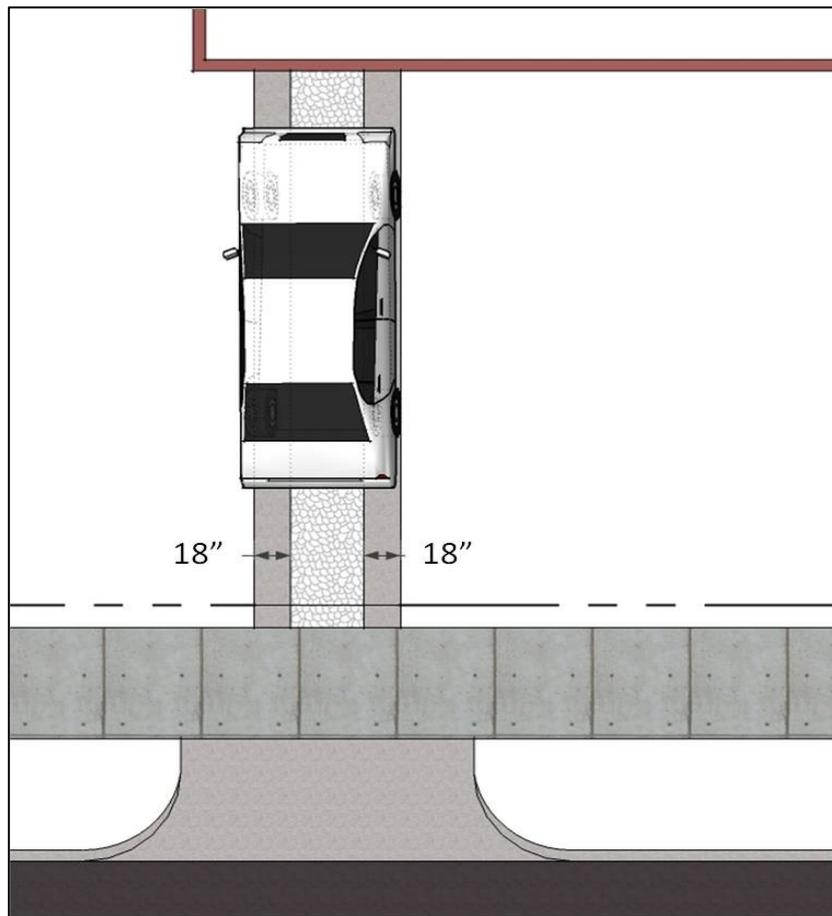


Figure 9.8
Driveway Ribbons

9.6 DEFINITIONS

ADMINISTRATOR: The term ‘Administrator’ shall be used to define the Community Development Director, the City Planner or their designee.

COMPACT PARKING: A parking stall that is designed to accommodate smaller vehicles. The stall is designed to be six (6) inches narrower and three (3) feet shorter than standard parking stalls.

EGRESS: A means or place of going out. An exit.

INGRESS: A means or place of entering. The act of coming in. An entrance.

PAVEMENT: Surface constructed of double bituminous concrete or asphaltic concrete.

PERMEABLE PAVING: Systems such as pavers, ‘grasscrete’, permeable asphalt, and other approved applications.

POINT OF SERVICE: The location where a driver comes face to face with an employee of the business and remits payment and/or is provided with goods purchased. In locations with two service windows, the first in line shall be considered the point of service.

QUEUING: A place where a vehicle awaits service in a line designated only for that use.

SIGHT TRIANGLE: A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges so that people in one road can see cars approaching on the other.

**CHAPTER 10
NONCONFORMITIES**

1000	General
1010	Nonconforming Uses of Unimproved Land
1020	Nonconforming Uses of Buildings
1030	Nonconforming Lots
1040	Structural Nonconformities
1050	Repairs

SECTION 1000 GENERAL

Within the districts established by this code or amendments that may later be adopted there exist uses, structures, and lots which were lawful before this code was adopted or amended but which would be prohibited under the terms of this code or future amendment to this code. These uses, structures, and lots, herein referred to as "nonconformities," may continue as regulated by this Chapter. A use lawfully existing prior to the effective date of this code, or amendment thereto, which does not comply with a parking, screening, or bulk and area requirement or requirements, but which is otherwise lawful, shall not constitute a nonconforming use with the meaning of Section 1110 and 1120.

SECTION 1010 NONCONFORMING USES OF UNIMPROVED LAND

When at the effective date of this code or amendment thereto a lawful use of land exists, which would not be permitted by the terms of this code or amendment thereto, such shall be deemed a nonconforming use of unimproved land. The nonconforming use of land may be continued provided:

- A. No such nonconforming use shall be changed to another nonconforming use, nor enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this code or amendment thereof.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this code or amendment thereof.
- C. No additional structure (other than fences) shall be erected in connection with such nonconforming use of land.
- D. If any such nonconforming use of land 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 in all respects to the regulations of the district in which located.

SECTION 1020 NONCONFORMING BUILDINGS OR BUILDINGS AND LAND IN COMBINATION

When at the effective date of this code or amendment thereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than 10 percent of the lot area, and such use would not be permitted by the terms of this code or amendment thereto, such use shall be deemed nonconforming and may continue subject to the following provisions:

- A. No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.
- B. A nonconforming use of a portion of a building may be extended to the remaining portions of the building if such portions were manifestly arranged and designed for such use but such use shall not extended to occupy any land outside the building.
- C. A nonconforming use of a building, or building and land in combination, if superseded by a permitted use shall not thereafter be resumed.
- 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 in combination, termination of the use of the building within the meaning of (D) above shall eliminate the nonconforming status of the use of the land.
- F. A nonconforming use of a building or of a building and land in combination when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building or of a building and land in combination, when located within a district other than Residential District, may, as a Special Exception, be changed upon approval of the Board of Adjustment after finding that the proposed use will not result in any increase of incompatibility with the present and future use of proximate properties. The change of a use to another use contained within the same use unit shall not constitute a "change of use" within the meaning of this section.
- G. Should the structure containing a nonconforming use be damaged or partially destroyed to the extent of more that 50 percent but less that 75 percent of its current replacement cost at the time of damage, the restoration of the structure shall be subject to the Board of Adjustment's findings, after

adherence to the procedural requirements for a Special Exception, that the contemplated 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 nonconforming use shall not thereafter continue or be resumed.

SECTION 1030 NONCONFORMING LOTS

- A. **Single Lots:** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

- B. **Adjoining Lots:** If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption or amendment of this ordinance and such lots individually are too small to meet the yard, width or area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lots in one ownership shall be subject to the requirements of this ordinance.

- C. 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 of this code, irrespective of its area or width, provided the other requirements of the use district are complied with.

SECTION 1040 STRUCTURAL NONCONFORMITIES

A structure, lawfully existing at the effective date of the adoption or amendment of this code, but which would be prohibited by the terms of this code by reason of restrictions on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be deemed nonconforming and may continue, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered on any manner which increases its nonconformity, but any structure may be altered to decrease its nonconformity, provided that the addition of a mezzanine or

similar alteration which does not increase the cubic content of the structure shall not constitute an "increase in nonconformity."

- B. Should such structure be damaged or partially destroyed by any means to the extent of more than 50 percent of its current replacement cost at a time of damage, the restoration as a nonconforming structure shall be subject to the Board of Adjustment's findings, after adherence to the procedural requirements for a Special Exception, that its restoration to conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.
- C. Should such structure be moved for any distance whatever, it shall thereafter conform to the provisions of the district in which located.

SECTION 1050 REPAIRS

- A. On any building containing a nonconforming use or any nonconforming structure, ordinary repairs and maintenance may be made provided that the cubic content of the building is not increased and structural nonconformity is not increased.
- 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 any duly authorized official by reason of physical condition, it shall not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the district in which located.

CHAPTER 11 ENFORCEMENT

- 1100 Duty of Community Development Director and Other Officials
- 1110 Penalties for Violation
- 1120 Construction and Use to be as provided in Applications, Plans and Permits

SECTION 1100 DUTY OF COMMUNITY DEVELOPMENT DIRECTOR AND OTHER OFFICIALS

It shall be the duty of the Community Development Director or his/her designee to enforce this code. If the Community Development Director or his/her designee shall find that any of the provisions of this code are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action to ensure compliance with or to prevent violation of its provisions as is authorized.

All departments, officials, and employees of the City of Owasso, Oklahoma, vested with the duty or authority to issue permits or licenses shall comply with the provisions of this code and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this code.

SECTION 1110 PENALTIES FOR VIOLATION

Any person, firm, or corporation violating any provisions of this code or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall be deemed guilty of an offense and, upon conviction thereof, shall be fined not more than \$200.00 and costs and/or 30 days imprisonment, and each day's violation thereof shall constitute a separate offense.

Nothing herein contained shall prevent the City of Owasso, Oklahoma or its authorized officials from taking other action, authorized by law, to remedy violations.

SECTION 1120 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS AND PERMITS

Permits, Variances, or Special Exceptions issued 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. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 1210.

CHAPTER 12
BOARD OF ADJUSTMENT

1200	Establishment of the Board
1210	Powers of the Board
1220	Proceedings of the Board
1230	Notice of Public Hearing
1240	Fees
1250	Appeals from the Building Inspector
1260	Interpretation
1270	Variances
1280	Special Exceptions
1290	Appeals to the District Court

SECTION 1200 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

This is hereby established a Board of Adjustment of the City of Owasso, Oklahoma, with the powers and duties hereinafter set forth. The Board of Adjustment shall consist of five members who shall be residents of the City of Owasso, Oklahoma and appointments of said members shall be made by the City Council of Owasso, Oklahoma. Each member shall serve without pay for a term of three years and vacancies shall be filled for an unexpired term of a Board member, in the manner set forth for appointments to a full term. Upon written charges and after public hearing, may be removed by the appointing council for any one of the following causes:

- (1) failure to attend three consecutive regular or special meetings, or failure to attend two-thirds of the regular or special meetings held during any six-month period;
- (2) actions and conduct unbecoming to a public official of the City of Owasso, Oklahoma, and
- (3) repeated acts and conduct detrimental to the peace, health, safety, and welfare of the citizens of Owasso.

The Board shall organize, elect its chairman, vice-chairman, and secretary, and adopt rules necessary to the conduct of its affairs.

SECTION 1210 POWERS OF THE BOARD

The Board of Adjustment shall have the power to:

1. Hear and decide appeals, if it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance;
2. Hear and decide special exceptions to the terms of the ordinance upon which the Board of Adjustment is required to pass subject to said ordinance;

3. Authorize in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

Exceptions and/or variances may be allowed by the Board of Adjustment only after notice and hearing as provided for herein. The minutes of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise said variance or special exception shall be voidable on appeal to the District Court.

1210.1 Conflict of Interest

Any member of the Board who shall have an interest in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, or proceeding of the Board in connection therewith.

SECTION 1220 PROCEEDINGS OF THE BOARD

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, or acting chairman may administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the Board shall be open to the public. 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, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. In all matters, the Board shall decide within 90 days after the filing of an application for relief. The quorum, notice, filing and substantive requirements of the Board shall be as set forth in the following sections concerning the Board's exercise of a particular power.

SECTION 1230 NOTICE OF PUBLIC HEARING

The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the Community Development Department, or before granting any Special Exception or Variance.

Ten (10) days notice of public hearing shall be given as follows for a Special Exception, Variance or Appeal from a determination of the Community Development Department:

1. By publication in a newspaper of general circulation; and,

2. By mailing written notice to all owners of property within a three hundred (300) feet radius of the exterior boundary of the subject property.

The notice shall contain:

- A. The legal description of the property and the street address or approximate location of the property.
- B. The present zoning classification of the property and the nature of the relief sought.
- C. The date, time and place of the hearing.

The responsibility of giving proper and timely notice and paying all costs thereof shall be that of the applicant. Any action taken by the Board of Adjustment on an application at a public hearing shall become null and void if the applicant fails to comply with requirements set forth herein.

SECTION 1240 FEES

Application fees for a Variance or Special Exception shall be paid to the City Clerk of the City of Owasso the amount of which shall be established by resolution adopted by the City Council.

SECTION 1250 APPEALS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

1250.1 General

An appeal to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the City affected, where it is alleged there is error in any order, requirement, decision or determination of the Community Development Department in the enforcement of this code.

1250.2 Notice of Appeal

An appeal shall be taken within ten days from the determination complained of by filing with the Community Development Department and with the Secretary of the Board a notice of appeal, specifying the grounds thereof. The Community Development Department, upon receipt of notice, shall transmit to the Secretary of the Board and the City Clerk certified copies of all the papers constituting the record of said matter. Upon receipt of the record, the Secretary shall cause an investigation to be made upon the appeal and shall set the matter for public hearing.

1250.3 Board of Adjustment Action

The Board shall hold the public hearing. The Board 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. The Board shall make its decision within 30 days after the final hearing, and the decision shall be in writing and filed of record in the office of 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 Community Development Department.

1250.4 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion 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 the Court of proper jurisdiction on due and sufficient cause shown.

SECTION 1260 INTERPRETATION

- A. The Board shall interpret the text of this code or the Official Zoning Map upon an appeal from a determination of the Building Inspector after compliance with the procedural standards of Section 1350.
- B. Where a question arises as to the zoning district classification of a particular use, the Board of Adjustment, upon written request of the Building Inspector, may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing.

SECTION 1270 VARIANCES

1270.1 General

The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, may grant variances from the terms of this code only upon a finding that the variance will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this code, or the Comprehensive Plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the code will result in unnecessary hardship. The Board shall not vary any jurisdictional requirements such as notice.

1270.2 Application

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

1270.3 Board of Adjustment Action

The Board shall hold the public hearing and, upon the concurring vote of three members, may grant a variance only upon a finding that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
and,
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan.

Provided that the Board in granting a variance shall 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.

1270.4 Time Limitation 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 provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

SECTION 1280 SPECIAL EXCEPTIONS

1280.1 General

The Board of Adjustment, upon application, and after notice and public hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- A. The change of a nonconforming use as provided in Chapter 11, Nonconformities.
- B. The restoration of a partially destroyed structure containing a nonconforming use as provided in 11, Nonconformities.

- C. The restoration of a partially destroyed nonconforming structure as provided in Chapter 11, Nonconformities.
- D. Off-street parking use of property located within a residential district, when the property is abutting an office, commercial or industrial district.

1280.2 Application

A request for a Special Exception shall be initiated by the filing of an application with the ~~City Clerk~~ City Planner and shall be set for public hearing by the ~~City Clerk~~ City Planner in accordance with the rules established by the Board.

1280.3 Board of Adjustment Action

The Board of Adjustment shall hold the public hearing and, upon the concurring vote of three members, may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a Special Exception shall 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.

1280.4 Time Limitation on Special Exceptions

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

SECTION 1290 APPEALS TO THE DISTRICT COURT

1290.1 Procedure

An appeal from any action, ruling, decision, judgment, or order of the Board of Adjustment may be taken by any person or persons aggrieved, or any taxpayer or officer, department, board, or bureau of the city to the District Court, by filing with the City Clerk and with the Secretary of the Board within ten days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the City Clerk shall transmit to the Court Clerk of the County the original or certified copies of all the papers constituting the record in the case, together with the order, decision, or ruling of the Board. Said case shall be heard and tried de nova in the District Court of Tulsa County, Oklahoma. An appeal shall be from the action of the District Court as in all other civil actions. All issues in any proceedings under this section shall have preference over all other civil actions and

proceedings. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision being appealed.

1290.2 Stay of Proceedings

An appeal to the District Court stays all proceedings in furtherance of the action appealed unless the chairman of the Board certifies to the Court Clerk, after notice shall have been filed, that by reasons 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 District Court.

CHAPTER 13 AMENDMENTS

- 1300 General
- 1310 Policy on Zoning Map Amendments
- 1320 Zoning Text Amendments
- 1330 Zoning Map Amendments

SECTION 1300 GENERAL

The regulations, restrictions, prohibitions, and limitations imposed and the districts created by Chapters 1-16 and Appendices may from time to time be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

SECTION 1310 POLICY ON ZONING MAP AMENDMENTS

It shall be the policy of the City of Owasso, Oklahoma that in consideration of proposed amendments to this code that:

Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally. Zoning map amendments must be in compliance with the Owasso Land Use Master Plan.

SECTION 1320 ZONING TEXT AMENDMENTS

The Planning Commission, upon its own motion, may, or at the direction of the City Council shall, hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within 30 days transmit its report and recommendation to the City Council.

SECTION 1330 ZONING MAP AMENDMENTS

1330.1 Application and Fees

- A. An amendment to the Zoning Map shall be initiated by the filing of an application with the Community Development Department. An application shall be in such form and content as the Planning Commission may by resolution establish and shall be accompanied by the payment of a fee, the amount of which shall be established by resolution adopted by the Planning Commission

and approved by the City Council. Costs of notice and posting of signs shall be billed to the applicant. The applicant shall be required to pay an ordinance publication fee if the application is approved.

- B. An application shall be filed with the City Clerk and shall be set for public hearing.

1330.2 Notice Required

The Planning Commission shall give twenty (20) days notice of a public hearing on a proposed map amendment by publication in a newspaper of general circulation and shall include a map of the area to be affected which indicates street names or numbers, streams or other significant landmarks in said area. Twenty (20) days notice of public hearing shall be given by mailing notice to all owners of property within in 300 feet radius of the exterior boundary of the subject property. In addition, twenty (20) days notice of public hearing shall be given by posting the property sought to be zoned. The notice shall contain:

- A. Date, time, and place of the public hearing.
- B. Legal description of the property and the street address or approximate location of the property.
- C. By whom the public hearing will be conducted.
- D. Proposed use of the property.
- E. Present zoning district classification of the property and the proposed zoning district classification, provided:
 - 1. Notice of a proposed RM-2 rezoning shall confer jurisdiction on the Planning Commission to consider and act upon RM-2, RM-1, RTH, RD, RS-3, RS-2, RS-1, and RE, or combinations thereof in the disposition of the application, and in like manner, notice of any R District, including RMH, shall confer jurisdiction to consider any less dense R District, except RMH.
 - 2. Notice of a proposed CH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon CH, CG, CS, OM, and OL or combination thereof in the disposition of the application, and in like manner, notice of any C District shall confer jurisdiction to consider any less intense C District or any O District, and notice of any O District shall confer jurisdiction to consider any less intense O District.

3. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon IH, IM, IL or combination thereof in the disposition of the application, and in like manner, notice of any I District shall confer jurisdiction to consider any less intense I District.
4. Specific notice of a proposed AG, PUD or RMH district shall be required to confer jurisdiction on the Planning Commission and City Council to consider such AG, PUD, or RMH District.

1330.3 Planning Commission Action on Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

- A. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or,
- B. Recommend to the City Council that the application be denied, and:
 1. An application recommended for approval or approval subject to modification, shall be transmitted, with the report and recommendations of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.
 2. An application recommended for denial shall not be considered further unless the applicant within 15 days from the date of the Planning Commission, files a written request with the City Clerk for a hearing by the City Council. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendation to the City Council.
- C. In the event that the Planning Commission arrives at a tie vote it shall be transmitted, with a report and notation of the tie vote, to the City Council within 15 days from the date of Planning Commission action.

1330.4 City Council Action on Zoning Map Amendments

The City Council shall hold a hearing on each application transmitted, and after the public hearing shall approve the application as submitted or as amended or deny the application.

When the City Council has denied an application to amend the zoning classification of a particular tract of land, no subsequent application on such tract or portion thereof, shall be set for public hearing by the Planning Commission until 180 days have elapsed from the date of the Planning Commission action on the original application.

Prior to the adoption and publication of a rezoning ordinance, the applicant shall remit to the office of the City Clerk the payment necessary to cover the cost of the ordinance publication. The City Clerk shall not cause the ordinance to be published prior to such payment.

1330.5 SPECIFIC USE PERMITS

A. Purpose

This section provides a discretionary approval process for Specific Use Permits, which are required for uses that have unique or widely varying operating characteristics or unusual site development features. The uses classified as specific uses tend to more intensely dominate the area in which they are located than do other permitted uses in the district. Care should be taken to integrate specific land uses with other uses in the area and to prevent adverse impacts on the community at-large. The procedure encourages public review and evaluation of a use's operating characteristics and site development features. This review process is intended to provide assurance to the community that such uses will be compatible with their locations and surrounding land uses and will further the purposes of this Ordinance.

B. Relationship to Site Plan Requirements

A conceptual site plan shall be submitted with specific use permit application. The formal site plan that is submitted later shall be in substantial compliance with the conceptual site plan approved by the City Council.

C. Procedure

The following review procedure shall be followed for Specific Use Permits. With the exception of the following modifications, the standard development review procedures for zoning map amendments shall apply.

- Step 1 A Pre-Application Conference shall be held with the Community Development Department prior to submitting an application
- Step 2 Development Application Submittal
- Step 3 The Community Development Department Staff shall make a Determination of Application Completeness
- Step 4 Notice Published
- Step 5 Staff Report
- Step 6 Public Hearing
- Step 7 Decision and Findings - The following additional procedures shall apply:

D. Planning Commission's Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed application and, within thirty (30) days from the date of receipt of the completed application take one of the following actions:

1. Recommend approval
2. Approve with modifications and/or conditions
3. Deny the request

The Planning Commission may place conditions on the use as part of the approval to assure adequate mitigation measures are associated with the use. The conditions shall become a

part of the Specific Use Permit approval and shall be included as part of the site plan. The Commission may continue the hearing on the decision for a maximum of sixty (60) days. The recommendation shall be referred to the City Council for final action.

A. City Council Review and Action

Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve with modifications and/or conditions, or deny the application, or request that the application be further reviewed by the Planning Commission.

B. Indication on Zoning Map Required

A zoning change is not required for Specific Use Permits; however, the location of each approved Specific Use Permit shall be indicated on the zoning map as follows: "SP-() (the number of the request for a specific use permit)".

Step 8. Approval Criteria

Applicable, as follows: A Specific Use Permit may be approved only if the City Council finds that all of the following criteria have been met:

- a. The proposed use is consistent with the comprehensive plan and all applicable provisions of this Ordinance and applicable state and federal regulations;
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
- c. The proposed use is consistent with any applicable Specific Use Permit standards.
- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- f. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
- g. Adequate assurances of continuing maintenance have been provided; and

Step 9. Conditions of Approval

- a. Any of the conditions imposed by the permit shall be considered as conditions precedent to the granting of a building permit for the specific use allowed.
- b. Following approval, a site plan meeting the conditions specified in the Specific Use Permit shall be required of the applicant and shall be submitted and processed.
- c. The Specific Use Permit is valid only for the use for which it was approved. Any changes or alterations of the use, other than what the Specific Use Permit allows, shall constitute a violation of the zoning code and be subject to penalties as described in Chapter 11, Enforcement.

Step 10. Amendments

No approved Specific Use Permit may be modified, physically expanded, hours of operation extended, or otherwise altered unless amended in accordance with the procedures applicable to initial approval of a Specific Use Permit as set out in the Zoning Ordinance.

Step 11. Lapse

- a. In the event of noncompliance by the applicant with the Specific Use Permit or any conditions of approval, or if the specific use is not in operation within one year after the date of its approval, the Specific Use Permit shall expire. An applicant may file an application to renew the Specific Use Permit. Such renewal shall occur in the same manner as for original approval as provided in this section.
- b. Should the Specific Use cease operation for a period longer than one (1) year, the permit shall be considered void and shall require a new application.
- c. Specific Use Permits are only valid for the use for which they are approved. No change, alteration, or variation from the approved permit shall be permitted, unless the applicant obtains a new Specific Use Permit.

CHAPTER 14 DEFINITIONS

1400 Definitions

SECTION 1400 DEFINITIONS

Abutting: In the context of a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a non-arterial street. In other instances, abutting shall mean contiguous.

Accessory Dwelling Unit: A subordinate residential unit incorporated within, attached to, or detached from a single-family residential unit and having its own sleeping and sanitation facilities. This term shall refer to guest suites, mother-in-law quarters, and similar type uses. Such subordinate unit shall not be otherwise segregated in ownership from the principal residential unit and shall not be used for rental purposes.

Accessory Uses or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Alley: A permanent public way providing a secondary means of access for service and emergency vehicles, and not intended for general traffic circulation.

Amenity: Any tangible benefit to a piece of a property, especially those that increase its attractiveness or value or that contributes to the comfort or convenience of the nearby residents. Tangible amenities might include park areas, swimming pools, tot lots, or playgrounds, disc golf course, walking trails or bike paths, tennis courts, basketball courts, picnic areas, or similar facilities that allow people to recreate, gather and socialize. The Administrator shall determine if an amenity meets the intent of this language. In most cases, parking should be provided for the amenity.

Arterial: A street designated on the Major Street Plan as a primary arterial or secondary arterial.

Board of Adjustment: The Board of Adjustment of the City of Owasso, Oklahoma.

Building: A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building Height: The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure.

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.

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.

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 such cemetery.

Certificate of Occupancy: An official certificate issued by the City through the enforcing official which indicated conformance with the zoning regulations and authorizes legal use of the premises for which it is issued.

Child Care Center: Any place, home, or institution which cares for four (4) or more children under the age of sixteen (16) years, apart from their parents, guardians, or custodians for regular periods of time for compensations; provided, however, that the term "child 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 churches and other religious or public institutions caring for children within an institutional building.

City Council: The governing and legislative body of the City of Owasso, Oklahoma.

Copy Area: The net geometric area enclosed by the smallest rectangles encompassing the outer extremities of all letters, figures, characters, and delineations contained in the sign.

Cluster Housing Development: 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.

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 such curb level or its equivalent for the purposes of this code.

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

Display Surface: The surface of a sign upon, against, or through which the message is displayed or illustrated.

Display Surface Area: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters, and

delineations, but not including the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign provided, that as applied to wall or canopy signs having a nonilluminated background, display surface area shall mean copy area.

Dust Free Surface: Surface constructed of double bituminous concrete or asphaltic concrete.

Dwelling: A building or structure used in whole or in part for human inhabitation.

Dwelling, Duplex: A building containing two dwelling units, designed for occupancy by not more than two families. Included are all forms of manufactured duplex dwellings but excluding mobile homes.

Dwelling, Manufactured: A structure designed and intended for human occupancy on a year-round or temporary seasonal basis which has ;undergone at least partial prefabrication or preassembly under indoor factory conditions, excluding dwellings utilizing only prefabricated or preassembled sublements such as roof trusses, floor trusses, plumbing trees, or wiring harness. Included are the following sub-classes:

- a. Pre-cut - a manufactured dwelling involving no preassembly but all components have been cut and fabricated and then assembled on-site;
- b. Panelized - a manufactured dwelling partially preassembled into roof, wall, floor, and ceiling components (which may range from exposed wood to having all finishing completed) which are assembled on-site, and constructed to national building code standards;
- c. Sectionalized or Modular - a manufactured dwelling partially preassembled into two or more sections, none of which are habitable individually, permanently joined together and, utilize customary residential siding and roofing materials, built to national building code standards and are either:
 - 1) Wood frame units designed to be transported by flat-bed truck and installed on conventional permanent foundations, or,
 - 2) Chassis/under-carriage units designed to be towed or structurally capable of being towed on wheels and installed on permanent foundations after all hitches, running gear and chassis have been removed,
- d. Mobile Home - a manufactured dwelling, either a portable or mobile living unit used or designed for human occupancy, having been manufactured to the Federal Manufactured Home Construction and Safety Standards and bearing a HUD label red in color, identifying the home as a "Manufactured Home."

Dwelling, Multifamily: A building containing three or more dwelling units. Included are all forms of manufactured multifamily dwelling but excluding mobile homes.

Dwelling, Single Family: A building, other than a mobile home, containing one dwelling unit designed for occupancy by not more than one family, and certified as complying with the building code of this jurisdiction whether constructed on or off site.

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

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or other domestic bonds, no such family shall contain over three persons, but further provided that domestic servants may be housed on the premises without being designated as a family.

Floodplain: The land area adjoining a watercourse or drainage way which would be inundated by the floodwater of the regulatory flood based on full urbanization of the watershed.

Floodway: The channel of a watercourse or drain way and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

Floodway Fringe: Those portions of the floodplain which are not reasonably required to carry and discharge the floodwater of the regulatory flood.

Floor Area: The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included.

Floor Area Ratio: The floor area of a building or buildings on a lot divided by the lot area.

Foster Home: A dwelling used in whole or in part as living quarters for three (3) persons who are not members of the family occupying said dwelling, but are under their supervision.

Frontage: The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curbed nonarterial 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. A floor used for storage purposes only is not a "habitable floor."

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

Height, Building: See Building Height.

Height, Sign: The vertical distance measured from the curb level to the highest point of the sign.

Home Occupation: Any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes.

Hundred 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.

Kennel: The use of land or building for the purpose of selling, breeding, boarding or training cats or dogs or both.

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

Land Coverage: The land area of a lot covered by building or buildings, except structural parking.

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

Loading Berth, Off-Street: A space of at least 10 feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Line: Any boundary of a lot.

Lot Line, Front: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

Lot Line, Rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Clerk of the County in which the parcel is located.

Lot Width: The average horizontal distance between the side lot lines.

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 as described in Use Unit 17.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NA: Not Applicable.

NEC: Not Elsewhere Classified.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Overspeed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the 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, purpose and increases with increasing city size.

Parking Space, Off-Street: A space on a lot intended and reserved for the parking of an automobile. Such space to be of at least nine (9) feet in width by twenty (20) feet in length, together with a driveway connecting the space with a street or alley and permitting safe ingress or egress of an automobile.

Pavement: Surface constructed of double bituminous concrete or asphaltic concrete.

Planning Commission: The City of Owasso, Oklahoma Planning Commission.

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.

Private Club: Reference is hereby made to that section of the code of the City of Owasso, Oklahoma defining "private club."

Recreational Vehicle: A vehicular structure, portable or self propelled, designed as a temporary dwelling for travel use or recreational use not exceeding 35 feet in length.

Regulatory Flood: A flood having a one (1) percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the Comprehensive Plan, adopted Floodplain Management Policies and the watershed Master Drainage Plan where adopted.

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.

Special Exception: A design element or structure that may not conform to the dimensional or spatial requirements of the base zoning district in which it is located, but may be allowed under certain circumstances with approval from the Board of Adjustment.

Specific Use Permit: A permit approved and issued for use or development, which must be acquired before a specific use can be constructed or started.

Street Wall: The wall or part of the building nearest to the street line.

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. Provided that, for the purposes of Chapter 10, Floodway Zoning District "structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement of repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which

are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

Supplemental District: A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development of flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

Townhouse Development: A row of at least two attached dwelling units each separated by a party wall on individual lots and designated for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit.

Travel or Recreation Vehicle: A vehicular portable structure or a self propelled structure designed as a temporary dwelling for travel use or recreational use, not to exceed 35 feet in length.

Variance: A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction would result in unnecessary hardship.

Veterinary 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)-- a machine that converts the kinetic energy in the wind into a usable form of electrical or mechanical energy. The WECS includes all parts of a system except the tower and the transmission equipment.

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

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

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

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

Yard, Side: A yard extending along a side lot line between the front yard and the rear yard.

CHAPTER 15

TELECOMMUNICATION TOWERS AND SMALL WIND ENERGY SYSTEMS

1510 Definitions

1520 Telecommunication Towers

1530 Small Wind Energy Systems

SECTION 1510 DEFINITIONS

For the purpose of this section, the following words and phrases shall have the meaning ascribed to them as follows:

1. The term “telecommunications tower” means a structure more than ten feet tall, built primarily to support one or more telecommunications antennas.
2. The term “telecommunications” means the transmission, between or among points specified by the user, or information of the user’s choosing, without change in the form or content or information as sent and received.
3. The term “telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
4. The term “antenna” means any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels or dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.
5. The term “telecommunications antenna” means an antenna used to provide a telecommunications service.
6. The term “antenna array” means a structure attached to a telecommunication tower that supports telecommunication antennas.
7. The term “whip antenna” means an omni-directional dipole antenna of cylindrical shape that is no more than six inches in diameter.
8. The term “non whip antenna” means an antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.
9. The term “EIA-222” means Electronic Industries Association Standard 222, “Structural Standards for Steel Antenna Towers and Antenna Support Structures”
10. The term “historically significant landscapes” and “architecturally significant structures” shall apply to those areas identified as such within the National Register of Historic Places.

SECTION 1520 TELECOMMUNICATION TOWERS

(A) NO SPECIFIC USE PERMIT REQUIRED

(1) Permitted By Right - Telecommunication towers are a permitted use in all CG, CH, IL, IM, and IH if proposed towers satisfy the following requirements. Telecommunication towers permitted under this subsection may exceed compatibility and base district height restrictions.

(a) Aesthetic Protection

Telecommunication facilities shall be so located to ensure that historically significant landscapes are protected. The views of vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.

(b) Setback

Tower shall be a minimum of 200' from any RS-3 or more restrictive district.

(c) Height

Tower height, excluding antenna array, does not exceed:

- (1) 75 feet, if the tower is at least 200 feet but less than 250 feet, from any RS-3 or more restrictive district.
- (2) 100 feet, if the tower is at least 250 feet but less than 350 feet, from any RS-3 or more restrictive district.
- (3) 120 feet if the tower is 350' or greater, from any RS-3 or more restrictive district.

(d) Antenna Array Height

The antenna array does not exceed the tower height by more than 10 feet.

(e) Setback of Guy Wires

All guy wires and guy anchors are setback a minimum of 20 feet from any property line.

(f) Tower Type

The tower is of monopole design, or one of equal or lesser impact, if located within 350' of any RS-3 or more restrictive district.

(g) Co-Location

A telecommunication tower must be designed and built so as to be capable of use by at least three wireless communication providers such as cellular or PCS providers using antenna arrays of 9 to 12 antennas each within 15 vertical feet of each other with no more than three degrees twist and sway at the top elevation. The owner of the tower and the property on which the tower is located must certify to the City that the antenna is available for use by at least two other wireless telecommunication providers on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If the property on which the tower is proposed to be located is to be leased, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the building permit application.

(h) Security Fencing

The base of tower is enclosed by security fencing.

(i) Compliance with Applicable Regulations

The tower is constructed and operated in compliance with current Federal Communication Commission and other applicable federal and state standards.

(j) Neighborhood Impact

The proposed tower location will not cause a negative impact on any residential neighborhood. In determining neighborhood impact, the Director shall consider the opinion of record property owners within 300', but the Director shall not be bound by such opinions expressed.

(k) Removal of Tower

Upon the discontinuance of use of any such tower for a period of thirty (30) days, said tower is to be removed by the applicant/owner.

- (2) Replacement of Existing Poles - Telecommunication towers erected to replace existing poles are permitted in all zoning districts, provided that:

- (a) The pole replaced is a functioning utility pole or light standard within an established utility easement or public right-of-way, recreational facility light pole, or telecommunication tower.
 - (b) Replacement tower height, including antenna array does not exceed:
 - (1) The height of the original utility, light standard, or recreational facility light pole by more than 10 feet; or
 - (2) The height of the original telecommunication tower and antenna array.
 - (c) The pole replaced does not obstruct a public sidewalk, public alley, or other public right-of-way, and
 - (d) Pole appearance and function, except for antenna, are not significantly altered.
- (3) Placement on Existing Poles - permitted in all zoning districts, provided that:
- (a) Telecommunication antennas are permitted on existing utility, lighting, telecommunication towers, and sign structures at or exceeding 50 feet in height.
 - (b) Provided that the antenna does not exceed the height of the structure by more than ten (10) feet if a non-whip type or fifteen (15) feet if a whip type.
 - (c) Telecommunication antennas located on existing structures are not subject to the 5,000 feet separation requirement.
 - (d) If any additions, changes, or modifications are to be made to the monopole, the Director of Community Development shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the City of Owasso.
- (4) Roof Mounted Telecommunication Antennas - allowed on non-residential buildings in all districts, provided that:
- (a) Non-whip antennas do not exceed the height of the building by more than ten (10) feet and is screened from view from any adjacent public roadway.

- (b) Whip antennas do not exceed the height of the building by more than fifteen (15) feet and are located no closer than fifteen (15) feet to the perimeter of the building.

Prior to the installation of a roof mounted antenna, the Community Development Department shall be provided with an engineer's certification that the roof will support the proposed antenna and associated roof-mounted antennas and equipment.

Roof mounted antennas and associated equipment may either be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so they are not visible from an adjacent public roadway.

- (5) Building Mounted Telecommunication Antennas of the nonwhip type are allowed on non-residential buildings in all zoning districts, provided that:
 - (a) The antenna is mounted flush with the exterior of the building so that it projects no more than 30 inches from the surface of the building to which it is attached.
 - (b) The antenna's appearance is such as to blend with the surrounding surface of the building.
 - (c) Associated equipment shall be placed either within same building or in a separate building that matches the existing building in character and materials or blends with landscaping and other surrounding material adjacent to the separate building housing the equipment. Associated equipment for roof mounted antennas may be located on the roof of the building if it is screened from view from any adjacent public roadway.
- (6) When an application for a building permit to locate a telecommunication antenna on an existing building or other structure is made, the Community Development Department shall be provided with color photo simulations showing the site of the existing structure with a photo-realistic representation of the proposed antenna and the existing structure as it would appear viewed from the closest residential property. The applicant shall also submit photographs of the same views showing current appearance of the site without the proposed antenna.
- (7) Distance Measurement - distances in this section shall be measured along a single straight line between the center of the tower base and the nearest point on any property line of identified historic

property or RS_3 or more restrictive district or use. For the purposes of applying restrictions set forth in this section, “RS-3 or more restrictive zoning district or use” excludes property that is:

(a) Used as public or private primary or secondary educational facility;

(b) Used as a college or university educational facility;

Owned by the US, State of Oklahoma, Tulsa County, or the City of Owasso, and not used for RS-3 or more restrictive residential uses;
Used primarily for religious assembly;

Used as a cemetery;

Occupied by non-residential, non-conforming uses; or

Any other site similar to those listed above and determined by the Director of Community Development to be consistent with the purposes of this section.

(8) Exceptions and Exemptions

(a) A telecommunication tower that fails to meet the requirements of this section may be authorized by obtaining a Specific Use Permit through the Owasso Planning Commission.

(b) Towers erected by a public agency for police, fire, EMS, 911 or other similar public emergency communication shall be exempt from the requirements of this section.

(B) SPECIFIC USE PERMIT REQUIRED

(1) This section is designed to encourage placement of telecommunication towers in permitted areas. If a proposed telecommunication tower is not to be located in a permitted by right district, a Specific Use Permit is required.

(2) All Specific Use Permit requests for telecommunication towers may be so authorized by the Planning Commission, subject to the following additional requirements:

(a) Setback from Historical Property

The tower shall not be on, or within 300 feet, or property recognized as a historical property or a property of historical significance.

(b) Setbacks General

The telecommunication tower must be a minimum of 200 feet, or 3 to 1 distance to height ratio, whichever is greater, from structures used for residential purposes.

(c) Height

Tower height, excluding antenna array, shall not exceed:

- (1) 75 feet if the tower is at least 75 feet, but less than 100 feet, from any RS-3 or more restrictive zoning district.
- (2) 100 feet if the tower is at least 100 feet, but less than 200 feet, from any RS-3 or more restrictive district or use.
- (3) 120 feet if the tower is at least 200 feet, but less than 300 feet, from any RS-3 or more restrictive district or use.
- (4) Maximum height shall be an appropriate height set by the Board of Adjustment, if the tower is in excess of 300 feet from any RS-3 or more restrictive zoning district or use.

(d) Array Height

The antenna array shall not exceed the tower height by more than 10 feet.

(e) Guy Wires

All guy and guy wires shall be set back a minimum of 20 feet from any property line.

(f) Monopole Required

Any tower within 200 feet of any RS-3 or more restrictive district shall be of a monopole design, or one of equal or lesser impact.

(g) Security Fencing

The base of the tower shall be enclosed by security fencing at a height of 8 feet.

(h) Compliance with Applicable Regulations

The tower is constructed and operated in compliance with the current Federal Communications Commission and other applicable federal and state standards.

(i) Distance from Other Towers

New telecommunication towers must be a minimum distance of 5,000 feet from any other telecommunication tower, unless in a by right district.

(j) Removal of Tower

Upon the discontinuance of use of any such tower for a period of thirty (30) days, said tower is to be removed by the applicant/owner.

1530 SMALL WIND ENERGY SYSTEMS

1530.1 PURPOSE

The purpose of this chapter is to provide standards that will protect the health, safety and general welfare of the public and achieve the following:

- Provide design criteria that establish minimum requirements for small wind energy systems and commercial wind energy systems as defined herein to ensure the safe installation of wind towers in the City of Owasso
- Promote energy savings and the use of ‘green infrastructure’

1530.2 APPLICABILITY

The requirements of this ordinance shall apply to all small wind energy systems and commercial wind energy systems proposed after the effective date of this ordinance. Wind energy systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such system shall be installed and functioning within 24 months of the date of the permit. Any system that has been installed, but not used for two consecutive years may not be subsequently used without meeting the requirements of this ordinance. No pre-existing system shall be altered in any manner that would increase the degree of nonconformity with the requirements of this ordinance and no alterations shall be made to a nonconforming pre-existing system during its life which exceeds 50% of its fair market value.

If such system is destroyed or damaged to the extent of more than 50% of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this ordinance.

1530.3 SMALL WIND ENERGY SYSTEM REQUIREMENTS

- A. Total Height (Figure 1530-1). The not-to-exceed height of wind energy system structures shall vary with the size of the lot.

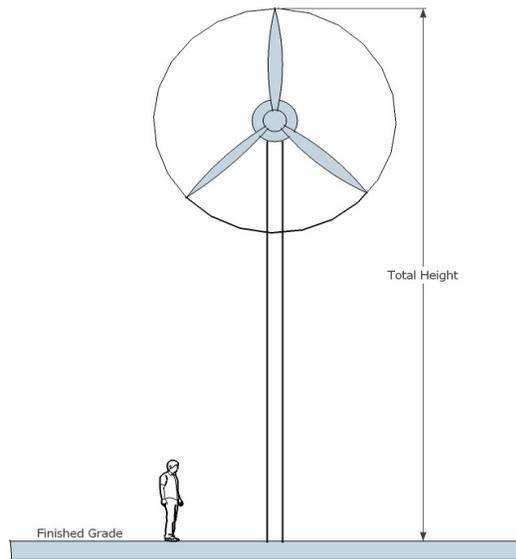


Figure 1530-1

1. For property sizes less than one acre in size the total height shall not exceed 15 feet.
 2. For property sizes between one acre and two acres, the total height shall not exceed 60 feet.
 3. For property sizes between two and five acres, the total height shall not exceed 80 feet.
 4. For property sizes greater than five acres, the total height shall not exceed 100 feet.
- B. Location. No small wind energy system shall be located in any front or side yard.

C. Setbacks.

1. **Property lines.** A small wind energy system shall be set back from the nearest property line, public road right-of-way and communication

and electrical line not less than 1.5 times the total height of the wind turbine.

2. **Inhabited Structures.** A small wind energy system shall be set back from the nearest inhabited structure not less than 1.5 times the total height of the wind turbine.

D. Design Standards.

1. **Monopole or Freestanding Design.** The design of the small wind energy
2. **Minimum Blade Height.** For towers in excess of 30 feet in height, the minimum height of the lowest extent of a turbine blade shall be 30 feet above finished grade (Figure 1530-2) and shall be separated from any structure (i.e. house, shed, barn, recreational element) not less than 1.5 times the blade height from said structure (Figure 1530-3).

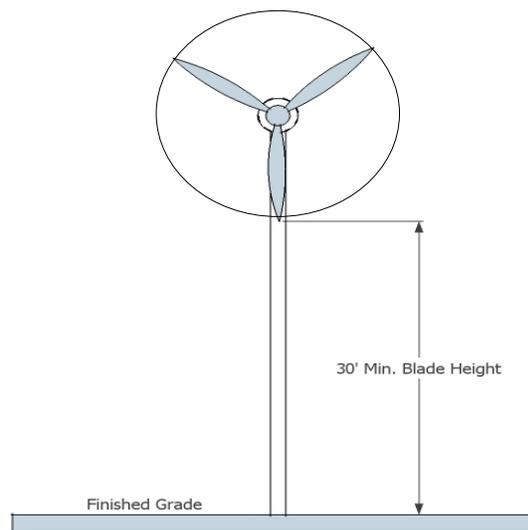


Figure 1530-2

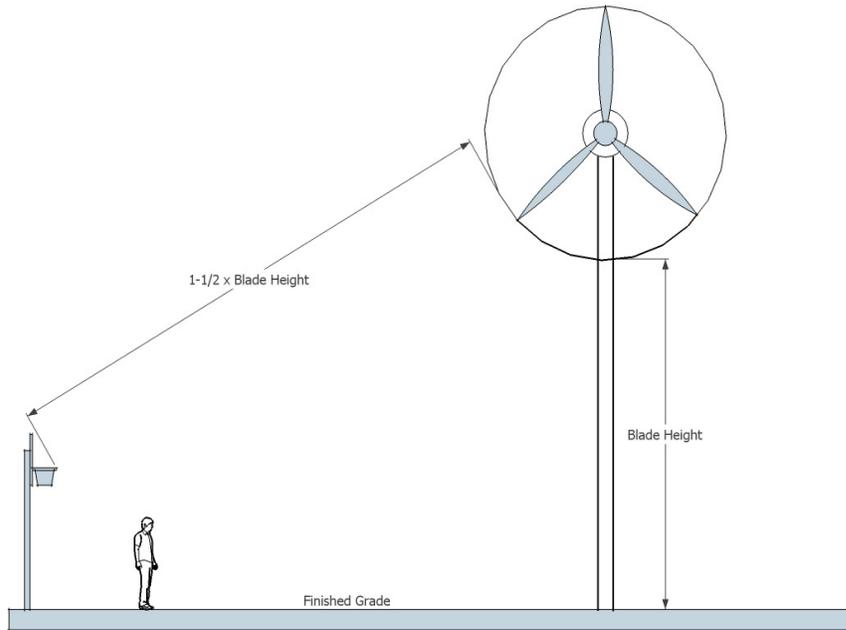


Figure 1530-3

- 3. Access.** No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.

- 4. Noise.** No small wind energy system shall exceed 60 dBA as measured at the nearest property line or 50 dBA as measured at the nearest neighboring inhabitable building. Should a wind tower produce an undulating pattern of noise or vibrations, which cause distress to nearby residents, said tower may be deemed a nuisance and worked as a code violation.

- 5. Visual Appearance.** Small wind energy systems shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. No small wind energy system shall be lighted unless required by the FAA. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system. No transmission

equipment shall be installed on the tower. All equipment shall be screened with either a six foot opaque fence or with evergreen vegetation not less than six foot in height.

- 6. Electrical Interconnections.** All electrical interconnection or
 - i. distribution lines shall be underground and comply with all applicable codes and public utility requirements.

 - 7. Signal Interference.** Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.

 - 8. Overspeed Controls.** Every small wind energy system shall be equipped with both manual and automatic overspeed controls.

 - 9. Federal Aviation Administration (FAA).** All wind towers shall meet Federal Aviation Administration (FAA) Regulations. Documentation shall be provided that indicates the proposed wind tower meets FAA regulations.
- E. Permit Requirements.** Applications for a small wind energy shall be approved with a Specific Use Permit through the Planning Commission following the procedures outlined in Chapter 13, Amendments. Applications shall include the following information.
- 1. Site Plan.** A site plan shall be drawn to scale based off a survey showing the location of the proposed small wind energy system and the locations of all existing buildings, structures, and property lines along with distances.

 - 2. Elevations.** Elevations shall be provided of the site drawn to scale showing the height, design, and configuration of the small wind energy system and the height and distance to all existing structures, buildings, electrical lines, and property lines.

3. **Engineering Specifications.** Standard drawings and an engineering analysis of the systems tower, including weight capacity shall be provided.
4. **Foundations and Geotechnical.** A standard foundation and anchor design along with existing soil conditions and specifications for the soil conditions at the site.
5. **Tower Specifications.** Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of the system including the name and address of the manufacturer, model and serial number.
6. **Safety Measures.** Emergency and normal shutdown procedures shall be provided as part of the application for a wind energy system.
7. **Electrical Connection.** A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes shall be provided along with evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator (unless the system will not be connected to the electricity grid).

1530.5 NON USE

1. Any small wind energy system which complies with the terms of this ordinance which is not used for two years, excluding repairs, shall be removed within the following six months. Failure to remove the system shall be deemed a violation of this ordinance.
2. Any small wind energy system or commercial wind energy system which is non-conforming and which is not used for one year, excluding repairs, shall be removed within the following six months. Failure to remove the system shall be deemed a violation of this ordinance.

1530.6 PRIVATE COVENANTS

Private covenants or deed restrictions may prohibit the installation of small wind energy systems. The City of Owasso does not enforce private covenants and this ordinance shall not preempt private covenants.

1530.7 DEFINITIONS

1. **Total Height.** The distance measured from ground level to the blade extended at its highest point.
2. **Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power.
3. **Windmill Rotor.** That portion of the windmill which includes the blades, hub, and shaft.
4. **Windmill Tower.** The supporting structure on which the rotor, turbine, and accessory equipment are mounted.
5. **Commercial Wind Energy System.** A wind energy conversion system consisting of more than one wind turbine and tower; a wind energy conversion system which will be used primarily for off-site consumption of power.

CHAPTER 16

FENCING REQUIREMENTS

- 1610 Required screening fences
- 1620 Sight triangle definition
- 1630 Fences in residential neighborhoods
- 1640 Fences in flood and drainage areas

SECTION 1610 REQUIRED SCREENING FENCES

- A. All residential uses, including, but not limited to, single-family attached and detached, duplexes, multi-family, mobile homes, etc., that back up to any arterial road, shall be screened with a solid opaque fence to provide screening of the rear yards of the residential property. Parks, swimming pools, and other amenities included within a residential subdivision and adjacent to an arterial may be bordered with a decorative fence, approved by the Community Development Department, in lieu of a screening fence. All multi-family residences, mobile home parks and all industrial uses that adjoin any arterial or collector street or highway, shall be screened with a solid opaque fence that provides screening of all yards. Screening fences shall not be less than six (6) feet nor more than ten (10) feet in height; provided that such fences shall not be permitted in any stormwater drainage easement, established floodplain, sight triangle areas, nor block ingress and egress.
- B. All non-single-family and non-duplex uses shall be screened from any adjacent single-family and duplex uses by a screening wall or fence. Such screening wall or fence 1) shall be constructed, designed, and arranged to provide visual separation of uses, irrespective of vegetation, 2) shall not be less than six (6) feet in height, 3) shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance, 4) shall be constructed prior to the occupancy of the building or initiation of the use required to screen, and 5) shall be of the type of materials compatible with the surrounding area.
- C. On or after the effective day of this Ordinance, all new wooden screening fences, including replacements for existing wooden screening fences that are required by the Zoning Ordinance or are constructed as perimeter fencing for new subdivisions, shall have the vertical support posts constructed of permanent building materials that may include but not be limited to a minimum of schedule 40 galvanized steel posts with an outside diameter equal to or larger than two and three-eighths (2 3/8) inch, masonry columns at least one foot square, or pvc fencing using dual extruded pvc posts. Required screening fences, as well as privacy fences that are not required by this code, shall be constructed with all braces and supports on the interior. The

Community Development Department may permit alternative support posts as part of any site/landscape plan review, as long as the materials used meet or exceed the wind load capabilities of the materials listed above. Footings shall be constructed of concrete or equivalent materials. Any existing fence otherwise lawful at the time of construction and thereafter maintained may continue throughout its useful life; however, the replacement of such fence or other repair of more than thirty (30) consecutive linear feet shall require the replacement or repair to conform to the standards listed herein. Unless otherwise approved by the Community Development Department, all fencing shall be uniform in height. Replacement fencing/screening, excluding support posts, shall retain its original height and material and the top elevation shall match the adjoining elevation.

- D. The exterior of required screening fences shall be uniform for the entire length of the development.

SECTION 1620 SIGHT TRIANGLE DEFINITION

An area of land located adjacent to the intersection of two (2) or more streets, which area of land is bounded by a line measured from the center of a connecting street and extended along the curb line of a corner lot for a distance of seventy-five (75) feet, to an end point to form one boundary of the triangle, and bounded by a line measured from the center of the second connecting street and extended along the second curb line of the corner lot for a distance of seventy five (75) feet to an end point to form the second boundary of the triangle; and bounded by a straight line connecting the two (2) end points of the first two (2) boundaries. This triangle has been determined for regulatory purposes to be sufficient for the drivers of two (2) vehicles traveling at twenty-five (25) miles per hour or less and approaching an uncontrolled intersection on separate, interconnecting, level and dry streets to view each other and take appropriate actions safely. This triangle has also been determined for regulatory purposes to be sufficient for pedestrian traffic, which may be augmented by toys such as roller skates, skateboards, sleds and similar devices.

SECTION 1630 FENCES IN RESIDENTIAL NEIGHBORHOODS

- A. Fences or vegetation having a screening effect shall not be permitted or allowed by the owner to grow on any corner lot within the sight triangle of a corner lot.
- B. Fences shall not be constructed in the street right-of-way, whether such right-of-way is held as an easement or in fee.
- C. If additional fences are constructed on the residential lot, such fences adjoining any arterial, collector, or minor street, shall be not less than six (6) feet or more than eight (8) feet in height. Fences adjoining a highway shall be not less than six (6) feet or more than ten (10) feet in height.

- D. Fences in residential areas may be constructed on property lines, in side yards, and rear yards. However, no fences higher than thirty (30) inches may be constructed in any front yard as defined by this code.
- E. If the landowner of a corner lot constructs a fence within a side yard and rear yard in accordance with Section 11.2, and if the rear portion of these yards of the corner lot abut the side yard of a neighboring lot, then any such fence built between the building setback line and the property line must be so constructed as to allow the driver of a vehicle on the neighboring lot to have a clear view of the street and all traffic thereon, for a distance of seventy-five (75) feet in each direction from the point of entrance into the street right-of-way from the neighboring lot. For the purpose of this subsection, the rear portion of the corner lot will be deemed to abut a neighboring side yard only if the two (2) yards form a common boundary along the majority of their length.

SECTION 1640 FENCES IN FLOOD AND DRAINAGE AREAS

No fences, other than an open split rail fence or barbed wire fence, shall be constructed in any one hundred-year floodplain area. No fences other than open split rail or barbed wire shall be constructed in drainage easements that are not in the 100-year floodplain area unless the owner has been given the written approval of the Public Works Department following their investigation of the consequences to the drainage.

CHAPTER 17

FLOOD HAZARD REGULATIONS

- 1710 Statutory Authorization, Findings of fact, and Statement of purpose
- 1720 Definitions
- 1730 Scope of controls; use and conditions
- 1740 Areas of special flood hazard defined
- 1750 Lands to which special flood hazard applies
- 1755 Basis for establishing the areas of special flood hazard
- 1760 Floodplain manager action
- 1765 Flood development permits
- 1770 Standards for floodways
- 1775 Standards for areas of shallow flooding
- 1780 Variance procedures
- 1785 Exemptions
- 1790 Enforcement and Penalties

SECTION 1710 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND STATEMENT OF PURPOSE

STATUTORY AUTHORIZATION -

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601-1618, as amended, Chapter 23 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Owasso, Oklahoma, does ordain as follows:

FINDINGS OF FACT -

1) The flood hazard areas of the City of Owasso, Oklahoma are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

STATEMENT OF PURPOSE -

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION 1720 DEFINITIONS

For the purpose of this chapter the following terms shall have the meanings respectively ascribes to them in this section:

1. “Area of special flood hazard” means that land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year;
2. “Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
3. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;

4. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source;
5. “Flood boundary and floodway map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated;
6. “Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a “habitable floor”;
7. “Mean sea level” means the average height of the sea for all states of the tide;
8. “Mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers;
9. “Structure” means a walled and roofed building that is principally above ground, as well as a mobile home; and
10. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 304, 6/2/81)

SECTION 1730 SCOPE OF CONTROLS; USE AND CONDITIONS

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. Uses normally permitted in applicable zoning districts shall be permitted providing the following provisions have been met:

1. All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
 - b. Be constructed with materials and utility equipment resistant to flood damage; and
 - c. Be constructed by methods and practices that minimize flood damage;

2. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
3. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
4. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
5. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to or above the base flood level calculated on the basis of one hundred percent (100%) upstream urbanization or development;
6. All new construction and substantial improvements of non-residential structures shall have the lowest floor flood-proofed or elevated to or above the base flood level calculated on the basis of one hundred percent (100%) upstream urbanization or development;
7. Any altered or relocated water course shall maintain its original flood carrying capacity;
8. No man-made change to improved or unimproved property, including filling, grading, paving, or excavating shall be commenced until a building permit or zoning clearance permit has been obtained for each change; and
9. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and ground ties to anchors. Specific requirements shall be:
 - a. Over-the-top ties at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side;
 - b. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - d. Any additions to the mobile home be similarly anchored.
 - e. For new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the

value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, require:

- (1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level. A registered professional engineer, architect or land surveyor shall submit a certification to the building inspector or zoning officer that the standards of this paragraph complies with this section;
- (2) Adequate surface drainage and access for a hauler are provided; and
- (3) In the instance of elevation on pilings: (1) lots are large enough to permit steps; (2) piling foundations are placed in stable soil no more than ten (10) feet apart, and (3) reinforcement is provided for pilings more than six (6) feet above the ground level.

(Ord. No. 304, 6/2/81)

SECTION 1740 AREAS OF SPECIAL FLOOD HAZARD DEFINED

- A. The provisions of this chapter shall apply to and govern the placement of structures and improvements and man-made changes of land, and the issuance of building permits or zoning clearance permits for property within the areas of special flood hazard in the city. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated Areas" dated September 22, 1999, with accompanying flood insurance rate maps and flood hazard boundary floodway maps, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. Copies for public review shall be available in the Public Works Department of the city.
- B. It is the responsibility of the city manager, through the floodplain manager, to determine, on request for a building permit or zoning clearance permit, if a particular tract of land is in part or in whole within the areas of special flood hazard as shown on the flood hazard boundary and floodway maps.

SECTION 1750 LANDS TO WHICH SPECIAL FLOOD HAZARD APPLIES

The provisions of this chapter shall apply to and govern the placement of structures and improvements and man-made changes of land, and the issuance of building permits or occupancy permits for property within the areas of special flood hazard in the city.

**SECTION 1755 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD
(Ord. No. 1014, 10.16.12)**

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Tulsa County, Oklahoma and Incorporated Areas dated October 16, 2012 with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. The portion balance of the City of Owasso located within Rogers County identified in a scientific and engineering report entitled, "The Flood Insurance Study for Rogers County, Oklahoma and Incorporated Areas" dated April 3, 2012, with the accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. This ordinance shall go into effect on October 16, 2012. Copies for public review shall be available in the Public Works Department of the City.

SECTION 1760 FLOODPLAIN MANAGER ACTION

The building inspector or zoning officer shall act upon all such applications on which he is authorized to act under these regulations within thirty (30) days, after these are filed in compliance with the provisions hereof. He shall either issue a building permit or zoning clearance permit within the thirty (30) day period or he shall notify the applicant, in writing, of his refusal of such a permit and set forth the reason therefore. Failure to notify the applicant in case of such refusal within thirty (30) days shall entitle the applicant to the building permit or zoning clearance permit, unless the applicant consents to an extension time. Under such rules as may be adopted by the board of adjustment, the building inspector or zoning officer may issue a temporary building permit or zoning clearance permit. He shall also:

1. Review all permits to determine whether proposed building sites will be reasonably safe from flooding;
2. Maintain a record of all lowest habitable floor elevations submitted to him;
3. In the absence of other Federal Emergency Management Agency base flood elevation data, consider other available data basis for determining lowest permitted floors;
4. Notify adjacent communities of all proposed water course alterations;
5. Require that all other state and federal permits are obtained; and
6. Review all applications and determine their conformance with the subdivision regulations of the city as applicable.

SECTION 1765 FLOOD DEVELOPMENT PERMITS

A request for the processing and issuance of a flood development permit pertaining to property situated within the boundary of the defined areas of special flood hazard shall be accompanied by such plans as may be necessary, including, at the discretion of the floodplain manager, plans in duplicate, drawn to scale in black line or blueprint, showing:

1. The actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part;
2. The exact location, size and height of any building or structure to be constructed or altered;
3. The existing and intended use of each building or structure or part thereof;
4. The number of families, dwellings, or housekeeping units the building is designed to accommodate;
5. When no buildings are involved, the location of the present use and proposed use to be made on the lot;
6. When the property lies within the area of special flood hazard, the elevation (in relation to mean sea level) of the lowest habitable floor of all new or substantially improved structures; and
7. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of these regulations.

One copy of any such plan or plans shall be returned to the owner when such plans have been approved by the floodplain manager, together with such flood development permit as may be granted. All dimensions shown on these plans relating to the location of the buildings thereon shall be staked out on the ground before construction is started. Whenever a lot is not provided and is not proposed to be provided with public sewers, the application for flood development permit shall be accompanied by a certificate of approval by the county health officer of the proposed method of water supply or disposal of sanitary wastes.

SECTION 1770 STANDARDS FOR FLOODWAYS

Located within areas of special flood hazard established in Section 12-404 of this code are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
2. If paragraph 1 hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in Section 12-403 of this code; and

3. Prohibit placement of any mobile homes, except in an existing mobile home park or subdivision.

SECTION 1775 STANDARDS FOR AREAS OF SHALLOW FLOODING

Located within the areas of special flood hazard established in Section 12-404 of this code are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to above the depth number specified on the flood boundary and floodway map;
2. All new construction and substantial improvements on non-residential structures shall:
 - a. Have the lowest floor, including basement, elevated above the crown of the nearest street or above the depth number specified on the flood boundary map; and
 - b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. A registered professional engineer or architect shall submit a certification to the building inspector or zoning officer that the standards of this section and Sections 12-405 through 12-407 of this code are satisfied.

SECTION 1780 VARIANCE PROCEDURES

The board of adjustment as established by the city shall hear and render judgment on requests for variances from the requirements of this chapter in accordance with the provisions of the zoning code of the city.

SECTION 1785 EXEMPTIONS

Provisions of this chapter shall not be applicable to:

1. Any building permit, zoning clearance permit, zoning Specific Use Permit approval, zoning variance approval, site plan approval, license, permit, or other approval granted prior to the initiation of the development controls

hereby enacted; however, nothing herein contained shall limit the city's right to revoke any building permit, certificate of occupancy, license or other approval previously issued when such revocation is in the best interest of the health, safety and welfare of the community;

2. Agricultural activities, except for new construction of structures or substantial improvements to structures;
3. Home gardening; and
4. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property, and which are made under such circumstances where it would be impossible to obtain prior building permit or zoning clearance permit. However, such repairs shall not be considered as being exempt from the provisions of this chapter and they shall be conclusively deemed temporary and non-permanent unless subsequently authorized by an appropriate building permit or zoning clearance permit approval.

SECTION 1790 ENFORCEMENT AND PENALTIES

- A. Any building permit or zoning clearance permit may be revoked or suspended by the city council after a public hearing. Ten (10) calendar days advance written notice shall be given to the grantee specifying the grounds for such contemplated revocation or suspension and advising the grantee of the date, place and time of the hearing before the city council; the permits may be revoked or suspended upon occurrence of any one of the following events:
 1. Violation of any condition of the approval;
 2. Violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation pertaining to the work authorized by building permit or zoning clearance permit approval; or
 3. Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or the property of others.
- B. Any person, firm or corporation or other legal entity violating the requirements of this chapter shall be guilty of a misdemeanor and upon conviction, shall be punished as provided in Section 1-108 of this code.
- C. In addition to any fine, the city may institute appropriate actions or proceeding at law or equity for the enforcement of the provisions of this chapter, or to correct the violations thereof. If applicable and appropriate, the city may institute appropriate actions or proceedings at law or equity against any surety

company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the grantee's performance as authorized by the Specific Use Permit approval.

CHAPTER 18 SIGNS

- 1805 Purpose.
- 1810 Promulgation of Rules and Regulations.
- 1815 Calculating the Area of a Sign.
- 1820 Definitions.
- 1825 Signs Not Requiring Permits.
- 1830 Prohibited Signs.
- 1835 Permitted Signs.
- 1840 Matrices.
- 1845 Unified Sign Plan.
- 1850 Administrative Provisions.
- 1855 Permits Required.
- 1860 Permit Revocable.
- 1865 Construction, Inspection, and Maintenance Standards.
- 1870 Permit Fees and Penalties.
- 1875 Nonconforming Signs.
- 1880 Sign Variances.
- 1885 Validity.

1805 PURPOSE

This Code, together with future amendments thereof, shall be known and may be cited as the “City of Owasso Sign Code”. The purpose and general intent of the City of Owasso Sign Code is as follows:

- (1) To establish standards and guidelines for the design, erection and installation of signs and other visual communication devices so that the City of Owasso may appear orderly and to prevent the needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination.
- (2) To provide for the appropriate use and location of signs in a manner that will not adversely affect or impact property values, compatibility of land use, community appearance and identity, and to otherwise promote the general welfare, public safety, convenience and order to the City of Owasso.
- (3) To provide for the issuance, revocation, inspection and identification of signs within the City.
- (4) To provide for the removal of any sign that is in violation of or non-conforming with the intent and purpose of this Code.

1810 PROMULGATION OF RULES AND REGULATIONS

Upon adoption of this ordinance, the City Manager shall present Rules and Regulations relating to the implementation of the intent of Chapter 18 to the City Council for adoption by resolution. Provided, however, that the City Manager shall from time to time promulgate such additional Rules and Regulations, or changes to existing Rules and Regulations as considered necessary. The promulgation of such Rules and

Regulations, in whole or in part, shall require the City Manager to notify the City Council and Planning Commission in writing of the proposed Rules and Regulations and shall require the exact language of the proposal be attached to such notice. Such notice to the City Council shall be published in the consent agenda of a City Council meeting for acknowledgement of Council receipt of the change(s). Upon notification to the City Council and for a period of 30 days, the proposed Rules and Regulations shall lay open and be subject to City Council action to disapprove either in part or in whole. Absent action by the City Council to disapprove proposed Rules and Regulations within the allotted time frame, such Rules and Regulations shall have the force and effect of law.

1815 CALCULATING THE AREA OF A SIGN

The area of a sign shall be computed to include the entire area within a sign, whether such sign is a parallelogram, triangle, circle or semi-circle, including all of the display area of one side and any part of the surface of any cornice, hood, awning, wall or similar ornamental or structural feature that blends with the sign in such a manner as to appear to be the background of the sign, and including all of the elements of the matter displayed, regardless of the angle at which such sign is placed in relationship to the building frontage; provided, however, that the area of a wall sign shall be computed to include only the area in which characters, letters, illustrations, insignia or logos are depicted.

1820 DEFINITIONS.

Definitions of terms as used in this Code, unless the context otherwise requires, shall be as follows:

Advertising Face. Each side of a sign that is designed, constructed, located and positioned for the purpose of displaying off-premises advertising material.

Accessory Dwelling Unit: A subordinate residential unit incorporated within, attached to, or detached from a single-family residential unit and having its own sleeping and sanitation facilities. This term shall refer to guest suites, mother-in-law quarters, and similar type uses. Such subordinate unit shall not be otherwise segregated in ownership from the principal residential unit and shall not be used for rental purposes.

Amenity: Any tangible benefit to a piece of a property, especially those that increase its attractiveness or value or that contributes to the comfort or convenience of the nearby residents. Tangible amenities might include park areas, swimming pools, tot lots, or playgrounds, disc golf course, walking trails or bike paths, tennis courts, basketball courts, picnic areas, or similar facilities that allow people to recreate, gather and socialize. The Administrator shall determine if an amenity meets the intent of this language. In most cases, parking should be provided for the amenity.

Area Marker. A sign that designates or identifies a subdivision or development.

Awnings. Any structure made of cloth or metal with a metal frame attached to a building and projecting over public property when so constructed to permit its being lowered to a position over public property and to permit its being raised to a position flat against building when not in use.

Canopy. A roof-like structure of a permanent nature that projects over a public way.

Contractor Sign. Signs that denote the architect, engineer, contractor, lending institution or other related business when placed upon work under construction.

Establishment. A place of business that has a separate identity, separate entrances, and separate records and books of its business transactions.

Front Footage. The lot frontage on which the sign is located.

Marquee. A roof-like structure of a permanent nature that projects from the wall of a building and may overhang a public way. Changeable lettering may be a part thereof.

Noncombustible Material. Any material that will not ignite at or below a temperature of one thousand two hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

Professional Nameplate. A sign that states the name and occupation or profession of the person occupying the premises where the sign is located.

Sign. A sign includes any device that displays or includes any letter, work, model, banner, flag, pennant, insignia, propeller balloon, device or representation used as, or that is in the nature of an advertisement or announcement or that directs attention to an object, product, place, activity, person, institution, organization, or business; but the term shall not include display of official notice.

Sign, Bulletin. A sign or board constructed in connection with a non-profit, community or neighborhood center, public building, church building or educational institution on its premises for announcement purposes.

Sign, Business. A sign that directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is attached.

Sign, Directional. A sign providing directions to the general public to a specific site or address in the City.

Sign, Flashing. Any sign that incorporates in any manner apparent movement

achieved by electrical pulsation, contains intermittent lighting or by other means such as sequential light phasing.

Sign, Ground / Pole Mounted. A sign that is supported by one or more poles, uprights or braces in the ground and that is not a part of a building.

Sign, Ground / Surface Mounted. A sign that is mounted flush with the ground or is supported by one or more poles, uprights, or braces in the ground and that is not a part of a building.

Sign, Illuminated. Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source that is intended to cause such light or reflection.

Sign, Moving. Any sign, or part of a sign, whether illuminated or unilluminated, that does not remain stationary at all times regardless of power source that affects movement.

Sign, Political. A sign that makes known the name or information about a person running for an office or any other information concerning a political campaign or election issue of any nature.

Sign, Roof. A sign constructed upon or above a roof or parapet of a building whether extending beyond the highest point of the building or not.

Sign, Snipe. A temporary sign that is made of any material, attached to a utility pole, tree, fence post, stake, stick, mailbox or any similar object, whether in the public right-of-way or not.

Sign, Structure. The supports, uprights, bracing and framework for a sign or outdoor display.

Sign, Temporary. A sign that is not intended to be used or installed permanently and/or that the Community Development Director or his/her designee deems to not be constructed or erected in a manner consistent with the stated purpose of this Code.

Sign, Wall. A sign painted, attached to, or constructed against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

Wall. The exterior surface of a building or structure. For purposes of this Code, other than size limitations, wall shall be determined to include mansard-type or sloped roof structures.

Work of Art. The term “work of art” shall apply to all mural paintings or decorations,

inscriptions, mosaic, painted glass and similar art forms of a permanent character intended for permanent or commemoration that are applied to, constructed or placed upon the exterior walls of any building. For the purpose of this ordinance, “work(s) of art”, whether singular or in aggregate, shall be deemed to exist when its size exceeds sixteen (16) square feet. For the purpose of this ordinance, a “work of art” which in any way relates to the business conducted therein shall be considered as a wall sign.

1825 SIGNS NOT REQUIRING PERMITS

A permit shall not be required for the following types of signs, provided that said signs shall be subject to all other provisions of this Code.

Sports Field Signs. Temporary signs at sports fields do not require permits and will not be required to follow the provisions of this Ordinance.

Real Estate Signs. One (1) real estate sign not exceeding eight (8) square feet in area for residentially zoned areas or thirty-two (32) square feet for commercial or industrial zoned areas which is “double-faced” and advertises only the sale, rental or lease of the premises upon which such signs are located.

Open House Signs. One (1) directional or open house sign not exceeding two (4) square feet in area located on the private property of the premises upon which the sale is located. Additionally, one open house sign may be placed at the entrance to the subdivision in which the house for sale is located, provided that the sign announces the address of the house and the time and date that the open house is being conducted.

Business Signs. One (1) non-illuminated, non-activated nameplate or occupational sign not exceeding two (2) square feet in area and attached flat against a building, providing only the name, address and occupation of the building tenant or owner.

Flags. Flags and insignias of any government or government agency.

Historical Markers. Non-illuminated, non-reflective memorial signs or signs bearing the name of the building and date of erection, provided that said signs do not exceed twelve (12) square feet in area and are either carved into, embossed on or permanently embedded in masonry, bronze or other non-combustible materials, in such a way that they are an architectural detail of a building.

Legal Notices. Legal notices, identification, informational or directional signs constructed by government agencies or in compliance with their regulations.

Political Signs. Political signs, not exceeding sixteen (16) square feet in area, which makes known the name of and information concerning a political campaign of any nature, provided that such signs shall not be placed or erected sooner than six (6) weeks before the general election and are to be removed no later than one (1) day following the general election, that no political sign shall be placed in or on the public right-of-way, that no political sign shall be placed or erected in or on any private property without the express permission of the owner or occupant of such property.

Garage Sale Sign. A maximum of two (2) signs not to exceed four (4) square feet each shall be permitted to advertise a garage sale. Any such sign shall not be placed in the

public right-of-way, shall not be placed or located farther than the nearest major arterial roadway from the site of the sale and shall be removed immediately at the conclusion of the garage sale.

Service Station Signs. Signs that are attached to gasoline pumps or other similar dispensing or servicing devices are allowed, as well as signs and required regulatory information that are an integral part of the service station operation. In no way does this section allow snipe signs and pennants at service stations, and banners at service stations must be permitted as they are at other uses.

Awning or Canopy Lettering. Vinyl or plastic lettering affixed to any awning or canopy, and conforming to the provisions of the section related to awnings/canopy type signs.

Contractor Signs. Contractor signs not exceeding twenty-four (24) square feet in area and placed within the area to be constructed.

Window Signs. Signs that are posted on windows and not designed to be read from a point off the property.

Community Interest Signs. Any other sign that the City Council deems of a public or community wide interest.

1830 PROHIBITED SIGNS.

The following signs classified by location, type and content are prohibited.

Location

- (a) No sign shall be permitted to extend into, above or be placed in or on any portion of a public street, avenue or alley, nor shall any sign 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 right-of-way lines of any street, avenue or alley except legal notices, identification, informational or directional signs erected by a government agency and in compliance with their regulations.
- (b) No sign shall be constructed so as to obstruct any fire escape, required exit, window, or door opening intended as a means of ingress or egress, nor shall any sign be placed in such a manner as to interfere with any opening required for ventilation.
- (c) No sign shall be constructed in a manner that interferes with any surface or underground utility structure. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
- (d) No sign shall be constructed or displayed that is deemed to be hazardous, a danger, a traffic hazard, causes the potential impediment to rescue personnel in the event of an emergency or which constitutes a public nuisance.

Type.

- (a) Any sign not specifically permitted within a zoning district, to include temporary signs, shall be prohibited within such zoning district.
- (b) Portable, Snipe, Mobile, or Vehicular Signs. No portable, mobile, vehicular or snipe signs shall be permitted within the City, and no motorized vehicle or trailer shall be parked upon public or private property within the City for the obvious purpose of advertising; provided that commercial vehicles 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.
- (c) Gooseneck Reflectors. Gooseneck reflectors and lights shall be permitted only on ground signs, roof signs, wall signs, and works of art, provided the reflectors shall be equipped with proper glass lenses concentrating the illumination upon the area of the sign or work of art so as to prevent glare upon the street or adjacent property.
- (d) Spotlight and Floodlights. It shall be unlawful for any person to maintain any sign or work of art that extends over public property that is wholly or partially illuminated by floodlights or spotlights.
- (e) Moving and Flashing. No moving signs shall be permitted in any district except for pennants used in connection with real estate "Open House" and maintained for less than forty-eight (48) hours. No flashing signs shall be permitted in any residential district.
- (f) Nuisance. No sign shall be permitted that emits audible sound, vapor, smoke, odor particles or gaseous matter.
- (g) Placards, Leaflets, Handbills. No placards, leaflets, handbills or similar signs shall be placed on the exterior wall or window of any building, attached to utility poles, or public property in any district.
- (h) Corporate or Commercial Flags. No corporate or commercial flags shall be permitted in any zoning district that exceed thirty-five (35) feet in height and/or fifteen (15) square feet in area to include those corporate or commercial flags containing logos. Additionally, corporate or commercial flags shall be limited to one (1) flag per business entity.
- (i) Work of Art. No work of art shall be applied to, erected or placed upon the exterior walls of any building within the City of Owasso without first being submitted to and approved by the Planning Commission. The request to allow a work of art shall be accompanied by plans and specifications which describe the

proposed work of art, location, appearance, color, texture, general design, use material, orientation to other buildings and the relationship of such factors to features of buildings in the immediate surroundings. The City Council may, when it deems proper, also require a complete model of work of art to be submitted. In determining the merits of the work of art, consideration should be given to insure that the work of art maintains the highest character of community development and would not be detrimental to the stability of value and the welfare of surrounding property, structures, and residents, and to the general welfare and happiness of the community.

- (j) Advertising Signs (off-premises). It shall be unlawful for any person to construct any off-premises advertising sign in any zoning district in the City.
- (k) Roof Signs. It shall be unlawful for any person to construct or maintain any roof sign in any zoning district in the City.
- (l) Balloons and Inflatable Signs. It shall be unlawful for any person to construct, erect or maintain any balloon, inflatable device or image for the purpose of advertising or directing attention to the location from which the device is attached.

Content.

- (a) Obscene Matter No person shall display upon any sign or other advertising structure an obscene, indecent or immoral matter.
- (b) Traffic Safety No sign shall be erected or constructed in any district within the City that states, “stop”, “go”, “slow”, “danger” or any other similar term which could reasonable be confused with traffic signs. Furthermore, no sign shall be erected or constructed in any district which would by its color or nature, 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.

1835 PERMITTED SIGNS

Signs permitted under the provisions of this Code are itemized on matrices according to zoning districts. The matrices indicate whether the sign is “permitted conditionally”, or “not permitted” in each zoning district. Each matrix also includes significant characteristics or attributes of each sign by type and is further cross-referenced by a series of conditions. Signs not listed in a particular matrix are expressly prohibited unless allowed under the provisions of Section 1820 of this Code. The matrices do not intend, however, to preclude any other section of this Code.

1840 MATRICES

The following matrices with qualifying conditions are included below:

- A. Matrix #1 - Signs permitted in AG Agricultural, RE Residential, RS-1 Residential, RS-2 Residential, and RS-3 Residential zoning districts.
- B. Matrix #2 - Signs permitted in RD Duplex, RTH Multi-family, RM-1 Multi-family, RM-2 Multi-family, and RMH Mobile Home zoning districts.
- C. Matrix #3 - Signs permitted in OL Office and OM Office zoning districts.
- D. Matrix #4 - Signs permitted in CS Commercial and IL Industrial zoning districts.
- E. Matrix #5 - Signs permitted CG Commercial, CH Commercial, and IM Industrial zoning districts.
- F. Matrix #6 - Signs permitted in IH Industrial zoning districts.

SIGN MATRIX # 1
AG, RE, RS-1, RS-2, RS-3

Type	Condition	Not Perm	Max Area	Setback from Front Property Line	Max # Signs	Max # of Days	Maximum Height	Setback from Side or Rear Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awnings		X							
Banner	HH,II				1				
Bulletin	B, C, D		12	10	1		4	8	
Business		X							
Canopy		X							
Contractor	D,I,FF		16		1				
Flashing		X							
Ground / Pole		X							
Ground / Surface		X							
Marquee		X							
Moving	D,BB				1	2			
Political	D,K		16						
Projecting		X							
Real Estate	C,D,H,FF, GG		8		1		4		
Wall	B, C, E		12		1				

SIGN MATRIX # 2
RD, RTH, RM - 1, RM - 2, RMH

Type	Cond	Not Perm	Max Area	Setback from Front Property Line	Max. # of Signs	Max # Days	Maximum Height	Setback from Side or Rear Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awnings		X							
Banner	HH,II				1				
Bulletin	B, C, D		12	10	1		4	8	
Business		X							
Canopy		X							
Contractor	D,I,FF		16		1				
Flashing		X							
Ground / Pole		X							
Ground / Surface		X							
Marquee		X							
Moving	BB				1	2			
Political	D,K		16						
Projecting		X							
Real Estate	C,D,H,FF, GG		8		1		4		
Wall	C,L,M		12		1				

SIGN MATRIX # 3

OL, OM

Type	Cond	Not Perm	Max Area	Setback from Front Property Line	Max # of Signs	Max # of Days	Maximum Height	Setback from Side or Rear Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awning	S,T								
Banner	HH,II				1				
Bulletin	B,C,D		12	10	1		4	8	
Business	F,G		2		1				
Canopy	S,Z								
Contractor	D,I,FF		16		1				
Flashing		X							
Ground / Pole	C,D,G,N, O,P,S,W, EE, FF				1		30		
Ground / Surface Mount	C,D,G,N, O,P,W,DD, EE				1		4		
Marquee	S,T,Z,AA				1				
Moving	BB				1	2			
Political	D,K		16						
Projecting		X							
Real Estate	C,D,GG, FF		32		1		8		
Wall	C,G,M, Q,R				1				

SIGN MATRIX # 4
CS and IL

Type	Conditions	Not Perm	Max Area	Setback from Front Property Line	Max # of Signs	Max # of Days	Max Height	Setback from Side or Rear Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awnings	S, T								
Banner	HH,II				1				
Bulletin	B,C,D		12	10	1		4	8	
Business	F,G		2		1				
Canopy	S, Z								
Contractor	I,D,FF		16		1				
Flashing	D,CC								
Ground / Pole	C,D,G,N, O,PS,V,EE,FF				1		30		
Ground / Surface Mount	C,D,G,N, O,P,V,DD,EE				1		4		
Marquee	S,T,Z,AA				1				
Moving	BB				1	2			
Political	D,K		16						
Projecting		X							
Real Estate	C,D,GG,FF		32		1		8		
Wall	C,G,M,Q,R				1				

SIGN MATRIX # 5
CG, CH, IM

Type	Cond	Not Perm	Max Area	Setback from Front Property Line	Max # of Signs	Max # of Days	Max Height	Setback from Rear or Side Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awnings	S,T								
Banner	HH,II				1				
Bulletin	B,C,D		12	10	1		4	8	
Business	F,G		2		1				
Canopy	S,Z								
Contractor	D,I,FF		16		1				
Flashing	D,CC								
Ground / Pole	C,D,G,N, O,P,V, S,EE,FF				1		30		
Ground / Surface Mount	C,D,G,O, P,V,DD,E E				1		4		
Marquee	S,T,Z,AA				1				
Moving	BB				1	2			
Political	D,K		16						
Projecting		X							
Real Estate	C,D,GG, FF		32		1		8		
Wall	C,G,M,Q, R,U				1				

SIGN MATRIX # 6
IH

Type	Cond	Not Perm	Max Area	Setback from Front Property Line	Max # of Signs	Max # of Days	Max Height	Setback from Side or Rear Property Line	Setback from ROW
Area Marker	A,D,J		100		1				25
Awnings	S,T								
Banner	HH,II				1				
Bulletin	C,D		12	10	1		4	8	
Business	F,G		2		1				
Canopy	S,Z								
Contractor	D,I,FF		16		1				
Flashing	D,CC								
Ground / Pole	C,D,G,N, O,P,S,V,D D,EE, FF				1		30		
Ground / Surface Mount	C,D,G,O, P,V,DD,E E				1		4		
Marquee	S,T,Z,AA				1				
Moving	BB				1	2			
Political	D,K		16						
Projecting	X,Y,D		3		1				
Real Estate	C,D,GG, FF		32		1		8		
Wall	C,G,M, Q,R				1				

Sign Matrices Conditions - All Zoning Districts

- A. Such signs are subject to approval by the Planning Commission.
- B. Such signs shall be permitted only in connection with a non-profit, community or neighborhood center, public building, church building or educational institution.
- C. If illuminated, illumination shall be constant, indirect lighting directed away from any adjoining residential use.
- D. Such signs shall not be constructed or located that it will obstruct the view of traffic or within the public right-of-way.
- E. Such signs shall not project higher than ten (10) feet above ground level when affixed to a building.
- F. Such signs shall be unilluminated.
- G. Such signs shall only include the professional or occupational nameplate to include only the name and / or address and occupation of the occupant.
- H. Such signs shall be double-faced, advertising only “for sale”, “for rent” or “for lease” of the premises upon which the sign is located.
- I. Such signs shall be removed from the site within thirty (30) days after construction is complete.
- J. Such signs shall be removed within ninety (90) days after the sale of the last lot in the subdivision or three (3) years from the date of initial construction, whichever comes first.
- K. Such signs shall not be erected or placed sooner than six (6) weeks before the applicable election or campaign and shall be removed no later than one (1) day after the general election.
- L. Such signs shall sign shall not exceed ten (10) percent of the wall to which it is attached or ninety (90) square feet, whichever is less.
- M. Such signs shall be attached to a wall that fronts or faces upon a street right-of-way.
- N. Such signs shall be limited to thirty (30) feet in height and one hundred (100) square feet in area. If the lot or tract has a front footage in excess of one hundred (100) feet, additional area may be allowed on each side of the sign equal to thirty (30) percent of the front footage in excess of the first one hundred (100) feet of said tract or lot up to a maximum of one hundred fifty (150) square feet.

- O. Shopping centers that are located on a tract or lot bound by two (2) or more public streets are allowed one (1) additional ground sign, pole or surface mounted with a maximum square footage of fifty (50) feet at a secondary entrance facing a different public street than the original ground sign.
- P. If illuminated, such signs in direct view of traffic signals shall not be red, green or amber in color, and shall be illuminated only during business hours or until eleven o'clock (11:00 pm) whichever is later.
- Q. Such signs are permitted on any wall that faces or fronts onto a public right-of-way, except that no wall sign shall be permitted upon any wall other than the front wall which faces or fronts onto a public right-of-way when such public right-of-way is bounded on the opposite side by properly zoned single-family dwellings.
- R. Such signs shall be limited to ten (10) percent of the wall to which it is attached or one hundred fifty (150) square feet, whichever is less. For each one hundred (100) foot increment the structure is set back from the public right-of-way, the maximum area may be increased by fifty (50) percent, provided that no sign shall exceed four hundred fifty (450) square feet.
- S. All such structures shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the public sidewalk and fifteen (15) feet above a drive or alley.
- T. Such structures shall not be permitted to extend beyond a point two (2) feet inside the curbline.
- U. All establishments may construct one (1) wall sign as permitted in their respective zoning districts on building walls which do not face or front an adjoining and abutting public right-of-way, when there exists under the same ownership a parking lot or other open space of at least fifty (50) linear feet between the wall and the nearest building, but in no case shall a sign be constructed on more than two (2) walls of a building.
- V. If more than one (1) establishment is located on a tract or lot, one (1) ground sign, pole or surface mounted, may be installed to display names of stores, occupations or businesses located on the tract or lot. The size of the sign shall not exceed one hundred (100) square feet in area.
- W. Such signs shall be limited to sixty (60) square feet in area. If the lot or tract has a front footage in excess of one hundred (100) feet, additional area may be allowed on each side of the sign equal to thirty (30) percent of the front footage in excess of the first ninety (90) feet of said tract or lot up to a maximum of one hundred (150) square feet.

- X. Projecting signs shall be permitted beneath a canopy or marquee and erected over a public sidewalk and shall be hung at a right angle from the building.
- Y. A sign erected beneath a canopy or marquee shall not extend beyond a point within two (2) feet of the front edge of the canopy or marquee and shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the public sidewalk.
- Z. All such structures must comply with the following:
 - 1. Such structures must be suspended from the building and not resting upon the sidewalk.
 - 2. Such structures, when erected must be so drained as not to discharge water upon the sidewalk or upon streets except by a closed drain.
- AA. No marquee shall display any advertising matter, except those goods and services offered for sale upon the premises or public service messages of a community wide interest.
- BB. Such signs shall be unilluminated and permitted for a period of forty-eight (48) hours in connection with a real estate “open house”.
- CC. Such signs are permitted only when displaying flashing or intermittent lights, or lights of changing degrees of intensity of color and when such signs do not constitute a traffic hazard.
- DD. No such sign shall be located on the triangle formed by two (2) curblines at the intersection of two (2) streets and extending for a distance of fifty (50) feet each way from the intersection of the curblines on any corner lot or shall be permitted to exceed a height of more than thirty-six (36) inches above the road level of any street, avenue or alley.
- EE. No portion of such signs shall extend beyond the property line.
- FF. Structural components of such signs, including the pole(s) or structure(s) to which said sign is attached, may not exceed twenty-five (25) percent of the width of the sign cabinet.
- GG. Such signs are limited to eight (8) square feet in agricultural and residentially zoned districts and thirty-two (32) square feet in all other zoning districts.
- HH. If said banner is in connection with a non-profit, community or neighborhood center, public, church or educational institution, said banners shall adhere to the following restrictions:

1. Such banners shall be limited to a period not exceeding thirty (30) days.
 2. Said banners must be permitted by the City Planner and must contain a site plan indicating the location(s) of said banners.
- II. If said banner is in connection with a commercial or for profit institution, said banners shall adhere to the following restrictions:
1. Said banners must be permitted by the City Planner and must contain a site plan indicating the location of said banner.
 2. Said banners must accompany a permanent ground, pole or wall sign.
 3. The requested time period for the banner must be, in the opinion of the City Planner, relative to the need.
 4. Said banners shall be limited to one (1) banner per location.
 5. Said banners must be attached to the primary building and not free standing, when applicable

1845 UNIFIED SIGN PLAN

A unified sign plan (USP) is an application requesting approval of a comprehensive sign permit establishing the size, location and design of signage on property being developed as a unit. The purpose of a USP is to provide for the establishment of signage criteria that is tailored to a specific development or location and which may vary from the provisions of this Code. The intent of the USP section is to provide for some flexibility in the sign criteria of this Code that promotes superior design through architectural integration of the site, buildings and signs.

National or international franchises shall be given reasonable consideration with respect to company standard logos and lettering styles that are an integral part of the franchise image and identity. The consideration shall not be without restriction and shall be within the boundaries of sound zoning practice and planning and in harmony with the general purpose and intent of the unified signage plan.

All unified sign plans are subject to the following restrictions:

- (1) All unified sign plans shall include the location, size, height, construction material, color, type of illumination and orientation of all proposed signs.
- (2) All unified sign plans shall be reviewed by the City of Owasso Planning Commission and shall conform to all conditions imposed by said Commission prior to the issuance of a sign permit.

- (3) Unified Sign Plans shall include all signage to be located within the perimeters of the subject site whether in excess of the provisions of the current sign code or not.
- (4) Unified Sign Plans may not propose a total sign square footage exceeding three (3) square feet of signage per every one (1) linear foot of street frontage of the subject property.
- (5) Unified Sign Plans may not include any prohibited sign.

1850 ADMINISTRATIVE PROVISIONS

Except where otherwise provided, the administrative provisions herein described shall govern all signs located within the City of Owasso.

1855 PERMITS REQUIRED

- (a) No person shall construct, structurally alter, rebuild, enlarge, extend, relocate, attach to or support by a building or structure any sign unless a permit for such sign has been issued by the City of Owasso, or unless such sign is specifically exempted from permit requirements.
- (b) It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit.
- (c) If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance said permit shall become null and void and there shall be no refund of any fee required by this Code.
- (d) After a sign has been constructed, the applicant shall notify the Community Development Director or his/her designee, who shall inspect such sign and approve the same if it is in compliance with the provisions of this Code. The Community Development Director or his/her designee may, from time to time as he/she deems necessary, inspect all signs or other advertising structures regulated by this Code, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair.

1860 PERMIT REVOCABLE

- (a) All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses revocable by the Community Development Director or his/her designee for violation of the provisions of this Code.
- (b) All canopies, ropes, networks, banners, holiday decorations, posts, radio aerials, placed in or projecting over or across any street, avenue, alley, or sidewalk, shall

be deemed nuisances unless constructed and maintained under the conditions of this Code. Permission may be granted by the Board of Adjustment to maintain a banner or holiday decoration across a street for a limited period of time upon the following terms and conditions:

- (1) That the applicant for said banners or holiday decorations be in connection with a non-profit, community or neighborhood center, public building, church building or educational institution and shall contain no advertising.
 - (2) That if the banners or decorations were affixed to private property, it be done so only after the written consent of the property owner is obtained.
 - (3) That said application be granted after the filing of a bond or insurance in a sufficient amount to protect the public and hold the City harmless from all claims and damages of any kind.
- (c) When any such condition exists as is referred to in (b) above, the Community Development Department may declare such a nuisance and order its removal and abatement. The Community Development Director or his/her designee shall give the owner or occupant of the grounds fronting thereon, or the person causing a nuisance mentioned in (b) above, a written notice that such a nuisance must be removed within forty-eight (48) hours. If such nuisance is not removed or abated within forty-eight (48) hours, the Community Development Director or his/her designee shall cause the same to be removed and abated, and shall report the cost thereof to the City Clerk. The cost of removal or abatement shall be charged against the lot or parcel of ground fronting on such nuisance or the expense may be collected from the person causing such nuisance.

1865 CONSTRUCTION, INSPECTION, AND MAINTENANCE STANDARDS

Provisions related to construction requirements shall be as follows:

MATERIALS

- (a) Awnings. Awnings may be constructed of cloth or metal. All frames and supports shall be constructed of metal.
- (b) Canopy. Canopies must be constructed of fireproof material.
- (c) Ground Sign / Pole Mounted. All ground signs/pole mounted, shall have a surface or facing of noncombustible materials, or material approved by the Community Development Director or his/her designee. Provided, that combustible structural trim may be used thereon.
- (d) Ground Sign / Surface Mounted. All ground signs/surface mounted, shall be constructed of materials approved by the Community Development Director or his/her designee.
- (e) Marquees. All marquees, including the anchors, bolts, supports, rods and braces

thereof, shall be constructed of noncombustible materials and approved by the Building Inspector.

- (f) Wall Signs. All wall signs shall have a surface or facing of noncombustible materials. Provided that combustible structural trim may be used thereon. However, the surface or facing and structural trim of a wall sign which is attached to a stone, brick, or masonry wall may be of exterior grade plywood having a thickness of not less than one half (1/2) inch. No plywood sign shall be illuminated or in any manner be operated or serviced by electricity.

LETTERS, BRACING, ANCHORAGE AND SUPPORTS

- (a) Awnings. Every awning shall be securely attached to and supported by the building.
- (b) Ground Sign / Pole Mounted. All letters, figures, character, or representation in cut out or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign/pole mounted shall be safely and securely built or attached to the sign structure. This does not exclude the use of standardized, changeable lettering securely mounted on sign forms. All ground signs/pole mounted shall be securely built, constructed and erected upon foundations, posts, standards or supports designed to adequately support the sign. In no case shall this Code be construed as to allow "A-frame" signs.
- (c) Ground Sign / Surface Mounted. All letters, figures, characters, or representation in cut out or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign/surface mounted shall be safely and securely built or attached to the sign structure. All ground signs/surface mounted shall be securely built, constructed and erected upon foundations, posts, standards, or supports designed to adequately support the sign. In no case shall this Code be construed to allow "A-frame" signs.
- (d) Marquees. Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support.
- (e) Wall Signs. All wall signs shall be safely and securely attached to the building wall.

MAINTENANCE - All signs affixed or attached to the ground or surface and the premises surrounding the same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. Furthermore, all signs or other advertising structures governed by this Code, upon inspection by the Community Development Director or his/her designee and upon a finding that a sign is damaged or in need of repair, the Community Development Director or his/her designee may order the repair or removal of said sign.

OTHER REQUIREMENTS - All signs governed under this Code shall be designed and constructed according to the City building code.

1870 PERMIT FEES AND PENALTIES

PERMIT FEES - Every applicant before being granted a permit hereunder shall pay to the Community Development Director or his/her designee the following permit fee for each sign regulated under this Code. Furthermore, a permit shall not be issued until a certificate of public liability insurance in the amount of one hundred thousand dollars (\$100,000) and a certificate of employer’s liability and worker’s compensation insurance in an amount that is in conformity with the statutory requirements of the laws of the State of Oklahoma has been filed with and approved by the City Clerk. A double permit fee shall be charged for failure to make application for a sign permit as required.

All fees are exclusive of required electrical and building permit fees. Fees for all signs are included below:

TYPE	COST
Awning	\$15.00
Banner	\$15.00
Canopy	\$15.00
Permanent Signs (Wall Sign, Ground Sign, etc.)	\$20.00
Unified Sign Plan	\$750.00

- (a) Any application requesting a permit to install a sign with internal or external lighting will be required to purchase an electric permit in addition to the above fee schedule.
- (b) If a permit is requested for signs in different categories as outlined above, whether for one or more businesses, the full cost for the permit in each category shall be charged unless a unified sign plan is submitted.

Penalty Any person, firm or corporation violating any to the provisions of this Code shall upon conviction thereof, be fined a sum not exceeding two hundred dollars (\$200.00) or be imprisoned for a period not to exceed thirty (30) days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense. It shall be the responsibility of the Community Development Director or his/her designee to enforce all provisions of this Code.

1875 NON-CONFORMING SIGNS

A sign lawfully existing at the effective date of the adoption or amendment of this Code but which would be prohibited under the terms of this Code or amendment thereto shall be deemed non-conforming. Said signs shall remain nonconforming and may continue subject to the following provisions:

- (1) Temporary signs shall be removed within ninety (90) days of the passage of this Code. Temporary signs include, but are not limited to banners, portable, snipe and mobile signs.
- (2) Permanent, non-conforming signs may not be moved, altered or enlarged in any way without conforming to the provisions of this Code.
- (3) Permanent, non-conforming signs that are damaged or partially destroyed by any means to the extent of more than fifty (50) percent of its current replacement costs at the time of damage shall not be replaced or reconstructed without conforming to the provisions of this ordinance.

1880 SIGN VARIANCES.

The City of Owasso Board of Adjustment may grant a variance to the requirements of this Code only if the applicant demonstrates compliance with the following criteria:

- (1) That the variance is necessary due to extraordinary or peculiar circumstances related to the size, shape, topography, or location of the subject property.
- (2) That the extraordinary or exceptional conditions of the subject property are not a direct result of the actions of the applicant.
- (3) That the variance as granted represents the least deviation from the prescribed regulations necessary to accomplish the purpose for which the variance is sought and which is consistent with stated intent of this Code.
- (4) That the granting of the variance shall result in greater convenience to the public in identifying the business location for which a sign code variance is sought.
- (5) That the granting of the variance will not be detrimental to the public welfare, will not constitute a public nuisance or adversely affect public safety.
- (6) That the granting of the variance will not interfere with the location and

identification of adjacent businesses, buildings or activities.

1885 VALIDITY

If any section, subsection, sentence, clause, phrase, or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER 19 OUTDOOR LIGHTING

- 1905 Purpose.
- 1910 Promulgation of Rules and Regulations.
- 1915 Definitions.
- 1920 Light Measurement Technique.
- 1925 General Standards for Outdoor Lighting.
- 1930 Parking Lot Lighting.
- 1935 Outdoor Sports Field/Outdoor Performance Area Lighting.
- 1940 Sign Lighting.
- 1945 Lighting for Commercial Buildings and Landscaping.
- 1950 Site Plans.
- 1955 Search Lights.
- 1960 Nonconformities.

1905 PURPOSE

Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort; and maximum light levels so as not to create or cause glare onto nearby properties and public street rights of way; and to minimize uplight.

1910 PROMULGATION OF RULES AND REGULATIONS

Upon adoption of this ordinance, the City Manager shall present Rules and Regulations relating to the implementation of the intent of Chapter 19 to the City Council for adoption by resolution. Provided, however, that the City Manager shall from time to time promulgate such additional Rules and Regulations, or changes to existing Rules and Regulations as considered necessary. The promulgation of such Rules and Regulations, in whole or in part, shall require the City Manager to notify the City Council and Planning Commission in writing of the proposed Rules and Regulations and shall require the exact language of the proposal be attached to such notice. Such notice to the City Council shall be published in the consent agenda of a City Council meeting for acknowledgement of Council receipt of the change(s). Upon notification to the City Council and for a period of 30 days, the proposed Rules and Regulations shall lay open and be subject to City Council action to disapprove either in part or in whole. Absent action by the City Council to disapprove proposed Rules and Regulations within the allotted time frame, such Rules and Regulations shall have the force and effect of law.

1915 DEFINITIONS

Cutoff Fixture - An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2.5) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Flood Lamp - A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Flood Light - A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Footcandle (FC) - A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

Full Cutoff Fixture - An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Glare - The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Light Source - The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Lumen - A quantitative unit measuring the amount of light emitted by a light source.

Maintained Footcandles - Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation.

Outdoor Sports Field - An area designed for active recreation, whether publicly or privately owned, including but not limited to baseball/softball diamonds, soccer fields, football fields, golf courses and ranges, tennis courts, racetracks, and swimming pools.

Outdoor Performance Area - An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.

Right-of-way - An interest in land controlled by the City that provides for the perpetual right and privilege of the City, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street

rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in upon, over, below, and across the rights-of-way.

Semi-Cutoff Fixture - An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

Spillover Light - The light that can be measured on a property, when that same light is generated from another property.

Uplight - Light that shines upward, above the horizontal plane, such as might be generated from a searchlight or spotlight.

Wall Pack - A type of light fixture typically flush-mounted on a vertical wall surface.

1920 Light Measurement Technique

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. Light levels are specified, calculated and measured in footcandles (FC).

1925 General Standards for Outdoor Lighting.

1. All Zoning Districts Except Residential and Agricultural
 - 1) Unless otherwise specified in the following subsections, the maximum light level shall be 0.5 maintained footcandles at any property line adjacent to a single-family residential property, and 2.0 maintained footcandles at any public, non-arterial street right-of-way, unless otherwise approved by the Planning Commission. During hours of operation, a minimum of 1.0 footcandles shall be maintained in parking lots.
 - 2) Unless shielded, all flood lights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty feet (50') of a public street right-of-way is mounted and aimed perpendicular to the right-

of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way (see Exhibit 1).

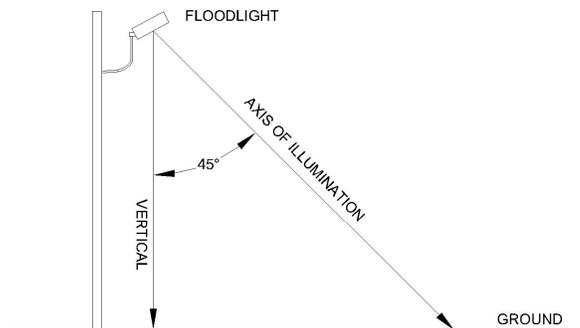


Exhibit 1.

- 3) All wall fixtures, including wall packs, shall be cutoff fixtures.
- 4) Service connections for all freestanding fixtures shall be installed underground. The applicability of this provision may be reviewed on an individual basis for developments with structures totaling less than 4,000 square feet of floor area.
- 5) All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets shall use the current standards provided by the IES or AASHTO for road lighting, and are otherwise exempt from these regulations.
- 6) No wood poles may be used for any freestanding fixtures. The applicability of this provision may be reviewed on an individual basis for developments with structures totaling less than 4,000 square feet of gross floor area.

2. RM Zoning Districts

- 1) Unless otherwise specified in the following subsections, the maximum light level shall be 0.5 maintained footcandle at any property line adjacent to a single-family district, , and 2.0 maintained footcandles at any public, non-arterial street right-of-way, unless otherwise approved by the Planning Commission. A minimum of 0.7 footcandles shall be maintained in parking lots in RM districts.

- 2) Unless fully shielded, all flood lights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty feet (50') of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way. Nothing in this section shall be construed so as to allow any fixture that cause excessive glare to be visible from any right-of-way (see Exhibit 1).
- 3) All wall fixtures, including wall packs, shall be cutoff fixtures.
- 4) Service connections for all freestanding fixtures in non-single-family areas shall be installed underground. The applicability of this provision may be reviewed on an individual basis.
- 5) All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets shall use the standard provided by the IES for road lighting, and are otherwise exempt from these regulations.
- 6) No wood poles may be used for any freestanding fixtures. The applicability of this provision may be reviewed on an individual basis.

3. Agricultural and Other Residential Districts

The provisions of Section D of these regulations do not apply to properties located within AG, RE, RS, RD, and RTH zoning districts.

1930 Parking Lot Lighting

- 1) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures, or comply with subsection (3) below, and shall be subject to the requirements of Section D.
- 2) The mounting height of all parking lot lighting shall not exceed thirty (30) feet above finished grade. The applicability of this provision may be reviewed on an individual basis.
- 3) All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

- 4) All parking lot lighting requirements listed in Section 2050 may be modified by the Community Development Department upon a finding that the developer has provided a method by which glare from lighting elements will not cross any property line, and lighting elements will not be visible from any point off the subject property.

1935 Outdoor Sports Field/Outdoor Performance Area Lighting

The hours of operation for the lighting system for any game or event shall not exceed two hours after the end of the event.

1940 Sign Lighting

Lighting fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively on the sign. The lighting of any signs must also comply with the Owasso Sign Ordinance.

1945 Lighting of Commercial Buildings and Landscaping

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and other intended site features and away from adjoining properties and the public street right-of-way. Ornamental and decorative accent lighting fixtures will be considered on an individual basis.

1950 Site Plans

The applicant for any site plan approval required for work involving outdoor lighting shall submit documentation at time of site plan submission that the proposed lighting plan complies with the provisions of this Code. The site plan must include a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this Code.

The Community Development Director or his/her designee may require a photometric plan for the development, that shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:

Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

1955 Searchlights

Searchlights shall require a separate permit. If granted, such permit shall not be valid for duration longer than 48 hours on a specific property, and such permit shall not be granted more than two times in one year. Searchlights shall not be permitted inside residential areas.

1960 Nonconformities

Any lights existing prior to the adoption of this ordinance are considered legal and non-conforming. Any new outside light fixtures placed upon properties within Owasso must meet the requirements of this ordinance.

CHAPTER 20
**LANDSCAPING, SCREENING, AND BUFFERING
REQUIREMENTS**

20.1 INTRODUCTION AND PURPOSE

The purpose of these landscaping, screening, and buffering requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established herein to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment and building expansion projects including streetscaping of rights-of-ways. These minimum requirements will:

1. Maintain and increase property values;
2. Further enhance the quality of life for Owasso residents and visitors;
3. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
4. Mitigate air, dust, noise, heat and chemical pollution;
5. Reduce the “heat island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
6. Establish landscape theme throughout the City that promotes the overall character and identity of the community;
7. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping while encouraging water and energy conservation;
8. Promote planting techniques that ensure the long term health of plant materials;
9. Screen unsightly equipment, material, or uses from public view and adjoining properties; buffer uncomplimentary land uses.

20.1.1 CONCEPT ILLUSTRATION

Landscape requirements are based on the illustration shown below, which depicts the different yard areas referenced in the subsequent sections of this Chapter 20. Figure 20-1 is meant to provide a visual reference for each of the required planting yards.

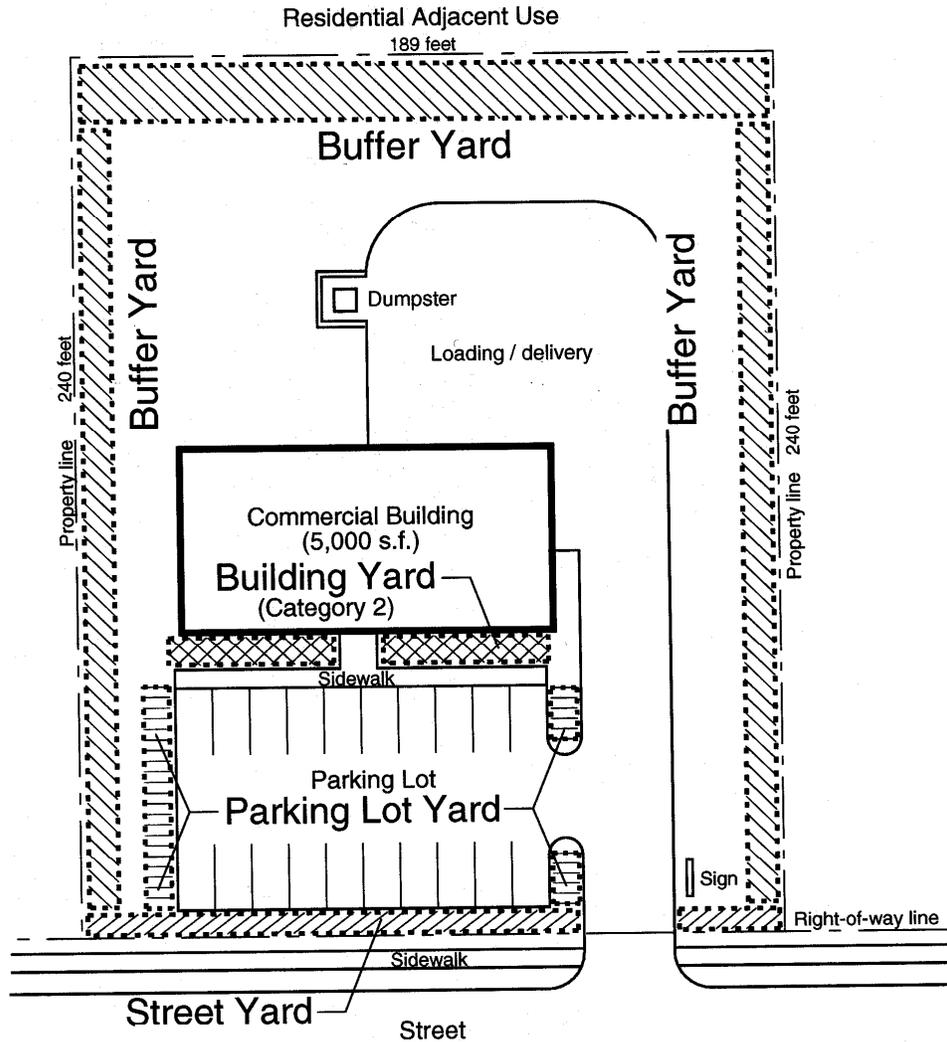


Figure 20-1
Typical Planting

20.1.2 GENERAL PROVISIONS

- F. **Retention of Existing Vegetation.** Existing healthy trees, shrubs and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
- G. **Design and Installation.** Landscape materials shall be installed in conformance with approved landscape plan prepared in accordance with Sections 20.2 and 20.10.3.
- H. **New Development.** This Section shall apply to all new development, unless specifically exempted by Subsection G below.
- I. **Change of Use or Enlargement of Existing Development.** This Section shall apply to all applications for building permits for projects that involve one or more of the following:
 - 3. An increase in the number of stories in an existing building on the lot;
 - 4. An increase in the impervious area by more than two thousand square feet (2,000 sq.ft.); or
 - 5. An increase of thirty percent (30%) or more in the square footage of building area or parking lot.
 - 6. Where an existing parking area is altered or expanded to increase the number of spaces to a total of more than twenty (20), interior landscaping shall be provided on the new portion of the lot in accordance with this Chapter 20.
 - 7. A change in the use of a property that has no landscaping beyond sod or turf grass shall be required to install landscaping as per this Section if the building or parking lot is expanded by more than 25%. The Administrator and/or their designee shall be allowed some degree of flexibility with regards to these requirements should there be unusual circumstances, but the spirit of the regulations shall be maintained.

J. REQUIREMENTS FOR DOWNTOWN DEVELOPMENT

No specific width of landscaped edge shall be required for developments in the downtown. However, landscaping and screening shall be provided in accordance with Table 20-1. Where surface parking abuts a street right-of-way developments shall provide a sidewalk built to City specifications within the right of way. For the purposes of these regulations, the downtown area is defined by an area bounded by East 86th Street North, US-169, West 4th Avenue South, and the railroad tracks.

Table 20-1

Downtown Landscape Requirements	
Street Trees	1 shade tree for every 25 linear feet of frontage along a public street. Ornamental trees may be used in place of shade trees in the presence of overhead utilities. Staff may accept alternative provisions in situations where it is impossible to meet this requirement
Parking Lot Screening	Opaque screen no higher than three feet (3'). Walls may be used in accordance with 20.3.2 A.3
Buffer yard	Opaque screen no less than six feet (6') in height. Buffer yard shall be at least three feet (3') in width. Wood fencing shall utilize galvanized metal poles for vertical supports. Smooth faced CMU block shall not be used as an exterior screening material.

K. COMMUNITY DEVELOPMENT ADMINISTRATOR REVIEW

The term ‘Administrator’ shall be used to define the Community Development Director, the City Planner or their designee. All requirements from this chapter shall be met prior to issuance of any certificate of occupancy. Any deviation from the approved landscape plan, site plan, or from the requirements set forth in this chapter shall require approval from the Administrator. Alternative designs, materials or methods may be brought to the Administrator for consideration, but the intent of the regulations shall be met with each project. Any decision made by the Administrator may be appealed to the Board of Adjustment.

L. EXEMPTIONS

The following development types are exempted from the requirements of this Chapter 20.

1. Individual single-family and two family dwellings on separate lots, where such residential use is the primary use on the lot
2. New single-family detached and two-family subdivisions with four or fewer lots and four or fewer dwellings; and
3. Temporary uses approved pursuant to this chapter.

20.1.3 INTERPRETATION OF LANDSCAPING TERMS.

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to American Nursery and Landscape Association (“ANLA”)(formerly the American Association of Nurserymen), The American Standard For Nursery Stock, (1996), which document is hereby incorporated by reference. The definitions in Section 20.11 shall apply to the regulation and control of landscaping within this Section. Figure 20-2 Illustrates common tree descriptions and shall be used to interpret any issues relating the planting, care, and maintenance of trees. Figure 20-3 and Section 20.10.1. Size

Standards, shall be used to interpret plant sizes as part of the requirements of this chapter.

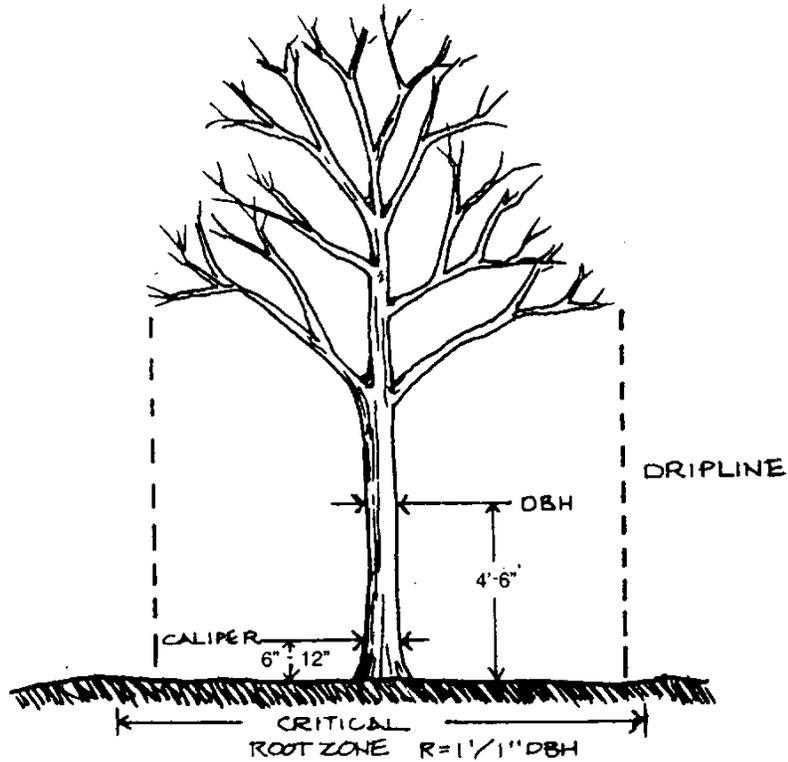


Figure 20-2
Tree Descriptive Terms

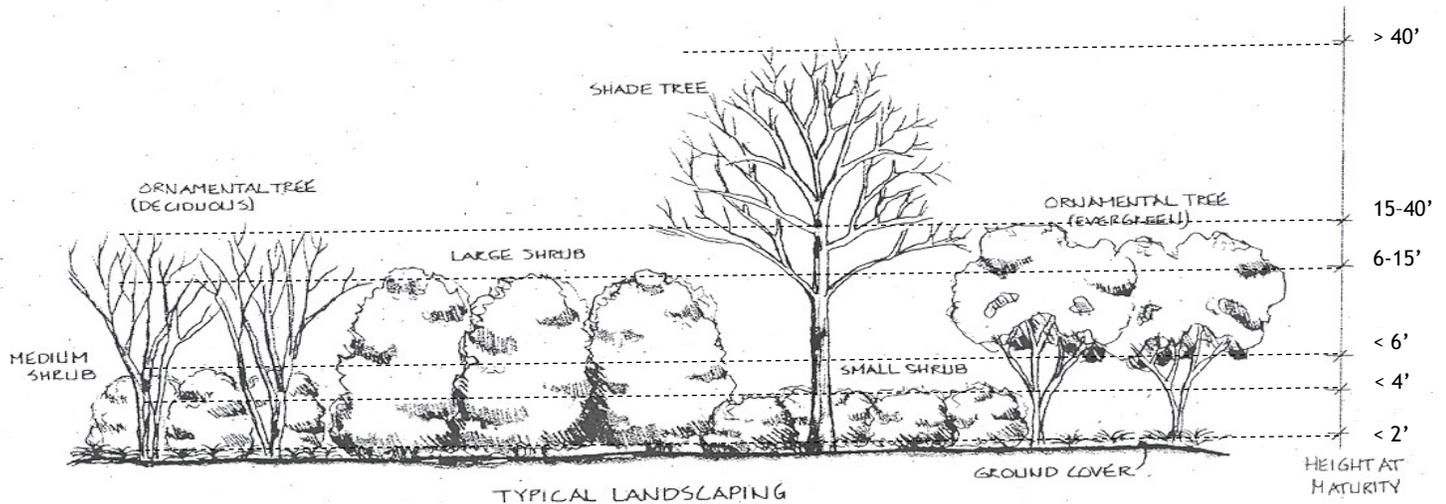


Figure 20-3
Landscape Plants Typical Sizes

20.2 LANDSCAPE PLAN.

20.2.1. GENERAL REQUIREMENTS

These following standards shall apply to all areas where landscaping is required:

1. Required landscaping shall not include artificial plants or trees, or other artificial vegetation.
2. Landscape areas shall be kept free of trash, litter, and weeds.
3. Materials other than plants may be proposed to meet some of the landscape requirements. Hardscaping, xeriscaping, and water features may be proposed as a part of any landscape plan, so long as the plan meets the intent of the chapter.
4. No site plan submitted to the Community Development Department prior to the effective date of these landscape regulations shall be required to conform to the landscape regulations herein, except those that meet the requirements of section 20.1.2.D.
5. All landscape plans shall be reviewed by the Community Development Department as part of the site plan review process. Upon completion of the review, the Administrator shall:
 - a) Approve the landscape plan as complying with the requirements of the Landscape Chapter and rules and regulations; or

- b) Approve the landscape plan with conditions that bring it into compliance with the requirements of the Landscape Chapter and rules and regulations; or
- c) Reject the landscape plan as failing to comply with the requirements of the Landscape Chapter and rules and regulations.

20.2.2. PLAN REQUIREMENTS

Landscape plans shall accompany any application for site plan approval and be submitted in conformance with the requirements listed below. Landscape plans shall include:

1. The date, scale, north arrow, project name and the name of the owner and designer;
2. The location of property lines and dimensions of the tract;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and proposed streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, existing and proposed fire hydrants on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size, and type (tree, shrub, ground cover, berms, or grass) of proposed landscaping and the location and size of the proposed landscaped areas;
5. Planting details and/or specifications;
6. The location, size (caliper and height), condition, and common name of any existing tree for which credit is requested shall be indicated. The method of protecting the existing trees which are to be retained from damage during construction shall be described;
7. A description of the type of irrigation system to be used and, if necessary, drawings of such system; and
8. The schedule of installation of required landscaping and appurtenances, which shall specify installation of all required materials, except trees, prior to the issuance of a certificate of occupancy (for multifamily, commercial, and industrial developments) or first building permit (for single family and two family developments) and further specify installation of required trees shown in the landscape plan within one hundred twenty (120) days after issuance of such occupancy permit or first building permit. For single and two-family developments, this section refers to the required subdivision entrance landscape areas.

20.2.3 INSTALLATION TIMELINE

With the exception of trees all required landscaping materials shall be installed and approved prior to the issuance of a final Certificate of Occupancy for multifamily, commercial, and industrial developments or issuance of the first building permit for single family or two family developments. The installation of trees may be delayed up to but no greater than 90 days due to seasonal weather provided that a signed letter from the applicant is submitted stating the date when the tree planting will

be completed. It is recommended that planting of trees occur from October 1 to December 15 or March 1 to May 15.

20.2.4 VIOLATIONS

Failure to maintain required landscaping, to replace dead or destroyed plant material as part of the approved landscape plan, or to adhere to an approved landscaping plan shall constitute a zoning violation, subject to any and all remedies set forth in the Chapter 11 Enforcement, of the Owasso Zoning Code.

20.2.5 VARIANCES

The Board of Adjustment, upon application, and after notice (when notice is required) and public hearing, may grant variances from the terms of the Landscape Chapter only upon a finding that the variance will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the chapter, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the regulations will result in unnecessary hardship.

20.3 STREET YARDS

20.3.1 PURPOSE

The purpose of street yards is to provide continuity of vegetation along the street right-of-way, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective right-of-way/property line. Where street yards turn at street corners, the length measurements determining plant quantities shall not be required to overlap. Table 20-3 summarizes the street yard requirements.

20.3.2. STANDARDS IN NONRESIDENTIAL AND MULTI-FAMILY DISTRICTS

A. STREET YARD

All development in the nonresidential and multi-family districts, including churches, schools, and civic type uses shall provide a street yard adjacent to all highways, frontage roads, arterial and collector streets, internal drives, and entrances through nonresidential districts to residential subdivisions. The street yard shall comply with the following standards:

1. **Width.** The street yard shall be a minimum width of twenty feet (20') for multi-family development, and ten feet (10') for all other development subject to this Section, exclusive of street right-of-way and sidewalk. However, the Administrator may reduce the width of the required street yard during site plan review if the reduction is required for public improvements.
2. **Tree Requirements.** Within the street yard, one shade tree shall be planted for every fifty (50') linear feet. The number of required trees shall be calculated based on the linear frontage of the required street yard and

shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced.

3. **Parking Lot Screening.** Parking lots and drives abutting a street yard that is less than thirty feet (30') in width in all developments shall be screened with either plant material, berms, walls or a combination thereof. If shrubs are used for screening they may be placed within the street yard but are in addition to the required number of trees. In no case shall shrubs used for screening be more than four (4) feet from the edge of the parking lot. Shrubs shall be at least 24 inches in height at the time of planting and shall be of a type and species that will attain a minimum height of three (3) feet, one (1) year after planting at which time they will form an opaque screen. Shrubs shall be maintained to a height of no more than four (4) feet.
 - a) As an alternative to the shrub requirement, a berm or masonry wall may be used lieu of the required shrubs. If a berm is used the number of required shrubs may be reduced by 50%. The berm or masonry wall must be at least three feet (3') but no more than five feet (5') in height. Masonry walls shall be of decorative and/or textured design. Standard smooth faced CMU block is not allowed as a screening wall material.
 - b) All loading and service areas, including driveway pavement that serve them, shall be screened from all abutting properties and/or public rights-of-way by a wall, fence, hedge, berm or other durable landscape barrier. Non living screen barriers shall be no less than six (6) feet tall at the time of installation. Living screen barriers shall reach a height of no less than six (6) feet two years after installation. All material shall provide a year round opaque screen.
 - c) All screening material shall be placed in such a way as to not obscure the vision of motorists and must be out of the sight triangles as defined in Section 240.2. Landscape plants that are within the sight triangles shall not reach a mature height of more than 18".

20.3.3 STANDARDS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS

- A. **SUBDIVISION STANDARDS** A landscape plan is required for the arterial entrance(s) to a single-family residential subdivision. The location and types of landscaping shall be reviewed by the Technical Advisory Committee to ensure that motorists' visibility is not threatened and that utility lines are not encroached upon. All landscaping shown on the approved landscape plan shall be planted prior to the issuance of any final inspection for a dwelling unit within the subdivision. A homeowners association shall be required to provide perpetual maintenance of the landscaped area.
- B. **STREET YARD** All commercial development in single family districts, including churches, schools, and civic type uses shall provide a street yard adjacent to

all highways, frontage roads, arterial and collector streets, and entrances. The street yard shall comply with the following standards:

1. Street Trees and Shrubs

- a) At least one (1) shade tree and one (1) ornamental tree and three (3) large shrubs per fifty linear feet (50') of frontage along an arterial street shall be planted. The number of plants shall be calculated solely on the linear footage and shall be rounded to the nearest whole number. The plant material may be grouped together or evenly spaced. If the material is grouped, at least one (1) tree per fifty (50) linear feet of frontage is still required.
- b) Any nonresidential use allowed in a residential zoning district by Specific Use Permit shall meet the non-residential landscaping requirements set forth in Section 20.3.2.
- c) As a general rule all required landscape material shall be located outside the arterial street right-of-way. Landscape material may be placed (5') feet inside of street right-of-way, in order to miss obstacles or due to physical limitations of the property. If landscape material is located five feet (5') into the arterial street right-of-way, the sidewalk may be serpentine to allow landscape material to be placed in pocket areas as long as the tree-to-pavement distance of at least four feet (4') is maintained.
- d) iv. For landscape material that is to be installed along an arterial street, a fence and a landscape easement of at least ten feet (10') in width shall be provided and shown on the recorded plat. Wood fencing shall utilize galvanized steel posts and the smooth side of fence shall face towards the street. Smooth faced CMU block is not a permitted fencing material. A berm may substitute for a fence. Said berm shall be no less than 4 feet in height with side slopes no greater than 3:1.

2. Landscape Reserve

If a "landscape reserve" is designated on the plat next to an arterial street, the building setback line for lots adjacent to the landscape reserve can be from the planned right-of-way.

20.4 INTERIOR PARKING LOTS

A. NONRESIDENTIAL, AND MULTI-FAMILY DISTRICTS

In all nonresidential (commercial, office, industrial), multi-family, and mixed-use districts, landscaped areas shall be established and maintained in off-street parking areas as follows:

1. In nonresidential districts, at least one (1) tree and six (6) small shrubs shall be planted for every fifteen (15) parking spaces. In multi-family districts, at least one (1) tree and (8) small shrubs shall be planted for every ten (10) parking spaces. The number of required trees shall be rounded up to the nearest whole number. Landscape material shall be planted inside or within fifteen feet (15') of the edge of the back of the curb around the perimeter of the parking lot, but shall not be placed in the street yard required in

20.3.2. These requirements can be met by placing a portion of the required shrubs within landscape islands.

2. For development sites greater than 2 acres, interior areas of parking lot pavement shall contain landscape planting islands.

a) Entry Islands

Landscape islands with a planting area measured at least nine feet (9') in width face of curb to face of curb and a minimum length of eighteen feet (18') in length shall be provided on each side of all drives that provide access from the street to the property (See Figure 20-4). Length of said islands may be required to be longer than 18 feet depending upon the size and intensity of the use.

b) Internal Islands

Planting islands shall be located at each terminus of each single row of parking and, when a single row of parking contains more than 15 parking spaces, at intervals between each terminus. The intervals shall be such that planting islands within a single row of parking shall be separated by no more than 15 parking spaces (See figure 20-5). Planting islands shall contain at least one shade tree. In addition, planting islands shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three feet in height. Such planting islands shall have a minimum area of 150 square feet. In double rows of parking a planting island required for one row may be combined with a planting island required for another row, in which case the minimum area shall be 300 square feet.

c) Litter Control

In parking lots that contain two hundred (200) or more parking spaces, for every row of parking provided, at least one (1) trash receptacle shall be provided. The receptacle shall be affixed to the ground and shall be of a decorative nature. The receptacle shall be designed to keep trash from blowing out and shall be regularly emptied and maintained by the property owner. Trash receptacles may be placed within landscape islands.

3. For development sites less than 2 acres, Interior parking lot areas of pavement shall contain the following.

a) Entry Islands

Entry driveway islands shall be provided in accordance with 20.4 A.2

b) Internal Islands

There shall be no requirements for planting islands for every 15 parking spaces, however no parking space shall be located more than sixty feet (60') from a landscaped yard as depicted in Figure 20-1, and landscape islands shall be placed at the beginning and end of each row of parking stalls. Said islands shall contain at least one hundred square feet (100 sq. ft.).

4. For parking lots in excess of 250 spaces a pedestrian landscape island (see Figure 20-6) containing a sidewalk shall be installed for the entire length of a parking aisle. Said island shall align with the main entrance to the building, shall be bounded on both ends by perpendicular landscape islands, shall be a minimum of at least sixteen (16) feet wide with a five (5) foot sidewalk in the middle OR twelve (12) feet wide with a five (5) foot sidewalk along one side. Figure 20-6 provides an example of a pedestrian island. The walkways shall be built with ADA accessible ramps at intervals throughout.
5. All parking lot landscaped areas and islands shall be protected by a raised six-inch (6") concrete curb, OR shall be designed as raingardens with inlets for stormwater. Pavement shall not be placed closer than four feet (4') from the trunk of a tree.
6. Planting areas and islands shall have a minimum prepared depth of 18 inches. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings. (See Figure 20-12)

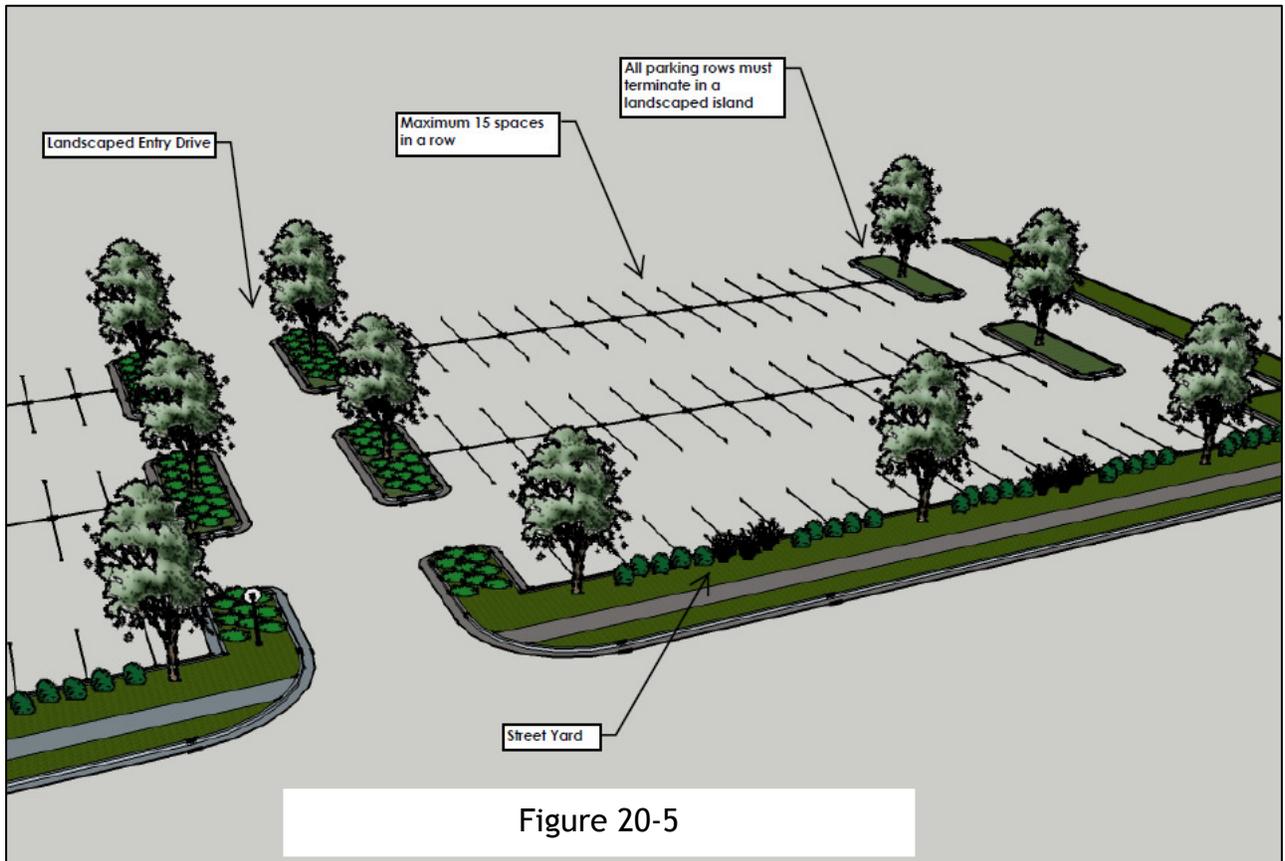
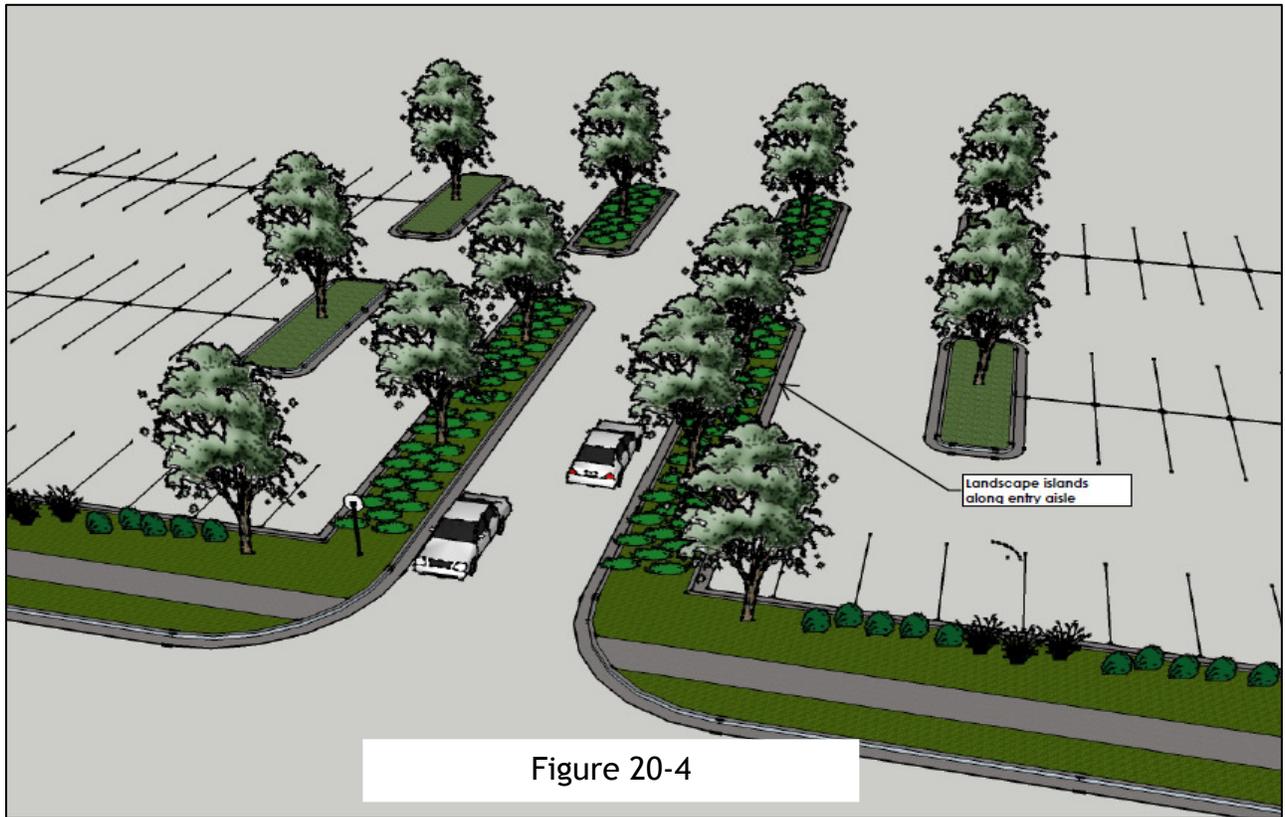




Figure 20-6

B. ALTERNATIVE PARKING LOT ISLAND DESIGN

Parking lot islands as described in 20.4 A.2 may be constructed as rain gardens in order to reduce costs associated with detention and storm water infrastructure. Figures 20-7 and 20-8 provide examples of such techniques.



Figure 20-7

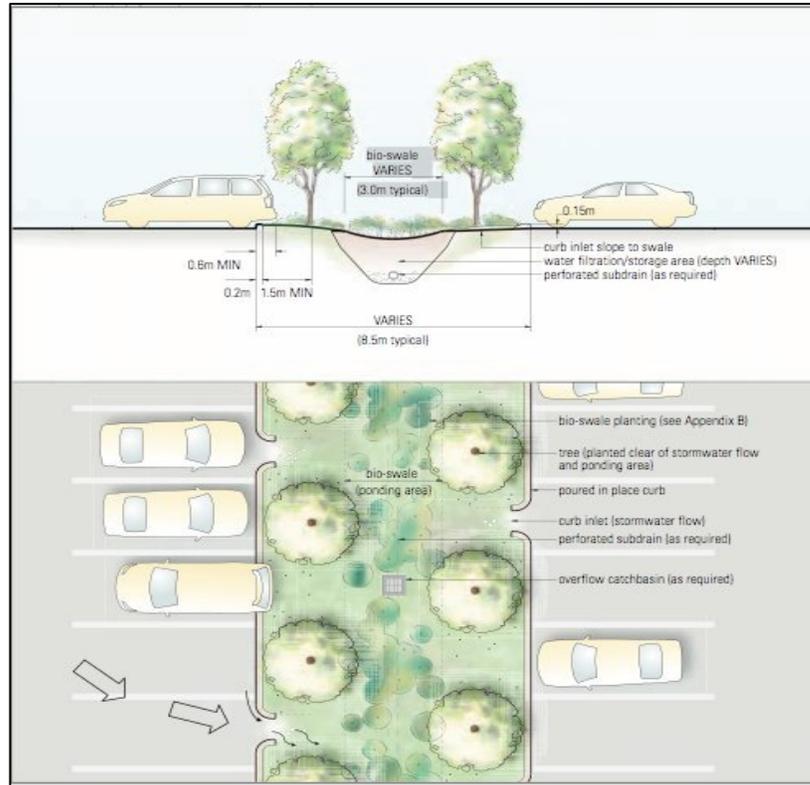


Figure 20-8

C. EXPANSION OF USES

The expansion of an existing use, structure or parking lot that meets the criteria set forth in 20.1.2.D shall be required to bring the entire site into compliance with this Section.

D. YARD CALCULATIONS

Landscaping as required within a planting yard shall be counted for only that planting yard and shall not be used in calculating the minimum quantity for any other planting yard. Table 20-3 summarizes the parking lot yard requirements.

20.5 BUFFER YARDS

20.5.1 PURPOSE

Buffer yards are intended to ensure that an area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses. Buffer yards widths shall be measured from the respective property line, except where

buffer yards are permitted to straddle property lines, as set forth in Section 20.5.3 C. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap. Table 20-3 summarizes the buffer yard requirements.

20.5.2 BUFFERING OF DEVELOPMENT ADJACENT TO RESIDENTIAL ZONES AND USES

A. COMMERCIAL AND OFFICE USES

Whenever a non residential use in the CS, CG, CH, OL, or OM district is proposed adjacent to a property with residential zoning or residential use, the nonresidential use shall provide a landscaped buffer of at least ten feet (10') in width within the nonresidential property. Any non-residential use that abuts a single-family or two-family development shall provide a screening fence or wall at least six (6) feet in height along the entire property frontage abutting the residential use. The buffer shall provide landscaping utilizing one of the following methods:

1. One (1) medium or large evergreen tree or two (2) ornamental trees, plus ten (10) medium shrubs for every thirty (30') linear feet or portion thereof of adjacent exposure to the adjoining lot;
2. or one (1) medium to large evergreen tree plus (5) large shrubs for every thirty (30') linear feet or portion thereof of adjacent exposure to the adjoining lot;
3. or one (1) large evergreen tree plus one (1) large shade tree or two (2) ornamental trees for every thirty (30') linear feet or portion thereof of adjacent exposure to the adjoining lot; or
4. installation of a berm with a height of no less than four (4) feet (3:1 side slopes max.) planted with one (1) medium or large evergreen or shade tree or two (2) ornamental trees, plus five (5) small or medium shrubs for every thirty (30') linear feet or portion thereof of adjacent exposure to the adjoining lot; or
5. One (1) medium or large evergreen tree, plus (5) five medium or large shrubs for every forty (40') linear feet or portion thereof of adjacent exposure to the adjoining lot.

If the fence or wall is constructed with brick, stone, split faced block, or similar material, then the shrub requirements listed above may be reduced 50% subject to approval by the Administrator.

Specific Use Permit uses adjoining residential uses shall be required to provide a landscape buffer using one of the above methods as determined by the Administrator, Planning Commission, or City Council.

B. INDUSTRIAL USES

Whenever a non-residential use in the IL, IM, or IH district is proposed adjacent to property with residential use, the nonresidential use shall provide a landscaped buffer of at least twenty feet (20') in width within the non-residential property. Any non-residential use that abuts a single-family or two-family development shall provide a screening fence or wall at least six (6) feet in height along the entire property frontage abutting the residential use. The buffer shall provide landscaping utilizing one of the following methods

1. Two (2) medium or large evergreen trees, plus eight (8) large shrubs for every forty (40') linear feet or portion thereof of adjacent exposure to the adjoining lot; or
2. one (1) medium to large evergreen tree and one (1) large shade tree for every thirty (30') linear feet or portion thereof of adjacent exposure to the adjoining lot; or
3. installation of a berm with a height of no less than four (4) feet (3:1 side slopes max.) planted with one (1) medium or large evergreen tree, plus five (5) medium shrubs for every forty (40') linear feet or portion thereof of adjacent exposure to the adjoining lot; or
4. Two (2) medium or large evergreen trees, plus three (3) medium or large shrubs for every forty (40') linear feet or portion thereof of adjacent exposure to the adjoining lot.

If the fence or wall is constructed with brick, stone, split faced block, or similar material, then the shrub requirements may be reduced 50% subject to approval by the Administrator.

Specific Use Permits in industrial districts that adjoin residential uses shall be required to provide a landscape buffer using one of the above methods as determined by the Administrator, Planning Commission, or City Council.

C. SPECIFIC USE PERMITS IN RESIDENTIAL DISTRICTS

Specific use permits issued in residential districts shall be required to provided buffers to a degree that is no less than any of the methods described above or as determined by the Administrator, Planning Commission, or City Council.

20.5.3 STANDARDS FOR BUFFER YARD DEVELOPMENT.

A. PROHIBITED USES

The construction of any building or the placement of any mechanical equipment within the landscape buffer yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within

the buffer yard consistent with the Sign Regulations of this Chapter. Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts or other active, structured recreational uses, or circulation drives and parking lots, shall not be permitted in the buffer yard.

B. PERMITTED USES

The following other uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met:

1. Passive recreation;
2. Sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails, golf courses;
3. Storm water detention or retention basins;
4. Parks and open space.

C. REDUCTION IN REQUIRED BUFFER YARD PERMITTED.

Where a dedicated buffer yard exists on an abutting property, a reduction or elimination in a buffer yard for a property to be developed may be allowed subject to the following:

1. The adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this Section, and; Maintenance of the existing buffer yard is consistent with the requirements of this Section, the Administrator may approve a reduction in the required buffer yard of adjoining lots for the property to be developed; and
2. The “net” buffer yard satisfies the minimum buffer yard requirements of this Section. The net buffer shall include the cumulative total for both required buffers.

D. EXISTING VEGETATION.

Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Chapter shall be required to be listed.

E. APPLICATION TOWARD SETBACK REQUIREMENT

Buffer yard areas shall be counted towards the required building setbacks.

F. DESIGNATION OF BUFFER YARD AS LANDSCAPED AREA

Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

G. BUFFER YARD ON PROPERTY LINE

When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

H. EXISTING FENCES

It is the responsibility of the developing property to provide the buffer yard. Existing perimeter fences that may be present in an existing single family neighborhood, for example, do not relieve the developing property owner(s) from providing the required buffer yard.

20.5.4 EXEMPTIONS

Certain uses are exempt from the buffer requirements as described in this section. Exemptions include, but are not limited to the following:

- A. Lots or parcels on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines; or
- B. Lots or parcels separated by a public street right-of-way greater than thirty(30) feet in width; or
- C. Lots or parcels separated by a railroad right-of-way; or
- D. Between similar land uses if one (1) of the following scenarios exists:
 - 1. In instances where similar or compatible land uses are immediately adjacent to one another and the installation of a Buffer Yard between the uses would negate the effectiveness of the development of those properties or impede the flow of traffic and pedestrians; or
 - 2. In instances where similar or compatible land uses are immediately adjacent to one another and the change in the topography is such that the installation of a Buffer Yard between the uses would negate the effectiveness of the requirement for a Buffer Yard. In such cases the developer would be required to provide a coordinated landscape development plan that shows the quantity and location of the proposed landscaping.
- E. If the developer is exempted from the required buffer yard, this exemption does not relieve the developer from providing the required plant material as if the property were developed as individual parcels. Should a developer not agree to all of the above conditions, all Buffer Yards associated with development must be installed per the current requirements of this section.

20.6 BUILDING YARDS.

20.6.1 PURPOSE AND APPLICABILITY

The purpose of building yards is to aesthetically and visually enhance the appearance of buildings. Building yards shall be provided along the portion(s) of the building facing any adjacent off-street parking area, excluding loading/unloading areas. Minimum dimensions shall apply, and be measured, horizontally. Widths shall be measured from the respective front wall of the building. Where building yards turn at building corners, the length measurements determining plant quantities shall not be required to overlap. Building yards shall be of different types, based upon the size of the structure around which the building yard is to be located. The width of the building yard and the density of plantings shall increase as the size of the structure around which the building yard is to be located increases. Entrance walkways to buildings may cross building yards. The width of the entrance walkway shall not be calculated as part of the length of the building yard for purposes of determining the total required landscaping, provided, however, that the width deducted for the entrance walkway shall not exceed the width of the entrance to the building. Table 20-3 summarizes the building yard requirements.

20.6.2 YARD TYPES

There shall be three different categories of building size for purposes of determining the building yard type:

Category 1

Buildings 2,500 Square Feet to 9,999 square feet of building footprint.

The Administrator may allow buildings that fall within this category alternative compliance to the required building yards. Such alternatives may include providing foundation plantings along the sides and back of the building or spreading the required amount of building yard plant material to other areas on the site. Buildings less than 2,500 square feet are exempt.

Category 2

Buildings 10,000 Square Feet to 99,999 square feet of building footprint.

Category 3

100,000 square feet of building footprint and over.

A. BUILDING YARD CALCULATIONS

Table 20-2 identifies the building yard requirements based on the size of the structure around which the building yard is to be located,

Table 20-2: Building Yard Landscaping Requirements

Building Yard Category	Minimum Width	Min. Required Shade Trees	Min. Required Ornamental Trees	Min. Required Small or Medium Evergreen Shrubs
1	4 feet	N/A	1 per 30 lin. Feet	8 per 30 lin. Feet
2	8 feet	1 per 50 lin. Feet	1 per 50 lin. Feet	12 per 30 lin. Feet
3	12 feet	1 per 50 lin. Feet	1 per 50 lin. Feet	16 per 30 lin. Feet

Summary Table (Table 20-3)

Landscape Element	Development Type		
	Non-Residential Development (Commercial, Office, Multi-Family, Industrial)	Single Family Development	Churches, Schools, Civic Buildings
Interior Parking Lot	Nonresidential districts, at least one (1) tree and six (6) small shrubs for every fifteen (15) parking spaces. In multi-family districts, at least one (1) tree and (8) small shrubs shall be planted for every ten (10) parking spaces. Planting islands at each terminus of each single row of parking and, when a single row of parking contains more than 15 parking spaces, at intervals between each terminus for lots more than 2.5 acres (see 20.4 A).	N/A	Same as non-residential districts
Street Yard	20' wide for multi-family, 10' wide for all other. 1 shade and 1 ornamental tree per 50 LF	Minimum 10' wide, one (1) shade tree and one (1) ornamental tree and three (3) large shrubs per fifty linear feet (50') of frontage along arterial street	10' wide, 1 shade and 1 ornamental tree per 50 LF. Wall, fence, or berms required (see 20.3.3.B)
Parking Lot Screening	Required if street yard is less than 30'. Opaque screen no higher than 4'. May use plant material, walls or berms to achieve the requirements (see 20.3.2 A.3)	N/A	Required if street yard is less than 30'. Opaque screen no higher than 4'. May use plant material, walls or berms to achieve the requirements (see 20.3.2 A.3.a.iv)
Buffer Yard	10' for Commercial and Office uses abutting Residential. 20' for Industrial Uses abutting residential. Screening methods vary (see 20.5.2.A)	N/A	10' if abutting residential. Shrubs, trees, fencing or combination of the three. (see 20.5.2.A)
Service and Loading Areas	Fencing or vegetation to provide year round opaque screen no less than 6 feet in height (see 20.3.2 A.3.b)	N/A	Fencing or vegetation to provide year round opaque screen no less than 6 feet in height (see 20.3.2 A.3.b)
Building Yard	Foundation plantings required. Widths vary in relation to the square footage of the building (see 20.6).	N/A	Foundation plantings required Widths vary in relation to the square footage of the building (see 20.6).

20.7 MECHANICAL EQUIPMENT AND SERVICE AREA SCREENING

20.7.1 MECHANICAL EQUIPMENT AND SERVICE AREAS

Mechanical equipment, trash enclosures, dumpsters, loading docks, and service yards located at ground level shall be screened with visual barriers from all adjacent properties, public roadways, parks, or other public areas. Trash enclosures and dumpster areas shall be constructed of material that is architecturally compatible with that of the main structure and shall be a minimum of 6 feet in height (see Figure 20-9).

20.7.2 UTILITIES

Utility sub-stations shall be screened with either opaque fencing or large evergreen shrubs reaching a height of no less than 6 feet at maturity. Where Possible, transformers and other above ground utility boxes shall be screened. All screening materials shall meet the utility company standards.

20.7.3 ROOFTOPS

The architectural design of buildings shall incorporate design features which screen, contain and conceal all rooftop heating, ventilation, and air conditioning units, (see Figure 20-10)

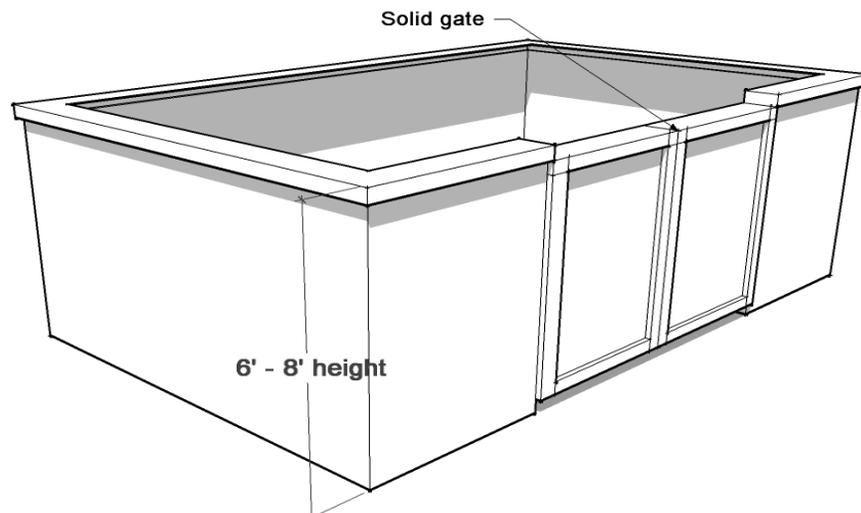


Figure 20-9

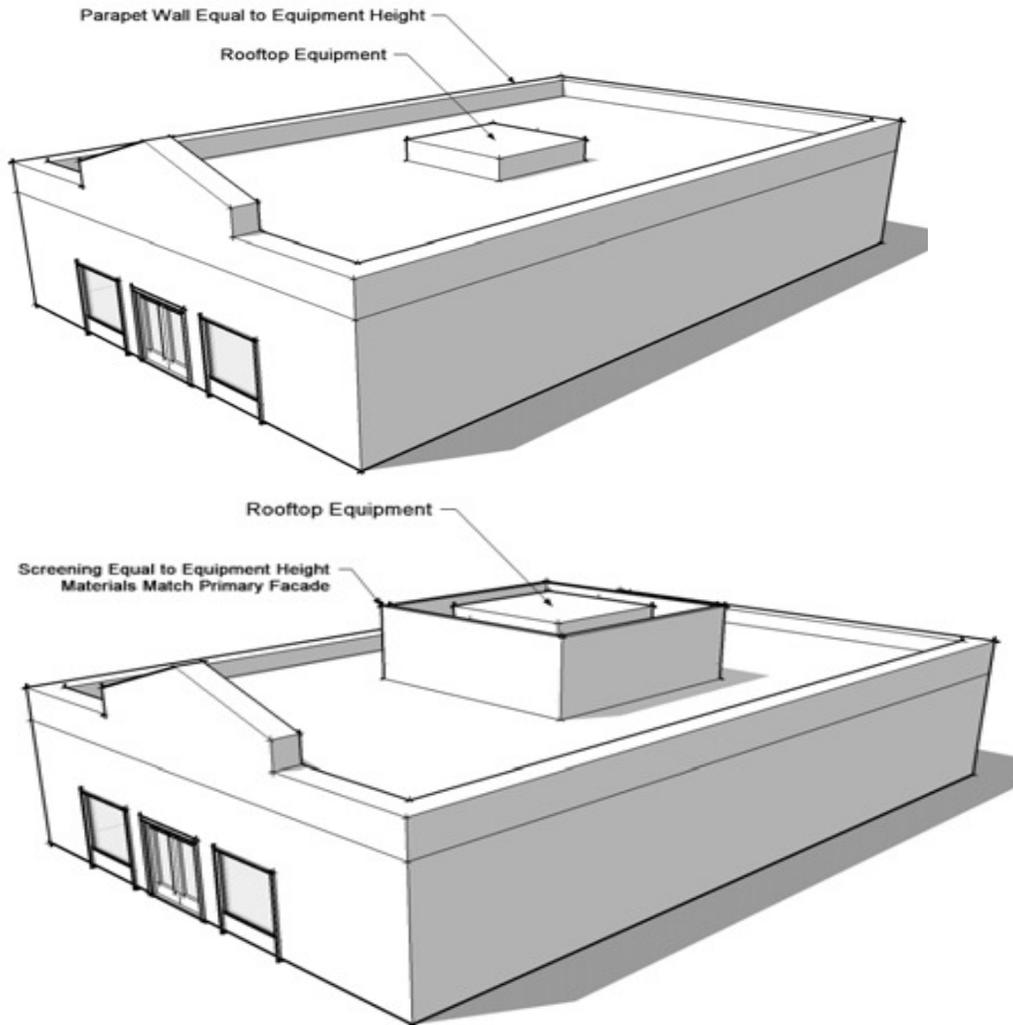


Figure 20-10

20.8 TREE PRESERVATION CREDITS

A. TREE PROTECTION AND REPLACEMENT

The purpose of this Section is to establish incentives for the preservation of existing trees within Owasso and to provide guidelines for the protection of trees during construction, development, or redevelopment.

1. Grading Permit

No clear-cutting of land is allowed without a grading permit from the Public Works Department. Clear-cutting should be avoided at all costs as the preservation of existing trees provides a benefit to the community.

2. Tree Preservation Credits

For every existing tree that is preserved in an area where landscaping is required by this Chapter, the developer shall be given credit in accordance with the following table. Only trees in good condition having been protected in accordance with Subsection 20.10.3.C. below shall be considered for credit. The table below references the caliper of the tree measured at DBH (Diameter Breast Height); or.

Less than 2 inches	No credit
2 to 3 inches	1 tree
4 to 16 inches	2 trees
17 to 30 inches	3 trees
Larger than 30 inches	4 trees

20.9 DESIGN CONSIDERATIONS.

A. OVERHEAD POWER LINES

The presence of overhead power lines requires street yard trees to be ornamental trees. Larger shade tree varieties are encouraged where overhead power lines are not present or in situations where the crown of the tree will not interfere with the power lines. (see Fig. 20-11, below)

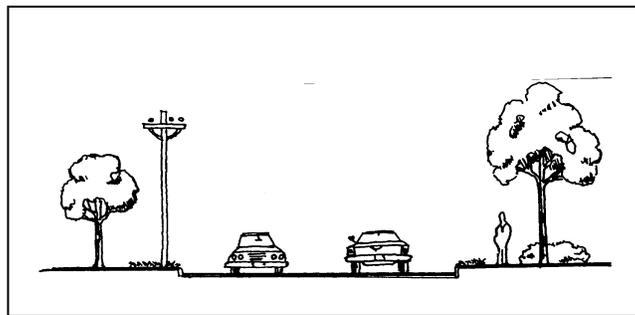


Figure 20-11

B. SITE TRIANGLES

Corner lots, and situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of motorists or pedestrians (see Section 20.3.2.A.3.f).

20.10 SPECIFICATIONS FOR PLANT MATERIALS AND INSTALLATION.

20.10.1 SIZE STANDARDS

The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary. As a general rule, the caliper or diameter of trees is typically described as diameter at breast height or DBH. The

height of shrubs shall be a minimum of 24 inches as measured at ground level to the top of the densest portion of the top of the shrub or hedge.

A. SHADE TREES

Shade trees shall measure a minimum 2 inches in caliper DBH, and 10 to 12 feet in height at the time of planting.

B. ORNAMENTAL TREES

Ornamental trees shall measure a minimum 1.5 inches in caliper DBH for single-stem trees or 1 inch in caliper DBH for multi-stem trees, and 6 to 8 feet in height at the time of planting.

C. LARGE SHRUBS

Large shrubs, normally planted for screening, shall measure a minimum of 3 feet in height at the time of planting. Shrubs planted for screening purposes shall form the required density to block visibility within three (3) years from the date of installation.

D. MEDIUM OR SMALL SHRUBS

Medium or small shrubs shall measure a minimum of 18 inches in spread and/or height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.

E. GROUND COVER (ORGANIC)

Organic ground covers shall provide 100 percent coverage on the ground within three (3) years of installation. Except for seeding, grass or turf shall provide 100 percent coverage upon installation. Organic mulch (e.g. cedar mulch) shall be used around plantings to maintain soil moisture and prevent the growth of weeds.

F. GROUND COVER (INORGANIC)

Inorganic ground covers consisting of river rock or similar materials may be used provided they do not exceed 20 percent coverage of the required landscape planting area. Pea gravel is prohibited in any parking lot island or street yard.

20.10.2 SELECTION OF PLANT MATERIALS

All plant material, except Ground Covers, shall be those plants that are accustomed to growing and thriving in USDA plant hardiness zones 6b or 7a and capable of withstanding extended periods of heat and/or drought. Consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement to ensure that plant materials will be established successfully. Tree selection for street yards, or other locations within utility rights-of-way, shall consider the presence or planned addition of overhead utility lines. Such trees shall be small and medium trees that are pest and disease-resistant and are slow growing.

A. SUBSTITUTION OF PLANT MATERIAL

The Administrator shall have the authority to approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process.

MIX OF GENUS AND SPECIES Except for Street Yard trees (§ 11.7), a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard trees should retain a reasonably uniform pattern along both sides of a street within the same block or corridor.

B. PROHIBITED PLANTS

While it is the purpose of this chapter to promote attractive urban environments through landscaping, the regulations are not intended to diminish the creativity of the designer in selecting their planting pallet. It is expected that landscape plans will be prepared by individuals with a strong knowledge of local plant material. The following prohibited trees may be planted, but cannot be used to meet the requirements outlined in this chapter.

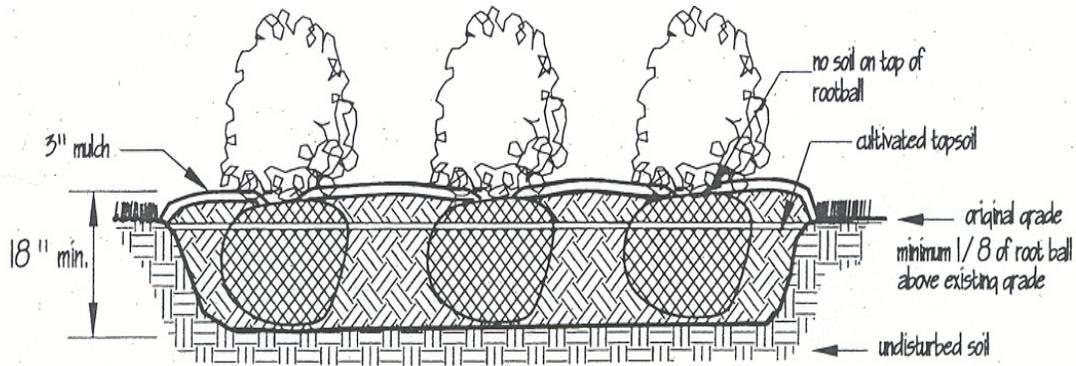
- Cottonwood, *Populus deltoides*
- Bradford Pear, *Pyrus calleryana 'Bradford'*
- Tree of Heaven, *Ailanthus altissima*
- Osage Orange, *Maclura pomifera*
- Americian Elm, *Ulmus americana*
- Silver Maple, *Acer saccharinum*
- Box Elder, *Acer negundo*
- Norway Maple, *Acer platanoides*
- Mimosa, *Albizia julibrissin*
- Lombardy Poplar, *Populus nigra*
- Black Locust, *Robinia pseudoacacia*

20.10.3 STANDARDS FOR INSTALLATION OF LANDSCAPING MATERIALS

The following standards shall apply for installation of plant material.

A. SHRUB BED PREPARATION

Preparation of plant pits, hedge trenches and shrub beds shall be done in conformance with Figure 20-12.



SHRUB BED DETAIL

Figure 20-12

B. TREE PLANTING

Tree planting shall adhere to the standards below. Figure 20-13 provides a general detail for proper tree planting.

1. Excavate tree pits with vertical sides approximately the depth of the root ball and with a circular outline which shall be approximately 1.5 to 2 times wider than the root ball. For planting pits, beds or trenches which are to be developed where paving existed previously, all paving and base stone shall be removed as part of the excavation.
2. Remove rock, debris, inorganic compositions and chemical residues from soil in planting pits.
3. Cultivate shrub planting pits to a minimum depth of 18 inches. Ground cover and vine planting pits shall be cultivated to a minimum depth of 12 inches.
4. Install root ball on a flat, compact surface of undisturbed soil and remove any inorganic ties on top of the root ball. Remove the top 1/3 of wire baskets.
5. Leave the top of the tree root ball exposed, to be covered by mulch only. Volcano mulching is not allowed.

6. Finish the planting with a minimum 3-inch layer of mulch distributed around the tree trunk.
7. Trees shall be staked to ensure they are adequately anchored from wind loads and in such a way as to avoid interference with their Stakes shall remain in place for 2 years, after which time they may be removed.
8. Install black corrugated drain pipe around the trunk of the tree after planting to ensure the string trimmers and lawn mowers do not scar the bark.

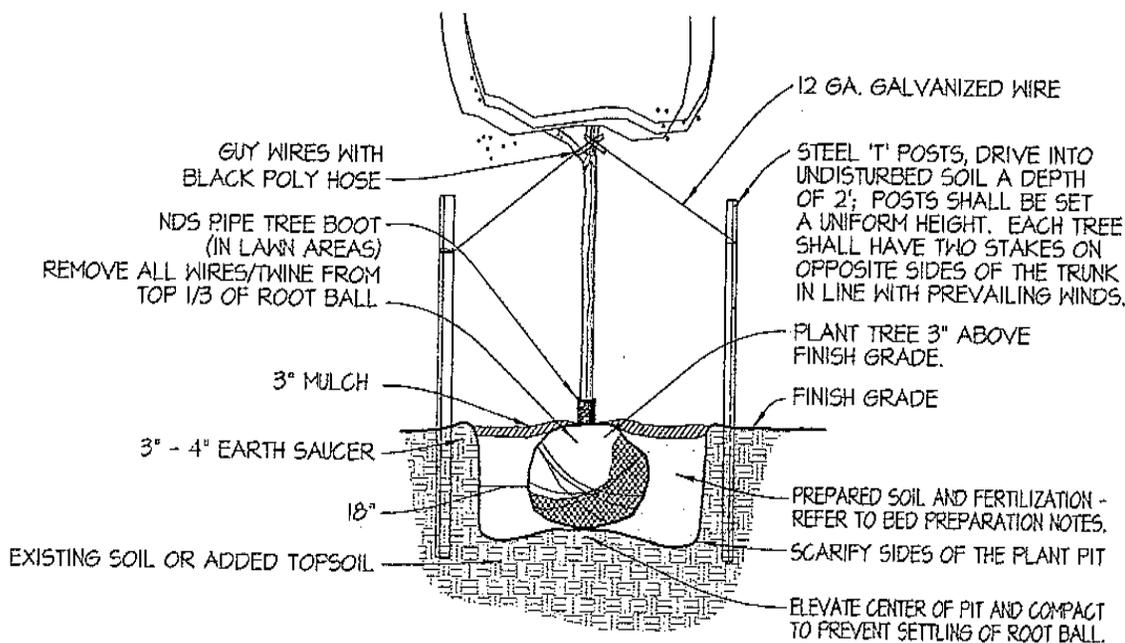


Figure 20-13

C. SITE MAINTENANCE DURING CONSTRUCTION

Equipment, wood and similar objects shall not be stored or laid upon the critical root zone (Figure 11.1-1) area during or after construction. Chemicals and liquid construction wastes shall not be dumped, poured or spilled in the area of any plant materials. Washing of concrete mixers shall not be done near the planting areas.

20.10.4 GENERAL MAINTENANCE OF LANDSCAPING AND SITE

1. The applicant, property owner, and/or subsequent or successor owner, and their agents, including tenants, shall be jointly and severally responsible for maintenance of all landscaping on the property in perpetuity as specified in this Section. Microspray or drip irrigation is required for all planting areas. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.
2. After initial installation, it shall be the responsibility of the owner and/or tenant of the property upon which the landscaping is installed to maintain all required plantings in a healthy, vigorous and attractive state, or replace dead, diseased or deteriorated plants. Within residential subdivisions, the maintenance of street trees in planting strips between curbs and sidewalks which are within the street right-of-way shall be the responsibility of the respective homeowners association, or the abutting homeowner, in the absence of a homeowners association.
3. If after three (3) years following installation of required screening plant materials, the plants have not formed an effective screen, or if an effective screen is not maintained, the Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Administrator shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements of this Chapter.
4. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

20.10.5. TREE TRIMMING

Utility crews and companies are encouraged to do directional pruning of branches interfering with utility lines to prevent damage, disfigurement and heavy suckering and reduce future pruning needs. Utility tree trimmers are encouraged to remove branches to laterals (drop-crotching) in order to direct tree growth

away from utility lines. Directional pruning includes top trimming, side trimming, under trimming and through trimming. “Hat racking” (see Figure 20-13) of trees is strictly prohibited. Trees that are “hat racked” shall be replaced with an equal number of caliper inches of new trees.



“Hat Racked” Tree
Figure 20-13

20.11 LANDSCAPE TERMS AND DEFINITIONS

1. **ADMINISTRATOR:** The term ‘Administrator’ shall be used to define the Community Development Director, the City Planner or their designee.
2. **ARBORIST:** A qualified professional who has studied the science or art of cultivating trees especially for ornamental use.
3. **CALIPER:** A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.
4. **CRITICAL ROOT ZONE (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree’s survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.
5. **CROWN:** The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, *Native Trees, Shrubs, and Vines for Urban and Rural America* (New York: Van Nostrand Reinhold & Co., 1988), at 790).
6. **DBH:** Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

7. **DECIDUOUS:** Plants that lose their leaves annually.
8. **DECIDUOUS TREE:** A tree which sheds or loses foliage at the end of the growing season.
9. **DRIP LINE:** A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.
10. **EVERGREEN:** Plants that retain their foliage throughout the year.
11. **EVERGREEN SCREEN:** A dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year round used for purposes of visual mitigation between zoning districts and/or uses.
12. **EVERGREEN TREE:** A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York; Van Nostrand Reinhold & Co., 1988) at 791).
13. **GABION:** A wire basket containing primarily stones deposited to provide protection against erosion.
14. **GROUND COVER:** A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.
15. **HAT RACKING:** Topping a tree so severely it resembles a hat rack.
16. **HORTICULTURIST:** A qualified professional who has studied the science or art of cultivating plants especially for ornamental use.
17. **LANDSCAPE ARCHITECT:** A landscape architect licensed pursuant to the Oklahoma General Statutes.
18. **LANDSCAPE CONTRACTOR:** A landscape contractor, or nurseryman, certified pursuant to the Oklahoma Landscape Contractors Registration Board.
19. **LANDSCAPING:** The process or product of site development including grading, installation of plant materials and seeding of turf or ground cover.
20. **NON-LIVING MATERIALS:** Landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.
21. **NUISANCE:** Any tree or shrub or part thereof that grows upon private or public property which 1) interferes with the use of any public area; 2) is

infected with an infectious plant disease or insects; 3) is invasive and damaging to other plants; or 4) which endangers the life, health, or safety of persons or property.

22. PLANTING YARDS: The required installation of landscaping and/or screening material between zoning districts and certain individual uses. The four Planting Yards are as follows:

a. **BUFFER YARD:** A planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Article.

b. **BUILDING YARD:** A planting yard comprised of a strip of land containing landscaping materials located along the front and/or sides of a building and having a varying minimum width, as specified in this Chapter.

c. **PARKING LOT YARD:** A planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in this Chapter.

d. **STREET YARD:** A planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in this Article.

21. SCREEN or OPAQUE SCREEN: Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

22. SHRUB, LARGE: An upright plant growing to a mature height of more than six (6) feet for use as natural ornamentation or screening.

23. SHRUB, MEDIUM: An upright plant growing to a mature height of less than six (6) feet.

24. SHRUB, SMALL: An upright plant growing to a mature height of less than four (4) feet.

25. SIGNIFICANT STANDS OF TREES OR SHRUBS: A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

26. STREET TREE: A tree planted along a public street or roadway behind

or within the right-of-way.

27.TREE, ORNAMENTAL: A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

28.TREE, SHADE: A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide shade cover shade.

29.VINES: A woody plant that spreads as it grows over the ground, walls or trellises.

30.XERISCAPE: Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

20.12 PROMULGATION OF RULES AND REGULATIONS

Upon adoption of this ordinance, the City Manager shall present Rules and Regulations relating to the implementation of the intent of Chapter 20 to the City Council for adoption by resolution. Provided, however, that the City Manager shall from time to time promulgate such additional Rules and Regulations, or changes to existing Rules and Regulations as considered necessary. The promulgation of such Rules and Regulations, in whole or in part, shall require the City Manager to notify the City Council and Planning Commission in writing of the proposed Rules and Regulations and shall require the exact language of the proposal be attached to such notice. Such notice to the City Council shall be published in the consent agenda of a City Council meeting for acknowledgement of Council receipt of the change(s). Upon notification to the City Council and for a period of 30 days, the proposed Rules and Regulations shall lay open and be subject to City Council action to disapprove either in part or in whole. Absent action by the City Council to disapprove proposed Rules and Regulations within the allotted time frame, such Rules and Regulations shall have the force and effect of law.

**CHAPTER 21
ACCESS GATES FOR GATED COMMUNITIES**

- 2105 Gates on Private Streets.
- 2110 Distance between Gates and Public Streets
- 2115 Prohibition of Tire Damaging Devices
- 2120 Validity of Other Ordinances
- 2125 Establishment of Homeowners Association
- 2130 Gate Width
- 2135 Backup System
- 2140 Emergency Release
- 2145 Access System
- 2150 Design Standards for Streets
- 2155 Gates to Remain Open in Event of Failure
- 2160 Minimum Height and Width
- 2165 Access and Easements Required
- 2170 Inspections and Maintenance Required

2105 Gates on Private Streets

Gated access will only be considered and allowed for private streets in approved Planned Unit Developments, apartment projects, or other subdivision plats approved by the City Council. Only local streets that would not otherwise provide access to other neighborhoods will be considered eligible for gates. No collector roads that would connect one arterial to another arterial will be considered eligible for gates. All plats submitted with private streets and gated access shall require the approval of the Planning Commission and the City Council. The City of Owasso, prior to the issuance of any building permits, shall approve streets and grading plans for the subdivision, and those plans shall show the locations and details of all gates.

2110 Distance between Gates and Public Streets

Any gate shall be located a sufficient distance from a public street to allow two (2) cars to line up at the gate so as to completely clear the right-of-way of the abutting public street without interfering with vehicles utilizing the public street; the minimum acceptable distance from the gate to the public street right-of-way shall be no less than forty (40) feet. A turn around lane shall be provided for vehicles unable to enter the gated development.

2115 Prohibition of Tire Damaging Devices

Road spikes, barbs, or other tire damaging devices are prohibited. Spikes installed on gates shall also be prohibited.

2120 Validity of Other Ordinances

Use of controlled access does not negate other City of Owasso ordinances.

2125 Establishment of Homeowners Association

A Homeowners' Association or a similar entity shall be established and the name, addresses and emergency contact numbers provided to the Fire Department. The Homeowners' Association shall be responsible for the following:

- (a) Maintenance and repairs of the private streets and/or fire lanes, and to provide the funds for such.
- (b) Maintenance testing and repairs of all functions of the gate.
- (c) Accompanying the Fire Department officers during annual inspection and testing of the opening systems.
- (d) Maintaining a service agreement with a qualified contractor to insure year round maintenance.

2130 Gate Width

The minimum gate opening width, including clearance for all improvements related to the gate, shall not be less than fourteen (14) feet per lane if there is to be ingress and an egress gates.

2135 Back-up System

A battery back-up system shall be provided for each gate. These batteries will be trickle charged to maintain electrical energy, and in the event of loss of normal electrical current, cause the gate to open until reset by the Homeowners' Association. An emergency release or hitch pin shall be installed on the control arm.

2140 Emergency Release

This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention.

An emergency release shall be installed on the gate. This emergency release, when removed, will detach the gate from the opening device and allow the gate to swing or slide open freely with manual intervention.

2145 Access System

The gate shall be equipped with a “Click2Enter, Inc. public safety access system, which utilizes the existing emergency service radios for rapid entry.

2150 Design Standards for Streets

All streets within the development shall otherwise meet the requirements of the Comprehensive Plan, Subdivision Regulations, and the design standards of the City of Owasso.

2155 Gates to Remain Open in Event of Failure

Should any problem occur in the operation of the gate or any violation of any section of this ordinance, the gate shall remain open and accessible until the problem is resolved and/or the gate is repaired and tested.

2160 Minimum Height and Width

When a covered entry structure is requested, the minimum height shall be no less than sixteen (16) feet. The width shall be no less than twenty (20) feet.

2165 Access and Easements Required

Any developer, Homeowners’ Association, or other responsible property owners proposing any gated community must provide the City of Owasso (including Fire, Police, Public Works, and Community Development) access assurance prior to installation of any approved gate. The access shall be provided by an easement to be dedicated to the City of Owasso in the deed of dedication of the plat for utilities and essential City services in the streets and common areas as designated on the subdivision plat.

2170 Inspections and Maintenance Required

The developer, Homeowners’ Association, or other responsible property owners shall provide for annual inspection of each gate to insure that each gate is tested to meet all of the construction requirements prior to it being approved for operation or continued operation at any point the gate fails to meet the standards. The verification of the access agreement and a copy of the latest inspection form will be kept on file with the City of Owasso City Clerk including the contractor’s name, address, and 24-hour-a-day telephone number(s). The developer, homeowner’s representative, or responsible property owner’s name, address, and telephone number shall be a minimum requirement for approval of the annual inspection of the gate.

APPENDIX A

BY-LAWS

OWASSO PLANNING COMMISSION

Owasso, Oklahoma

ARTICLE I. NAME

The name of this Commission shall be the Owasso Planning Commission hereinafter referred to as the "Commission".

ARTICLE II. MEMBERSHIP

Section 1. Number

The Commission shall consist of five (5) members.

Section 2. Qualification

Members shall reside within the city limits of Owasso and shall be nominated by the Mayor and confirmed by the City Council of Owasso.

Section 3. Code of Ethics

Any member to whom some private benefit, direct or indirect, financial or beneficial or otherwise, may come as a result of a public action concerning the Planning Commission, 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 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.

ARTICLE III. OFFICERS

Section 1. Officers

There shall be the following officers: chairman and vice-chairman.

Section 2. Election of Officers

Election of said officers shall be held annually at the first meeting of the Commission after July 1 of each year. The term of each office shall be one year commencing immediately upon the election of each officer. Any vacancy in office shall be filled by the commission for the unexpired term only.

Section 3. Duties and Powers

(a) Chairman - The chairman shall have the following duties:

- (1) Preside at all meetings.
- (2) Assist in preparing the agenda.
- (3) Follow the agenda.
- (4) Allot all sides of a case to be heard.

(b) Vice-Chairman - The vice-chairman shall preside at all meetings in the absence of the chairman.

ARTICLE VI. COMMITTEES

The Commission may establish any, and as many, standing committees as it deems desirable. A motion to establish a standing committee and its membership shall receive a vote of three members. The duties are subject to be reviewed by a standing committee and may also be outlines and passed by an affirmative vote of three members.

ARTICLE VII. MEETINGS

Section 1. Time and Place

The meetings of the Commission shall be held in the City Council meeting room at Old Central, unless otherwise provided by the Commission for particular meetings. The meetings shall be held at 6:00 p.m. on the Monday following the first Tuesday of each month as needed unless otherwise set by the Commission. Special meetings may be held on call of the chairman at such time and place as may be designated.

Section 2. Quorum

Three members shall constitute a quorum.

ARTICLE VIII. VOTES

In making any recommendation, adopting any plan, or approving any proposal, action shall be taken by not less than three members of five members regardless of the number of members absent.

ARTICLE IX

For the purposes of rulings from the chair or other parliamentary decisions, Robert's Rules of Order Revised shall control.

ARTICLE X. ABSENCES OF MEMBERS

When a member fails to attend three consecutive regular or special meetings, or if a member fails to attend two-thirds of the regular or special meetings held during any six month period, the Commission may request the Owasso City Council to replace that member.

ARTICLE XI. AMENDMENT OF BY-LAWS

Any proposed amendment to these by-laws shall be presented in writing to the members of the Commission at a meeting and shall require an affirmative vote of three members.

APPENDIX B

BYLAWS

OWASSO BOARD OF ADJUSTMENT

ARTICLE I. NAME

The name of this Board shall be the Owasso Board of Adjustment hereinafter referred to as the "Board".

ARTICLE II. MEMBERSHIP

Section 1. Number

The Board shall consist of five (5) members.

Section 2. Qualifications

Members shall reside within the city limits of Owasso and shall be nominated by the Mayor and confirmed by the City Council of Owasso.

Section 3. Code of Ethics

Any member to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning the Board of Adjustment, 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 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.

ARTICLE III. OFFICERS

Section 1. Officers

There shall be the following officers: chairman and vice-chairman.

Section 2. Election and Officers

The Board of Adjustment shall conduct an annual meeting each year on the regular meeting date in June which, in addition to their regular business, shall be for the purpose of conducting an election of officers to serve for a term of

one (1) year from the date of election. Any vacancy in office shall be filled by the commission for the unexpired term only.

Section 3. Duties and Responsibilities

- (a) Chairman - The Chairman shall be responsible for presiding at the meeting of the Board and insuring that all requirements of the Ordinances of the City of Owasso and the laws of the State of Oklahoma are met. The business of the Board shall be conducted in an orderly manner keeping in mind at all times that each member of the Board is an equal. This position shall be in the nature of a moderator and as a spokesman to the public for Board statements, policy or procedures for the conduct of Board business.
- (b) Vice-Chairman - The Vice-Chairman shall serve as chairman in the absence of the chairman and at those times comply with the responsibilities and duties of the chairman.
- (c) Board Members - Each Board members is an equal and shall be responsible for the conduct of Board business in a dignified and orderly manner to demonstrate and reflect the high character and moral integrity of each of the Board members. At all times Board members shall maintain strict impartiality and concern themselves solely with the health, safety and welfare of the citizens of the City of Owasso.

ARTICLE IV. MEETINGS

Section 1. Time and Place

The meetings of the Board shall be held in the City Council Chambers at Old Central, unless otherwise provided by the Board for particular meetings. The meetings shall be held at 6:00 p.m. on the fourth Tuesday of each month as needed. Special meetings may be held on call of the Chairman at such time and place as may be designated.

Section 2. Three members shall constitute a quorum.

ARTICLE V. MOTIONS AND VOTES

Section 1. Motions

All items of public business coming before the Board on application shall be determined by motion, second and vote of the Board unless the Board fails to receive a motion or a second to a motion. Delegation of authority for the performance of purely administrative functions and such other items as the

Board may determine may be acted upon by the simple agreement of all members present.

Section 2. Votes

The approval of applications coming before the Board shall require 3 affirmative votes of those members present; unless 3 affirmative votes are cast the application shall be considered denied. On administrative questions (i.e., interpretations), a majority vote of the members present at the meeting shall be decisive. The vote shall be by roll call.

ARTICLE VI. PARLIAMENTARY PROCEDURE

For purposes of rulings from the chair or other parliamentary decisions, Robert's Rules of Order Revised shall control.

ARTICLE VII. ABSENCES OF MEMBERS

When a member fails to attend three consecutive regular or special meetings, or if a member fails to attend two-thirds of the regular or special meetings held during any six month period, the Board may request the Owasso City Council to replace that member.

ARTICLE VIII. AMENDMENT OF BY-LAWS

Any proposed amendment to these by-laws shall be presented in writing to the members of the Board at a meeting and shall require an affirmative vote of three members.

ARTICLE IX. MEETING PROCEDURE

Section 1. Opening Procedure

- (a) The Chairman, or in the absence of the Chairman the Vice-Chairman, shall call the meeting to order noting the time and date, and shall call the roll indicating those members absent. Before order of business shall be conducted on any board of Adjustment application, or any item that requires publication, the Chairman shall check to assure that all requirements of Notice of Public Hearing have been completed. Application shall be continued if said Notice is not complete.
- (b) Each agenda item shall be announced by the Chairman in the order that it appears on the published agenda unless otherwise agreed to by a majority vote of the Board members present.

Section 2. Public Hearing Procedure

- (a) The Chairman shall then call on persons on the Board's staff for a detailed statement and history of the item under consideration.
- (b) The Chairman shall call on applicant or applicant's representative for presentation of the application. In the absence of a statement by the applicant or applicant's representative, the staff's statement may be considered by the Board.
- (c) After presentation of the application as above set out, the Chairman shall provide all persons present an opportunity to speak for or against the application. The order of speaking opportunity shall be determined by the Chairman. The Board may by majority vote at any time call a halt to speaking opportunity when it appears the statements are repetitious.
- (d) Any members of the Board may at any time during the presentation of an agenda item ask questions of the applicant, persons on the Board's staff, other Board members or interested parties without being recognized by the Chairman, however, each member shall conduct himself in a business like manner when asking such question or questions. In the event disorder should erupt among board members during the questioning process, any Board member may move to grant the Chairman the temporary right to require recognition before speaking. Any member of the Board shall be entitled to make a motion that the presentation has become repetitious, call for a second and vote on the question at any time after allowing proponents and opponents an opportunity to present all issues having merit in relation to the application.