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CHAPTER 22 – PLANNING & DEVELOPMENT: ARTICLE X. UNIFIED DEVELOPMENT CODE

CITY OF SHAWNEE, OK

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Division I. General Provisions

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Sec. 22-171. Purpose

Sec. 22-172. Authority

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Sec. 22-174. Consistency with Comprehensive Plan

Sec. 22-175. Conflicting Provisions

Sec. 22-176. Private Restrictions

Sec. 22-177. Severability

Sec. 22-178. Repeal of Existing Ordinances

Sec. 22-179. Effective Date

Sec. 22-170. Title

This document is referred to as the Shawnee Unified Development Code or the UDC.

Sec. 22-171. Purpose

A. Generally

This UDC:

1. Implements Shawnee's Comprehensive Plan;
2. Promotes the public health, safety, morals, or general welfare;
3. Protects and preserves places and areas of historical, cultural, or architectural importance and significance;
4. Maintains and stabilizes property values;
5. Creates a comprehensive and stable pattern of land uses and public facilities; and
6. Provides for efficient and effective processing of zoning and land use applications.

B. Establishment

In interpreting and applying this UDC, this UDC establishes the minimum requirements to promote public safety, health, and general welfare.

Sec. 22-172. Authority

A. Oklahoma State Law

The following titles and sections of the laws of the State of Oklahoma authorizing the exercise of authority in this UDC include, but are not limited to:

1. 11 O.S. § 14-101 (Municipal Ordinances – Authority)
2. 11 O.S. § 22-109.1 (Location of Adult Novelty Shops)
3. 11 O.S. § 36-101 (Power of Municipalities)
4. 11 O.S. § 36-509 (Zoning, Land Use, Planning and Permitting Authority – Exclusions)
5. 11 O.S. § 41-101 (Survey and Plat for Subdivisions or Proposed Municipality)
6. 11 O.S. § 41-102 (Lots to be Numbered and Described in Plat)
7. 11 O.S. § 41-106 (Approval by Municipal Governing Body Before Plat is Recorded)
8. 11 O.S. § 42-106 (Vacation of Plat by Written Agreement of Owners)
9. 11 O.S. § 43-101 (General Power of Municipalities)
10. 11 O.S. § 43-102 (Establishing Districts Within Municipality)
11. 11 O.S. § 43-103 (Purpose of Regulations – Comprehensive Plan)
12. 11 O.S. § 43-104 (Notice and Public Hearing of Proposed Regulations)
13. 11 O.S. § 43-105 (Amendments or Changes of Regulations, Restrictions, and Boundaries – Protests)
14. 11 O.S. § 43-106 (Additional Notice Requirements for Proposed Zoning Changes and Reclassifications)
15. 11 O.S. § 43-107 (Injunction for Violations of Regulations)
16. 11 O.S. § 43-110 (Planned Unit Developments)
17. 11 O.S. § 47-113 (Scope of Control of Subdivisions – Review of Plats)
18. 11 O.S. § 47-114 (Subdivision Regulations)
19. 11 O.S. § 47-115 (Procedure for Approval Plats)
20. 11 O.S. § 47-116 (Unapproved Plats not Entitled to Record)

B. Exercise of Powers

This UDC is adopted in the exercise of the power granted by municipalities by these statutes and the Shawnee City Charter.

Sec. 22-173. Applicability

A. Generally

This UDC applies to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, and infrastructure and they relate to the purpose and intent of this UDC and enumerated below.

B. Zoning Regulations

Zoning regulations, including zoning districts, land uses, and development standards, in this UDC apply to all areas within Shawnee's corporate limits.

C. Subdivision Regulations

Subdivision and platting regulations in this UDC apply to all areas within Shawnee's corporate limits.

D. Building Permits

1. Any reference to the issuance of building permits by the City applies only to Shawnee's corporate limits, unless the property owner has contracted through subdivision plat restrictions, or another legal instrument, to extend the City's authority to issue building permits for construction on its property.
2. Any reference to the authority of the City to inspect the construction of necessary subdivision improvements applies within Shawnee's corporate limits unless the property owner so contracted with the City through subdivision plat restrictions or another legal instrument.

E. Easements, Covenants, and Private Agreements

This UDC does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

Sec. 22-174. Consistency with Comprehensive Plan

The City finds that this UDC is consistent with its comprehensive plan. The comprehensive plan policies provide guidance in the evaluation of future decisions relevant to municipal planning.

Sec. 22-175. Conflicting Provisions

A. Generally

If this UDC imposes a greater restriction upon the use of buildings or premises or building height or requires larger open spaces than are required by other ordinances, rules, regulations, easements, covenants, or agreements, this UDC governs.

B. Conflict with State or Federal Regulations

If the provisions of this UDC are inconsistent with state or federal law, the more restrictive provision governs to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

C. Conflict with other City Regulations

If the provisions of this UDC are inconsistent with one another or conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

D. Conflict with Plat Restrictions
   1. Nothing in this UDC invalidates any plat restriction authorized by the Planning Commission or City Commission nor any provision of adopted building codes.
   2. Building setback lines included in a recorded subdivision plat approved by the Planning Commission control over general setback provisions required under the zoning provisions of this UDC.

E. Conflict with Building Code Requirements
   1. No building setback shall be less than that specified for the type of construction proposed by adopted building codes.
   2. The Board of Adjustment has no authority to reduce any building setback required under adopted building codes.

Sec. 22-176. Private Restrictions

This UDC does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, if the provisions of this UDC are more restrictive or impose higher standards than any private restriction, the requirements of this UDC control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDC, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions. The City does not enforce private restrictions.

Sec. 22-177. Severability

If any article, section, paragraph, subdivision, clause, phrase, or provision of this UDC is, for any reason, adjudged invalid or held to be unconstitutional, the invalidity or unconstitutionality of that particular article, section, paragraph, subdivision, clause, phrase or provision so declared does not affect the validity or constitutionality of the remaining provisions of this UDC, but the same, and each of them, remain in full force and effect.

Sec. 22-178. Repeal of Existing Ordinances

A. Repeal

   Any ordinance inconsistent with the terms and provisions of this UDC is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this ordinance is cumulative of other ordinances regulating the same subject matter.

B. Fire Prevention, Health, Sanitation, and Safety

   Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation, or safety of persons or property enacted by the City. If any restriction, prohibition, or provision of this UDC conflict with those provisions or any laws of the State of Oklahoma, or with regulations of State or Federal regulatory bodies having jurisdiction:
   1. If the provision of this UDC is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies, or
   2. If the state or federal law preempts a provision of this UDC, the state or federal law applies.

Sec. 22-179. Effective Date

This UDC takes effect upon adoption of the ordinance from which it is derived by the City Commission. The provisions of this UDC supersede all other development regulations governing the development of land within the City. All development applications and proposals filed on or

after the effective date of the ordinance from which this UDC is derived, whether for new developments or for additions or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this UDC.

Division II. Zoning Districts

Sec. 22-180. Zoning General Provisions

Sec. 22-181. Zoning Districts Established

Sec. 22-182. Zoning Map

Sec. 22-183. Transitional Agriculture (TA) District

Sec. 22-184. Low-Density Residential (R-1) District

Sec. 22-185. Medium-Density Residential (R-2) District

Sec. 22-186. High-Density Residential (R-3) District

Sec. 22-187. Local Commercial (C-1) District

Sec. 22-188. Regional Commercial (C-2) District

Sec. 22-189. Mixed Use (MU) District

Sec. 22-190. Downtown (DT) District

Sec. 22-191. Twin Lakes (TL) District

Sec. 22-192. Light Industrial (I-1) District

Sec. 22-193. Heavy Industrial (I-2) District

Sec. 22-194. Special Districts and Overlays

Sec. 22-180. Zoning General Provisions

A. Compliance Required

The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this article for the zoning district in which the building, structure, or land is located.

B. Dimensional Standards

Sec. 22-208. establishes the rules for applying dimensional standards in the zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Nothing in this Article authorizes an encroachment within any easements or plat restrictions, unless otherwise specified.

Sec. 22-181. Zoning Districts Established

A. Generally

The City is geographically divided into the following districts, which are established according to Table III.2: Use Table. Each district includes permitted uses and dimensional standards.

B. Zoning District Equivalency

See Table II.1: Zoning Equivalency Table.

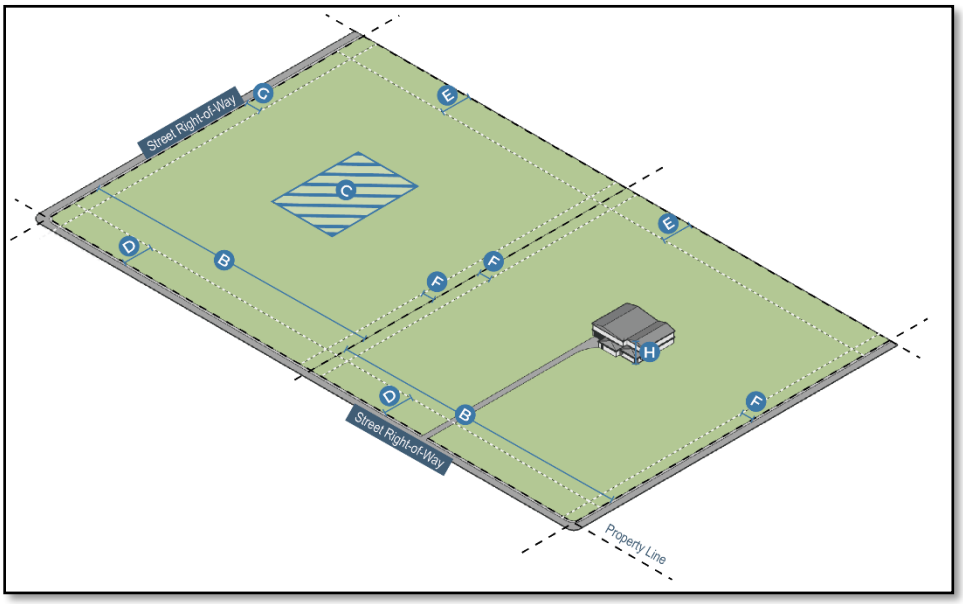
Table II.1: Zoning Equivalency Table

District Category	Applicable Zoning District	Previous Zoning District
Agricultural	TA	A-1
		R-E
Residential	R-1	R-1
	R-2	R-2
	R-3	R-3
Commercial	C-1	C-1
		C-2
	C-2	C-3
		C-5
		CP
Mixed Use	DT	C-4
	MU	
Industrial	I-1	I-1
		I-2
	I-2	I-3
Special	PUD	

Sec. 22-182. Zoning Map

The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the City of Shawnee, Oklahoma. The Zoning Map includes all notations, references, data, district boundaries and other associated information, and is adopted as part of this UDC. The Zoning Map, properly attested, is on file in the office of the City Clerk and displayed as a GIS layer on the City's website. The Zoning Map may be amended as provided in Division VI.

Sec. 22-183. Transitional Agriculture (TA) District



A. Purpose

The Transitional Agriculture (TA) District preserves large tracts of undeveloped land for agricultural pursuits such as crop production and farming, ranching and raising livestock, wildlife management, and agrarian lifestyle practices. This district protects agricultural areas from the encroachment of urban and suburban development. Additionally, the TA district allows for the extraction of various products such as oil, minerals, rock, and gravel from the Earth to prevent sensitive areas from being prematurely developed for urban purposes. This district represents the character and intent of the Urban Reserve and Agriculture/Open Space Future Land Use Categories.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Transitional Agriculture (TA) District shall follow the standards in Table II.2: TA District Dimensional Standards.

Table II.2: TA District Dimensional Standards

Transitional Agriculture (TA) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	2.5 acres
B	Lot Width (min.)	100 feet
C	Lot Coverage (max.)	10%

Setback Requirements		
D	Front Yard (min.)	50 feet
E	Rear Yard (min.)	50 feet
F	Side Yard (min.)	20 feet
G	Corner Side Yard (min.)	25 feet
Building Requirements		
H	Building Height (max.)	35 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

1. Build-Through Acreage (BTA) Standards

a. Intent

i. The purpose of these regulations is to provide a mechanism that permits short-term acreage development in portions of Shawnee that will receive urban services within a relatively long-term future. It is intended to allow property owners the opportunity to realize a reasonable return on their property and to accommodate a continuing demand for acreage development in Shawnee, without obstructing future development. It also provides for the eventual transition of the previously developed acreage subdivision to higher densities when the extension of urban services occurs.

ii. The BTA Standards are generally used within the areas identified by the property owner.

b. Application

All property designated as a BTA shall be required to develop under these regulations.

c. Development as Build-Through Acreages

All new subdivisions developed under this section shall be developed as Build-Through Acreages, in accordance with the provisions and requirements of this Section and the Subdivision Regulations.

d. Acreage Development

i. A BTA Development must be a minimum of forty (40) acres to qualify.

ii. Landowners developing a BTA Development shall set aside fifty percent (50%) of the property for future urban development.

iii. The fifty percent (50%) set aside shall have a deed restriction disallowing any further subdivision of the parcel until community water and sewer are provided to the property. Additionally, new construction of any structure on the set aside is prohibited until community water and sewer are provided to the property. However, additions may be allowed onto existing structures within the set aside provided any addition meets the zoning regulation and building code

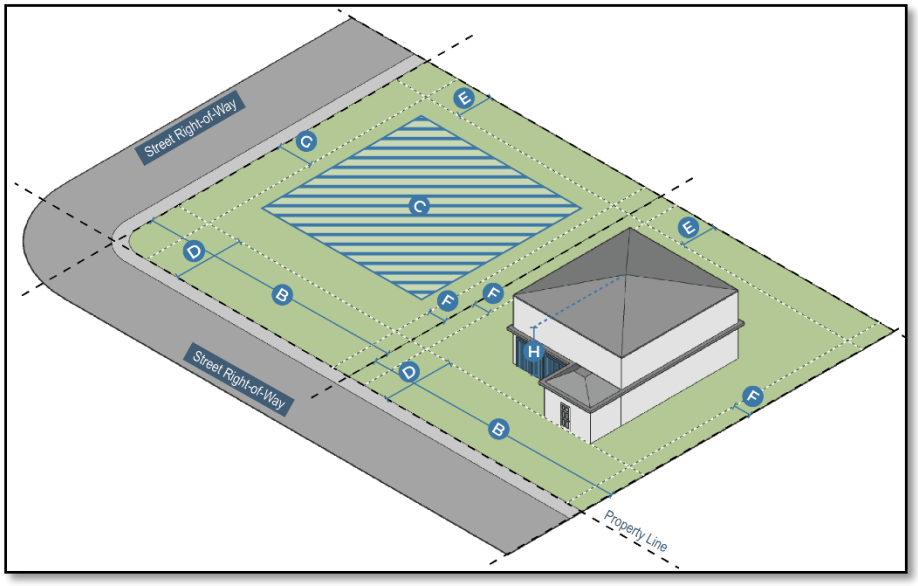
requirements. The remaining fifty percent (50%) to be developed into acreages shall be allowed the density permitted of this Section.

iv. A subdivision within the BTA designation shall provide future infrastructure easements as designated by the City's adopted long-range planning policies.

e. Forms and Elements of the Development Plan Within the BTA

All new residential BTA developments must be approved as a legally binding development plan. All applications for preliminary and final plats shall also follow the requirements and procedures established by the Subdivision Regulations.

Sec. 22-184. Low-Density Residential (R-1) District



A. Purpose

The Low-Density Residential (R-1) District is designed to primarily accommodate low-density single-family residential development supported by parks, open space, cultural, and educational amenities. Lot sizes tend to range from This district represents the character and intent of the Large Lot Residential and Low Density Residential Future Land Use Categories.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

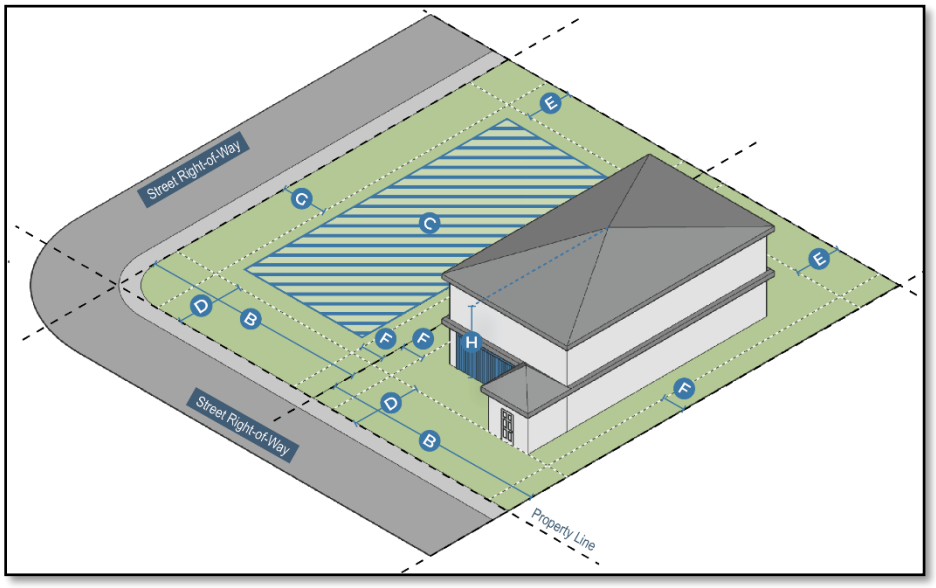
Development in the Low-Density Residential (R-1) District shall follow the standards in Table II.3: R-1 District Dimensional Standards.

Table II.3: R-1 District Dimensional Standards

Low-Density (R-1) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	NA
B	Lot Width (min.)	25 feet
C	Lot Coverage (max.)	40%[1]
Setback Requirements		

D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet
Building Requirements		
H	Building Height (max.)	35 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards
Notes	1 = Lot coverage maximum is 85% when City Infill Palette is utilized	

Sec. 22-185. Medium-Density Residential (R-2) District



A. Purpose

The Medium-Density Residential (R-2) District provides for medium-density residential development with a diversified range of housing choices. This district encourages a mix of single-family, two-family, and select multi-family residential uses and incentivizes community amenities to form accessible, walkable, and equitable neighborhoods. This district represents the character and intent of the Medium Density Residential Future Land Use Category, while promoting “missing middle housing” development.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Medium-Density Residential (R-2) District shall follow the standards in Table II.4: R-2 District Dimensional Standards.

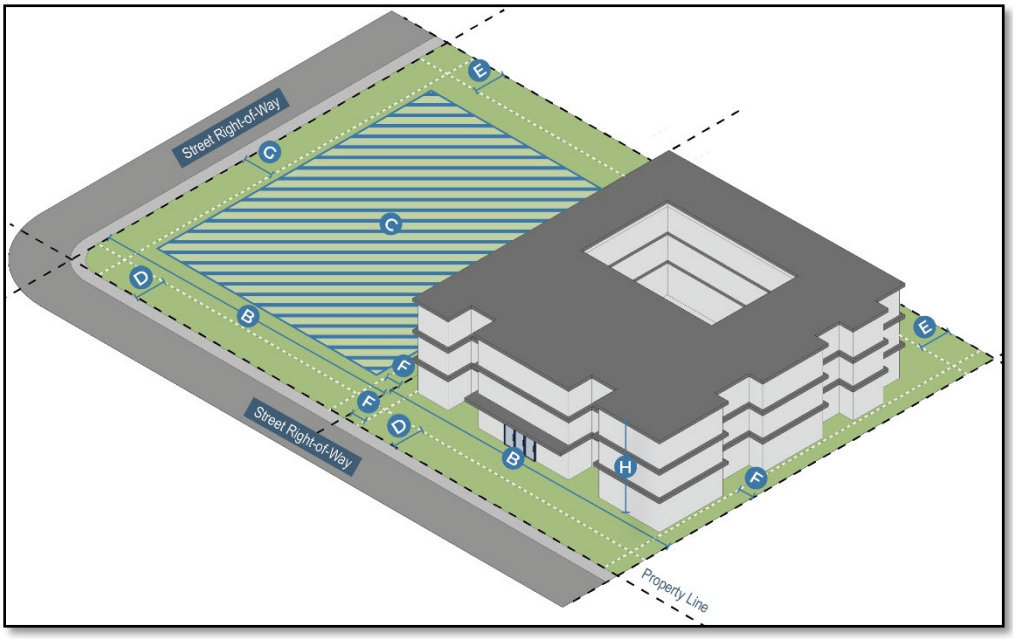
Table II.4: R-2 District Dimensional Standards

Medium-Density (R-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	5,000 square feet
B	Lot Width (min.)	35 feet
C	Lot Coverage (max.)	45%
Setback Requirements		
D	Front Yard (min.)	15 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet
Building Requirements		
H	Building Height (max.)	40 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

The minimum lot area for a townhouse lot may be two thousand five hundred (2,500) square feet.

Sec. 22-186. High-Density Residential (R-3) District



A. Purpose

The High-Density Residential (R-3) District provides for high-density residential development, targeting well-designed multi-family uses serving as a transition between medium-density residential development and commercial nodes. This district encourages multi-family uses with site development characteristics that accommodate open space and access to light and air. This district represents the character and intent of the High Density Residential Future Land Use Category and promotes development of the “missing middle housing” concept.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the High-Density Residential (R-3) District shall follow the standards in Table II.5: R-3 District Dimensional Standards.

Table II.5: R-3 District Dimensional Standards

High-Density (R-3) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min)	35 feet
C	Lot Coverage (max.)	70%
Setback Requirements		
D	Front Yard (min.)	10 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	5 feet
G	Corner Side Yard (min.)	10 feet
Building Requirements		

H	Building Height (max.)	50 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

1. The maximum density is forty (40) units per acre.
2. The maximum density may be increased to sixty-five (65) units per acre if the proposed development:

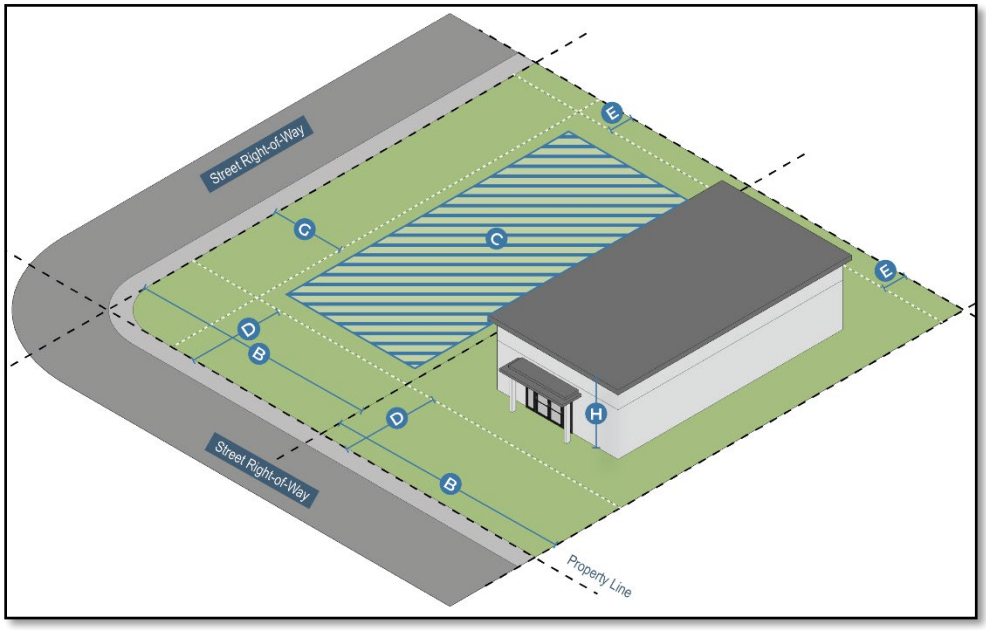
a. Abuts a state or federal designated highway;

b. Is multiple stories and greater than thirty (30) feet tall;

c. Has multiple points of ingress and egress along a state- or federal-designated highway; and

d. Designates twenty percent (20%) of the units to be at or below sixty percent (60%) Area Median Income (AMI).

Sec. 22-187. Local Commercial (C-1) District



A. Purpose

The Local Commercial (C-1) District provides for a range of commercial activities, including the development of small-scale neighborhood offices, low-intensity retail and service businesses, restaurants, and public spaces. This district offers a transition between neighborhoods and intensive commercial areas, providing a critical commercial function that serves nearby residential areas. Development in this district is primarily pedestrian-scaled to help improve vehicular circulation and safely accommodate residents and pedestrians. This

district represents the character and intent of the Low Intensity Commercial Future Land Use Category.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Local Commercial (C-1) District shall follow the standards in Table II.6: C-1 District Dimensional Standards.

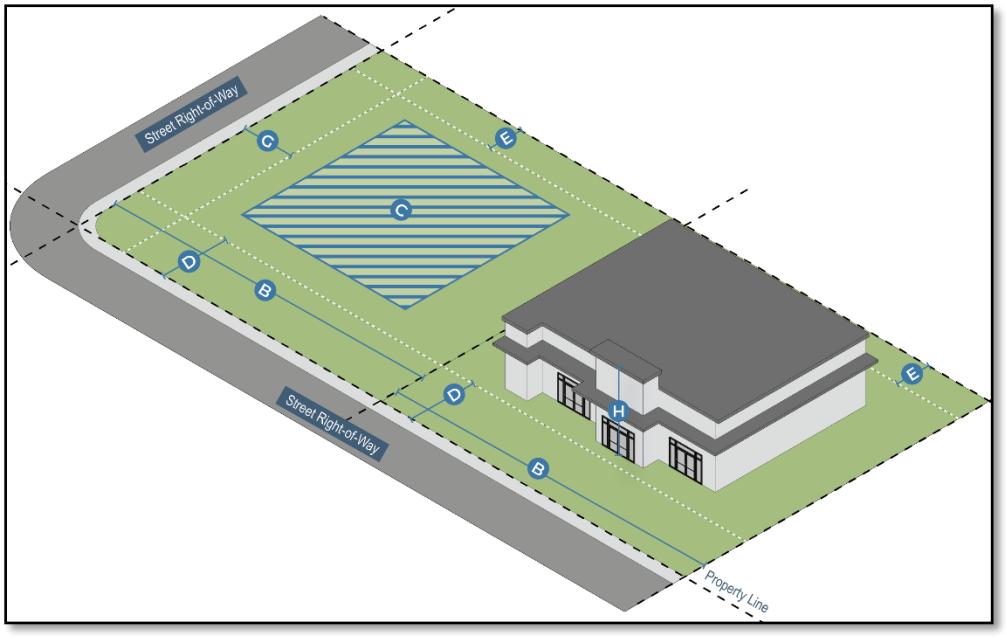
Table II.6: C-1 District Dimensional Standards

Local Commercial (C-1) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	5,000 square feet
B	Lot Width (min.)	40 feet
C	Lot Coverage (max.)	40%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	5 feet
F	Side Yard (min.)	0 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		
H	Building Height (max.)	35 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

Any proposed building greater than fifteen thousand (15,000) square feet shall require a conditional use permit.

Sec. 22-188. Regional Commercial (C-2) District



A. Purpose

The Regional Commercial (C-2) District provides for medium- to large-scale development of retail, service, entertainment, office, necessary for a regional market. This district primarily facilitates commercial development, like big box and anchor retailers and intensive shopping strip centers, that are automobile-oriented and generate high traffic counts. This district represents the character and intent of the High Intensity Commercial Future Land Use Category.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Regional Commercial (C-2) District shall follow the standards in Table II.7: C-2 District Dimensional Standards.

Table II.7: C-2 District Dimensional Standards

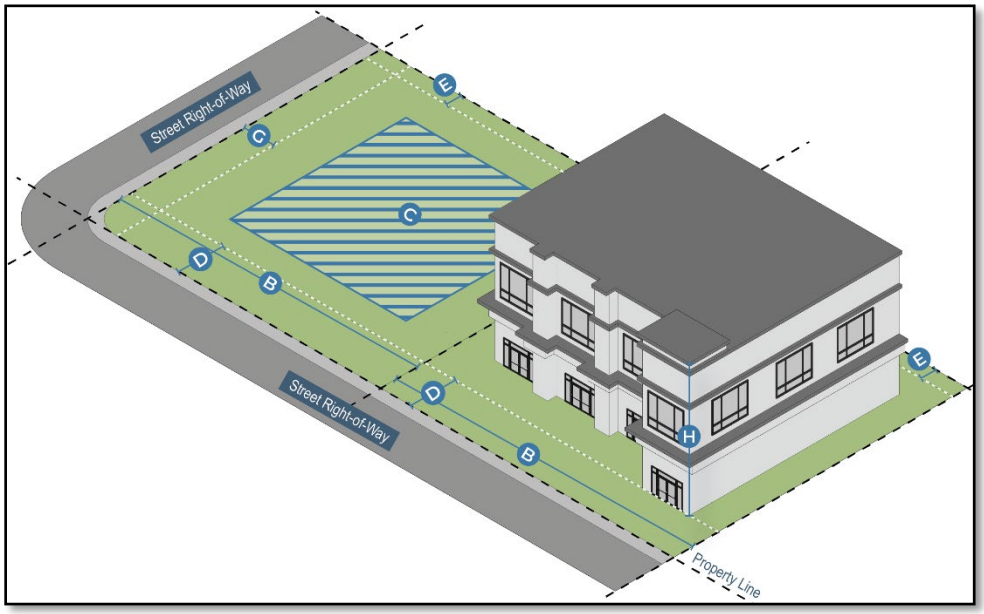
Regional Commercial (C-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Coverage (max.)	30%
Setback Requirements		
D	Front Yard (min.)	20 feet
E	Rear Yard (min.)	10 feet
F	Side Yard (min.)	0 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		

H	Building Height (max.)	45 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

Any proposed building greater than one hundred fifty thousand (150,000) square feet shall require a conditional use permit.

Sec. 22-189. Mixed Use (MU) District



A. Purpose

The Mixed Use (MU) District provides for medium to high-density residential development comingled with localized medium-to-high-intensity commercial activity for retail, restaurant, and office uses. This district encourages use variety and "missing middle housing" options, emphasizing a cohesive development pattern to achieve housing diversity, accessibility, walkability, and equity. This district represents the character and intent of the Comprehensive Plan's Mixed Use and High Density Residential Future Land Use Categories.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Mixed Use (MU) District shall follow the standards in Table II.8: MU District Dimensional Standards.

Table II.8: MU District Dimensional Standards

Mixed Use (MU) District Dimensional Standards			
Lot Requirements			
A	Lot Area (min.)		N/A
B	Lot Width (min.)		25 feet
C	Lot Coverage (min.)		35%
Setback Requirements			
D	Front Yard	(min.)	0 feet
		(max.)	15 feet
E	Rear Yard (min.)		5 feet
F	Side Yard (min.)		0 feet
G	Corner Side Yard (min.)		10 feet
Building Requirements			
H	Building Height (max.)		45 feet
I	Frontage Buildout (min.)		40%
Applicable Development Standards			
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting			Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

1. Any proposed building greater than twenty thousand (20,000) square feet shall require a conditional use permit.
2. Any proposed development more than forty-five (45) feet in height shall require additional stories to be stepped back at least ten (10) feet per story.
3. Residential dwelling units are limited to no more than seventy percent (70%) of the development's cumulative building square footage within the Mixed Use (MU) District.
4. No residential unit shall be located on the ground floor unless the unit is in the rear of the building.

Sec. 22-190. Downtown (DT) District

A. Purpose

The purposes of the Downtown (DT) District are to:

1. Establish a regulating plan that classifies all properties within the Downtown area into one of three subdistricts (Core, Edge, and Transition) based on historical and regional architectural traditions and development patterns;
2. Facilitate pedestrian-oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services;
3. Promote an efficient, compact, and walkable development pattern;

4. Encourage pedestrian activity while reducing reliance on automobiles;
5. Allow development flexibility in land use and site design;
6. Effectively regulate downtown and its surrounding areas to create attractive and functional development outcomes as envisioned in the Downtown and Mixed Use Future Land Use Categories;
7. Revitalize the historic downtown and its surrounding areas while preserving Shawnee's history and heritage; and
8. Enhance the significance of the City's authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry.

B. Regulating Plan

The Regulating Plan establishes the development standards for all properties within the Downtown area. As such, the following subdistricts are established with the corresponding boundaries.

1. *Core*: The Core (DT-C) Subdistrict is intended to preserve and enhance the existing buildings along Main Street and those properties contained within the subdistrict and identified on the Zoning Map. Development standards in this subdistrict require new buildings and additions to existing buildings to be consistent with the historical form and architectural traditions of the area.
2. *Edge*: The Edge (DT-E) Subdistrict is intended to encourage compatible infill and redevelopment of the area immediately surrounding the Core subdistrict. Development standards in this subdistrict emphasize pedestrian-focused and mixed-use development for those properties within the subdistrict as identified on the Zoning Map.
3. *Transition*: The Transition (DT-T) Subdistrict is intended to provide for a range of select low-intensity commercial development and residential transitions between the Edge subdistrict and the adjacent neighborhoods to the north, west, and southeast as identified within the subdistrict and shown on the Zoning Map. Development standards emphasize keeping a smaller scale for residential uses and limiting nonresidential building forms to be compatible with adjacent residential neighborhoods.

C. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

D. Dimensional Standards

Development in the Downtown (DT) District shall follow the standards in Table II.9: DT District Dimensional Standards.

Table II.9: DT District Dimensional Standards

Downtown (DT) District Dimensional Standards				
Subdistrict →		**Core (C)**	**Edge (E)**	**Transition (T)**
Lot Requirements				
A	Lot Area (min.)	N/A	N/A	500 square feet
B	Lot Width (min.)	N/A	N/A	10 feet
C	Lot Coverage (max.)	N/A	N/A	60%
Setback Requirements				
D	Front Yard (min.)	0 feet	0 feet	5 feet
E	Front Yard (max.)	10 feet	20 feet	25 feet
F	Rear Yard (min.)	0 feet	0 feet	5 feet
G	Side Yard (min.)	0 feet	0 feet	5 feet
H	Corner Side Yard (min.)	0 feet	5 feet	5 feet
Building Requirements				

I	Building Height (max.)	60 feet	45 feet	35 feet
J	Frontage Buildout (min.)	85%	70%	50%
Floor Requirements				
First Floor to Floor Height		• Match adjoining building (if any); or • 14’ min. for all nonresidential buildings; or • 10’ min. for any residential buildings	• Match adjoining building (if any); or • 12’ min. for all nonresidential buildings; or • 10’ min. for any residential buildings	• 10’ min. for all buildings
Ground Floor Finish Level		• 12 inches max. above sidewalk (for ground floors of nonresidential buildings); or • 18 inches min. for residential buildings	• 12 inches max. above sidewalk (for ground floors of nonresidential buildings); or • 18 inches min. for residential buildings	• 12 inches max. above sidewalk (for ground floors of nonresidential buildings); or • 18 inches min. for residential buildings
Upper Floor(s) to Floor Height		10’ min.	10’ min.	10’ min.
Parking and Access Requirements				
Location		• Behind the principal building unless on a City-owned or shared lot	• Located either behind the principal building; or • 3’ min. behind the building façade line along that street only; or • 6’ min. behind the property line (if not building along the street frontage)	• Located either behind the principal building; or • Behind the building façade line along that street only; or • Behind the property line (if not building along the street frontage)
Driveway Width (max.)		24’ max. (at the throat)	24’ max. (at the throat)	24’ max. (at the throat)
Encroachments				
Encroachments		50% of the depth of the sidewalk or 10’ (whichever is less)	35% of the depth of the sidewalk or 6’ (whichever is less)	Not Allowed
Applicable Development Standards				
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting			Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards	

E. Special Regulations

1. Residential Transition Standards.

In the Edge and Transition subdistricts, residential transition standards apply to all new building construction and all upper-story additions to existing buildings located adjacent to existing single-family detached residence but shall not apply when an improved public street or railroad right-of-way separates the new building construction from the existing single-family detached residence (See Table II.10: Residential Transition Standards).

Table II.10: Residential Transition Standards

Residential Transition Standards		
A	Transition Area (min.)	25 feet
B	Max. Building Height within Transition Area	35 feet
Additional Applicable Requirements		
A Residential Transition Area Screening Device (minimum 6 feet and maximum 8 feet tall) shall be required when adjacent to an existing single-family detached residence and shall be optional for all other adjacencies.		

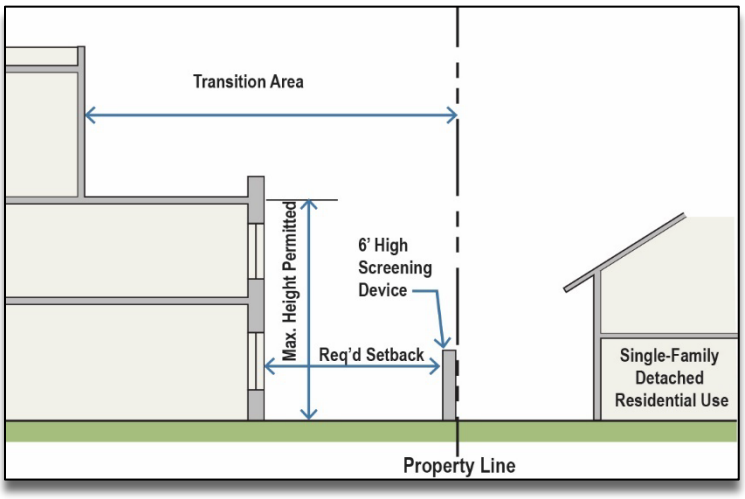
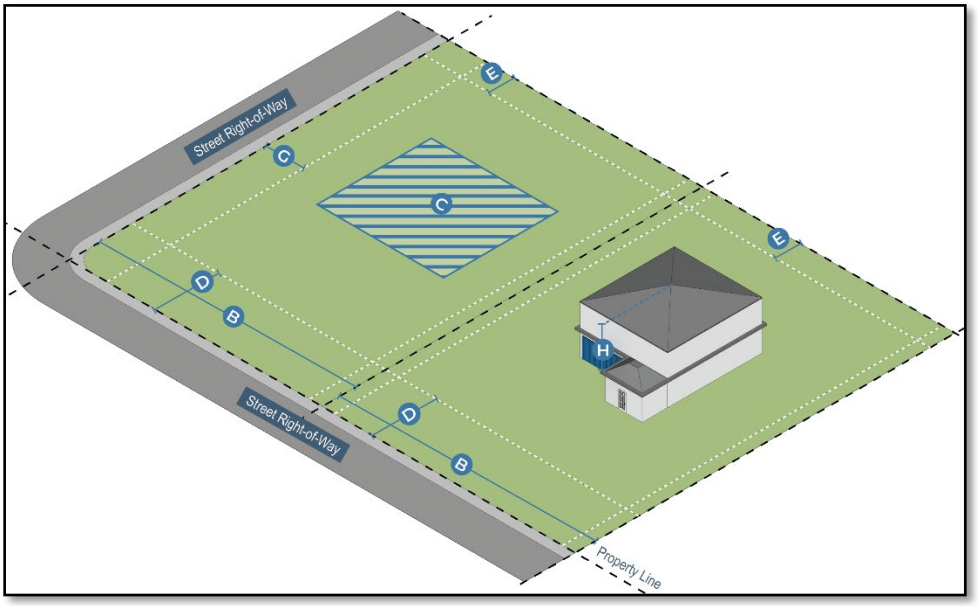


Figure II-1

Sec. 22-191. Twin Lakes (TL) District



A. Purpose

The purposes of the Twin Lakes District are to:

1. Limit commercial development so as to not disrupt wildlife and the character of Shawnee Twin Lakes;
2. Enhance the significance of Shawnee Twin Lakes to residents, tourists and visitors serving as a catalyst for recreational activities; and
3. Divide the Twin Lakes District into two subdistricts – Residential (R) and Commercial (C) to effectively regulate Shawnee Twin Lakes and its surrounding areas to create attractive and functional development outcomes as envisioned in the Comprehensive Plan and Twin Lakes Master Plan.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Twin Lakes (TL) District shall follow the standards in Table II.11: TL District Dimensional Standards.

Table II.11: TL District Dimensional Standards

Twin Lakes (TL) District Dimensional Standards			
Subdistrict →		**Residential (R)**	**Commercial (C)**
Lot Requirements			
A	Lot Area (min.)	15,000 square feet	5,000 square feet
B	Lot Width (min.)	60 feet	40 feet
C	Lot Coverage (max.)	25%	40%
Setback Requirements			
D	Front Yard (min.)	25 feet	15 feet
E	Rear Yard (min.)	10 feet	5 feet
F	Side Yard (min.)	5 feet	0 feet
G	Corner Side Yard (min.)	15 feet	10 feet
Building Requirements			
H	Building Height (max.)	35 feet	45 feet
Applicable Development Standards			
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards	

D. Special Regulations

1. Generally

The two subdistricts are intended to provide the preferred development outcomes suggested in the Twin Lakes Master Plan. Table II.12: Twin Lakes Master Plan Subdistrict Conversion indicates how the Twin Lake Master Plan Place Types are to be incorporated into each subdistrict.

Table II.12: Twin Lakes Master Plan Subdistrict Conversion

Twin Lakes Master Plan Place Types	Subdistrict
Residential Estate	Residential (R)
Large Lot Residential	
Low Density Residential	
Medium Density Residential	
Lake Oriented Commercial	Commercial (C)
Low Intensity Commercial	
Lakeside Village	
Mixed Use	
Destination Recreation	
Recreation Village	

2. Lakeside Conservation

a. No development shall occur in areas identified as Lakeside Conservation in the Twin Lakes Master Plan except for marinas.

b. A permit is required to build a marina.

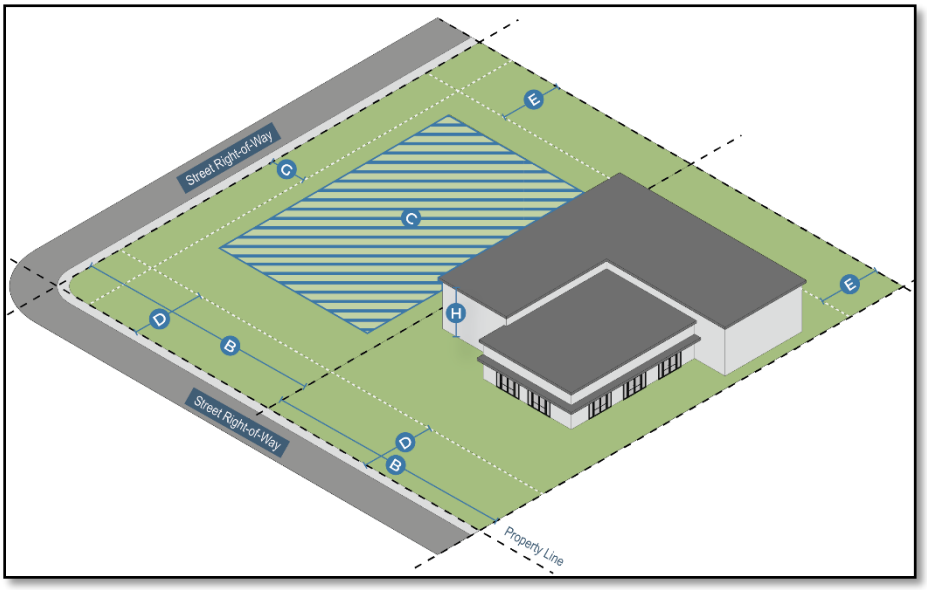
3. Docks
    a. Boat/fishing docks may be constructed.
    b. For the purposes of this section, all lease areas are assumed to have the right to use the abutting shoreline to construct a single floating dock.
    c. The city may charge an additional annual fee for dock area leases.
    d. Dimensional standards for docks shall be as set forth in section 16-235.
4. Lakeshore Buffer
    a. A 25-foot buffer is hereby established landward of the ordinary high water mark on all leased lots for the purpose of watershed protection.
    b. This area shall not be used by the general public, except during an emergency situation.
    c. Within this buffer, leaseholders are encouraged to preserve existing native vegetation.
    d. The area within the lakeshore buffer shall not be fenced.
    e. Docks and other approved structures as per section 16-235 may be located within the buffer area.
    f. Fertilizers and other chemicals shall not be used within the buffer area.
5. Impervious Surface Coverage
    a. The maximum building coverage ratio shall be 20 percent inclusive of all primary and secondary structures.
    b. Total impervious area shall not exceed 30 percent of the lease area.
    c. Runoff from impervious surfaces, such as roof tops and paved driveways, shall be directed to maximize infiltration.
    d. Runoff water shall be maintained in sheet flow (not channelized flow) to the maximum extent practicable.

6. Hazardous Materials
    a. Hazardous materials including, but not limited to solvents, oil, fertilizer, gasoline and other materials shall be stored in an enclosed shed, garage or other approved structure.
    b. New accessory structures other than boat docks shall be setback from the OHWM a minimum of 25 feet.
7. Septic System Standards
    a. Septic tanks shall be installed and inspected in accordance with the standards set forth in sections 16-59 and 16-328.
8. Erosion Control
    a. All new residential construction shall employ erosion control and utilize best management practices (BMPs) to control erosion and sedimentation during construction.
    b. All exposed soil must be mulched.
    c. A temporary seeding or cover crop must be used on sites where permanent groundcover will not be established until the following year.
    d. A site will not be allowed to remain as bare ground with the intention of planting the following growing season.
    e. Required erosion control best management practices shall be in place prior to all land disturbing activities.
9. Shared Driveways
    a. Shared driveways may be utilized to prevent unnecessary disturbance of the lakeside area.
    b. Residential lease areas need not front upon a dedicated public street.
10. Conditional Use Permit Required

    The following requires a conditional use permit:

a. Any proposed building greater than twenty thousand (20,000) square feet.
b. Any proposed building taller than forty-five (45) feet in the C subdistrict.
c. Any proposed multi-family development located within one thousand (1,000) feet of a lake shoreline.
d. Any proposed restaurant with drive-thru facilities within one thousand (1,000) feet of a lake shoreline and one hundred fifty (150) feet of a residential use.

Sec. 22-192. Light Industrial (I-1) District



A. Purpose

The Light Industrial (I-1) District provides for manufacturing, employment commercial uses, wholesale businesses, material fabrication, research facilities, and general industrial uses that are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. This district provides a transition between heavy industrial uses and other less intensive commercial activity and residential uses. This district represents the character and intent of the Industrial Future Land Use Category.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Light Industrial (I-1) District shall follow the standards in Table II.13: I-1 District Dimensional Standards.

Table II.13: I-1 District Dimensional Standards

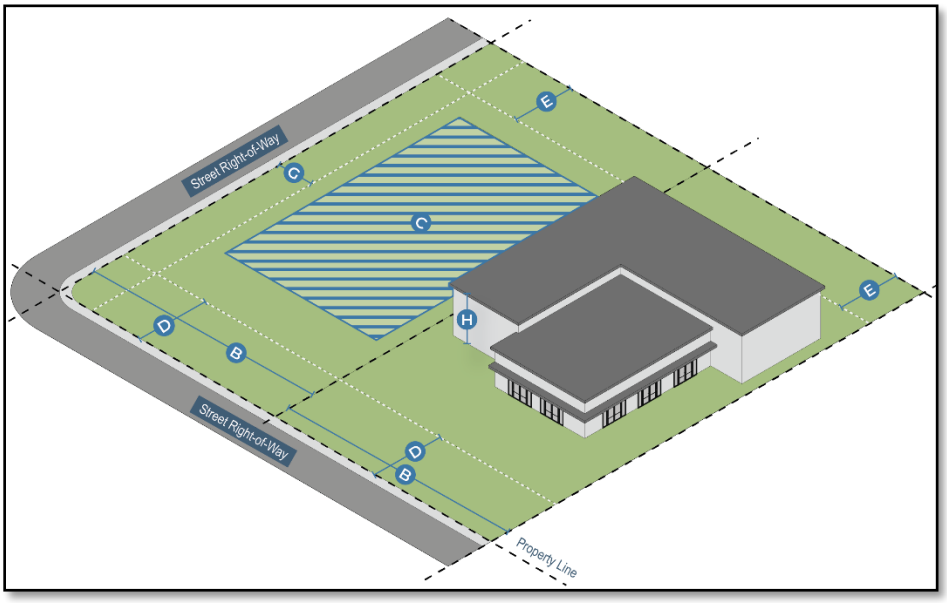
Light Industrial (I-1) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	10,000 square feet
B	Lot Width (min.)	50 feet
C	Lot Coverage (max.)	35%
Setback Requirements		
D	Front Yard (min.)	25 feet
E	Rear Yard (min.)	20 feet
F	Side Yard (min.)	0 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		

H	Building Height (max.)	35 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting		Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards

D. Special Regulations

Any proposed development more than thirty-five (35) feet in height shall require a conditional use permit.

Sec. 22-193. Heavy Industrial (I-2) District



A. Purpose

The Heavy Industrial (I-2) District provides areas for manufacturing, processing, assembling, storing, testing, and industrial uses that are extensive and intensive in character, and require large sites, open storage and service areas, extensive services and facilities, and access to major transportation networks. Development in this district is sometimes incompatible with less intensive uses because of traffic, noise, vibration, dust, glare, or emissions, which can be intrusive to commercial activity and residential areas. This district represents the character and intent of the Industrial Future Land Use Category.

B. Uses

See Table III.2: Use Table and all applicable regulations in Division III.

C. Dimensional Standards

Development in the Heavy Industrial (I-2) District shall follow the standards in Table II.14: I-2 District Dimensional Standards.

Table II.14: I-2 District Dimensional Standards

Heavy Industrial (I-2) District Dimensional Standards		
Lot Requirements		
A	Lot Area (min.)	20,000 square feet
B	Lot Width (min.)	100 feet
C	Lot Coverage (max.)	50%
Setback Requirements		
D	Front Yard (min.)	30 feet
E	Rear Yard (min.)	25 feet
F	Side Yard (min.)	0 feet
G	Corner Side Yard (min.)	15 feet
Building Requirements		
H	Building Height (max.)	45 feet
Applicable Development Standards		
Sec. 22-208. Dimensional Regulations Sec. 22-209. Parking Sec. 22-210. Loading Sec. 22-211. Landscaping Sec. 22-212. Screening and Fencing Sec. 22-213. Outdoor Lighting	Sec. 22-214. Design Standards Sec. 22-215. Refuse Facilities Sec. 22-216. Signs Sec. 22-217. Infill Development Standards Sec. 22-218. Performance Standards	

D. Special Regulations

Any proposed development more than forty-five (45) feet in height shall require a conditional use permit.

Sec. 22-194. Special Districts and Overlays

A. Generally

1. Purpose

Special purpose and overlay districts are tools for dealing with unique neighborhoods or settings or for accomplishing specific planning and zoning goals. Special districts are base zoning classifications while overlay districts “over-lay” requirements in addition to those established in the based zoning district.

2. Establishment

Special districts and overlays may be established, amended, or removed only in accordance with the rezoning procedures of Sec. 22-226.

B. Planned Unit Development (PUD) District

1. Purpose

The Planned Unit Development (PUD) District is an overlay district intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this UDC is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A Planned Unit Development (PUD) District may be used to permit new

and innovative concepts in land utilization. While great flexibility is given to provide special restrictions that will allow development not otherwise permitted, procedures are established to prevent misuse of the increased flexibility.

2. Uses

   Any use specified in a Planned Unit Development (PUD) District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purposes of this UDC.

3. Dimensional Standards

   A Planned Unit Development (PUD) District requires a minimum of 5 contiguous acres.

4. Special Regulations

a. Development standards for each separate Planned Unit Development (PUD) District shall be established in the ordinance granting the Planned Unit Development (PUD) District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Commission may deem appropriate.

b. In the Planned Unit Development (PUD) District, the particular district(s) to which uses specified in the Planned Unit Development (PUD) District are most similar shall be stated in the granting ordinance. All Planned Unit Development (PUD) District applications shall list all requested modifications from the standard requirements established throughout this UDC. The applicant shall include justification associated with each requested modification. Applications without this list will be considered incomplete.

c. The ordinance granting a Planned Unit Development (PUD) District shall include a purpose and intent statement citing the reason for the Planned Unit Development (PUD) District request.

d. The Planned Unit Development (PUD) District shall conform to all other sections of the ordinance and this UDC unless specifically exempted in the granting ordinance.

e. All development within a Planned Unit Development (PUD) District shall meet the site planning procedures in Sec. 22-233.

Division III. Uses

Sec. 22-195. Purpose and Applicability

Sec. 22-196. Organization

Sec. 22-197. Use Table

Sec. 22-198. Residential Use-Specific Regulations

Sec. 22-199. Commercial Use-Specific Regulations

Sec. 22-200. Marijuana Use-Specific Regulations

Sec. 22-201. Industrial Use-Specific Regulations

Sec. 22-202. Public, Civic, and Institutional Use-Specific Regulations

Sec. 22-203. Recreation Use-Specific Regulations

Sec. 22-204. Agricultural Use-Specific Regulations

Sec. 22-205. Accessory Uses

Sec. 22-206. Temporary Uses and Structures

Sec. 22-195. Purpose and Applicability

Table III.2: Use Table lists the uses permitted within all zoning districts. All uses are defined in Sec. 22-257. . Approval of a use listed in this Article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this Article and approved under the appropriate process is prohibited.

Sec. 22-196. Organization

The uses allowed in each of the zoning districts established in Table III.2: Use Table are defined as follows:

A. Table Symbology

Table III.2: Use Table is arranged according to the following symbols established in Table III.1: Use Table Symbology.

Table III.1: Use Table Symbology

Symbol	Meaning	Description
P	Permitted by Right	A "**P**" in a zoning district column indicates that a use is permitted by right, provided that it meets any applicable use-specific regulations. These uses are subject to all other applicable regulations of this UDC.
C	Conditional Use Permit Required	A "**C**" in a zoning district column indicates that a use requires conditional use review and approval by City Commission.
	Not Allowed	A blank cell in a zoning district column indicates that a use is not permitted as a primary use or conditional use in the zoning district.
--	Not Required	A "--" in a zoning district column indicates that a minimum parking ratio is not required for a particular use.

B. Use-Specific Regulations Column

The "Use-Specific Regulations" column provides a reference to associated standards for certain uses allowed by right and for conditional uses. Where a blank space is in the column, there is no associated standard. Where there is information in the column, there are associated use-specific regulations.

C. Unlisted Uses

If a proposed use is not specifically listed in Table III.2: Use Table, the Director shall determine whether the use is allowed or not allowed after the applicant provides a detailed summary of the proposed project or use(s). This determination shall be based upon the similarity in nature and character to one or more uses that are listed in Table III.2: Use Table; however, the applicant shall bear the burden of proof for providing the necessary information for the Director's determination.

1. In making this determination, the Director may consider whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use.

2. The Director may also refer to empirical studies or generally accepted planning or engineering sources (e.g., North American Industry Classification Manual (NAICS)) in making this determination.
3. Unauthorized if Prohibited.

   If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as an allowed, accessory, conditional, or temporary use, then the use is a prohibited use.

Sec. 22-197. Use Table

A. Applicability

This Article shall follow the requirements established in Table III.2: Use Table.

B. Use-Specific Standards

Use-specific standards are established in the following Sections:

1. Sec. 22-198.
2. Sec. 22-199.
3. Sec. 22-200.
4. Sec. 22-201.
5. Sec. 22-202.
6. Sec. 22-203.
7. Sec. 22-204.

C. Accessory Uses

Accessory Uses standards are established in Sec. 22-205.

D. Temporary Uses

Temporary Uses standards are established in Sec. 22-206.

E. Use Table

Uses are established in Table III.2: Use Table.

Table III.2: Use Table

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	E	T			R	C		
Residential Uses																
Household Living																
Detached Single-Family Dwelling	P	P	P				P			P			P			1/DU
Townhouse			P	P			P		P	P			P		Sec. 22-198. E.	1/DU
Duplex		P	P	P			P			P			C			1.5/DU
Triplex		C	P	P			P			P						1/DU
Fourplex		C	P	P			P			P						1/DU
Courtyard Apartment			C	P			P			P						1/DU
Bungalow Court			P	P			P			P						1/DU
Multiplex			C	P			P		P	P						1/DU
Manufactured Home	P	C											C		Sec. 22-198. A.	2/DU
Mobile Home	C			C												2/DU
Modular Home	P	C	C													2/DU
Tiny Home	C	C	C										C		Sec. 22-198. D.	1/DU
Multi-Family Dwelling (Apartment)				P			P	P	P					P	Sec. 22-198. B.	1.25/1 BRU 1.75/2 BRU 2/3 BRU
Live-Work Unit			C	P			P	P	P				C		Sec. 22-198. C.	1/DU
Mixed-Use Building				C		C	P	P	P				C	P	Sec. 22-198. F.	2.5/1,000 sf
Barndominium	C	C											C			--

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Group Living																
Assisted Living Center				P	P		P		P	P						2/1,000 sf
Community Group Home		P	P	P						P						1.5/1,000 sf
Dormitory			P	P											Sec. 22-198. G.	0.5/guest room
Emergency and Protective Shelter				C	P	P			C	C	C				Sec. 22-198. H.	2/1,000 sf
Life Care Retirement Center				P	P		P		P	P						2/1,000 sf
Re-Entry Facility				P						P	C	C				2/1,000 sf
Residential Treatment Center				C	C	P	P		P	P						1.5/1,000 sf
Rooming/Boarding House				P						P			C		Sec. 22-198. I.	0.5/guest room
Commercial Uses																
Afterlife Service																
Cemetery/Mausoleum	P	C	C	C	P	P					C					4/acre
Funeral Services					C	P			C		C				Sec. 22-199. A.	2/1,000 sf
Animal Service																
Kennel	C				P	P	P			P	C				Sec. 22-199. B.	2/1,000 sf
Veterinary	C				P	P	C				C				Sec. 22-199. C.	2/1,000 sf
Assembly & Entertainment																
Assembly Hall				C	P	P	P	P	P					C		5/1,000 sf
Broadcast or Recording Studio					P	P		P	P							1.5/1,000 sf
Commercial Amusement (indoor)	C					P	P	P	P		P			P		4/1,000 sf
Commercial Amusement (outdoor)	C					P	C				C			P	Sec. 22-199. D.	5/acre

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	E	T			R	C		
Nightclub						P	C	P	C		C				Sec. 22-199. E.	5/1,000 sf
Commercial Service																
Building Service						P					P	P				1.5/1,000 sf
Business Support Service					P	P	P	P	P		P					1.5/1,000 sf
Personal Services				C	P	P	P	P	P	C	P			P		1.5/1,000 sf
Research Service					C	C	C		C		P	P				1.5/1,000 sf
Heavy Equipment Services and Sales						C					P	P			Sec. 22-199. F.	1.5/1,000 sf
Financial Service																
Alternative Financial Services					C	P	P		P							2/1,000 sf
Pawnshop						P		C	C						Sec. 22-199. G.	2/1,000 sf
Bail Bond						C			C		C					1.5/1,000 sf
Financial Institution					P	P	P	P	P							2/1,000 sf
Lodging																
Bed and Breakfast	C	C		P	P					P			C		Sec. 22-199. H.	1 + (0.50) bedrooms
Hotel/Motel						P	P	C	C	C	C					4 + (0.75) guestrooms
Recreational Vehicle Park/Campground	C				C						C		C			1/RV space
Short Term Rental	C	C	C	C			C	C	C	C			C		Sec. 22-199. I.	1/every 4 beds
Office																
Artist Studio	C				P		P	P	P	P	P			P		1/1,000 sf
Professional Office					P	P	P	P	P	P	P					2.5/1,000 sf
Medical Office					P	P	P		P							3.5/1,000 sf

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	E	T			R	C		
Restaurants & Bar																
Bar					C	P	P	P	P		C			C	Sec. 22-199. J.	5/1,000 sf
Hookah Lounge						P	P		P							4/1,000 sf
Brewpub					C	P	P	P	P		P			C	Sec. 22-199. K.	4/1,000 sf
Restaurant					P	P	P	P	P		C			C	Sec. 22-199. L.	4/1,000 sf
Food Preparation and Sales					P	P	P	P	P		P					2/1,000 sf
Food Truck Park						P	P		P		P			P		5/acre
Retail Sale																
Convenience Store	C			C	P	P	P		P		C			C		3/1,000 sf
Retail Store	C				P	P	P	P	P					C		3/1,000 sf
Building Supplies and Equipment						P					P	C				2.5/1,000 sf
Grocery Store					C	P	C	P	C						Sec. 22-199. M.	3/1,000 sf
Adult Entertainment																
Sexually Oriented Business											C	C				5/1,000 sf
Vehicle Sales & Service																
Car Wash					C	P					C				Sec. 22-199. N.	2/site
Commercial Vehicle Repair and Maintenance											P	P				1.5/1,000 sf
Commercial Vehicle Sales and Rentals						C					P	C				1.5/1,000 sf
Heavy Personal Vehicle Repair and Maintenance											P	P			Sec. 22-199. O.	1.5/1,000 sf

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Light Personal Vehicle Repair and Maintenance	C				C	P	C		P		P	C			Sec. 22-199. P.	1.5/1,000 sf
Personal Vehicle Sales and Rentals						P					C	C		C	Sec. 22-199. Q.	2/1,000 sf
Vehicle Equipment and Supplies Sales and Rentals						P					P	P				1.5/1,000 sf
Service Station					P	P			P		P	C			Sec. 22-199. R.	2/1,000 sf
Marijuana Uses																
Medical Marijuana Commercial Grower	C										P	P			Sec. 22-200.	1/1,000 sf
Medical Marijuana Dispensary	C				C	P	P		P						Sec. 22-200.	2/1,000 sf
Medical Marijuana Education Facility	C					P					P	P				1.5/1,000 sf
Medical Marijuana Processor	C										P	P				1.5/1,000 sf
Medical Marijuana Research Facility	C					P					P	P				1.5/1,000 sf
Medical Marijuana Testing Laboratory	C										P	P				1.5/1,000 sf
Industrial Uses																
Wholesale, Distribution, and Storage																
Contractor's Shop and Storage Yard											P	P				2/site
Equipment and Materials Storage, Outdoor											P	P				2/site
Freight Terminal											C	P				--
Warehouse											P	P				0.5/1,000 sf

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Warehouse, Distribution, and Wholesale											P	P				0.5/1,000 sf
Self-Service Storage Facility	C					P				C	P			C	Sec. 22-201. A.	2/site
Wholesale Showroom Facility						C					P	P				1/1,000 sf
Low-Impact Manufacturing & Industry																
Craft Manufacturing					P	P	P	P	P	P	P					1/1,000 sf
Small Brewery						P	C		P		P	C		C		1.5/1,000 sf
Wine and Spirits Wholesaler/Distributor											P	P				1/1,000 sf
Industrial and Manufacturing, Light						C					P	C				1.25/1,000 sf
Moderate to High-Impact Manufacturing & Industry																
Industrial and Manufacturing, Heavy												C				1/1,000 sf
Large Brewery						C					P	P				1/1,000 sf
Mining or Mineral Processing	C											C				--
Recycling																
Consumer Material Drop-off Station											P	P				2/site
Recycling Facility	C										P	P			Sec. 22-201. B.	2/site
Salvage Yard	C										C	P			Sec. 22-201. C.	2/site
Solid Waste Facility												P			Sec. 22-201. D.	2/site
Solid Waste Transfer Station												P				2/site
Transportation Uses																

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Airport	C										C	C				--
Bus Terminal						P					P					2/site
Parking Facility						C	C	C	C					C		--
Railroad Station							C		C							--
Transit Station						P	P	C	C		P					--
Trucking and Transportation Terminals	C										P	C				--
Public, Civic, & Institutional Uses																
Child Care Facilities																
Child Care Center				C	P	P	P		P							2/1,000 sf
Family Child Care Home	C		P	P						P						1.5/1,000 sf
Foster Family Home	P	P	P	P						P						1.5/1,000 sf
Part-day Child Care Program				C	P	P	P			P						2/1,000 sf
Residential Child Care Facility			P	P			P			P						1.5/1,000 sf
Institutional																
College or University					C	C	C									--
Correctional Facility									C		C	C				2/1,000 sf
Hospital					C	P					C					4/1,000 sf
Governmental Service	C			C	P	P	P	P	P		P	C	P	P		2/1,000 sf
Library, Museum, or Cultural Exhibit		C	C	C	P	P	P	P	P	C						2.5/1,000 sf
Natural Resource Preservation	P												P	P		--
Postal Service					P	P	P		P		P			P		2/1,000 sf
Religious Land Use	C	C	C	C	C	P	P	P	P	P	P	P	C	P		4/1,000 sf
Safety Service		P	P	P	P	P	P	P	P	P	P	P	P	P		1/1,000 sf

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
School		C	C	C	C	C	C									1.5/classroom
Technical School					C	P	P		P		P					2.5/1,000 sf
Infrastructure																
Utilities and Public Service Facility, Minor	P	C	C	C	C	C	C		C	C	P	P	C	P		--
Utilities and Public Service Facility, Major	C					C					C	C	C	C		--
Wireless Communication Facility	C	P	P	P	P	P	P	P	P	P	P	P	C	C	Sec. 22-202. A.	--
Freestanding Towers	C	C	C	C	C	C					C	C		C	Sec. 22-202. B.	--
Building or Tower-Mounted Antennas	C	P	P	P	P	P	P	P	P	P	P	P	C	C	Sec. 22-202. C.	--
Recreation Uses																
Amphitheater		C	C			C	C			C				C		20/acre
Civic Club or Lodge					P	C	P		P	P				P		2/1,000 sf
Community Center		P	P	P	P	P	P	P	P				C			5/1,000 sf
Country Club	C	C	C										C			2.5/1,000 sf
Health Club					P	P	P		P		P			P		3/1,000 sf
Firearm Range	C					C					P	P		C	Sec. 22-203. A.	2/1,000 sf
Marina	C												C	C		--
Parks and Recreation	P	P	P	P	P	P	P	P		P	P	C	P	P		--
Agricultural Uses																
Animal Husbandry	P															1/1,000 sf
Community Garden	P	P	P	P	P		P		P	P			C			--

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Farm, Market or Community-Supported	P				C		C	P	P	P			C			--
Horticulture Nursery	P															1.5/1,000 sf
Feed and Farm Supply						P					P					2/1,000 sf
Agriculture	P															--
Agritainment	P												P		Sec. 22-204. A.	--
Feedlot	C															--
Commercial Stable	P												C			--
Small Farm Winery	P												C			--
Oil or Gas Well	C															--
Accessory Uses																
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	C	P		--
Accessory Dwelling Unit	C	P	P	P			C			P			C		Sec. 22-205. E. 1.	1/DU
Apiary	P	C	C	C									C			--
Automatic Teller Machine (ATM)					P	P	P		P							--
Carport	P	P											C			--
Donation and Collection Bin	C	C	C	C	C	C	C	C	C	C	C	C	C	C		--
Drive-thru					P	P	P							C	Sec. 22-205. E. 3.	--
Fuel Pump					P	P	P		P		P	P		P	Sec. 22-205. E. 4.	--
Home Occupation	P	P	P	P			P	P	P	P			P		Sec. 22-205. E. 5.	1/DU
Garage	P	P	P	P			P			P	P	P	P			--
Marina	P												C	C		--

Land Use	Zoning District														Use-Specific Regulations	Parking
	TA	R-1	R-2	R-3	C-1	C-2	MU	DT			I-1	I-2	TL			
								C	*E*	*T*			*R*	*C*		
Outdoor Dining					P	P	P	P	P					P		4/1,000 sf
Outdoor Display						P	P	P	P		P			C	Sec. 22-205. E. 6.	--
Outdoor Storage						C					P	P			Sec. 22-205. E. 7.	--
Private Stable	P												C			--
Personal Storage								P	P	P						--
Personal Swimming Pool	P	P	P	P						P			C			--
Satellite Tasting Room	P										P		C			2/1,000 sf
Service Bay	P				P	P	P	P	P		P	P		P	Sec. 22-205. E. 8.	--
Storm Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 22-205. E. 9.	--
Transit Stop	P	P	P	P	P	P	P	P	P	P	P					--
Wind Energy System	P	P	P	P	P	P	P				P			P	Sec. 22-205. E. 10.	--
Temporary Uses																
Batching Plant	P	P	P	P	P	P	P	P	P	P	P	P		P		--
Construction Yard	P	P	P	P	P	P	P	P	P	P	P	P				--
Field or Sales Office	P	P	P	P	P	P	P	P	P	P	P	P				--
Flea Market	P					P					P					--
Itinerant Merchant/ Transient Street Vendor						P	P	P	P		P			C	Sec. 22-206. D. 2.	--
Seasonal Roadside Stand	P					C					C			P	Sec. 22-206. D. 3.	--

Sec. 22-198. Residential Use-Specific Regulations

Household Living Use-Specific Regulations

A. Manufactured Home

1. A Manufactured Home shall meet or exceed all building code requirements that apply to other dwelling units concerning on-site construction.
2. A Manufactured Home shall conform to all applicable zoning regulations for its respective zoning district.
3. A Manufactured Home shall have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the dwelling is proposed to be located, as determined by the most recent County certified tax appraisal roll.
4. A Manufactured Home shall be securely fixed to a permanent foundation.
5. A Manufactured Home shall be set on a solid slab structure and/or 18- to 20-inch runners.

B. Multi-Family Dwelling (Apartment)

1. A Multi-Family Dwelling (Apartment) shall comply with the regulations established in Division IV.Sec. 22-214. F.

C. Live-Work Unit

1. The "live" component may be located on the street level (behind the work component) or any other level of the building.
2. The residential unit is occupied by the business owner or manager.

D. Tiny Home

1. A Tiny Home shall be securely fixed to a permanent foundation.
2. A Tiny Home shall connect to water, wastewater, and electric utilities.
3. A Tiny Home shall conform to all applicable zoning regulations for its respective zoning district.
4. A Tiny Home shall meet the applicable zoning district’s setbacks.
5. All final plans and construction details for a Tiny Home shall be signed and sealed by a registered engineering professional and they shall comply with Appendix Q in the most-recently adopted version of International Residential Code.
6. Final documents shall have the note: *The City is not responsible for inspection liability*.

E. Townhouse

1. No Townhouse building shall exceed eight (8) units.
2. Where possible Townhouses shall provide rear-entry parking.
3. All parking shall be on the public right-of-way or shall provide rear entry parking garages where alley access exists.

F. Mixed-Use Building

1. A single-story Mixed-Use Building shall be allowed if the following standards are met.

a. The nonresidential use fronts the street.

b. The residential use is located behind the nonresidential use.

c. The residential use does not exceed fifty percent (50%) of the total Mixed-Use Building square footage.

2. A multiple-story Mixed-Use Building shall be allowed if the following standards are met.

a. The first floor is primarily used for nonresidential uses.

b. The first floor may incorporate residential uses but shall be limited to twenty-five (25%) of the square footage on the first floor.
c. All residential parking is located at the rear of the site.
d. The residential use does not exceed seventy-five percent (75%) of the total Mixed-Use Building square footage.

Group Living Use-Specific Regulations

G. Dormitory

A Dormitory shall only be allowed in conjunction with an accredited college or university use.

H. Emergency and Protective Shelter

In addition to filing for a conditional use permit, an Emergency and Protective Shelter must also meet the following requirements in addition to any other conditions the City Commission may require:

1. *Ownership*. The Emergency and Protective Shelter shall be fully contained within a building owned and/or operated by a governmental agency or nonprofit organization.
2. *Location*. An Emergency and Protective Shelter shall not be located within one thousand (1,000) feet of a City park, public school, or residential property unless authorized by the City Commission.
3. *Supervision*. The operator of an Emergency and Protective Shelter shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation. Full-time security may be required as a condition of approval.
4. *Operations Plan*. Any organization proposing to establish an Emergency and Protective Shelter shall provide a detailed operations plan specifying their target clientele, proposed operation expenses, funding, and staffing levels.
5. *Sales*. No retail sales shall take place on the property of an Emergency and Protective Shelter.
6. *Maximum Occupancy*. The City may set a maximum occupancy load for the Emergency and Protective Shelter based on documented need.
7. *Inspection*. The Fire Marshal and Building Official shall inspect the site before occupation and provide a letter noting the number of residents to be permitted.
8. *Permit*. There shall be a permit from the health department on file at all times as applicable by state statute. In addition, the applicant is strongly encouraged to consult the health department and other pertinent health providers about measures that may be taken to prevent the spread of diseases like tuberculosis and other communicable diseases.
9. *Code of Conduct*. All Emergency and Protective Shelters shall create and adopt a code of conduct that shall be enforced at all times. The code of conduct shall include, at a minimum, the following language:

a. Possession or use of illegal drugs is not permitted on the premises.
b. Alcohol is not permitted on the premises.
c. Weapons are not permitted on the premises.
d. Violence is not permitted on the premises.
e. Fires are not permitted on the premises.
f. Loitering in the surrounding neighborhood is not permitted.
g. Littering on the premises or surrounding neighborhood is not permitted.

A copy of this code of conduct shall be provided to the City at the time of the conditional use permit request.

10. *Lighting*. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
11. *Laundry Facilities*. The development may provide laundry facilities or laundry services adequate for the number of residents.
12. *Screening*. The development shall provide screening as required for multi-family developments in Sec. 22-212.
13. *Common Facilities*. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

a. Central cooking and dining room(s).
b. Recreation room.
c. Counseling center.
d. Child care facilities.
e. Other support services.

14. *Outdoor Activity*. For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.
15. *Staff Assistance*. Staff and services shall be available to assist residents in obtaining permanent shelter and income.
16. *Management Plan*. The operator of a shelter for the homeless shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
17. *Revocation*. The City Commission may revoke a permit issued under this section if it determines that the shelter is not operating in accordance with the terms of the permit.
18. *Exception*. These regulations do not apply to a temporary emergency homeless shelter established immediately after a natural disaster that results in a local disaster proclamation by the City Commission. Regulations for a temporary emergency homeless shelter are established in Division III.Sec. 22-206. D. 1.

I. Rooming/Boarding House

1. No more than twelve (12) occupants (including any resident staff and family) shall occupy any Rooming/Boarding House at one time.
2. The maximum length of stay for any guest is fourteen (14) consecutive days in any one calendar month.
3. No meals shall be provided for guests on the premises.
4. A Rooming/Boarding House shall not be located within two hundred (200) feet of any other Rooming/Boarding House.

Sec. 22-199. Commercial Use-Specific Regulations

Afterlife Service Use-Specific Regulations

A. Funeral Services

1. Funeral Services shall be located at least one hundred (100) feet from any residential district or use.
2. Funeral Services including cremation or embalming shall follow the additional requirements below.

a. Prior to the issuance of a certificate of occupancy, the Funeral Services operator shall provide documentation of the issuance of all applicable federal, state, and local permits and provide all

the equipment manufacturers' specifications for construction, installation, operation, and maintenance.

b. Funeral Services shall be constructed, installed, operated, and maintained in accordance with all manufacturer's specifications and all applicable federal, state, and local permits. City inspectors shall have the right to enter and inspect the operations to determine compliance with this provision.

c. Each incinerator shall have a modern automated control panel and a dedicated natural gas meter.

d. The height of the exhaust stack shall be a minimum of two (2) feet above the roof line or other nearby obstruction to minimize downdrafts of the exhaust.

Animal Service Use-Specific Regulations

B. Kennel

1. Local Commercial (C-1) District.

a. A Kennel shall not be located within one hundred (100) feet of any residential district.

b. No outside runs are allowed.

2. All Other Zoning Districts.

a. A Kennel shall not be located within two hundred fifty (250) feet of any residential district.

b. Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.

c. At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

C. Veterinary

1. Transitional Agriculture (TA) District.

a. A Veterinary use may treat and house large animals (horses, cattle, etc.).

b. A Veterinary use shall be enclosed within a six-foot (6') fence or wall or forty-eight (48) inch barbed wire fence to restrain animals from running at large.

2. Local Commercial (C-1) District.

a. A Veterinary use shall not be located within one hundred (100) feet of any residential district.

b. No outside runs are allowed.

3. All Other Zoning Districts.

a. A Veterinary use shall not be located within two hundred fifty (250) feet of any residential district.

b. Outside runs shall be operated only with an attendant present on the premises twenty-four (24) hours a day.

c. At a minimum, the animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.

Assembly and Entertainment Use-Specific Regulations

D. Commercial Amusement (Outdoor)

1. Any Commercial Amusement (Outdoor) use shall be located five hundred (500) feet from any residential district or use.
2. Any Commercial Amusement (Outdoor) use shall close by midnight.
3. All exterior lighting for the purposes of illuminating the Commercial Amusement (Outdoor) use or any accessory use shall not spill onto adjacent properties.
4. Noise generated by the use shall not exceed seventy (70) dBA at any residential property line between the hours of 10:00 p.m. and 8:00 a.m.

E. Nightclub

1. A Nightclub shall meet the minimum spacing requirements as provided in Title 37A of the Oklahoma State Statutes.
2. Nightclub spacing requirements may be waived pursuant to OS 37A-2-139.

Commercial Service Use-Specific Regulations

F. Heavy Equipment Services and Sales

1. Light Industrial (I-1) District

a. No Heavy Equipment Services and Sales use shall be located within five hundred (500) feet of any residential use or district.
b. Outdoor display, storage, sales, or rental of heavy equipment shall be screened.
c. Screening for heavy equipment shall be at least six (6) feet tall and no taller than twelve (12) feet.
d. No outdoor display, storage, sales, or rental of heavy equipment shall be taller than the required screening unless located in the rear of the site. If located in the rear, outdoor display, storage, sales, or rental of heavy equipment shall not exceed twenty (20) feet tall.
e. No products for sale shall be displayed between the principal structure and the front property line.

Financial Service Use-Specific Regulations

G. Pawnshop

1. No Pawnshop shall be located within two hundred fifty (250) feet of any residential district or school or religious land use.
2. No Pawnshop shall be located within five hundred (500) feet of any other Pawnshop.
3. No outdoor display or storage is allowed.

Lodging Use-Specific Regulations

H. Bed and Breakfast

1. A Bed and Breakfast is owner-occupied and managed at all times.
2. The maximum number of rented bedrooms is five (5). However, a Bed and Breakfast may rent out more than five (5) bedrooms if permitted by CUP.
3. No cooking facilities are allowed in any of the bedrooms.
4. A Bed and Breakfast shall meet all of the minimum requirements of the City-County Health Department and shall conform in all respects to the requirements of the fire code, building code, electrical code, and plumbing code.
5. A Bed and Breakfast is responsible for the collection of the required City hotel/motel tax.
6. All City-County Health Officers, Building Inspectors, the Fire Marshal and their assistants, and other code enforcement officials of the City shall have the right to go on any premises of a Bed and Breakfast during normal business hours for the purpose of verifying compliance with this subsection and all other applicable ordinances of the City.

I. Short Term Rental

1. A short-term rental is defined as the rental of an existing or otherwise permitted dwelling unit, or any portion thereof, for not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling unit or any portion thereof.

a. Application and approval of a conditional use permit is required before application of the license is approved.

b. An annual short-term rental license may be issued to eligible applicants by the city. A short-term rental license is a privilege that may be denied, suspended, revoked, or not renewed.
c. Short-term rental units shall only be utilized by those individuals who are renting said units, and then only for the purposes of overnight accommodation.
d. Short-term rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise beyond what is allowed under city code, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
e. A licensee or guest of a short-term rental shall not use or allow the use of sound equipment, amplified music, and musical instruments.
f. A licensee or guest of a short-term rental shall not violate any parking ordinances of this Code. Suitable parking based on proposed occupancy must be available on-site, and the use of street parking as the primary guest parking is not allowed.
g. Guest occupancy limits are established for each short-term rental.
h. Anyone under the age of 18 is prohibited from renting a short-term rental.
i. All short-term rental properties shall pay a license application fee and a license renewal fee, as noted in the city fee schedule.
j. All short-term rental properties shall be inspected by the city annually.
k. Short-term rental licenses shall not be transferrable.
l. No person shall offer or engage in a short-term rental in or on any part of the property not approved for residential occupancy. Examples include, but are not limited to, a vehicle or RV parked on the property, storage shed, trailer, garage, or any temporary structure such as a tent.

2. Short-term rental, residential; license required; compliance with applicable codes.

Any fraud, material misrepresentation, or false statements contained in the attestations, required documentation, or correlating application material shall be grounds for immediate revocation of a short-term rental license. Furthermore, all requirements shall be continuously maintained throughout the duration of the permit. These requirements shall be verified as having been met through an annual inspection.

a. No person shall manage or operate a short-term rental without an annual license, as provided herein, issued by the community development department.
b. Licenses for short-term rental shall expire annually on the date the license was originally granted or immediately upon change of ownership. Licenses may be renewed annually upon filing a renewal application with the community development department.
c. No license shall be issued or renewed until the applicant verifies that tax permits have been issued by the State of Oklahoma and provides evidence that all applicable collection of taxes will take place or is taking place.
d. No license shall be issued or renewed where taxes are delinquent and are owed by the owner or operator of the property or if the property violates any section of this Code. No renewal shall be issued for a property deemed to breach this Code until such violation is resolved through final disposition of a prosecution filed in the municipal or district court or upon certification by the building code official that the property is in compliance with applicable codes.
e. No short-term rental license shall be issued until a conditional use permit (CUP) has been approved by the city.
f. No person shall offer or engage in a short-term rental without complying with applicable building and fire codes.
g. Use of a short-term rental for any commercial events is prohibited. Each short-term rental shall comply with all applicable noise ordinances.

h. The number of occupants at any given time in a short-term rental unit shall not exceed the number of beds.

3. Suspension, revocation; notice and appeal; complaint process

a. A license issued may be suspended or revoked by the city for failure to pay applicable sales and/or occupancy taxes due or for violation of any section of this Code or state law.

b. Failure to renew the short-term rental license annually will require a new license application to be submitted and charged the initial fee as described in the city fee schedule.

c. A resident within 300 feet of the short-term rental may file a complaint with the city if they feel the short-term rental unit is noncompliant with the provisions of this division.

d. No license shall be suspended or revoked until the owner has been accorded written notice of the violation(s) and administrative hearing with the city.

e. The decision to suspend or revoke the license may be appealed to the city commission by filing notice thereof with the city clerk within ten days of said action.

4. Covenants, deed restrictions; overlay requirements

This division or any section therein is not intended to be construed in derogation of, or in conflict with, any restrictive covenant, deed restriction, or lease agreement that may be applicable. This division or section therein shall be subject to any applicable overlay district or provision thereof or any zoning restriction unique to a particular area or parcel.

5. Penalty

Violation of Division III.Sec. 22-199. I. shall be deemed a class C offense. Each day a short-term rental is operated in violation of said section shall constitute a separate offense.

Restaurant and Bar Use-Specific Regulations

J. Bar

1. A Bar shall meet the minimum spacing requirements as provided in Title 37A of the Oklahoma State Statutes.
2. Bar spacing requirements may be waived pursuant to OS 37A-2-139.

K. Brewpub

1. A Brewpub shall meet the minimum spacing requirements as provided in Title 37A of the Oklahoma State Statutes.
2. Brewpub spacing requirements may be waived pursuant to OS 37A-2-139.
3. Service bays for loading and unloading materials shall not face streets unless they are set back at least fifty (50) feet from the street.
4. The previous regulations do not apply to a Brewpub located in the Downtown district.
5. Service trucks for the purpose of loading and unloading materials and equipment or removing waste shall be restricted to the hours between 8:00 a.m. and 8:00 p.m.
6. No outdoor storage is permitted, including parking and storage of vehicles associated with the business.

L. Restaurant

1. Local Commercial (C-1) District and Mixed Use (MU) District.

a. A Restaurant with a drive-thru is only allowed by CUP.

b. Drive-thrus shall follow the requirements established in Division III.Sec. 22-205. E. 3.

c. Drive-thrus with individual service speakers shall not be permitted within one hundred (150) feet of any residential district unless the speaker is appropriately screened by a sound abatement system.

d. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

2. Regional Commercial (C-2) District.

a. Drive-Thrus.

i. Drive-thrus are allowed and shall follow the requirements established in Division III.Sec. 22-205. E. 3.

ii. Drive-thrus with individual service speakers shall not be permitted within one hundred fifty (150) feet of any residential district unless the speaker is appropriately screened by a sound abatement system.

b. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

3. Downtown (DT) District.

a. No drive-thrus are allowed.

b. Accessory outdoor customer seating/dining areas are allowed if they meet the applicable district's dimensional standards.

Retail Sales Use-Specific Regulations

M. Grocery Store

1. Local Commercial (C-1) District.

a. No drive-thrus are allowed.

Vehicle Sales and Service Use-Specific Regulations

N. Car Wash

1. Local Commercial (C-1) District.

a. A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.

b. A Car Wash shall be closed for business between midnight and 6:00 a.m.

c. All bays and overhead doors shall be oriented away from any residential district.

2. All Other Zoning Districts.

a. A Car Wash shall not be located within one hundred fifty (150) feet of any residential district.

b. All bays and overhead doors shall be oriented away from any residential district.

O. Heavy Personal Vehicle Repair and Maintenance

1. All Heavy Personal Vehicle Repair and Maintenance activities shall take place within an enclosed space.

2. A Heavy Personal Vehicle Repair and Maintenance use shall be located three hundred (300) feet from any residential district or school use.

P. Light Personal Vehicle Repair and Maintenance

1. All Light Personal Vehicle Repair and Maintenance activities shall take place within an enclosed space.

2. A Light Personal Vehicle Repair and Maintenance use shall be located one hundred fifty (150) feet from any residential district or school use.

Q. Personal Vehicle Sales and Rentals

1. A Personal Vehicle Sales and Rentals use shall be located one hundred fifty (150) feet from any residential district.

2. A Personal Vehicle Sales and Rentals use shall not be located within three hundred (300) feet of any other Personal Vehicle Sales and Rentals use.

3. No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, repair and service, and washing.

4. Inventory spaces shall not count toward the minimum parking requirements.

R. Service Station

1. A Service Station shall not be located within one hundred (100) feet of any residential district unless screened by a screening device established in Division IV.Sec. 22-212. C.
2. A Service Station including fuel pumps shall meet the following requirements and those regulations established in Division III.Sec. 22-205. E. 4.
3. Any fuel pump island or other structure shall meet the zoning district's applicable minimum setbacks.
4. All fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least fifteen (15) feet from all property lines. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least six inches in height extending a minimum of twelve (12) inches beyond the dispenser in all directions. When adequate protection is not provided by the concrete platform alone, additional safeguards shall be provided by a pipe bollard or guard rails.
5. Underground tanks for the storage of flammable or combustible liquids shall be located at least five (5) feet from any wall, foundation, or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within twenty (20) feet of the tanks.
6. All service station canopies constructed shall be constructed with a minimum vertical clearance of fifteen (15) feet.
7. All canopies shall be set back at least fifteen (15) feet from all property lines.
8. Service stations shall not allow automobiles, which are inoperative or are being repaired, to remain outside such service station for a period greater than seven (7) days.

Sec. 22-200. Marijuana Use-Specific Regulations

All marijuana uses shall comply with all applicable City, County, State of Oklahoma, and Federal regulations and permit requirements prior to approval, including the requirements provided in Title 63 of the Oklahoma State Statutes.

Sec. 22-201. Industrial Use-Specific Regulations

Wholesale, Distribution, and Storage Use-Specific Regulations

A. Self-Service Storage Facility

1. Access

a. The Self-Service Storage Facility shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.

b. A Self-Service Storage Facility shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.

2. Storage

a. A Self-Service Storage Facility unit shall not be used for the storage of explosives, ammunition, or hazardous or flammable materials.

b. Self-Service Storage Facility units shall be used solely for the purpose of storage of goods and possessions and shall not be used for the operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.

c. No outdoor storage is permitted in the Regional Commercial (C-2) District.

Outdoor storage may be allowed within

d. Light Industrial (I-1) District in approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure.

3. Accessory Office

a. The Self-Service Storage Facility may include accessory on-site offices and living quarters.

b. These accessory spaces shall not exceed more than three thousand (3,000) square feet.

Recycling Use-Specific Regulations

B. Recycling Facility

1. A Recycling Facility shall comply with all applicable County, State of Oklahoma, and Federal regulations and permit requirements prior to approval.
2. A Recycling Facility shall be located at least five hundred (500) feet from any residential use or district.
3. A Recycling Facility shall be located on at least ten (10) acres.

C. Salvage Yard

1. A Salvage Yard shall be located at least five hundred (500) feet from any residential use or district.
2. No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation.
3. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
4. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 7:00 a.m. and 9:00 p.m.
5. Screening shall be provided for all disabled or damaged vehicles, tools, and equipment.
6. Screening for disabled or damaged vehicles, tools, and equipment shall be constructed and be at least six (6) feet tall.
7. No screening wall shall exceed twelve (12) feet tall.
8. In no instance shall any disabled or damaged vehicles, tools, or equipment be stacked higher than the required screening wall.

D. Solid Waste Facility

1. A Solid Waste Facility shall comply with all applicable County, State of Oklahoma, and Federal regulations and permit requirements prior to approval.
2. A Solid Waste Facility shall be located at least one thousand (1,000) feet from any residential use or district.
3. A Solid Waste Facility shall be located on at least ten (10) acres.

Sec. 22-202. Public, Civic, and Institutional Use-Specific Regulations

Infrastructure Use-Specific Regulations

A. Wireless Communication Facility

1. Generally

a. The Telecommunications Act of 1996, as amended (the Telecommunications Act) grants the Federal Communications Commission (FCC) jurisdiction over certain aspects of telecommunications services.

b. This Subsection intends to regulate cell towers, telecommunications facilities, and antennas in the City in conformance with the Telecommunications Act without prohibiting or intending to prohibit any person from providing wireless communications services.

c. It is the policy of the City to minimize the number of towers and to encourage the collocation of antennas of more than one wireless services provider on a single tower.

d. Telecommunications facilities, towers and antennas in the City shall be constructed in a way to:

i. Protect residential areas and land uses from potential adverse impact through careful design, siting, and camouflaging;

ii. Promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers;

iii. Avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound; and

iv. Ensure that towers and antennas are compatible with surrounding land uses.

2. Location of Towers, Construction Standards and Collocation

a. Towers may be allowed by-right or require conditional use permit approval on land in those zoning districts where specified in Table III.2: Use Table.

b. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application and issuance of the permit by the City. Applicants shall submit their application and shall pay a filing fee in accordance with the City's Fee Schedule.

c. All towers, telecommunications facilities and antennas on which construction is commenced within the zoning jurisdiction of the City after the effective date of this UDC, shall conform to the Building Code and all other construction standards set forth in the Shawnee City Code, federal and state law, and applicable industry standards.

d. Upon tower construction completion and prior to the commencement of the use, an engineer's certification that the tower is structurally sound and complies with all of the applicable requirements of this Subsection shall be filed with the Director.

3. Application to Develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted and include the following:

a. The name, address and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.

b. The legal description and address of the tract of land on which the tower is to be located.

c. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the location of the proposed tower, including publicly and privately owned towers or structures.

d. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support structure within a one (1) mile radius of the proposed tower location or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure within a one (1) mile radius of the proposed tower location.

e. Written evidence from an engineer that the proposed tower will meet the Building Code, all other construction standards set forth by the Shawnee City Code and federal and state law and applicable industry standards.

f. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residential zoned property and nearest roadway, street or highway.

g. A scaled site plan clearly indicating the location, type, height and width of the proposed tower, on-site land uses and zoning district, adjacent land uses and zoning districts (including when adjacent to other municipalities or the County), adjacent roadways, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed tower and any other structures, topography, landscaping, fencing, and finished color, method of camouflage and illumination, parking, utility runs and other information deemed necessary to assess compliance with this Subsection.

h. A clear and complete written statement of purpose which shall minimally include:

    i. A description of the objective to be achieved;
    ii. A to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and
    iii. Full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

    These materials shall be reviewed and signed by a professional engineer.

i. Descriptions and diagrams of the proposed tower, telecommunications facilities and antennas, manufacturer's literature, appurtenances such as buildings, driveway, parking area and fences or other security enclosures with sufficient detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

j. An application for a building permit.

4. Tower Procedure

After receipt of an application for a tower, the City Clerk may schedule a public hearing as specified in Division VI.Sec. 22-223. E.

5. Preferred Tower Locations

a. All new towers are permitted only after application of the following siting priorities, ordered from most-preferred (i) to least-preferred (v):

    i. Industrial zoning districts;
    ii. Commercial zoning districts;
    iii. Other non-residential zoning districts;
    iv. Parcels of land in residential zoning districts;
    v. Designated historic districts.

b. The applicant for a tower shall address these preferences in an alternative sites analysis prepared pursuant to 6. below.

6. Alternative Sites Analysis

a. For a tower, the applicant must address the City's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three (3) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

b. A complete alternative sites analysis provided under this Subsection may include less than three (3) alternative sites so long as the applicant provides a factually detailed written rationale

for why it could not identify at least three (3) potentially available, higher ranked, alternative sites.

c. For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide:
    i. A description of its objective, whether it be to address a deficiency in coverage or capacity;
    ii. Detailed maps or other exhibits with clear and concise Radio Frequency ("RF") data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and
    iii. A description of why the alternative (collocation or a more preferred location) does not meet the objective.

7. Setbacks and Separation Requirements

a. All towers up to fifty (50) feet in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.

b. Towers in excess of fifty (50) feet in height shall be set back one additional foot for each foot of tower height in excess of fifty (50) feet, except where that setback is from property owned, controlled and/or maintained by the City and the City finds in granting the permit that reducing such additional setback will not cause harm to the intended use of the public property.

c. The height of a tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto.

d. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

e. Towers exceeding one hundred (100) feet in height shall not be located in any residential zoning district and must be separated from all residential zoned land and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.

f. Towers of one hundred (100) feet or less in height may be located in residential zoned districts provided that tower is separated from any residential structure, school, religious land use, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the proposed tower.

g. Towers must meet the following minimum separation requirements from other towers:
    i. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred fifty (750) feet.
    ii. Self-supporting lattice or guyed towers shall be separated from all other self-supporting or guyed towers by a minimum of one thousand five hundred (1,500) feet.

8. Illumination and Security Fences

a. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). In cases where there are residential zoned properties located within a distance of three hundred (300%) of the height of the tower, any tower subject to this Subsection shall be equipped with lighting that minimizes its effect on residential zoned properties.

b. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9. Exterior Finish, Notice, Signs and Visual Impact

a. Exterior Finish

Towers shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the City as part of the application approval process.

b. Signs

No tower shall bear any sign other than signs required by law or expressly permitted or required by the City.

c. Visual Impact

All towers are encouraged to be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the tower.

10. Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the UDC.

11. Maintenance, Repair or Modification of Existing Towers

a. All towers constructed or under construction before the effective date of the UDC may continue in existence as a nonconforming structure and may be maintained or repaired without complying with any of the requirements of this UDC.

b. Nonconforming structures or uses shall not be enlarged or the degree of nonconformance increased without complying with this UDC, including applying for and obtaining a permit for a tower.

c. Any modification or reconstruction of a tower constructed or under construction after the effective date of the UDC, shall require compliance with the requirements of this UDC, including applying for and obtaining a permit for a tower. That application shall describe and specify all items that do not comply with this UDC and may request, subject to approval by the City, an exemption from compliance as a condition of the permit.

12. Inspections

a. The City reserves the right to conduct an inspection of towers, antenna support structures, telecommunications facilities, and antennas upon reasonable notice to the tower owner or operator to determine compliance with this Subsection and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the Building Code and any other construction standards set forth in the Shawnee City Code, federal and state law or applicable industry standards.

b. If, upon inspection, the City concludes that a tower, antenna support structure, telecommunications facilities, or antennas fail to comply with codes or standards and constitute a danger to persons or property, then upon written notice being provided to the owner, the owner shall have sixty (60) days to bring such into compliance with the codes and standards. Failure to comply within sixty (60) days shall constitute grounds for removal at the owner’s expense.

13. Maintenance

The towers, antenna support structures, telecommunications facilities, and antennas shall at all times be kept and maintained in good condition, order and repair so that the same do not constitute a nuisance to or a danger to the life or property of any person or the public.

14. Abandonment

If any tower ceases to be used for a period of one (1) year, the City shall notify the tower owner that the site will be subject to a determination by the Director that the site has been

abandoned. Upon issuance of a notice by the Director, the tower owner shall have thirty (30) days to show by a preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Director shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Director and a written request shall be directed to the City Attorney to proceed to abate the public nuisance pursuant to the Shawnee City Code, and charge the costs against the property on which the tower is located or the owner of record of the that property.

15. Certificate of Completion, Compliance and Appearance

a. A certificate of completion will only be granted upon satisfactory evidence that the tower was installed in substantial compliance with the approved plan/permit.

b. If it is found that the tower does not substantially comply with the approved plan/permit, the applicant shall make any and all such changes required to bring the tower into compliance promptly.

c. The site and tower, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plan/permit.

d. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any tower site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of that revocation.

B. Freestanding Towers

Freestanding Towers must comply with the requirements specified in A. above.

C. Building- or Tower-Mounted Antennas

Building-or Tower-Mounted Antennas must comply with the requirements specified in A. above.

Sec. 22-203. Recreation Use-Specific Regulations

A. Firearm Range

1. A Firearm Range shall only be allowed in an enclosed building.
2. A Firearm Range must be located at least:

a. Five hundred (500) feet from any use established in the Public, Civic, and Institutional use category unless the Firearm Range is exclusively for training government or US military personnel.

b. One thousand (1,000) feet from any residential use.

3. Firearm shooting lanes must be designed in an orientation where projectiles are fired away from public roadways.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
5. A Firearm Range shall meet all Federal and State regulations regulating firearms and any associated facilities.

Sec. 22-204. Agricultural Use-Specific Regulations

A. Agritainment

1. Noise shall not exceed seventy (70) decibels at the property boundaries.
2. An Agritainment use shall provide sanitary and waste services for participants and spectators.
3. An Agritainment use shall provide paved emergency medical services and fire lanes as part of the facility's operations.
4. The fire lane shall be at least twenty-eight (28) feet wide.

Sec. 22-205. Accessory Uses

A. Purpose

This Section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards established in this Section. All principal uses allowed in a zoning district shall be deemed to include those accessory activities typically associated with the use, unless specifically prohibited in this Section.

B. Approval Procedure

1. Generally

Any of the accessory uses identified in this Article may be allowed as an accessory to an authorized principal use provided that:

a. The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and

b. The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this Section.

2. Simultaneously with a Principal Use

Accessory uses or buildings may be reviewed as part of the review of an associated principal use. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with an approved Conditional Use Permit.

3. Subsequent to a Principal Use

a. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.

b. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with the provisions in Division VI.

C. Interpretation of Unidentified Accessory Uses

The Director shall evaluate applications for accessory uses that are not identified in this Article on a case-by-case basis, based on the following standards:

1. The definition of "accessory use" in Division X, and the general accessory use standards and limitations established in this Section;
2. The purpose and intent of the base districts in which the accessory use is located;
3. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
4. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

D. General Standards for all Accessory Uses

All accessory uses and buildings shall be subject to the general standards in this Section, as well as any applicable supplemental standards in Subsection E. and all standards applicable to the associated principal use as set forth in Division III.

1. Size

All accessory uses shall:

a. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and

b. Not violate the bulk, density, parking, landscaping, or open space standards of this UDC when taken together with the principal use or structure.

c. The floor area of any detached accessory building shall not exceed fifty percent (50%) of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located. The Director may authorize a building to exceed this percentage if the building is used for animal production or crop production associated with an agricultural use.

2. Function

All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.

3. Timing

Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.

4. Height

Accessory buildings shall be limited to a maximum height of eighteen (18) feet unless exempted from the height requirements in this UDC.

5. Location

a. Accessory uses or buildings shall be located on the same lot as the principal use or building.

b. Accessory buildings shall not be located within platted or recorded easements.

c. Accessory buildings shall be set back at least five (5) feet from any side lot line and ten (10) feet from any rear lot line.

d. The Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park.

E. Accessory Use-Specific Regulations

1. Accessory Dwelling Unit (ADU)

a. The property owner must reside in either the principal structure or the ADU.

b. Only one ADU is allowed per lot in conjunction with a single-family house.

c. An instrument shall be recorded with the County Clerk’s office covenanting that the structure is being established as an accessory dwelling unit and may only be used under these expressed conditions.

d. The ADU shall only be located in the rear yard.

e. The living space of the ADU shall not exceed nine hundred (900) square feet.

f. The footprint of a single-story detached accessory dwelling shall not exceed 50% of the first floor area of the principal structure.

g. The footprint of a two-story detached accessory dwelling shall not exceed 40% of the first floor of the principal structure.

h. The ADU shall be of similar style, design, and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
i. The ADU must provide at least one off-street parking space.
j. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic, lot-specific circumstances exist which require approval from the director.

2. Donation and Collection Bin

a. A Donation and Collection Bin shall meet all required zoning district setbacks.
b. A Donation and Collection Bin may be located in parking spaces as long as the required parking minimums are met.
c. The maximum size for a Donation and Collection Bin is forty (40) square feet.
d. The maximum height for a Donation and Collection Bin is five (5) feet.

3. Drive-Thru

a. All Drive-Thru Facilities are set back five (5) feet from any property line.
b. All Drive-Thru Facilities shall accommodate the required stacking standards.
c. A drive-thru lane is required on site.
d. The drive-thru lane is at least ten (10) feet wide.
e. The drive-thru lane provides at least three (3) vehicle stacking spaces before the drive-thru window.
f. Vehicle stacking spaces shall be ten (10) feet wide by twenty (20) feet long.

4. Fuel Pump(s)

a. All fuel pumps shall not be located within one hundred fifty (150) feet of a residential district.
b. All fuel pumps shall set back at least fifteen (15) feet from all property lines.

5. Home Occupation

a. No exterior alterations of the structure shall be made that are of a nonresidential nature or that change the character of the residence.
b. No trading in merchandise shall be carried on and there shall be no display of merchandise.
c. No mechanical equipment shall be used or activity conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which the Home Occupation is conducted.
d. Outside storage or display of materials or items associated with the Home Occupation shall be prohibited.
e. A Home Occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
f. The use shall be conducted entirely within the main or accessory building.
g. No Home Occupation shall cause excessive traffic. Excessive traffic shall be considered more than ten (10) vehicle trips per day in accordance with the most current addition of the Trip Generation Manual, published by the Institute of Traffic Engineers.
h. All associated parking shall be accommodated on the property upon which the home occupation is conducted. All parking areas shall be hard surfaced as either concrete, asphalt, or pervious pavement.
i. The total square footage of the home occupation shall not occupy more than thirty percent (30%) of the structure within which it is conducted.
j. Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles shall not be visible from the street.

k. A Home Occupation shall not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

6. Outdoor Display

a. Outdoor Display shall be designated on an approved site plan.

b. Outdoor Display is limited to five percent (5%) of the total lot area or twenty percent (20%) of the primary building's gross floor area, whichever is more restrictive.

c. Outdoor Display shall be placed within ten (10) feet of the front facade of the primary building and shall not exceed eight (8) feet in height.

d. If the items are placed on a sidewalk or other pedestrian area, a 6-foot-wide pedestrian path must be maintained through and adjacent to the Outdoor Display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, easements, maneuvering aisles, customer pick-up lanes, and loading zones.

e. The temporary storage of merchandise for display and sale during a sidewalk sale shall not be prohibited. A 4-foot-wide clearance shall be provided along the public sidewalk.

7. Outdoor Storage

a. Outdoor Storage shall be designated on an approved site plan.

b. Outdoor Storage shall not be placed:

i. Within any required setbacks.
ii. Within parking spaces, fire lanes, easements, maneuvering aisles, or loading areas.
iii. On the roof of any structure.
iv. To exceed the required screening height.
v. At the front of any primary building.

c. Outdoor Storage is limited to five percent (5%) of the total lot area or twenty percent (20%) of the primary building's gross floor area, whichever is more restrictive.

d. Outdoor Storage shall comply with Division IV.Sec. 22-212. C.

e. Outdoor Storage items shall be stored on a paved surface, and associated access and maneuvering drives shall be constructed of a paved surface, except for in the TA, I-1, and I-2 zoning districts where items, may be placed on a gravel surface or similar permeable surface.

8. Service Bay(s)

a. All service bays within one hundred (100) feet of a residential district shall face away from adjacent residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

b. Service bays shall orient away from street frontage.

9. Storm Shelter

a. Storm shelters shall not be constructed in any public utility, drainage, public right-of-way, or roadway easement or right-of-way, and shall comply with all applicable FEMA and ICC standards.

b. Storm shelters may be constructed in the rear or side yard.

c. Underground storm shelters may be constructed provided that a five-foot side yard is maintained from the side property lines.

d. Underground storm shelters shall not have any projection to include backfill, cover, hatches, stairs, or vent pipes exceeding twelve inches above grade in height, with measuring the point to be twelve inches from any side or radius of the constructed shelter.

e. Above-ground storm shelters, constructed in the rear or side yard, must comply with the requirements of this Section.

10. Wind Energy Conversion System

a. Purpose

In order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community, the purpose of this section is to regulate the private use of wind energy conversion systems for the production of electricity for use on a lot.

b. Standards

All wind energy conversion systems are subject to and must comply with the following provisions:

i. Setbacks

Minimum setbacks for wind turbines shall be:

(A) A minimum of 1.1 times the total extended height of the wind turbine – as measured from the average ground level of the lot to the uppermost part of the wind turbine – from the project property lines.

(B) Guy wire anchors may not extend closer than ten (10) feet from any property line.

ii. Number per Lot or Parcel

A maximum of two wind turbines per lot or parcel is permitted on lots or parcels less than one-half acre in size; a maximum of four wind turbines per acre are permitted on lots or parcels at least one-half acre in size.

iii. Height

Subject to the above-referenced setback requirements, the maximum total extended height of tower-mounted wind energy conversion systems – as measured from the average ground level of the lot to the uppermost part of the wind turbine – is thirty-five (35) feet on parcels less than five (5) acres in size and seventy (70) feet on parcels five (5) acres or greater. If roof-mounted, the extended height shall not exceed ten (10) feet above the roof ridge and in no case be higher than thirty-five (35) feet.

iv. Lighting

Wind system towers shall not be artificially lit unless required, in writing, by the FAA or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

v. Access

All tower-mounted wind energy conversion systems must comply with the following provisions:

(A) The tower shall be designed and installed so that there shall be no exterior step bolts or a ladder on the tower readily accessible to the public for a minimum height of twelve (12) feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed; and

(B) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

vi. Rotor Safety

All wind turbines shall comply with the following rotor safety requirements.

(A) Each wind turbine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shutoff switch shall be included with the installation.

(B) The minimum distance between the ground and any protruding blades utilized on a private wind turbine shall be ten (10) feet, as measured at the lowest point of the arc of the blades.

(C) All blades of a wind turbine are required to be within a shroud.

vii. Noise

All wind turbines shall comply with these noise requirements and restrictions. These levels may not be exceeded at any time, including short-term events such as utility outages and severe wind storms. A manufacturer's sound report shall be required with a building permit application.

(A) No wind energy conversion system or combination of wind energy conversion systems on a single lot or parcel shall create noise that exceeds a maximum of thirty-five (35) decibels (dBA) at any property line where the property on which the wind energy conversion system(s) is located or the abutting property is less than one acre; or, a maximum of fifty (50) decibels (dBA) at any other property line. Measurement of sound levels shall not be adjusted for or averaged with non-operating periods.

(B) Any wind energy conversion system(s) exceeding these levels shall immediately cease operation upon notification by the Building Official and may not resume operation until the noise levels have been reduced and verified by an independent third-party inspector, approved by the Building Official, at the property owner's expense. Upon review and acceptance of the third-party noise level report, the Building Official will allow the operation of the affected wind energy conversion system(s). Wind energy conversion system(s) unable to comply with these noise level restrictions shall be shut down immediately and removed upon notification by the Building Official after a period established by the Building Official.

viii. Aesthetics and Maintenance

(A) Appearance

Wind turbines, unless subject to any applicable standards of the FAA, shall be a non-obtrusive color such as tan, sand, gray, black, or similar colors. The painting or coating shall be kept in good repair for the life of the wind turbine. In addition, any changes to the approved color shall result in notification by the Building Official that the affected wind turbine(s) shall cease operation until a color correction has been made. If the affected wind turbine(s) are not repainted using an approved color within the period established by the Building Official, the owner shall remove the affected wind energy conversion system(s).

(B) Electrical Wires

All electrical wires leading from the tower to electrical control facilities shall be located underground.

(C) Maintenance

Wind turbines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards.

ix. Signs

Only one sign is allowed on the wind turbine and it shall not exceed one square foot in size.

x. Compliance with FAA Regulations

All wind turbines shall comply with applicable FAA regulations, including any necessary approvals for installations.

xi. Certified Safe

An Oklahoma professional engineer sealed drawing or statement shall accompany a building permit application confirming that the wind energy conversion system(s) has been designed and is planned to be constructed in accordance with accepted industry standards and certified safe.

c. Repair and Removal of Wind Turbines

i. Any wind turbine found to be unsafe by the Building Official or fire department shall immediately cease operation upon notification by the Building Official or fire department and shall be repaired by the owner to meet federal, state, and local safety standards or be removed within six (6) months. Wind turbines that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind turbine.

ii. When a wind turbine is removed from a site, all associated and ancillary equipment, batteries, devices, structures, or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind turbine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind turbine is no longer connected to the public utility electricity distribution system.

d. Mounting of Wind Turbines

Attachment of the wind turbine, including any support or structural components, to any building or structure shall be in strict compliance with building codes and fire codes. Galvanized steel or metal is the acceptable system for the support structures.

e. Compliance with Regulations

i. All wind energy conversion systems shall comply with applicable fire codes and building codes.

ii. All standards and regulations under this subsection and other applicable fire and building codes are mandatory. Once wind turbines are permitted, the owners have the option of compliance with the standards or discontinuation of operations. If the operation of the wind turbine(s) does not comply with the provisions of this section, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind turbines.

Sec. 22-206. Temporary Uses and Structures

A. Purpose

This Section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this section and are discontinued upon the expiration of a set time period.

B. Approval Procedure

Any use listed in this article may be permitted as a temporary use provided:

1. Where indicated in Table III.2: Use Table; and

2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this Section.

C. General Standards for all Temporary Uses

All temporary uses or structures shall meet the following general requirements unless otherwise specified in this UDC:

1. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
2. The temporary use shall comply with all applicable general and specific regulations of this Article unless otherwise expressly stated.
3. Permanent alterations to the site are prohibited.
4. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or the permit expires, whichever occurs first.
5. Temporary permits for construction yards, field offices, and batching plants and conditional use permits for regulating temporary buildings shall be issued for a period of time not to exceed twelve (12) months. Temporary permits for Itinerant Vendors/Transient Street Vendor and Seasonal Roadside Stands shall be issued for a period of time not to exceed 3 months. Extensions may be granted by the City Commission. Upon due notice and hearing before the City Commission, any such permit may be revoked if the City Commission finds the use of the building or structure is contrary to the intent of this UDC or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.
6. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
7. The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as health or building permits.
8. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
9. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
10. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or Fire Marshal, including fire rating.
11. Off-street parking shall be adequate to accommodate the proposed temporary use.

D. Temporary Use-Specific Regulations

1. Emergency Homeless Shelter

a. A temporary Emergency Homeless Shelter may operate for a maximum of forty-five (45) days.
b. The City Manager may extend that period for additional periods of forty-five (45) days each upon approval of the City Commission.

2. Itinerant Merchant/Transient Street Vendor

a. Any Itinerant Merchant/Transient Street Vendor shall comply with the regulations established in Chapter 8 Article III.

3. Seasonal Roadside Stand

a. No Seasonal Roadside Stand shall be closer than ten (10) feet to the right-of-way.

Division IV. Development Standards

Sec. 22-207. General Provisions

Sec. 22-208. Dimensional Regulations

Sec. 22-209. Parking

Sec. 22-210. Loading

Sec. 22-211. Landscaping

Sec. 22-212. Screening and Fencing

Sec. 22-213. Outdoor Lighting

Sec. 22-214. Design Standards

Sec. 22-215. Refuse Facilities

Sec. 22-216. Signs

Sec. 22-217. Infill Development Standards

Sec. 22-218. Performance Standards

Sec. 22-207. General Provisions

A. Purpose

This Article establishes uniform standards for the development and improvement of property throughout Shawnee to ensure quality development that is consistent with the Comprehensive Plan.

B. Organization

This Article is organized into the following sections for each development standard. This Article regulates:

1. Dimensional Regulations – Sec. 22-208.
2. Parking– Sec. 22-209.
3. Loading– Sec. 22-210.
4. Landscaping– Sec. 22-211.
5. Screening and Fencing– Sec. 22-212.
6. Outdoor Lighting– Sec. 22-213.
7. Design Standards– Sec. 22-214.
8. Refuse Facilities– Sec. 22-215.
9. Signs– Sec. 22-216.
10. Infill Development Standards– Sec. 22-217.
11. Performance Standards– Sec. 22-218.

C. Applicability

This Article applies to all new development, expansions, and redevelopment within the corporate limits of Shawnee unless otherwise specified. Each section in this Article establishes when a particular standard applies.

D. Administrative Adjustments

Any development may inquire about administrative adjustments to allow for development flexibility. The Director may modify the standards in this Article pursuant to Sec. 22-238.

Sec. 22-208. Dimensional Regulations

A. Purpose

The purpose of this Section is to establish the general rules and exceptions for required lots, yards, setbacks, and height requirements.

B. Applicability

This Section applies to any lot, yard, setback, and height required by this UDC.

C. Number of Buildings per Lot

1. Single-Family and Two-Family Residential Uses

   Only one primary building for single-family or two-family residential uses with permitted accessory buildings is allowed on a lot, unless specified otherwise in this UDC.

2. Nonresidential and All Other Uses

   Where a lot is used for townhouses, multi-family, nonresidential uses, or a combination of those uses, more than one primary building may be located upon the lot, but only when conforming to all applicable requirements to those uses and the zoning district in which it is located, unless specified otherwise in this UDC.

D. Lot Area and Dimensions

1. No lot shall be created or reduced in area, width, or depth below the minimum requirements established in Division II.
2. A lot that was legally created prior to the adoption of this UDC may be redeveloped, but any deviations from the dimensional standards other than minimum lot area shall require a variance unless located within an infill development.

E. Yard Regulations

1. Generally

a. Every part of a required yard shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided below.

b. In measuring a setback, the shortest distance between a lot line and the building applies.

c. All yards abutting a street are measured from the nearest edge of the right-of-way, or from the lot line, whichever provides the greater setback.

d. Required yard means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

e. This UDC's required yards and setbacks are summarized in Figure IV.1: Lots, Yards, and Setbacks Summary and Table IV.1: Lots, Yards, and Setbacks Summary Key.

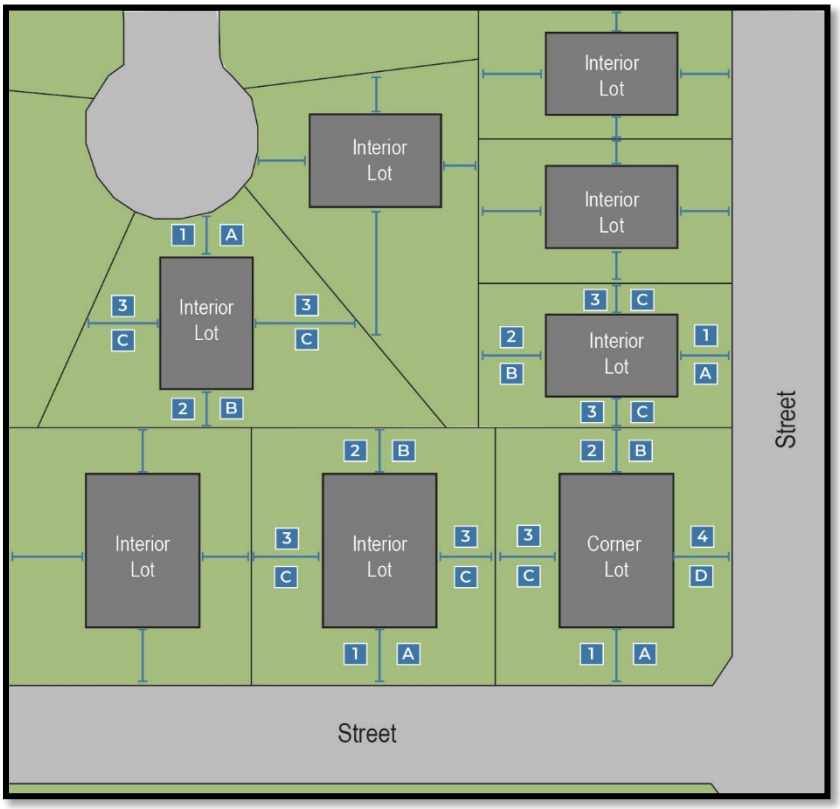


Figure IV-1: Lots, Yards, and Setbacks Summary

Table IV.1: Lots, Yards, and Setbacks Summary Key

Symbol	Yard/Setback Type
1	Front Yard
2	Rear Yard

3	Side Yard
4	Corner Side Yard
A	Front Yard Setback
B	Rear Yard Setback
C	Side Yard Setback
D	Corner Side Yard Setback

2. Front Yard Regulations

a. The front yard shall be open and unobstructed. Eaves and roof extensions or a porch may project into the required front yard for a distance not to exceed 4 feet. See Figure IV.2: Front Yard Projection.

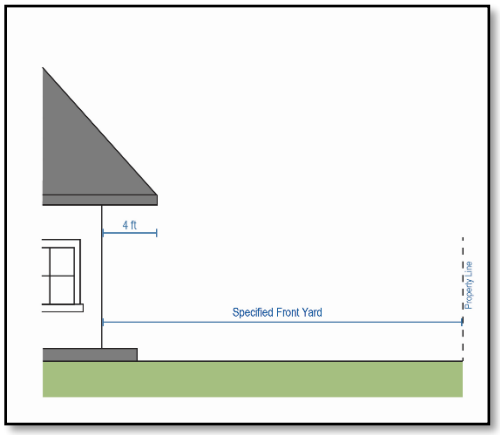


Figure IV-2: Front Yard Projection

b. Where a building line has been established by an approved plat that deviates from the setback that is prescribed by this UDC, the required front yard shall comply with the building line established by that plat.

3. Side Yard Regulations

a. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features projecting not to exceed 12 inches into the required side yard and roof eaves projecting not to exceed 4 feet into the required side yard. A fence (in accordance with Sec. 22-212. D.) may be constructed on the c adjacent to a side yard.

b. Where a side property line divides a nonresidential district from a residential district, a minimum 10-foot side yard is required for the nonresidential lot side adjacent to that residential district.

4. Rear Yard Regulations

Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and the ordinary projections of window sills, belt courses, cornices, roof overhangs, and other architectural features projecting not to exceed 4 feet into the required rear yard. A fence (in accordance with Sec. 22-212. D.) may be constructed on the property line adjacent to a rear yard.

5. Condition Corner Side Yard Regulations

a. Corner lots are on the junction of and abutting two (2) or more intersecting streets.

b. The longest dimension of the yard abutting the street shall be identified as the corner side yard.

c. The other yard that abuts a street adjoined to the corner side yard shall be identified as the front yard.

F. Intersection Visibility Triangle

1. Generally

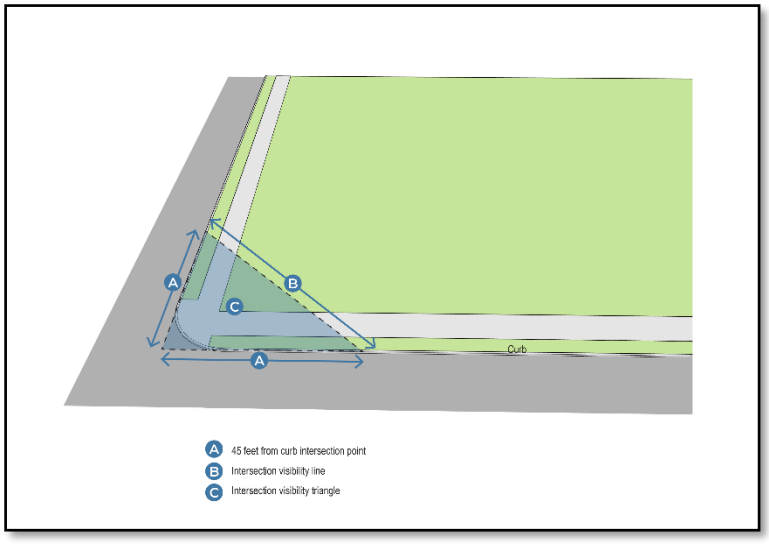
a. These provisions apply to all new development or proposed expansions into the intersection visibility triangle. However, these provisions do not apply to or otherwise interfere with the: placement and maintenance of traffic control devices under governmental authority and control and public utilities; existing screening and fencing requirements; and existing and future City, state, and federal regulations. block

b. Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the intersection visibility triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.

c. At intersections where streets do not intersect at or near right angles, the Director shall have the authority to increase the minimum sight distances required above as they deem necessary to provide safety for both vehicular and pedestrian traffic.

2. Arterials and Collector Intersections

At intersections where arterials and collectors intersect at or near right angles, the Intersection visibility triangle shall be the area formed by extending the two curb lines from their point of intersection forty-five (45) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure IV.3: Visibility at 45' Intersection Point.



i

Figure IV-3: Visibility at 45' Intersection Point

3. Intersections at Local Streets

At all intersections where local streets intersect at or near right angles, the intersection visibility triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure IV.4: Visibility at 30' Intersection Point.

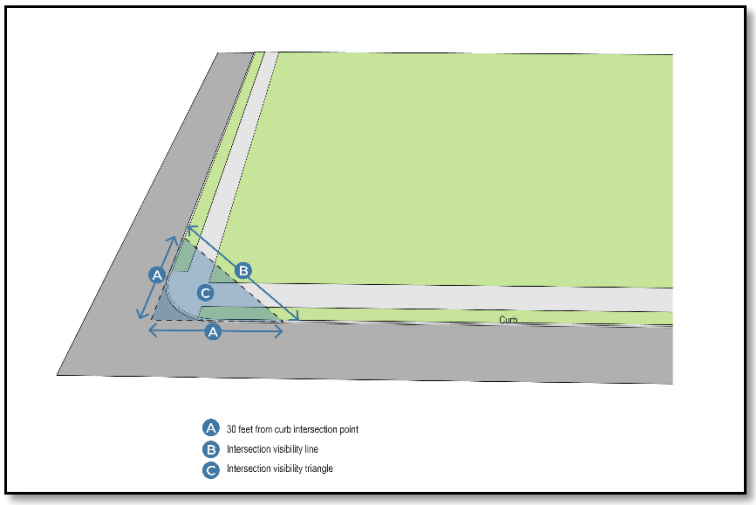


Figure IV-4: Visibility at 30' Intersection Point

4. No Curb Intersections

   If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on arterials and collectors and ten (10) feet on local streets, and connecting these points with an imaginary line, creating a triangle. See Figure IV.5: Visibility at No Curb Intersection Point.

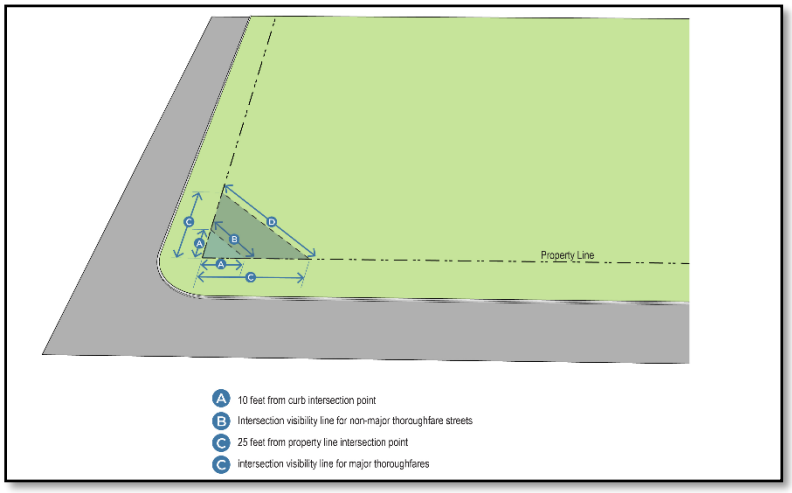


Figure IV-5: Visibility at No Curb Intersection Point

G. Height Regulations

1. A building or structure shall meet the requirements established in this Section unless specified otherwise.
2. The height of a building or structure is the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof or the average height of the highest gable of a pitch or hip roof (see Figure IV.6: Building Height).

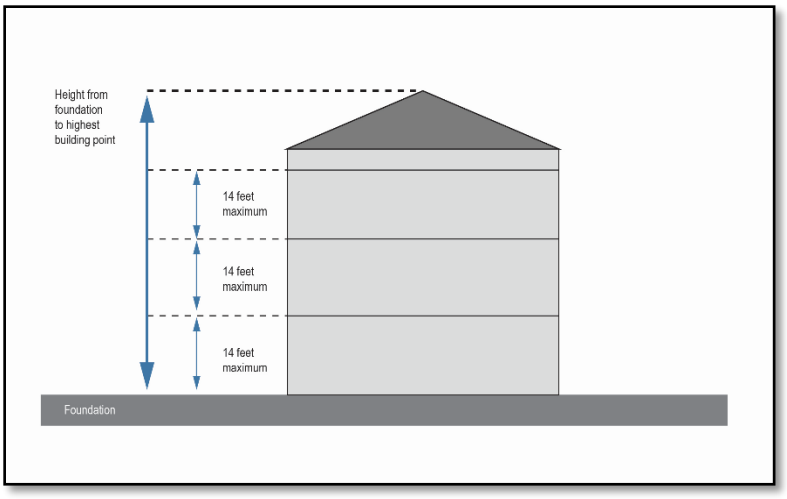


Figure IV-6: Building Height

3. Religious steeples, domes, spires, cooling towers, roof gables, chimneys, vent stacks, and athletic field equipment and fencing are exempt from maximum height provisions.

Sec. 22-209. Parking

A. Purpose

The purposes of this Section are to:

1. Ensure that adequate off-street parking is provided for new land uses and changes in use;
2. Minimize the negative environmental and development design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;
3. Establish standards and regulations for safe and well-designed parking and vehicle circulation areas that minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
4. To regulate off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City;
5. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations;
6. Ensure compliance with provisions of the Americans with Disabilities Act (ADA);
7. Minimize the visual impact of off-street parking areas; and
8. Ensure that adequate off-street bicycle parking facilities are provided in walkable areas and promote parking that offers safe and attractive pedestrian routes.

B. Applicability

1. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use, must meet this section’s parking requirements. These developments require permanent parking. Parking spaces may be provided in a garage or a paved open area.
2. When a change in intensity of use of any building or structure would increase the required parking by more than five (5) spaces or ten (10) percent, whichever is greater, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking is provided

in accordance with this Section unless an adjustment is permitted in Subsection G. below.

C. Compliance Required

1. Off-Street Parking and Loading Review

Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of parking space, and the means of ingress and egress to those spaces. This information is in sufficient detail to determine the requirements of this UDC are met and shall contain necessary information required by applicable provisions of this UDC.

2. ADA Compliance

All ADA parking spaces and related ADA accessibility features are required to be installed in accordance with the current edition of the ADA Standards for Accessible Design (the “ADA Standards”) as published by the Department of Justice. Where discrepancies exist between this UDC and the ADA Standards, the ADA Standards shall apply. All required parking shall meet the ADA Standards.

3. Parking Reduction Procedures

No existing or proposed parking shall be reduced or eliminated unless otherwise specified. Reductions in parking spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

D. Off-Street Parking Requirements

Minimum off-street parking shall follow the requirements established in Table III.2: Use Table.

E. Metrics and Interpretations for Computation

1. Square Footage (Floor Area)

The total or gross building square footage.

2. Fraction of a Space

When the calculation of the number of required parking spaces results in a requirement of a fractional space, any fraction is interpreted as one (1) whole parking space.

3. Parking Calculations by Specific Variables

a. Square Footage
    i. Example: 1/1,000 sf
    ii. Interpretation: 1 parking space for each 1,000 square feet of the building’s floor area

b. Dwelling Unit
    i. Example: 1/DU
    ii. Interpretation: 1 parking space for each dwelling unit

c. Bedroom(s)/Guestroom(s)
    i. Example: 1 + (0.75) bedrooms
    ii. Interpretation: 1 parking space plus the number of parking spaces from calculating 0.75 times all bedrooms.

d. Bedroom Unit
    i. Example: 1.5/1 BRU
    ii. Interpretation: 1.5 parking spaces for a single bedroom apartment unit

e. Acres
    i. Example: 1/5 acres
    ii. Interpretation: 1 parking space for every 5 acres

f. Site

i. Example: 5/site
ii. Interpretation: 5 parking spaces for the entire site

g. Bay

i. Example: 1/bay
ii. Interpretation: 1 parking space for every bay

h. Pumps

i. Example: 1/2 pumps
ii. Interpretation: 1 parking space for every 2 pumps

F. Additional Rules for Computing Parking Requirements

1. Uses Not Listed

The Planning Commission shall have the authority to determine the required parking facilities for uses not specifically listed in Table III.2: Use Table.

2. Cumulative Parking

In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development except as provided in G. 2. below. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.

3. Accessory Uses

Areas accessory to the principal use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use unless noted otherwise.

4. Alterations, Expansions, and Changes in Use

For alterations, expansions, or changes in uses, prior to the issuance of a certificate of occupancy, the Director shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building and the adequacy of the parking provided.

G. Adjustments and Reductions to Parking Requirements

1. Generally

a. In specific instances established below, a reduction in required parking spaces may be approved by the Director. Applications for a reduction shall include the following information:

i. A parking study that substantiates the need for a reduced number of spaces, and
ii. A plan showing how the parking spaces are provided on the site.

b. Multiple parking adjustments and reductions may be used.

c. The maximum required parking reduction shall not exceed forty percent (40%) unless authorized by a variance approved by the Board of Adjustment.

2. Joint Parking Facilities

Joint parking allows parking spaces to be shared among two or more uses that typically experience peak parking demands at different times and that are located on the same lot or on lots within six hundred (600) feet. Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this Section, the following requirements apply to joint parking:

a. Authority to Reduce Parking

i. The Director may reduce the total minimum number of required parking spaces, provided that each use participating in shared parking experiences peak parking demands at different times.
ii. The Director shall base this decision on the criteria established for each parking reduction.

b. Parking Study

The Director shall require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of joint parking.

3. On-Street Parking

a. On-street parking consists of parking spaces located in a public right-of-way.
b. Each parking space that is in a public right-of-way abutting the lot may count as a required parking space for the purpose of meeting the requirements in Table III.2: Use Table.
c. Each parking space must be on a paved area abutting or within the public right-of-way. If it is in a public right-of-way, then it shall not prohibit or limit access for emergency service vehicles as required by the Fire Marshal.

4. Captive Market

Parking requirements for retail and restaurant uses may be reduced up to twenty-five percent (25%) where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of five hundred (500) feet.

5. Availability of Public Parking

a. Parking requirements may be reduced by twenty percent (20%) if a property has available to it a sufficient supply of existing underutilized public parking spaces in off-street public parking lots and/or on-street public parking spaces.
b. Parking must be within a maximum walking distance of five hundred (500) feet from the proposed use.

6. Structured Parking

a. Generally

Parking reductions may be applied for providing parking in a parking structure in addition to any reduction in this Subsection.

b. Above-Grade Parking Structure Reduction

For every one hundred (100) parking spaces located in an above-grade parking structure, a twenty percent (20%) reduction in required parking may be applied.

7. Mixed-Use (MU) District Parking

Any new development in the Mixed-Use (MU) District may apply a fifty percent (50%) reduction to the required parking ratio established in Table III.2: Use Table for that particular use.

8. Downtown (DT) District Parking

a. Downtown Core (DT-C)

Required parking ratios do not apply in the Downtown Core (DT-C) Subdistrict.

b. Downtown Edge (DT-E) and Downtown Transition (DT-T)

Any new development or redevelopment in the Downtown Edge (DT-E) and Downtown Transition (DT-T) Subdistricts may apply a fifty percent (50%) reduction to the required parking ratio established in Table III.2: Use Table for that particular use.

9. Infill Development Parking

a. Any new nonresidential infill development may apply a thirty-five percent (35%) reduction to the required parking ratio established in Table III.2: Use Table for that particular use.

b. Any new residential infill development may apply a twenty-five percent (25%) reduction to the required parking ratio established in Table III.2: Use Table for that particular use.

10. Electric Vehicle (EV) Parking Spaces

The off-street parking spaces required for nonresidential development may be satisfied with EV spaces, not exceeding twenty-five percent (25%) of the required total. The following requirements shall be met to reduce the total parking required.

a. Size

An electric vehicle charging station parking space must meet the size of a parking space as required by this UDC.

b. Installation and Equipment.

i. Electric vehicle charging station installation and equipment must comply with the rules and regulations under the City's adopted building and fire codes.
ii. The required installation and equipment shall include electric vehicle supply equipment and signage.
iii. The circuit needed for an electric vehicle charging station shall have no other outlets.
iv. The necessary service panel shall include an over-current protective device and provide sufficient capacity and space to accommodate the circuit and over-current protective device with the termination point located within thirty (30) feet the electric vehicle parking space.
v. Electric vehicle spaces shall be marked with a permanent and visible sign located in a conspicuous place at the service panel to identify each panel space reserved to support electric vehicles.

c. Accessible Facilities

Accessible electric vehicle charging stations shall be located within seventy-five (75) feet of the building or facility entrance and connect to a barrier-free accessible route of travel.

11. Reduction for Improved Landscaping

The minimum parking requirements may be reduced by twenty percent (20%) if the required site landscaping is increased by twenty percent (20%).

12. Redcution for Pervious Pavement

The minimum parking requirements may be reduced by twenty-five percent (25%) if the site uses pervious pavement for required parking spaces.

H. Residential Parking

1. No person shall park any automobile, bus, truck, motorcycle, or any vehicle on any portion of a yard of any area that is zoned residential unless that area is a:

a. Hard-surfaced driveway or parking area;

b. Pervious pavement bordered by cement curbing or similar permanent border; or

c. Side yard that is enclosed by a fence at least six (6) feet in height and so constructed that no person can see through into the area surrounded by the fence.

2. All residential driveways and any other associated standards shall meet the requirements and specifications established in the City's *Engineering Design Manual*.

3. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or in a required side or rear yard;

provided, however, that such equipment may be parked anywhere on a residential premises no more than twenty-four (24) hours during loading or unloading.

4. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot.

I. Design

1. Generally

a. All required off-street parking facilities are located within five hundred (500) feet of the building measured from the nearest point of the building or structure.

b. All required parking spaces shall be clearly outlined on the surface of the lot with paint or other easily distinguishable material.

c. The surface of parking spaces and aisles, truck standing spaces, and access driveways shall be treated, prepared, and maintained for adequate drainage and eliminating dust, dirt, and mud.

d. All parking areas shall be landscaped with grass, shrubs, trees, and evergreen groundcover and maintained in good condition year-round as required by Sec. 22-211.

2. Parking Space Dimensions

Parking spaces must meet the following standards prescribed in Table IV.2: Parking Space Dimensions. All dimensions represent the minimum requirement for any required parking space.

Table IV.2: Parking Space Dimensions

	Parking Angle (Degrees)	Parking Space Width (Feet)	Parking Space Depth (Feet)
Standard Space	45°	9 ft	18 ft
	60°	9 ft	18 ft
	90°	9 ft	18 ft
	0° (parallel)	8 ft	22 ft
Compact Space	45°	8 ft	16 ft
	60°	8 ft	16 ft
	90°	8 ft	16 ft
	0° (parallel)	8 ft	18 ft

a. Circulation and Maneuverability

i. Circulation within a parking area shall be designed so that a car entering the parking area need not enter a street to reach another aisle.

ii. All maneuvering, except parallel parking, shall occur on site and be designed so that a vehicle may enter an off-street parking space in one forward motion and may exit in one reverse and one forward motion.

3. Drive Aisle Dimensions

a. The minimum for a one-way drive aisle shall be fourteen (14) feet wide.

b. The minimum for a two-way service aisle shall be twenty-four (24) feet wide.

c. Driveways used for ingress and egress shall be confined to and shall not exceed thirty (30) feet in width, exclusive of curb returns.

4. Parking Construction and Maintenance

Off-street parking areas for nonresidential developments with more than two parking spaces shall comply with the following provisions:

a. All sides of a lot abutting a residential use shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of at least six (6) feet.
b. No parking shall be permitted within ten (10) feet of a front yard setback in a residential district or any abutting residential use. In all other cases, no setback shall be required; provided, however, that on any corner lot formed by two intersecting streets, no parking shall be permitted within the intersection visibility triangle.
c. All areas used for parking and driveway purposes shall be paved as established in the *Engineering Design Manual*.
d. Bumper guards or wheel stops may be required where deemed necessary by the Director.
e. The intensity of light and arrangement of reflectors shall be such as to not interfere with residential district use.

J. Bicycle Parking Facilities

1. Generally

a. Bicycle parking is required for certain uses in the DT, MU, and TL zoning districts to encourage the use of bicycles by providing secure and convenient places to park bicycles.
b. Required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without inconvenience.
c. Bicycle spaces are measured as the ability for a facility to store one bicycle. One bicycle space equals one stored bicycle.
d. A bicycle parking facility shall not obstruct pedestrian traffic or interfere with the use of the pedestrian area.

2. Required Minimums

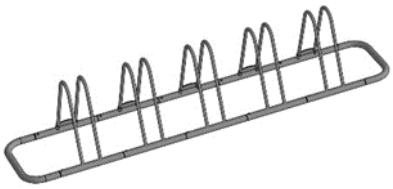
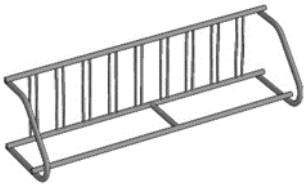
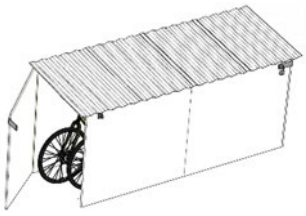
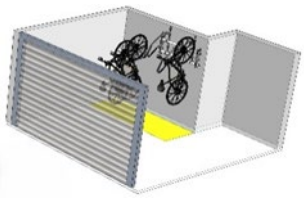
Minimum bicycle parking shall follow the requirements below:

a. Multi-Family Dwelling (Apartment): 2 bicycle spaces per 40 units
b. Mixed Use Building: 2 bicycle spaces per 1,000 square feet
c. Bar: 1 bicycle space per 1,000 square feet
d. Brewpub: 1 bicycle space per 1,000 square feet
e. Restaurant: 1 bicycle space per 500 square feet
f. Any nonresidential building larger than 10,000 square feet: 1 bicycle space per 5,000 square feet.

3. Bicycle Parking Facility Types

Where bicycle parking is required, one of the following bicycle parking facility types established in Table IV.3: Bicycle Parking Facility Types shall be provided.

Table IV.3: Bicycle Parking Facility Types

Facility Type	Description	Graphic
U-Rack	A "U-shaped" bicycle facility affixed to pavement that's stores up to two (2) bicycles which are locked from the outside	
Bollard Rack	A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside	
Low Profile Rack	A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside	
Grid Rack	A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside	
Bicycle Locker	A locker or box in which multiple bicycles can be placed, stored, and locked	
Secure Bicycle Parking Area	A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control	

4. Bicycle Facilities

a. Generally

A bicycle facility shall:

i. Allow a bicycle frame and one wheel to be locked to the rack with a high-security lock;
ii. Allow a bicycle to be securely held with its frame supported in at least one place;
iii. Be durable and securely anchored;

iv. Have a locking surface thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters; and
v. Not include any elements, impediments, or features within the interior space.

b. Installation

A bicycle facility shall be:

i. Available to the public;
ii. Located in a convenient, well-lit area that is clearly visible to both a visitor to the building and a person who is on the sidewalk that access the building's primary entrance; and
iii. Within one hundred fifty (150) feet of:
(A) The primary entrance of each building, and closer than the nearest vehicle parking space; or
(B) At least one primary entrance of a building with multiple entrances; unless an alternative location during the site plan process is approved; and
iv. Outfitted to where a bicycle can be safely and securely locked.

Sec. 22-210. Loading

A. Purpose

The purposes of this Section are to:

1. Ensure that adequate loading facilities are provided for new land uses;
2. Establish standards and regulations for safe and well-designed loading and unloading to minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
3. Minimize the impact of improperly planned loading areas.

B. Applicability

1. Any new commercial, industrial, or public/civic/institutional building, structure, use, redeveloped site, or enlarged or expanded existing building or use as identified in Table III.2: Use Table, must meet this Section's requirements unless specifically exempted.
2. This Section does not apply to residential, accessory, and temporary uses.

C. Compliance Required

Each application for a site plan, building permit, or certificate of occupancy shall include information as to the location and dimensions of loading facilities, and the means of ingress and egress to those facilities. This information is in sufficient detail to determine the requirements of this UDC are met and shall contain the necessary information required by applicable provisions of this UDC.

D. Standards

1. Generally

The required number of off-street loading spaces is determined by gross floor area. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed by trucks. If a development has more than two uses, the off-street loading space requirement is the highest number of spaces required by any one use. Required loading spaces follow the standards prescribed in Table IV.4: Required Loading.

Table IV.4: Required Loading

Floor Area Square Footage	Minimum Required Number of Spaces by Land Use Category		
	Commercial	Industrial	Public/Civic/Institutional
0 – 5,000	0	0	0
5,001 – 10,000	1	1	0
10,001 – 25,000	1	2	1
25,001 – 40,000	1	2	1
40,001 – 60,000	2	3	1
60,001 – 80,000	2	4	1
80,001 – 100,000	2	4	2
> 100,000	4 + 1 for each additional 100,000 sf	5 + 1 for each additional 50,000 sf	2 + 1 for each additional 75,000 sf

2. Location

A loading space is:

a. Located within the same development as the building or use served;
b. Prohibited from projecting into a sidewalk, street, or public right-of-way;
c. Prohibited from being located between the front building line and the front lot line;
d. Located to the rear or side of buildings in visually unobtrusive;
e. Set back a minimum distance of one hundred (100) feet from any adjacent residential zoning district or use unless completely enclosed by building walls, a uniformly solid wall, or any combination of the two;
f. Set back a minimum distance of forty (40) feet from any public street, nearest point of intersection on any two (2) streets or highway, or front property line; and
g. Oriented away from the street frontage.

3. Dimensions

a. Unless otherwise specified, all off-street loading spaces shall have a minimum dimension of twelve (12) feet by fifty (50) feet and an overhead clearance of fifteen (15) feet.
b. In no case shall required off-street loading spaces encroach upon off-street parking spaces required by this Section, or on public right-of-way.

4. Maneuvering

a. The size of delivery vehicles intending to serve the site determine maneuvering area size as established in the *Engineering Design Manual*.
b. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for spaces.
c. A maneuvering area must be located on-site and have a minimum of forty (40) feet for spaces serving delivery vehicles.

5. Design

a. Each loading space must minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

b. Loading spaces shall be designed so that vehicles shall maneuver entirely within the property lines of the premises and not on public right-of-way.
c. Unenclosed off-street loading areas shall be permanently paved with hard-surfaced pavement.
d. A six-inch header curb must also be constructed to separate a loading area from public right-of-way.
e. Landscaping and screening requirements prescribed in Sec. 22-211. and Sec. 22-212. apply to loading facilities and shall prevent direct views of the loading facilities and their driveways from adjacent properties and public right-of-way.

Sec. 22-211. Landscaping

A. Purpose

The purpose of this Section is to preserve Shawnee's unique character and integrate and enhance new development by promoting landscape design that:

1. Reinforces the identity of the community;
2. Appropriately situates new buildings in the landscape;
3. Provides adequate vegetation for screening and buffering between land uses;
4. Provides tree canopies to reduce urban heat island effect;
5. Preserves the existing native trees and other physical site values where possible;
6. Reduce soil erosion and reduce stormwater runoff;
7. Aid in energy conservation for structures;
8. Balances water demand and use;
9. Soften the visual impact of paved areas, parking lots, and adjoining right-of-way;
10. Identifies climate-appropriate landscape material; and
11. Protects natural resources.

B. Applicability

1. Generally

The Section applies to:

a. All development for new construction within Shawnee's corporate limits except for the exemptions listed below.
b. The following landscaping standards apply to all new nonresidential development and to the expansion by more than twenty-five (25%) of an existing building mass or site in any zone.

2. Exemptions

This Section does not apply to:

a. Any property with a site plan that was approved prior to the adoption of this UDC, unless an amended site plan is required by the requirements in the submittal checklist.
b. Properties containing only single-family or two-family land uses.
c. Agricultural uses in the Transitional Agriculture (TA) District.
d. Properties in the Heavy Industrial (I-2) District.
e. Properties in the Downtown Core (DT-C) and Downtown Edge (DT-E) Subdistricts.
f. Any development that utilizes zero lot line setbacks as permitted by applicable zoning specifications shall be exempt from landscaping requirements for each applicable yard area.

C. Compliance Required

1. Each application for a site plan or building permit shall include information as to the location, dimensions, and types of trees and landscaping required. This information is in

sufficient detail to determine the requirements of this Section are met and shall contain necessary information required by applicable provisions of this Section.

2. A landscape plan is required and shall be shown as part of the site plan or building permit. Landscape plans shall meet the requirements established in the submittal checklist.
3. No permits shall be issued for building, paving, grading, or construction until a landscape plan is approved. Prior to the issuance of a certificate of occupancy for any building or structure, all landscaping shall be in place in accordance with the landscape plan.
4. If a certificate of occupancy is sought at a season of the year in which the Director determines that it would be impractical to plant trees, shrubs, or grass, or to lay turf, a temporary certificate of occupancy may be issued if a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscape plan shall be installed within six (6) months of the date of issuance of the temporary certificate of occupancy or the site shall be deemed to be in violation of this Section and the temporary certificate of occupancy shall be revoked.

D. Standards

1. Required Landscaping

a. Required landscaping shall meet the standards established in Table IV.5: Landscaping Requirements.
b. A minimum of fifteen percent (15%) of any site shall be landscaped.
c. A minimum of fifty percent (50%) of any required landscaping shall be evergreen plantings.
d. Up to twenty percent (20%) of required site trees (exclusive of front yard trees) may be substituted with shrubs at a rate of five (5) shrubs per one tree.
e. Any irrigation for required landscaping shall:
    i. Be automatic,
    ii. Be contained on site, and
    iii. Not flood adjacent streets or properties.

iv.

Table IV.5: Landscaping Requirements

Area	Requirement
Front Yard: 10’ landscaped setback	1 tree per 35' (linear) of frontage
	Trees may be clustered as approved by the Director
	Deciduous trees, 2" caliper min.
	Evergreen trees, 6' min. height
Side Yard: 5' landscaped setback, unless greater landscaped area required for residential buffer	1 of each tree per 400 sf
	Deciduous trees, 2" caliper min.
	Ornamental trees, 1.5" caliper min.
	Evergreen trees, 6' min. height
Rear Yard: 10' landscaped setback, unless greater landscaped area required for residential buffer	1 of each tree per 400 sf
	Deciduous trees, 2" caliper min.
	Ornamental trees, 1.5" caliper min.
	Evergreen trees, 6' min. height
Parking Lots Perimeter: Landscaping of at least 5' in width on at least three sides, or perimeter landscaping of at least 10' on two sides. In addition, one landscaped island for every 6 parking spaces	*For All Parking Areas*
	One tree and three shrubs per 6 spaces (average)
	Deciduous trees, 2" caliper min.
	Ornamental trees, 1.5" caliper
	Evergreen trees, 6' min. height

2. Landscape Materials and Plant Selection

a. Permitted landscape materials include trees, shrubs, groundcover plants, nonplant groundcovers, and outdoor hardscape features, the selection of which shall be based on local climate, exposure, water availability, potential allergens, and drainage conditions.

b. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

c. Planting shall consist primarily of native plantings and noninvasive species in accordance with the approved planting/species list maintained by the City.

d. Trees and shrubs shall meet the minimum size and spacing standards established in Table IV.5: Landscaping Requirements and in Appendix A. Approved Tree List.

3. Existing Vegetation

a. Existing noninvasive vegetation may be used to meet landscape requirements.

b. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas), the Director may reduce the number of new trees required by a ratio of one-inch caliper of new tree(s) for every one-inch caliper of existing tree(s) protected.

4. Nonplant Groundcovers

a. Bark dust, chips, aggregate, or other nonplant groundcovers may be used, but shall cover no more than 50% of the area to be landscaped and shall be confined to areas underneath plants.

b. Nonplant groundcovers cannot be substituted for groundcover plants.

5. Species and Irrigation

a. The use of drought-tolerant native plant species is required when irrigation is not available or impractical.
b. Irrigation shall be provided for plants that are not drought-tolerant.
c. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. Appendix A. Approved Tree List provides a list of recommended species.

6. Parking Areas

a. Parking areas shall comply with the standards established in Table IV.5: Landscaping Requirements.
b. Landscaping shall consist of evenly distributed shade trees with shrubs and/or groundcover plants that conform to the criteria in this Section.
c. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.
d. At a minimum, one (1) tree per six (6) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area.
e. All parking area landscapes shall have dimensions of not less than twenty-four (24) square feet of area, or not less than four (4) feet in width by six (6) feet in length, to ensure adequate soil, water, and space for healthy plant growth.

7. Front Yards and Frontage Landscaping Improvements

a. Front yards, excluding ingress and egress points, shall be landscaped to include landscaping that enhances the property, softens the building and parking areas, and provides an aesthetically pleasing streetscape.
b. Landscaping shall be located within the front yard setback area in accordance with the criteria of this Section and Table IV.5: Landscaping Requirements, while providing reasonable opportunity for signage, entrance features, parking, and ingress/egress areas as determined by the Director.
c. Street trees planted within City right-of-way shall not count towards required landscaping.
d. Adequate sight distance, as established in Sec. 22-208. F. shall be maintained.

8. Low Impact Development

a. The City encourages the use of low impact development practices for new development through green stormwater facilities, rainwater harvesting, and pervious pavement to reduce public infrastructure costs, increase developable land, preserve natural resources, and improve water quality.
b. Stormwater facilities shall:
    i. Be landscaped with at least one evergreen tree and three shrubs for every fifty (50) linear feet of perimeter;
    ii. Use low water-consuming grass or other approved vegetation or groundcovers as the primary ground cover.
    iii. Be covered with sod or other approved vegetation for stormwater facilities within the five-year floodplain; and
    iv. Use native vegetation or live plant material if it is maintained free of weeds.
c. Low impact development practices like rainwater harvesting or pervious pavement may be incorporated for any development. These practices may be used to reduce the rate and volume of stormwater runoff and required drainage improvements if the drainage report indicates a reduction and the Director determines that:
    i. The improvements will reduce stormwater demands, using generally accepted engineering principles;

ii. There is a maintenance plan that ensures the adequate ongoing maintenance of those facilities; and
iii. The maintenance plan ensures that the improvements will continue to control the rate and volume of stormwater runoff as agreed upon.

E. Landscaping Maintenance

1. All landscaping improvements shall be maintained in a live and healthy condition. It shall be the continuing duty of the property owner, its successors, or anyone having beneficial use of the property to maintain landscaping in a live and healthy condition and, if necessary, to replace any dead, diseased, or damaged plants as soon as natural conditions allow.
2. Generally, no regulation in this Section shall conflict with the requirements established in Sec. 22-208. F. However, plantings may be allowed within the sight triangle if plantings do not exceed a mature height of twenty-four (24) inches.
3. Property owners in all zoning districts shall be responsible for landscaping and maintaining the area within the street right-of-way between the curb line and property line, alleys, behind walls and fences, and other utility easements. Landscaping within this area shall not count towards the required landscaping.
4. The type and location of vegetation shall not interfere with utilities or the safe and efficient flow of street traffic. Approval by the appropriate City departments responsible for street and utilities is required.
5. Trees that reach a mature height of more than fifteen (15) feet shall not be planted within ten (10) feet of an overhead utility line. This requirement may be waived by the Director, providing that the applicant submits a letter stating no objection from the utility company.
6. Plantings and vegetation may be relocated or adjusted as necessary per the Fire Marshal's recommendation.
7. Vegetation, other than groundcover or turf grass, shall not be planted within three feet of a fire hydrant or an above-ground traffic control box.
8. It shall be the responsibility of the property owner to maintain in good condition all the improvements required by this Section. Any required screening device or fence that are damaged shall be repaired, and any vegetation which dies shall be replaced no later than the following planting season (spring or fall).
9. Failure to provide the improvements required by this UDC or failure to maintain required improvements in the manner prescribed by this UDC shall constitute an offense and violation of this UDC.

F. Tree Preservation

1. All trees within areas proposed to be disturbed by development shall be surveyed and have location, species, size, and condition or health noted in a tree preservation plan.
2. Existing noninvasive trees shall be incorporated into the design in their existing location whenever possible.
3. Existing noninvasive trees greater than six (6) inches at DBH shall be preserved and protected from damage during site development.
4. Any noninvasive trees greater than six (6) inches at DBH preserved on a site meeting these specifications may be credited toward meeting the requirements of Subsection D. above for that area within which they are located, according to Table IV.6: Tree Preservation Credits, depending on the applicant's preference to accept or decline the credit. For purposes of this section, caliper measurement shall be taken at DBH above the ground and shall be rounded to the nearest whole number.

Table IV.6: Tree Preservation Credits

Caliper of Existing Tree	Credit Against Tree Requirement
6” – 10”	2 trees
11” – 15”	3 trees
16” – 30”	4 trees
31” – 45”	5 trees
46” +	6 trees

5. The following requirements apply if an existing noninvasive tree greater than six (6) inches at DBH cannot remain in its existing location as determined by the Director.

a. Tree Relocation

i. Any existing noninvasive tree shall be spaded and relocated by a professional landscaping company.
ii. Trees shall be relocated to another on-site location or to a City-owned facility after consultation with the Director.
iii. All measures shall be taken to ensure the survival and health of the tree.
iv. All existing noninvasive trees that are incorporated into the site shall be adequately protected in the tree protection zone from damage during construction.

b. Tree Replacement Fund

i. An existing noninvasive tree may be removed and disposed of if the applicant pays into the City’s Tree Replacement Fund.
ii. The required payment shall reflect the dollar value of each removed tree and the estimated cost of installation.

G. Xeriscaping

1. Generally

This Subsection promotes the establishment of water conscious landscaping through the implementation of xeriscaping principles. Additionally, this Subsection provides an alternative to the typical landscape requirements for nonresidential properties.

2. Principles

All submitted landscaping plans using xeriscaping practices shall comply with the following principles:

a. Planning and Design

i. Landscape designs and plans shall account the regional and microclimatic conditions of the site, its existing vegetation and topographical conditions, the intended use, and the zoning (i.e. vegetation zone) of plant materials according to their unique water needs.
ii. Plans shall account for the various heights of landscaping materials. If the landscape plan is proposed in phases, to account for optimum planting times, all future phases shall be included on the landscape plan.
iii. Xeriscaping shall:
(A) Preserve and protect existing vegetation and topsoil,
(B) Stabilize and cover all bare soil areas, and
(C) Incorporate energy/water conservation.

b. Soil Improvement

i. Since soil tends to vary from site to site all soil shall be analyzed to determine what plants are suitable to include on the landscape plan and if any soil amendments are required.
ii. Soil may require additional organic material be added to ensure the continued health of plants.

c. Appropriate Plant Selection
   i. Plant selection shall be based on the plant's adaptability to the existing site conditions and need for supplemental watering.
   ii. Most xeriscaping will not require supplemental watering.
   iii. In selecting plant materials, mature plants and shrubs shall be used to ensure establishment after installation.
   iv. A list of trees that are native and acceptable within the City has been provided in Appendix A. Approved Tree List; however, the Director may approve alternate plantings if deemed appropriate for the site. The Director shall consider the:
      (A) Diversity of the plant species being proposed,
      (B) Size, maturity and water requirements of the selected plantings, and
      (C) Variation of height, spread and color.

d. Practical Turf Areas
   i. The type and location of turf areas are considered to be a major xeriscaping design element (turf in this case involves typical varieties of Bermuda, St. Augustine, Ryegrass blends, etc.).
   ii. The maintenance needs of turf can be minimized by the shape, area, irrigation equipment, and turf type selected.
   iii. Drainage areas and sloped areas are especially suited to the use of native grasses as opposed to turf. The following items will be reviewed to assess the practicality of the proposed turf areas:
      (A) The design of the turf areas (rounded, compact turf areas typically are more efficient),
      (B) Turf areas shall be designed to be on a separate zone from other landscaping,
      (C) Turf shall be appropriate for the selected location,
      (D) Turf shall be avoided on slopes and drainage areas in favor of native grasses, and
      (E) Minimize turf areas by using native grasses, hardscape elements and alternatives.

e. Efficient Irrigation
   i. All landscaping is required to have an irrigation system that is designed by a licensed landscape architect.
   ii. Additionally, all irrigation systems shall be designed to be water efficient utilizing low-flow irrigation equipment.
   iii. The landscape plan shall show that turf areas will be watered separately, and plants shall be grouped in separate zones based on water need.
   iv. Any irrigation systems are required to be maintained in proper working order.

f. Use of Mulches
   i. Mulches minimize evaporation, reduce weed growth, slow erosion, and help maintain soil temperature.
   ii. Mulches used in xeriscaping shall ensure:
      (A) The use of a deep layer of mulch in planting beds (typically three to four inches) is utilized, and
      (B) Mulches are locally or regionally derived materials.

iii. Mulches may include the use of pea gravel, crushed granite, rock, or pebbles in unplanted areas.

g. Appropriate Maintenance

Proper pruning, weeding and fertilization as required with all landscape plans shall be required. Typically, xeriscaping requires less maintenance, fertilizer and other chemicals and pesticides.

Sec. 22-212. Screening and Fencing

A. Purpose

The purposes of this Section are to:

1. Minimize conflicts between potentially incompatible land uses and development on abutting property;
2. Ensure that screening devices and fences are attractive and in character with the neighborhood;
3. Maintain fences by recognizing their use to create privacy; and
4. Distinguish screening devices and fences from each other by clearly defining the two terms and applying specific standards to each term.

B. Applicability

This Section applies to all development within Shawnee's corporate limits. This Section does not apply to residential development unless otherwise specified. The Director may utilize their discretion to meet the spirit and intent of this Section.

C. Screening Standards

1. Generally

a. All required screening devices must be equally finished on both sides.

b. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified below but need not be of the same material as the main fence or wall.

c. Where a screening device is constructed, placed, or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.

d. No screening device comprised of brick, masonry, concrete, or solid metal shall be erected or placed that would interfere with the installation or maintenance of any public utility line, service, or drainage way within a dedicated easement.

e. No screening device shall conflict with the intersection visibility triangle requirements of Sec. 22-208. F.

f. Any required screening device provided by a more intensive use abutting a residential use or district shall be permanently and adequately maintained by the more intensive use's property owner.

g. If there is an existing screening device or fence along a residential property line and a nonresidential use is proposed, the required screening device shall be a living plant screen that complies with the requirements established in Sec. 22-211. and is deemed acceptable by the Director. However, this requirement may be waived if a five (5)-foot minimum space between two screening devices and fences is provided for maintenance access. The intent of these requirements is to eliminate screening situations where two screening walls or fences abut each other.

h. Before certificate of occupancy permit issuance, all approved screening devices must be in place.

i. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Director for failure to adequately maintain such screening device.

2. Exceptions

Required screening devices are not required if:

a. An approved screening device already exists along the property line or

b. The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project, and a tree survey indicates that a majority of the trees in the wooded area on the subject property are found to be noninvasive trees.

3. Design Requirements

A screening device shall be erected or placed in all locations and follow all provisions specified below:

a. Height

The minimum and maximum screening device height follow the requirements established in Table IV.7: Screening Height Requirements.

Table IV.7: Screening Height Requirements

Use to be Screened	Minimum Height (ft)	Maximum Height (ft)
Refuse	6	12
Outdoor Storage	6	10
Multi-Family Development	6	10
Industrial Uses	8	10
Other Required Screening	6	8

b. Materials

The materials shall consist of one or more of the following unless specified elsewhere in this UDC (See Figure IV.7: Allowed Screening Devices):

i. Brick masonry, stone masonry, concrete block, or other architectural masonry finish; or

ii. Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of twenty (20) feet on center with structural supports spaced every ten (10) feet, and with sufficient evergreen landscaping to create a solid screening effect; or

iii. Living plant screens (evergreen shrubs with a minimum of three (3) feet in height at the time of planting) that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. A living plant screen shall comply with the requirements established in Sec. 22-211. or

iv. Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, and meets the intent and function of this Section at the discretion of the Director.

c. Locational Requirements

The following locational requirements apply:

i. All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets and any residential properties. Materials, equipment, or commodities shall be stacked no higher than one (1) foot below the top of the screening device or visual barrier.
ii. Garbage, trash, or refuse containers shall meet the requirements established in Sec. 22-215.
iii. All wrecking yards, junkyards, or salvage yards shall be contained on all sides and shall be screened from view from the public right-of-way and from adjacent residential property at an eight (8)-foot minimum height.
iv. Ground mechanical and heating and air conditioning equipment in nonresidential and multi-family uses shall be screened from view from the public right-of-way and from adjacent residential property.
v. Roof-mounted mechanical units shall be screened from view at a point of four (4) feet above the property line with a parapet wall, mansard roof, or alternative architectural element. The height of the screening device shall be equal to or greater than the height of the mechanical unit provided that the device shall not extend more than six (6) feet above the roof on a one- or two-story building or more than twelve (12) feet above the roof on a building of three (3) or more stories. A mechanical unit that is taller than the maximum permitted height of the screening feature shall be set back from the screen three (3) feet plus one (1) foot for each foot exceeding the height of the screen. Screening for mechanical units shall apply to new building construction only.



Figure IV-7: Allowed Screening Devices

vi. For commercial and industrial uses, vehicles and equipment awaiting repair for more than twenty-four (24) hours or after the close of business shall be screened from view from public right-of-way and from adjacent residential property.
vii. A screening device meeting the standards established in Table IV.7: Screening Height Requirements shall be constructed on nonresidential property adjacent to residential property lines.
viii. Nonresidential uses in a residential district shall be screened from view of any adjacent residential lot or dwelling use along the side and rear property lines of

that nonresidential use. These screening requirements are not required for public schools, parks, or religious land uses, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling.

ix. Off-street loading areas of any nonresidential use shall be screened from view of any residential dwelling or lot or of any other adjacent public land use.

x. Where a multi-family use abuts a single-family or two-family use or district, the side and rear property lines of that multi-family use shall be screened from view of adjacent dwelling(s).

xi. No screening device or fence shall be erected, placed, or planted beyond the front building line of any permitted building in a residential district, either on a corner lot or interior lot, unless otherwise allowed by the Board of Adjustment through a variance request.

xii. Where a nonresidential use abuts a residential lot or use, the side and rear property lines abutting that residential lot or use shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use, or district to the nonresidential use to a height not less than six (6) feet.

xiii. Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and a parking area is located in the front yard of the nonresidential use, then the parking area facing the residential lot, use, or district shall be suitably screened to a height of at least than three (3) feet.

D. Fencing Standards

1. Generally

a. Fences are not required for any property within the corporate limits.

b. No fences exceeding three (3) feet in height shall be allowed in the required front yard in any residential district.

c. No fence shall be allowed in the required right-of-way.

d. No fence shall conflict with the intersection visibility triangle requirements of Sec. 22-208. F.

e. Every fenced enclosure constructed under the provisions of this Section shall have at least one gate in its perimeter.

f. All fences constructed under the provisions of this Section shall be maintained so as to comply with the requirements of this Section at all times. The Director may order the repair or removal of a fence if it is more than five percent (5%) damaged or leaning ten (10) degrees from vertical. Fences shall be repaired in compliance with the provisions of this Section.

2. Corner Lots

a. On all corner lots in residential districts that have opposing rear lot lines, fences may be constructed not to exceed six (6) feet in height along the side and rear yard lines, as indicated in Figure IV.8: 6-Foot Fence Height Limit.



Figure IV-8: 6-Foot Fence Height Limit

b. On all residential district corner lots where the rear lot line is opposed to a side lot line across an alley from that side lot line, no fence exceeding three (3) feet in height shall be constructed upon or within the side yard that is next to the street at a distance from the side building line greater than the minimum side yard requirement, as indicated in Figure IV.9: Fence near Alley.

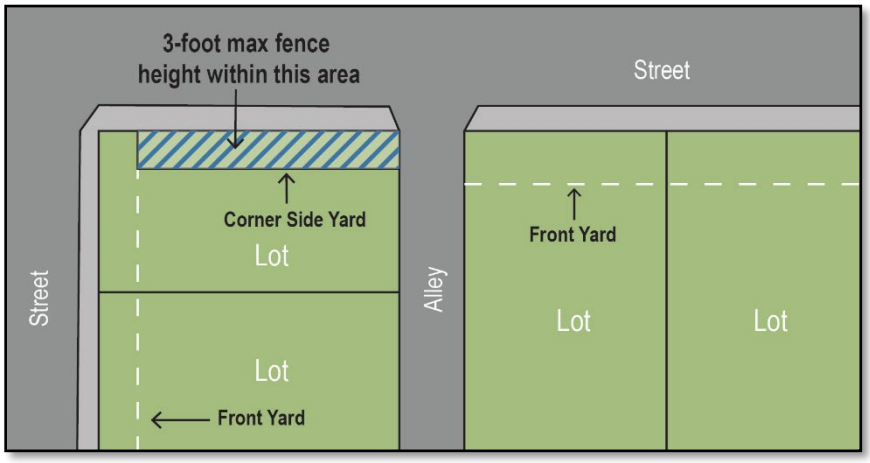


Figure IV-9: Fence near Alley

3. Design Requirements

a. The minimum fence height is six (6) feet from average lot grade with a maximum height of eight (8) feet, unless otherwise specified.

b. Treated lumber attached with galvanized screws to 2-3/8 inches diameter galvanized poles installed in an eight (8)-inch diameter holes no less than 2-1/2 feet deep in two (2) feet of premixed concrete.

4. Security Fencing

a. Barbed wire fences used in conjunction with permitted agricultural and related activities are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

b. In residential areas, barbed wire, razor wire, electrified fencing, or other hazardous material are not allowed in the construction of fencing.

c. No fence that conducts an electrical current is allowed in any district or for any use except for those uses in an agricultural zoning district or correctional facility.

d. Barbed wire strands may be placed on top of permitted fences and screening devices in any nonresidential district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than twelve (12) feet nor the bottom strand lower than eight (8) feet from the adjacent grade line.

e. Barbed wire may be placed on gate arms and fences and screening devices at least eight (8) feet above grade in industrial zoning districts.

Sec. 22-213. Outdoor Lighting

A. Purpose

The purposes of this Section are to:

1. Allow the use of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse off-site impacts of lighting.
3. Limit light pollution.
4. Encourage outdoor lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings or settings.

B. Applicability

This Section applies to all outdoor lighting within the corporate limits. All outdoor lighting installed after the effective date of this UDC shall comply with this Section and Division V.Sec. 22-221. D. 10.

C. Exemptions

The following are exempt from the regulations in this Section unless noted otherwise:

1. Single-family residential uses are exempt from the outdoor lighting plan requirements, but when lighting is provided, it is subject to the standards of Subsections F. and G.
2. Public street lighting.
3. Temporary holiday displays.
4. Emergency/warning lights.
5. City-owned facilities, provided these uses meet the following standards:

a. The luminaire angle from a lighting source that illuminates a recreational use may exceed an angle of zero (0) degrees only to the extent necessary for lighting the use, provided that the luminaire is shielded to minimize spillover to surrounding properties;

b. Maximum permitted illumination at the property line for a recreational use shall be two footcandles;

c. Exterior lighting for a recreational use shall be extinguished as soon as possible after the event.

D. Compliance Required

1. An outdoor lighting plan shall be submitted whenever outdoor lighting is to be installed or whenever site plan review is required.
2. The outdoor lighting plan shall be reviewed by the Director to determine whether the proposed outdoor lighting complies with the standards of this Section.
3. All outdoor lighting plans shall include a photometric plan and data on the types of lighting fixtures to be used.
4. All lighting and photometric plans shall comply with the requirements established in the submittal checklist.
5. No permits shall be issued for building, paving, grading, or construction until a lighting plan is approved.

6. Before certificate of occupancy issuance for any building or structure, all lighting shall be in place in accordance with the outdoor lighting plan.

E. Generally

1. The direct or reflected light from any light fixture shall not create a traffic hazard to operators of motor vehicles on public streets or to operators of aircraft, and no colored lights may be used in such a way as to be confused or construed as street-traffic or air-traffic control devices.
2. No blinking, flashing, or fluttering lights, or other illuminated device that has a changing light intensity, brightness, or color, is permitted in any zoning district.
3. The Director may require modifications to outdoor lighting after installation upon finding that the lighting, as installed, does not comply with these standards.

F. Standards

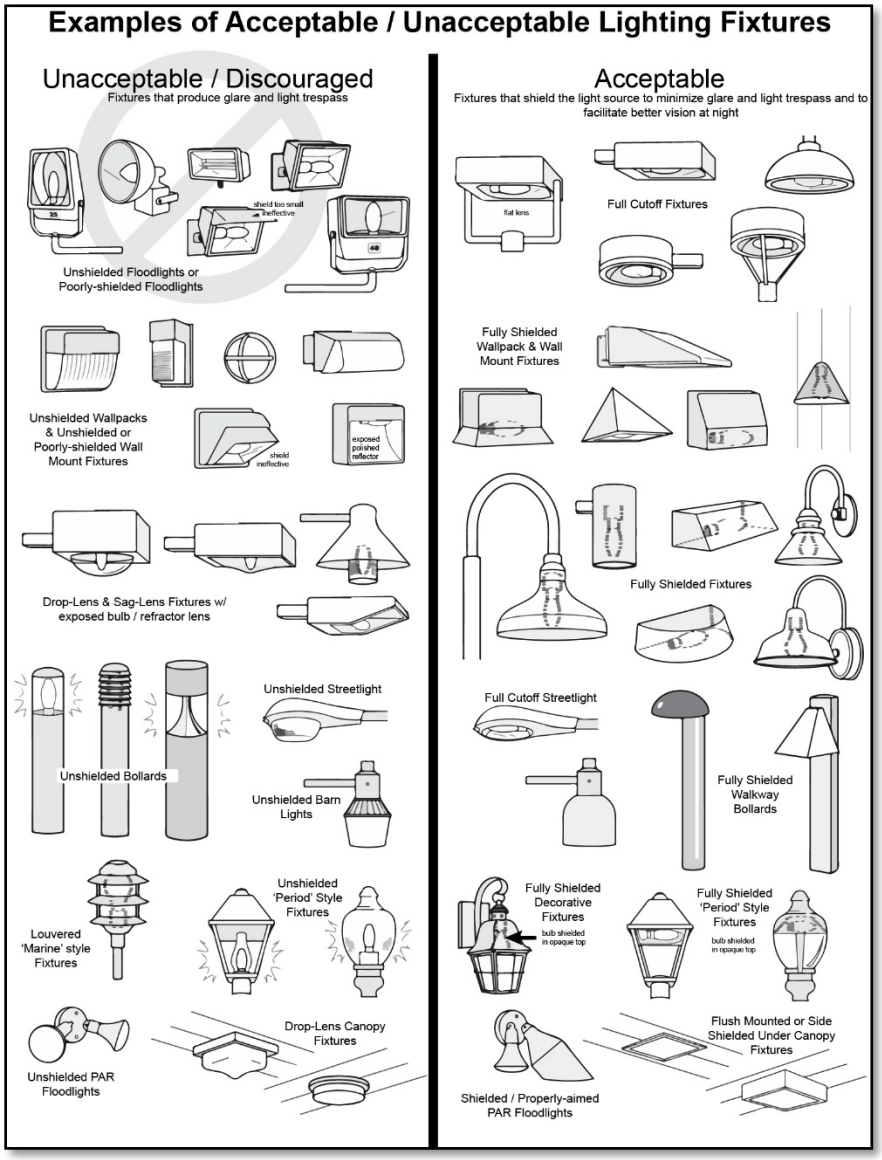


Figure IV-10: Cutoff Light Fixtures

Lighting shall meet the following design standards:

1. All outdoor lighting shall meet the functional security needs of the proposed land use without adversely affecting surrounding properties and the natural environment.
2. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding five hundred (500) lumens for individual light fixtures, one hundred (150) lumens for individual lights in a light string (e.g., patio lights), and three thousand (3,000) Kelvin in color temperature are not required to be full cutoff. For cutoff light fixtures, refer to Figure IV.10: Cutoff Light Fixtures.
3. Light sources shall be concealed or shielded to minimize the potential for glare and light pollution.
4. Light fixtures shall be installed so that the luminaire angle is zero degrees (vertical to the ground).
5. Lights that shine outward and create direct glare are prohibited.
6. The amount of light trespass projected onto a residential use from another property shall not exceed 0.1 footcandles at the property line.
7. Lighting shall be distributed evenly to minimize extremes in luminance levels.
8. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited in all areas.
9. Energy efficient lighting shall be used to the maximum extent practicable.
10. Light sources in residential zoning districts shall not exceed three thousand (3,000) Kelvin in color temperature.
11. Light sources in nonresidential zoning districts shall not exceed five thousand (5,000) Kelvin in color temperature.
12. Light fixtures used to illuminate flags, statues, or any other objects shall minimize glare beyond the illuminated object.

G. Lighting Height Standards

1. Light fixtures mounted to a building or structure shall not exceed the height of the building or structure.
2. Freestanding light fixtures located in residential zoning districts shall be mounted no higher than twenty (20) feet from the ground.
3. Freestanding light fixtures located in other zoning districts shall be mounted no higher than thirty-five (35) feet from the ground.
4. Light fixtures higher than the maximum heights specified in this Subsection, but not exceeding the maximum structure height in the applicable zoning district, are prohibited unless the Director finds that such lighting is appropriate and necessary for the development, shall not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.

Sec. 22-214. Design Standards

A. Purpose

The purposes of this Section are to:

1. Establish minimum standards for the appearance of development and corresponding architectural design and site elements that enhance property values, reflecting the interest of the City’s general welfare.
2. Promote variety, visual interest, and pedestrian-oriented streets in residential development.
3. Encourage the design of a developed environment that is built to human scale.

4. Ensure buildings are compatible with the surrounding area and contribute to the unique community character of Shawnee.

B. Applicability

1. This Section applies to all new development and redevelopment.
2. These standards shall be in addition to those established in Subsection C.

C. General Standards

1. Metal Construction

All metal construction shall include a masonry façade as outlined below. These requirements shall apply to all primary structures and accessory buildings larger than two hundred (200) square feet except for single-family residences. For purposes of this Section, the term "masonry materials" means and includes brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect.

a. All metal buildings constructed on nonresidential property shall have exterior walls constructed using masonry material covering at least sixty percent (60%) of the façade, excluding windows, doors, and garage doors.
b. Facade means any exterior wall or face of a building that fronts a public right-of-way.
c. Metal roofs are permitted, and coated aluminum siding may be used to cover clapboards on existing buildings.

D. Two-Family Residential Standards

1. Front Entry Garages

The face of a garage shall not:

a. Extend more than ten (10) feet beyond the remainder of the front elevation of the dwelling; or
b. Be over sixty percent (60%) of the total frontage width of a dwelling.

E. Tiny Home Standards

1. Generally

In addition to the requirements established in Sec. 22-198. D. , a tiny home shall comply with regulations established in this Subsection.

2. Fenestration

a. Windowless exterior elevations that front and face a public right-of-way or other similar highly visible areas are prohibited.
b. All tiny homes shall comply with International Building Code, Appendix Q.

3. Tiny Home Repetition

a. Within tiny home developments, tiny homes with substantially identical exterior elevations can only repeat every five (5) lots when fronting the same right-of-way, including both sides of the street.
b. Tiny homes side by side or across the street within one house (directly across the street or “caddy corner” across the street) shall not have substantially identical exterior elevations.

F. Multi-Family Standards

1. Building Articulation

a. Horizontal wall planes longer than forty (40) feet in length shall be segmented into smaller sections by a structural or ornamental minor facade offset (recess or projection) of a minimum of four (4) feet deep and eight (8) feet wide.
b. The height of those offsets is equal to the building's height at the location of the offset.

2. Roof Treatment

a. Pitched or flat roofs are allowed.

b. A parapet wall is allowed if constructed to prevent flat roof visibility.

3. Fenestration

Any glass with a visible light reflectance rating of twenty-five percent (25%) or greater is prohibited.

4. Architectural Elements

A multi-family development is required to provide at least two of the following elements:

a. At least one dormer is provided for each roof plane over one thousand (1,000) square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation;

b. All windows feature shutters. The shutters provided must be operational or appear operational and must be in scale with the corresponding window;

c. All windows are emphasized through the use of molding around the windows, plant ledges, sills, shaped frames, awnings, or another similarly related architectural element;

d. Climate controlled interior walkways that connect to all units;

e. At least seventy-five percent (75%) of the required parking is covered (garages, canopies, carports, etc.);

f. Downspouts associated with gutters are internally incorporated into the building's construction rather than attached to the building after construction of the facade is complete.

g. Other similar architectural features as approved by the Director.

5. Parking and Access Design

a. Parking shall be located to the side or behind buildings.

b. No front yard shall primarily consist of parking

c. A five-foot landscape buffer shall line the perimeter of the parking area and planting islands shall be included in accordance with the established landscaping requirements.

d. Walkways shall be provided from the public or private street(s) to all primary building entrances in the form of a continuous separated walkway of at least five (5) feet in width.

6. Amenities

a. A multi-family development shall provide the required amount of amenities and open space percentages prescribed in Table IV.8: Required Amenities. Open space percentages can be accomplished through the use of landscaping, play areas, and the outdoor amenities in Subsection b. below.

Table IV.8: Required Amenities

Number of Units	Required Amenities	Required Open Space Percentage
1 – 25	1	0%
26 – 50	2	15%
51 – 100	2	15%
101 – 200	3	18%
201 – 300	4	18%
300+	5	20%

b. The amenities below may be used to fulfill the requirements of Table IV.8: Required Amenities. Each amenity counts as one required amenity towards the requirements in Table IV.8: Required Amenities. However, multiples of the same amenity do not count towards the requirements in Table IV.8: Required Amenities.
    i. Swimming pool (minimum 1,000 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
    ii. Jacuzzi or hot tub area (minimum 50 square foot area);
    iii. At least three barbeque grills with shaded seating areas;
    iv. Ramada(s), arbor(s), and/or trellis(es) covering at least one thousand (1,000) square feet of recreation space;
    v. Child play lot (minimum 2,000 square foot area);
    vi. A splash pad (water play amenity for children) that is a minimum of one thousand (1,000) square feet in area;
    vii. A dog park that is at least four thousand (4,000) square feet in area that:
        (A) Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
        (B) Uses grass, wood chips, or a combination of the two as surface materials; and
        (C) Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every two thousand (2,000) square feet of the associated dog park.
    viii. Regulation size volleyball, basketball, tennis, or other similarly related playing court.
    ix. Golf putting green (minimum 1,000 square feet);
    x. Fitness center/weight room (minimum 500 square feet);
    xi. Business center (minimum 500 square feet);
    xii. Media room (minimum 500 square feet).

G. Nonresidential Standards

1. Facades

a. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recessed having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

b. Ground floor facades that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length. Building structure facades shall include a repeating pattern that includes no less than three of the following elements:
    i. Color changes;
    ii. Texture change;
    iii. Material module change; or
    iv. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projection.

2. Roofs

Roofs shall have no less than two (2) of the following features:

a. Overhanging eaves, extending no less than three (3) feet past supporting walls;

b. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; or

c. Three or more roof slope planes.

3. Materials and Colors

a. Predominant exterior buildings materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone, and tinted/textured concrete masonry units.

b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors are prohibited.

c. All building facades shall be constructed to include masonry material covering at least 60 percent of the facade, except in the DT district, which shall require 80 percent coverage. Windows and standard doors shall be included in the coverage total, but garage doors shall not.

d. Metal roofs are permitted and coated aluminum siding may be used to cover clapboards on existing buildings.

e. For purposes of this section, masonry materials shall mean and include brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect.

f. For purposes of this section, facade shall mean any exterior wall or face of a building that fronts on a dedicated public street.

g. Additions to existing buildings shall be deemed new construction under these provisions and the facade requirements shall apply to the new portion.

h. Building trim and accent areas shall be no more than fifteen percent (15%) of the exterior finish and may feature EIFS, brighter colors, including primary colors, but neon tubing, fiber optic, or similar lighting shall not be an acceptable feature for building trim or accent areas.

4. Entryway

a. Each building shall have clearly defined, highly visible primary entrances featuring at least three (3) of the following:

    i. Canopies or porticos;
    ii. Overhangs;
    iii. Recessed/projections;
    iv. Arcades;
    v. Raised corniced parapets over the door;
    vi. Peaked roof forms;
    vii. Arches;
    viii. Outdoor patios;
    ix. Display windows;
    x. Architectural details such as tile work and moldings integrated into the building structure and design; or
    xi. Integral planters or wing walls that incorporate landscaped areas or places for sitting.

b. If a building has multiple storefronts, each storefront shall have at least one exterior primary entrance, which shall conform to the above requirements.

5. Sidewalks and Walkways

a. Perimeter sidewalks shall, at a minimum, meet the City's *Engineering Design Manual* standards and be provided where required along all public rights-of-way.

b. Walkways at least five (5) feet in width shall be provided along the length of any building façade with a primary entrance and along a façade abutting a parking area.

c. Internal pedestrian walkways shall provide weather protection features such as awnings and arcades within thirty (30) feet of all primary entrances.

d. All internal pedestrian walkways shall be distinguished from driving surfaces.

6. Amenities

Each building subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following features. Any such feature shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape:

a. Patio/seating area;
b. Pedestrian plaza with benches;
c. Transportation center;
d. Window shopping walkway;
e. Outdoor playground area;
f. Kiosk area;
g. Water feature;
h. Clock tower;
i. Public art; or
j. Other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Director adequately enhances communal and public spaces.

H. Mixed Use Standards

1. Building Articulation

a. All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
b. Elevations that are fifty (50) feet or longer in horizontal length require at least two (2) offsets (projection or recess) from the primary facade plane of at least eighteen (18) inches deep and four (4) feet wide.
c. The height of those offsets is equal to the building's height at the location of the offset.
d. Columns and piers shall be spaced no farther apart than the height of the column or pier.

2. Roof Treatment

a. Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.
b. Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.
c. Mansard roofs are prohibited.

3. Fenestration

a. The use of recessed windows, awnings, sills, drip caps, projecting trim casings or surrounds, projecting muntins or mullions and other elements is required.
b. Any glass with a visible light reflectance rating of twenty-five percent (25%) or greater is prohibited.

4. Ground Floor

a. The ground or first floor of a mixed-use development is reserved for commercial uses, like retail, office, and restaurant uses.
b. For those mixed-use developments incorporating live work units, the first floor may be shared with residential and commercial uses.
c. The ground floor shall have a minimum ceiling height of fourteen (14) feet.

5. Architectural Elements

All buildings or developments shall be required to provide at least two (2) of the following architectural elements:

a. The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.
b. All building elevations shall feature at least two (2) facade offsets (recess or projection) of at least five (5) feet in depth for every fifty (50) feet of horizontal length.
c. All building elevations shall feature at least three (3) distinct roof lines.
d. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least fifty (50) square feet.
e. Climate controlled interior walkways that connect to all units.
f. At least fifty percent (50%) of the required parking is covered (garages, canopies, carports, etc.).
g. Other similar architectural features as approved by the Director.

6. Amenities

a. A mixed-use development shall provide a minimum of two (2) amenities.
b. The amenities below may be used to fulfill the requirements. Each amenity counts as one required amenity towards the requirements; however, multiples of the same amenity do not count towards the requirements.
    i. Swimming pool (minimum 850 square foot surface area) with cooling deck (minimum ten feet wide in all areas);
    ii. Jacuzzi or hot tub area (minimum 50 square foot area);
    iii. At least two barbeque grills with shaded seating areas;
    iv. Ramada(s), arbor(s), and/or trellis(es) covering at least one thousand (1,000) square feet of recreation space;
    v. A dog park that is at least two thousand five hundred (2,500) square feet in area that:
        (A) Is enclosed by a minimum five-foot tall vinyl coated chain link fence;
        (B) Uses grass, wood chips, or a combination of the two as surface materials; and
        (C) Provides at least one dog waste station that includes a bag dispenser and waste receptacle installed along the perimeter of the enclosure for every 1,500 square feet of the associated dog park.
    vi. Fitness center/weight room (minimum 500 square feet);
    vii. Business center (minimum 500 square feet);
    viii. Media room (minimum 500 square feet).

I. Downtown Standards

1. Generally

a. Development in the DT district shall comply with the regulations established in Subsection C. above.
b. In addition to the requirements established in this Subsection, downtown development shall comply with regulations established in Sec. 22-190.

2. Building Articulation

a. All buildings shall utilize facade offsets and appropriate fenestration to add variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.
b. Elevations that are fifty (50) feet or longer in horizontal length require at least two (2) offsets (projection or recess) from the primary facade plane of at least eighteen (18) inches deep and four (4) feet wide.
c. The height of those offsets is equal to the building's height at the location of the offset.
d. Columns and piers shall be spaced no farther apart than the height of the column or pier.

3. Roof Treatment

a. Long uninterrupted roof lines and planes shall be broken into smaller segments through the use of scaled gables or dormers, changes in height, changes in roof form, type or planes that typically correspond to offsets in the building's facade, or other appropriate architectural elements.
b. Parapet roof lines shall feature a well-defined cornice treatment or another similar element to visually cap each building elevation.

4. Architectural Elements

All buildings or developments shall be required to provide at least two (2) of the following architectural elements:

a. The primary entrance for all buildings shall feature a protected entry through the use of a recessed entry, porte-cochere, awning, canopy, or similar feature that serves the same purpose. The covering shall be at least three feet in depth when measured from the face of the adjoining facade.
b. All building elevations shall feature at least two facade offsets (recess or projection) of at least five (5) feet in depth for every fifty (50) feet of horizontal length.
c. All building elevations shall feature at least three (3) distinct roof lines.
d. All primary and secondary building entrances, excluding emergency exits and service doors, feature a recessed entry, canopy, awning, or similar sheltering feature of at least fifty (50) square feet.
e. Other similar architectural features as approved by the Director.

5. Building Materials

Downtown development shall have exterior walls constructed using masonry material covering at least eighty percent (80%) of the sides and one hundred percent (100%) of the front.

Sec. 22-215. Refuse Facilities

A. Purpose

The purpose of this Section is to provide adequate provisions for on-site waste disposal and collection while promoting sightly development.

B. Applicability

This Section applies to all nonresidential development within Shawnee’s corporate limits. This Section does not apply to residential development unless otherwise specified.

C. Standards

1. Generally

a. Refuse facilities require enclosures and shall meet the requirements established in Sec. 22-212.
b. One refuse enclosure is required on every lot unless a double enclosure is provided on an adjacent lot and access is mutually agreed upon by the two lot owners.

c. All refuse enclosures are fully screened on all sides.
d. Refuse enclosure materials shall be masonry or concrete block and the same color as the exterior walls of the main structure.
e. A solid metal gate is required, and when open is not allowed to encroach within any fire lane.
f. No solid metal gate shall exceed ten (10) feet in height.
g. Refuse enclosures shall also be complemented by a living plant screen as established in Sec. 22-212.
h. Refuse facilities shall not be located in front of the main building unless no other option is available as determined by the Director.
i. Gates shall remain closed except when in use for access.

2. Design

Refuse facilities shall comply with the design specifications below.

a. A concrete approach loading pad shall be constructed in front of all refuse enclosures.
b. The loading pad shall be at least twelve (12) feet wide by twelve (12) feet deep, and have a minimum of six (6) inches thickness of concrete at a standard of three thousand five hundred (3,500) PSI.
c. Required enclosures shall have a minimum inside dimension of twelve (12) feet by twelve (12) feet with an enclosure gate opening of not less than twelve (12) feet in width.
d. Refuse enclosures shall have steel-framed grates with spring-loaded hinges and fasteners.
e. Keeper latches shall be required to hold gates in the fully opened position while refuse containers are being serviced.
f. Four-inch diameter pipe bollards shall be required inside each enclosure to protect the enclosure from truck operation.
g. An unobstructed approach path of at least fifty (50) feet long shall be required for a thirty-five (35)-foot long collection truck to access the refuse facility.
h. A turnaround area shall be provided of sufficient length to allow the collection truck to exit without backing onto a public right-of-way.

Sec. 22-216. Signs

A. Purpose

The purpose of this Section is to regulate signs of all types (temporary and permanent) in a manner that:

1. Protects constitutional rights to free speech by providing ample opportunities for expression through signs, while avoiding content-based distinctions, and providing clear approval standards;
2. Protects public health and safety by:

a. Minimizing visual traffic hazards, distractions and obstructions for motorists, cyclists, and pedestrians, or signs causing confusion by virtue of visual similarity to traffic control signs;
b. Reducing hazards caused by collapse, fire, collision, decay, or abandonment;
c. Not obstructing firefighting or police surveillance; and
d. Encouraging the upgrading, updating, or removal of signs that are poorly maintained, or do not conform to this Section, and preventing signs that are potentially dangerous due to structural deficiencies and disrepair.

3. Enhances the appearance and economic value of the landscape, by providing that signs:

a. Do not interfere with scenic views;

b. Do not create a nuisance to persons using the public rights-of-way;
c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and
d. Are not detrimental to land or property values.

4. Promotes the community's appearance, character, quality, and business climate by encouraging signs that are attractive and functional for their intended purpose, and that are in scale and harmony with the development site and building(s) and with surrounding areas;
5. Reduces and prevents visual clutter or potential deterioration of the community's appearance and attractiveness; and
6. Implements the goals and policies of the City's adopted planning policies by establishing uniform standards and procedures to regulate the size, type, number, design, placement, illumination, timeframe for display, and maintenance of signs.

B. Applicability

1. Generally

a. This Section is enacted pursuant to the home rule provisions of Article 18, Section 3(a) of the Oklahoma Constitution and the authority and powers contained in the Oklahoma Statutes (11 O.S. § 43-101 et seq.).
b. This Section applies everywhere within the City's corporate limits, except as specifically stated otherwise in this Section.
c. This Section does not prohibit signs required by state or federal law and does not authorize signs that state or federal law prohibits.
d. A person shall not erect, operate, display, or otherwise use any sign that this Section prohibits.
e. A person shall not erect, operate, display, or otherwise use any sign at a time, place, or manner that this Section prohibits.

2. Message Neutrality

a. Content Neutrality

Despite any other provision of this Section, no sign is subject to any limitation based on the content of its message.

b. Substitution Allowed

Any sign authorized in this Section may contain any noncommercial copy or messages instead of a commercial or another noncommercial message.

C. Prohibited Signs

The following signs and related objects are prohibited from being installed or publicly displayed at any location within the City's corporate limits, except as otherwise specifically prescribed within this Section, and if only after authorized issuance of a City-issued sign permit required by this Section.

1. Billboards.
2. Moving and flashing signs, including signs that flash, revolve, rotate, swing, undulate or otherwise attract attention through the movement or flashing of lights, LEDs, or other parts, or through the impression of movement or flashing. However, this prohibition shall not apply to:

a. Noncommercial message(s); and
b. Signs that are fully located within an enclosed building that are not observable from the exterior of that building.

3. Signs which are of a size, location, movement, content, coloring, or manner of illumination, which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
4. Signs placed on or affixed to vehicles, trailers, or equipment that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to direct people to another property.
5. No person shall attach any sign, paper or other material to, or paint, stencil or write anything on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this Section or by the City Commission or its delegated representatives.
6. No person shall erect or allow to be erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes unless specifically exempted by this Section or unless erected under a valid, unexpired permit as specifically set forth elsewhere in this Section.
7. Signs on a lot without a permanent or primary structure, unless related to construction.
8. No person shall hold, display, or wear a sign unless on private property and not in the right-of-way.
9. Searchlights.
10. Signs that are in disrepair to the extent that the cost of repair would exceed fifty percent (50%) of the value of a similar sign if purchased new and signs in danger of falling or that are otherwise unsafe to the public.
11. Signs that display multidimensional projections of diffracted light are prohibited.
12. Signs that are located on or that interfere with the use of public sidewalks, required off-street parking areas, or vehicle maneuvering areas unless specifically regulated in this Section.
13. Any unauthorized sign on or attached to a public streetlight, utility pole, hydrant, bridge, traffic-control device, street sign or other public structure or building, or any sign located in, on, over or within a public street, sidewalk, alley, easement, or right-of-way.
14. Signs (illuminated from within or without) that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon a street or substantially interfere with the reasonable enjoyment of property.
15. Signs located on private property without the consent of that property owner.
16. Signs that use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of at least two hundred fifty (250) feet along the street.
17. All signs not expressly allowed, exempted, or permitted under this Section.

D. Exempt Signs

The following signs and related objects are generally allowed to be erected and publicly displayed at any location within the City’s corporate limits, except as otherwise specifically proscribed within this Section, and a city-issued sign permit is not required in order to erect and display any of the following signs unless specifically set forth in this Section. This Section shall not apply to:

1. Any signs and signals properly authorized by law, signs authorized by statute or a state agency, and other traffic signals, public warnings, or legal notices provided that such

objects are installed in a location and in a manner and condition required by federal or state statute, a state agency, or a City ordinance or authorized authority.

2. Nonconforming signs as defined in Division VII, except that each such sign must be permitted by the City as a nonconforming sign under the procedures set forth in Division VII.
3. Existing billboards, except that each such sign must be permitted by the City as a nonconforming sign under the procedures set forth in Division VII.
4. Signs required by governmental bodies or agencies having proper jurisdiction for a public purpose by law, statute, or ordinance. This also includes any signs the City Commission decides by ordinance or resolution to erect within its corporate limits or any real property that it may own or control.
5. Signs on vehicles, trailers, or equipment are exempted only to the extent such signs are incidental to the primary use of the vehicle, trailer, or equipment, provided that the vehicle, trailer, or equipment is in good mechanical repair and is not left in one place for more than seventy-two (72) hours without being moved.
6. Signs erected by the City that direct vehicular or pedestrian traffic, which may display arrows, words, or other symbols to indicate directions of facilities.
7. Address numerals and other similar information required to be maintained by law or governmental order, rule or regulation, provided that the size of the sign may not exceed the requirements of such law, order, rule or regulation.
8. Signs contained within a walled, fenced, or secured property or area.
9. Signs that are interior facing and not visible from public right-of-way.
10. Signs erected by governmental bodies or agencies serving the public, that are less than thirty-two (32) square feet in area.
11. Decorations, lights, pennants, and similar devices on public property with the permission and under the supervision of the City.
12. Seasonal lights and decorations customarily displayed during federally, state, local, or tribal recognized holidays.
13. Burglar/security alarms and signs that are less than four (4) square feet in area.
14. Signs in plaza or public space structures located in the City's right-of-way, that are installed and maintained by the City or a contractor authorized by the City.

E. General Requirements

1. Installation

a. Signs and sign structures shall comply with the City's Building Code and all other regulatory requirements. An applicant shall obtain all applicable plans and permits before installing a sign.
b. For wall signs, the sign installation area on the building wall shall be cleaned, patched, and painted upon sign removal.

2. Maintenance

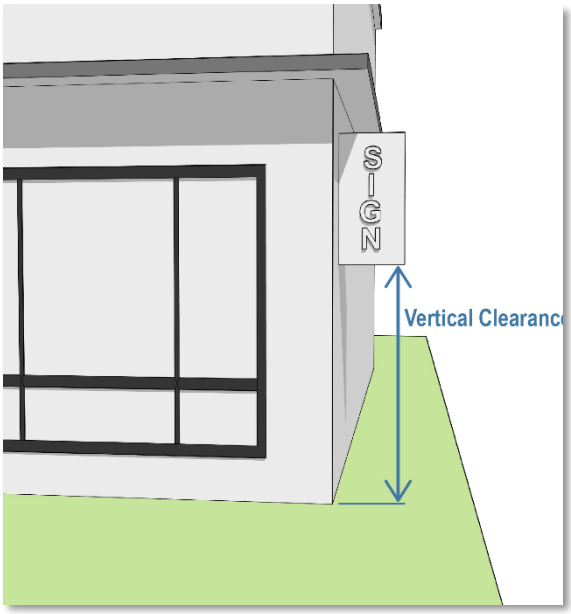
a. All signs, together with any supports, braces, guys and anchors, and colors, shall remain in good repair and be properly maintained.
b. Any defective signs or damaged parts or components of a sign shall be replaced and keep the adjacent properties free of debris, weeds, trash, or other public nuisances.
c. The Director may enforce the standards as provided in Division VIII.

3. Vertical Clearance for Signs Projecting over Sidewalks, Walkways, and Driveways

a. The bottom edge of any projecting sign, attached awning/canopy sign, hanging sign, marquee sign, and any other sign that extends or projects over a sidewalk, walkway, or driveway shall be

at least nine (9) feet above grade as shown in Figure IV.11: Sign Vertical Clearance unless specified elsewhere in this Section.

Figure IV-11: Sign Vertical Clearance



b. Projecting signs, attached awning/canopy signs, hanging signs, marquee signs, and any other sign that extends or projects over public sidewalks shall not extend into or occupy more than half (1/2) the width of the sidewalk or five (5) feet (whichever is less), as measured from the building unless specified elsewhere in this Section.

4. Right-of-Way and Sight Distances

a. Signs Prohibited in Right-of-Way

No person shall place or install a sign within the right-of-way of any public street except as provided below.

b. Signs in the Intersection Visibility Triangle

i. No person shall place or install a sign in a location as established in the UDC's "Intersection Visibility Triangle" requirements (see Sec. 22-208. F.) except as provided below.

ii. Inspection for Sign Placement

The Director may approve a sign permit for placement of a sign in a required intersection visibility triangle if this Section allows the sign type, and the sign cannot be located outside the intersection visibility triangle due to unusual circumstances. The Director shall perform an on-site inspection and determine that a safe and adequate intersection visibility exists based on the following factors:

(A) Generally accepted traffic engineering best practices, as recognized by the American Association of State Highway and Transportation Officials (AASHTO);
(B) Sign design;
(C) Traffic conditions; and
(D) Driveway or street design.

F. Computations and Interpretations

1. Interpretation

All images and graphics are for illustrative purposes to orient the reader with the requirements of this Section.

2. Measurement

a. Sign Area

This is measured in square feet (“sf”) and calculated as the width multiplied by the height of a single rectangle that contains all sign elements, including decorative embellishments, and any internally illuminated or backlit panel, fabric, or similar material not approved as an architectural element of the building.

i. Sign area includes cabinets, background panels, or colors that are part of the sign installation and not part of the building architecture or the sign support.

ii. Sign area measurement are as follows:

(A) Only one side of a multi-faced sign is considered when determining the sign area, if the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two (2) faces are not more than eighteen (18) inches apart.

(B) Where two faces of a multi-faced sign are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two (2) faces are no more than eighteen (18) inches apart, the larger sign face is used to calculate sign area.

(C) When the interior angle formed by the faces of a multi-faced sign is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of the sign are considered in calculating sign area.

iii. For irregularly shaped signs, sign area is calculated as the sum of the boundaries that completely contain all sign elements.

iv. The calculation of sign area for a single sign includes all related sign elements on the same facade or structure. Sign elements are related if they are all constructed in a similar manner and are located less than five (5) feet apart. Additionally, to be considered a single sign, the facade on which the elements of the sign are mounted can be offset by up to five (5) feet.

v. Where two (2) or more signs are allowed on a facade, the separate sign area rectangles for each sign are added together to determine the total amount of sign area on that building façade.

vi. Area limits control the sign area per face for a sign with two (2) faces.

b. Sign Height

i. The sum of the height of the sign base and sign face as measured from the ground immediately adjacent to the highest point of the sign, including any cabinets, trim, or attachments.

ii. Height limits include the combined height of the sign face and monument base.

c. Sign Width

This is measured as the greatest horizontal distance between any two (2) points on the sign, irrespective of whether the points are part of the sign face, sign base, or a combination of the two (2).

d. Wall Area

Where sign size is required as a percentage of a wall area, the “wall area” is a continuous portion of a building facade, as viewed by a person approaching the building from the public right-of-way, consisting of a plane surface.

G. Sign Features

Signs may incorporate the following features established below; however, these features shall only be allowed as established in Subsections K. – O.

1. Illumination

a. Generally

i. A sign that is "illuminated" means any sign that incorporates illumination on or in the sign, or that directs illumination toward or over all or part of the sign, or that is created by the projection of illuminations onto a surface (such as a building wall).
ii. Permanent signs may be illuminated by static and continuous internal, external, and halo illumination configurations as indicated in the tables for each sign type in Subsections K. – O.
iii. Temporary signs shall not be illuminated.

b. Standards

The standards below apply to all signs that are illuminated.

i. Signs that are illuminated shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade.
ii. Illumination shall not include animation, moving video, or flashing, scrolling, intermittent, moving lights, rotating beams, or flashing beacon lights.
iii. Signs that are illuminated shall not be illuminated by flashing, intermittent, or moving lights, or lights that consist of an image projected upon a stationary object.
iv. The illumination source for a sign or building shall be shielded from view from any point on the ground by either an opaque or translucent material.
v. Illumination shall comply with all applicable provisions of the City's Electrical Code.
vi. Signs with illumination in or within one hundred (100) feet of a residential area shall be reduced to fifty percent (50%) of the maximum brightness level allowed by this Section between the hours of 12:00 a.m. and 6:00 a.m.

2. Electronic Message Centers

a. Generally

i. A sign that incorporates an electronic message center (EMC) means a sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).
ii. Permanent signs may incorporate electronic message centers as indicated in the tables for each sign type in Subsections K. – O.
iii. Temporary signs shall not incorporate electronic message centers.

b. Standards

i. Hold Time
(A) Each message on the sign must be displayed for at least fifteen (15) seconds duration.
(B) Message changes shall be completed instantaneously and shall be imperceptible.
ii. Electronic Copy

(A) Signs incorporating electronic message centers shall only contain static messages changed exclusively by dissolve or fade transitions, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign.
(B) A static message shall not include any flashing or varying of light intensity, and the message shall not scroll.
(C) The change of message using dissolve or fade transition shall not exceed two (2) seconds of time between each message displayed on the sign.

iii. Brightness
(A) The intensity of the light source for an electronic message center shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
(B) An electronic message center shall not operate at brightness levels of more than 0.5 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade.
(C) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 0.5 foot-candles above ambient light and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Director.

iv. Light Sensing Device

Each digital sign must have a light-sensing device that will adjust the brightness as ambient light conditions change.

v. Technology
(A) The technology currently being deployed for electronic message centers is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future.
(B) Any other technology that complies with the performance standards for electronic message centers, including the maximum brightness levels as stated above, is permitted.

vi. Automatic Shutoff

An electronic message center shall:

(A) Have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light.
(B) Include systems and monitoring to either turn the display off, show "full black" on the display, or include a default mechanism that freezes the sign in one position if a malfunction occurs, and
(C) Be designed so that a catastrophic power surge will cause the sign to go dark or to deploy the maximum brightness limitations, and
(D) Automatically adjust the intensity of its display according to natural ambient light conditions.

vii. Resolution
(A) Electronic message center faces shall have a pixel pitch of no more than sixteen (16) millimeters.
(1) "Pixel pitch" means a measurement of the resolution of a digital display, in terms of the distance (generally in millimeters) between the center of a light-emitting diode (LED) cluster (pixel) and the center of the next LED pixel.
(2) A lower pixel pitch measurement indicates a higher display resolution.

(B) This Subsection applies only to signs that are constructed, rebuilt or replaced after the effective date of this UDC.

c. Maintenance

i. The sign owner shall provide the Director with the phone number and email address of a person who is available to be contacted at any time and who is able to turn off the electronic message center promptly after a malfunction occurs.

ii. The light modules on electronic message centers shall be repaired or replaced if they become broken, burned-out, or substantially dimmed.

3. Changeable Copy

a. Generally

Permanent signs may incorporate changeable copy as indicated in the tables for each sign type in Subsections K. – O. .

b. Standards

The standards below apply to signs incorporating changeable copies.

i. Where allowed, each sign is limited to a percentage of the sign face area that may be used for a changeable copy.

ii. Changeable copies may be illuminated if the dimensions and standards allow illumination for the sign type in the district.

H. Sign Types

1. Purpose

a. This Section establishes the required standards for signs from the following sign categories:

i. Ground signs;

ii. Attached signs;

iii. Incidental signs;

iv. Temporary signs; and

v. Special signs.

b. This classification system provides flexibility for persons and businesses who display signs, avoids sign distinctions that depend on a sign's message, supports the communities' aesthetic goals, and avoids potential traffic hazards and clutter.

2. Generally

This Section establishes standards for individual sign types. Sections and subsections on each sign type addresses the following standards:

a. An introductory paragraph defining the sign type;

b. Images and/or graphics that illustrate the sign type;

c. A table summarizing the applicable sign standards, including:

i. If the sign type is allowed in the designated areas provided in Subsection J.

ii. If a sign permit is required;

iii. The maximum number of signs of each type;

iv. Maximum sign dimensions, including:

(A) Sign area;

(B) Height;

(C) Location/setbacks; or

(D) Other requirements.

v. If the sign features provided in Subsection G. are allowed or required:

(A) Electronic message centers;

(B) Illumination features; and

(C) Changeable copies.

I. Sign Equivalency

Table IV.9: Sign Equivalency Table identifies the sign types that existed under the previous Sign Chapter (*Chapter 3 – Advertising and Signs*) and the sign types and regulations that now apply in this Section.

Table IV.9: Sign Equivalency Table

Applicable Sign Category	Applicable Sign Type	Previous Sign Type
Ground	Monument Sign	Freestanding Sign
	Pole Sign	Ground Sign
	Subdivision Entry Sign	Subdivision Sign
Attached	Wall Sign	Wall Sign
		Combination Sign
		Parapet Wall Sign
	Attached Awning/Canopy Sign	Canopy Sign
		Awning Sign
	Hanging Sign	
	Grounded Canopy Sign	
	Marquee Sign	Marquee Sign
	Projecting Sign	Projecting Sign
	Roof Sign	Roof Sign
	Skyline Sign	
	Window Sign	Window Sign
Incidental	General Incidental Sign	Accessory Directional and Information Sign
		Public Utility Sign
		Memorial Sign
	Flag	Flag
	Speaker Board	
	Walk-Up Board	
Temporary	General Temporary Sign	Temporary Sign
		Construction Sign
		Real Estate Sign
	Sidewalk Sign	A-frame Sign (Sandwich or Swinger Sign)
	Attached Banner	Banner
	Ground Banner	
Special	Mural	

J. Sign Allocations

This Section regulates signs by zoning districts. This Section's permitting requirements for each sign type references the subsections that apply to that sign type.

K. Ground Signs

Ground signs are classified into one of the following sign types: monument signs, pole signs, or subdivision entry signs. Their associated regulations are established in this Subsection. A lot may have one ground sign, but not multiple ground signs unless specified elsewhere in this Subsection. *(NOTE: a lot cannot have a monument sign and a pole sign. A lot can only have one of the permitted ground signs – monument sign, pole sign, or subdivision entry sign.)*

1. Monument Sign

a. Definition

A permanent detached or freestanding sign with a low profile, a base, and a support structure with a solid appearance that is at least 50% of the width of the widest part of the sign's face.

b. Standards

i. Generally

Table IV.10: Monument Sign Standards establishes the standards for monument signs.



Table IV.10: Monument Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	NR	NR	✓	✓	✓	✓	NR
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (max. per sign)							
Lots with 0 – 50 ft of Lineal Street Frontage	50 sf	50 sf	50 sf	50 sf	50 sf	50 sf	25 sf
Lots with 51 – 100 ft of Lineal Street Frontage	50 sf	50 sf	100 sf	75 sf	50 sf	100 sf	50 sf
Lots with 101 – 150 ft of Lineal Street Frontage	75 sf	75 sf	150 sf	100 sf	100 sf	150 sf	75 sf
Lots with 151 – 200 ft of Lineal Street Frontage	75 sf	75 sf	200 sf	150 sf	100 sf	200 sf	100 sf
Lots with > 200 ft of Lineal Street Frontage	100 sf	100 sf	400 sf	250 sf	150 sf	400 sf	125 sf
Sign Height (max. per sign)							
Height of the highest point of sign above grade at sign location	8 ft	10 ft	20 ft	20 ft	12 ft	20 ft	8 ft
Height of the highest point of sign if adjacent to an elevated roadway (measured from the grade of the elevated roadway)	16 ft	20 ft	40 ft	40 ft	24 ft	40 ft	16 ft
Distance							
From Front Property Line	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft	5 ft
From Adjacent Property Lines	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
From Another Ground Sign	50 ft	50 ft	100 ft	100 ft	50 ft	100 ft	50 ft
Features							
Electronic Message Center	×	×	✓	✓	✓	✓	NR
Changeable Copy	NR	NR	✓	✓	✓	✓	NR
Internal Illumination	NR	NR	✓	✓	✓	✓	NR
External Illumination	NR	NR	✓	✓	✓	✓	NR
Halo Illumination	×	×	✓	✓	✓	✓	NR
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

(A) This Subsection generally allows one (1) double-sided monument sign for each lot fronting a street for the sign districts shown in Table IV.10: Monument Sign Standards unless the lot fronts multiple streets, in which an additional monument sign is allowed for each street frontage.

(B) No monument sign is allowed on a lot without street frontage.

iii. Multi-tenant Allowances

(A) The maximum sign area for a monument sign on a lot with multiple tenants may be increased by twenty-five percent (25%).

(B) No monument sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within two hundred (200) feet of another monument sign.

(C) No monument sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within five hundred (500) feet of a residential use.
(D) A monument sign on a lot with multiple tenants shall be set back at least ten (10) feet from the front property line.

iv. Design and Installation
(A) Any electrical service provided to a monument sign shall be underground.
(B) Monument signs shall be designed to withstand wind loads established by the Building Code.
(C) All monument signs shall be placed in concrete bases or footings.
(D) Monument signs shall be landscaped around the base of the sign in an area equal to two (2) feet for each square foot of sign and base area.
(E) An individual monument sign shall contain at a minimum a three-foot masonry base around all sides of the sign.
(F) A monument sign may incorporate a changeable copy or an electronic message center based on the standards of Subsection G. and the allowances established in Table IV.10: Monument Sign Standards.

2. Pole Sign



a. Definition

A permanent detached of freestanding sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than twelve (12) inches above the ground. A pole sign does not include a flag mounted on a flagpole.

b. Standards

i. Generally

Table IV.11: Pole Sign Standards establishes the standards for pole signs.

Table IV.11: Pole Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	NR	×	✓	×	×	✓	×
Permit Required?	✓	--	✓	--	--	✓	--
Number per Lot (max.)	1	--	1	--	--	1	--
Dimensions							
Sign Area (max. per sign)							
Lots with 0 – 50 ft of Lineal Street Frontage	50 sf	--	50 sf	--	--	50 sf	--
Lots with 51 – 100 ft of Lineal Street Frontage	50 sf	--	100 sf	--	--	100 sf	--
Lots with 101 – 150 ft of Lineal Street Frontage	75 sf	--	150 sf	--	--	150 sf	--
Lots with 151 – 200 ft of Lineal Street Frontage	75 sf	--	200 sf	--	--	200 sf	--
Lots with > 200 ft of Lineal Street Frontage	100 sf	--	400 sf	--	--	400 sf	--
Sign Height (max. per sign)							
Height of the highest point of sign above grade	20 ft	--	20 ft	--	--	20 ft	--
Height of the highest point of sign if adjacent to an elevated roadway	40 ft	--	40 ft	--	--	40 ft	--
Distance							
From Front Property Line	5 ft	--	5 ft	--	--	10 ft	--
From Adjacent Property Lines	5 ft	--	5 ft	--	--	5 ft	--
From Another Ground Sign	50 ft	--	100 ft	--	--	100 ft	--
Features							
Electronic Message Center	×	--	✓	--	--	✓	--
Changeable Copy	NR	--	✓	--	--	✓	--
Internal Illumination	NR	--	✓	--	--	✓	--
External Illumination	NR	--	✓	--	--	✓	--
Halo Illumination	×	--	✓	--	--	✓	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

(A) This Subsection generally allows one (1) double-sided pole sign for each lot fronting a street for the sign districts shown in Table IV.11: Pole Sign

Standards unless the lot fronts multiple streets, in which an additional pole sign is allowed for each street frontage.

(B) No pole sign is allowed on a lot without street frontage.

iii. Location

Pole signs are only allowed if:

(A) A lot fronts Interstate Highway 40, U.S. 177, or U.S. 270, and

(B) Located within a distance of one hundred (100) feet from the right-of-way line of the linear segment of that thoroughfare and situated so as to be viewed from that thoroughfare.

iv. Multi-tenant Allowances

(A) The maximum sign area for a pole sign on a lot with multiple tenants may be increased by twenty-five percent (25%).

(B) No pole sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within two hundred (200) feet of another pole sign.

(C) No pole sign on a lot with multiple tenants with an increased maximum sign area allowance shall be located within five hundred (500) feet of a residential use.

(D) A pole sign on a lot with multiple tenants shall be set back at least ten (10) feet from the front property line.

v. Design and Installation

(A) Any electrical service provided to a pole sign shall be underground.

(B) Pole signs shall be designed to withstand wind loads established by the Building Code.

(C) All pole signs shall be placed in concrete bases or footings.

(D) All pole signs shall be landscaped around the base of the sign in an area equal to two (2) square feet for each square foot of sign area.

(E) Pole signs shall not have attached any guys or braces.

(F) A pole sign may incorporate a changeable copy or an electronic message center based on the standards of Subsection G. and the allowances established in Table IV.11: Pole Sign Standards.

3. Subdivision Entry Sign

a. Definition

A specific monument sign located at the entry of a platted subdivision from a local, collector, or arterial street.



b. Standards

i. Generally

Table IV.12: Subdivision Entry Sign Standards establishes the standards for subdivision entry signs.

Table IV.12: Subdivision Entry Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	✓	✓	×	×	×	×	✓
Permit Required?	✓	✓	--	--	--	--	✓
Number per Entry Street (max.)	1	1	--	--	--	--	1
Dimensions							
Sign Area (max.)	250 sf	250 sf	--	--	--	--	150 sf
Sign Height (max.)	14 ft	14 ft	--	--	--	--	10 ft
Features							
Electronic Message Center	×	×	--	--	--	--	×
Changeable Copy	×	×	--	--	--	--	×
Internal Illumination	×	×	--	--	--	--	×
External Illumination	✓	✓	--	--	--	--	✓
Halo Illumination	✓	✓	--	--	--	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number and Location

Two (2) subdivision entry signs may be located at the intersection of a local, collector, or arterial street and an entry street or private driveway into a subdivision. The signs shall be configured as follows:

(1) Two (2) signs with one (1) sign face each located on opposite sides of the entry street or private driveway;
(2) One (1) sign with two (2) faces located within a landscaped area dividing two (2) one-way entry streets or private driveways; or
(3) One (1) sign located on one (1) side of the entry street or private driveway.

iii. Design and Installation

(A) Any electrical service provided to a subdivision entry sign shall be underground.
(B) Subdivision entry signs shall be designed to withstand wind loads established by the Building Code.

(C) Subdivision entry signs shall be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials.

(D) All subdivision entry signs shall be landscaped around the base of the sign in an area equal to three (3) square feet for each square foot of sign area.

L. Attached Signs

Attached signs are classified into one of the following sign types: wall signs, attached awning/canopy signs, hanging signs, grounded canopy signs, marquee signs, projecting signs, roof signs, skyline signs, or window signs. Their associated regulations are established in this Subsection. A building may have multiple attached signs unless specified elsewhere in this Section.

1. Wall Sign

a. Definition

An attached sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.



b. Standards

i. Generally

Table IV.13: Wall Sign Standards establishes the standards for wall signs.

Table IV.13: Wall Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	NR	NR	✓	✓	✓	✓	NR
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Dimensions							
Sign Area (cumulative max. per storefront)							
Storefront wall widths ≤ 50 ft	25 sf	25 sf	25 sf	25 sf	25 sf	25 sf	25 sf
Storefront wall widths 51 – 100 ft	50 sf	50 sf	50 sf	25 sf	25 sf	50 sf	25 sf
Storefront wall widths 101 – 150 ft	50 sf	50 sf	75 sf	25 sf	25 sf	75 sf	50 sf
Storefront wall widths 151 – 200 ft	75 sf	75 sf	125 sf	75 sf	75 sf	125 sf	75 sf
Storefront wall widths > 200 ft	100 sf	100 sf	150 sf	100 sf	100 sf	150 sf	100 sf
Clearance and Projection (per sign)							
Vertical Clearance (min.)	9 ft	9 ft	9 ft	9 ft	9 ft	9 ft	9 ft
Sign Projection (max.)	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Internal Illumination	NR	NR	✓	✓	✓	✓	NR
External Illumination	NR	NR	✓	✓	✓	✓	NR
Halo Illumination	NR	NR	✓	✓	✓	✓	NR
Additional Information							

Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply

ii. Number

There is no limit to the amount of wall signs allowed on a building; however, in no instance shall the cumulative wall sign allowance exceed the requirements in Table IV.13: Wall Sign Standards, unless specified otherwise in this Subsection.

iii. Design and Installation

A wall sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.

2. Attached Awning/Canopy Sign

a. Definition

A permanent sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning or attached structural canopy.



b. Standards

i. Generally

Table IV.14: Attached Awning/Canopy Sign Standards establishes the standards for attached awning/canopy signs.

Table IV.14: Attached Awning/Canopy Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	NR	NR	✓	✓	✓	✓	NR
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Area (cumulative max. per storefront)							
Storefront wall widths ≤ 50 ft	25 sf	25 sf	25 sf	25 sf	25 sf	50 sf	25 sf
Storefront wall widths 51 – 100 ft	25 sf	25 sf	50 sf	25 sf	25 sf	50 sf	25 sf
Storefront wall widths 101 – 150 ft	50 sf	50 sf	75 sf	50 sf	50 sf	75 sf	50 sf
Storefront wall widths 151 – 200 ft	75 sf	75 sf	125 sf	75 sf	75 sf	125 sf	75 sf
Storefront wall widths > 200 ft	75 sf	75 sf	150 sf	100 sf	100 sf	150 sf	75 sf
Clearance (per sign)							
Vertical Clearance (min.)	9 ft	9 ft	9 ft	9 ft	9 ft	9 ft	9 ft
Features							
Electronic Message Center	✕	✕	✕	✕	✕	✕	✕
Changeable Copy	✕	✕	✕	✕	✕	✕	✕
Internal Illumination	NR	NR	✓	✓	✓	✓	NR
External Illumination	NR	NR	✓	✓	✓	✓	NR
Halo Illumination	NR	NR	✓	✓	✓	✓	NR
Additional Information							

Key	✓ = yes, a permit is required or the feature is allowed | ✕ = no/not allowed | NR = the sign type or characteristic is allowed for nonresidential uses only | sf = square feet | ft = feet | "-" = the standard does not apply

ii. Instead of Wall Sign

(A) Attached awning/canopy signs may be displayed instead of a wall sign on any exterior wall on which a wall sign is allowed under this Section.

(B) An attached awning/canopy sign shall not be displayed on the same wall as a wall sign.

iii. Attached awning/canopy signs for Multi-Tenant Buildings with Separate Storefronts

Tenants in multi-tenant buildings with separate storefronts may each display attached awning/canopy signs on the frontage where the primary public entrance is located.

iv. Design and Installation

(A) Attached awning/canopy signs may be printed, attached, or directly applied to the surface of the awning/canopy covering.

(B) An attached awning/canopy sign shall not extend from the surface of the awning/canopy to which it is affixed.

3. Hanging Sign

a. Definition

A sign suspended from the underside of a canopy, awning, ceiling, marquee, roof overhang, a covered porch, or walkway.



b. Standards

i. Generally

Table IV.15: Hanging Sign Standards establishes the standards for hanging signs.

Table IV.15: Hanging Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	✕	NR	✓	✓	✓	✕	NR
Permit Required?	--	✓	✓	✓	✓	--	✓
Number per Storefront (max.)	--	1	1	1	1	--	1
Dimensions							
Sign Area (max.)	--	15 sf	25 sf	25 sf	25 sf	--	15 sf
Vertical Clearance (min.)	--	9 ft	9 ft	9 ft	9 ft	--	9 ft
Sign Projection (max.)	--	3 ft	3 ft	4 ft	4 ft	--	3 ft
Features							
Electronic Message Center	--	✕	✕	✕	✕	--	✕
Changeable Copy	--	✕	✕	✕	✕	--	✕
Internal Illumination	--	✕	✓	✓	✓	--	✕
External Illumination	--	✕	✕	✓	✓	--	✕
Halo Illumination	--	✕	✓	✓	✓	--	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed | ✕ = no/not allowed | NR = the sign type or characteristic is allowed for nonresidential uses only | sf = square feet | ft = feet | "-" = the standard does not apply						

ii. Design and Installation

A hanging sign shall affix to the surface of the wall so that the face of the sign remains perpendicular to the ground.

4. Grounded Canopy Sign

a. Definition

A permanent attached sign that is affixed to a grounded canopy. A grounded canopy is a permanent structure that is structurally independent of a building affixed to the ground, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.



b. Standards

i. Generally

Table IV.16: Grounded Canopy Sign Standards establishes the standards for grounded canopy signs.

Table IV.16: Grounded Canopy Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	NR	NR	✓	✓	×	✓	NR
Permit Required?	✓	✓	✓	✓	--	✓	✓
Number per Grounded Canopy (max.)	1	1	3	2	--	3	1
Dimensions							
Sign Area (cumulative max. per grounded canopy)	25 sf	25 sf	100 sf	50 sf	--	100 sf	25 sf
Sign Projection (max.)	1 ft	1 ft	1 ft	1 ft	--	1 ft	1 ft
Features							
Electronic Message Center	--	--	✓	✓	--	✓	--
Changeable Copy	NR	NR	✓	✓	--	✓	NR
Internal Illumination	NR	NR	✓	✓	--	✓	NR
External Illumination	×	×	×	×	--	×	×
Halo Illumination	--	--	✓	✓	--	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

(A) If a grounded canopy is allowed for the zoning district, one sign may be displayed on each frontage in which that grounded canopy is located.

(B) Grounded canopy signs are an additional allowance for wall signs provided by this Subsection.

iii. Design and Installation

(A) A grounded canopy sign shall affix flush against the surface of the face of the grounded canopy or as flush as possible while still allowing the plane of the face of the sign to remain perpendicular to the ground.

(B) The face of a grounded canopy sign cannot extend above the top surface of the face of the grounded canopy to which it is attached.

5. Marquee Sign

a. Definition

A permanent attached sign affixed to a marquee.



b. Standards

i. Generally

Table IV.17: Marquee Sign establishes the standards for marquee signs.

Table IV.17: Marquee Sign

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	×	×	×	×	✓	×	×
Permit Required?	--	--	--	--	✓	--	--
Number per Building (max.)	--	--	--	--	1	--	--
Dimensions							
Sign Area (max.)	--	--	--	--	100 sf	--	--
Vertical Clearance (min.)	--	--	--	--	9 ft	--	--
Sign Projection (max.)	--	--	--	--	8 ft	--	--
Features							
Electronic Message Center	--	--	--	--	×	--	--
Changeable Copy	--	--	--	--	✓	--	--
Internal Illumination	--	--	--	--	✓	--	--
External Illumination	--	--	--	--	✓	--	--
Halo Illumination	--	--	--	--	✓	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

One (1) marquee sign may be displayed in addition to other signs allowed in this Subsection.

iii. Design and Installation

A marquee sign shall be located above the primary public entrance of a building.

6. Projecting Sign



a. Definition

A permanent attached sign type that is affixed to and projects eighteen (18) inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on an attached canopy, awning, marquee, or roof.

b. Standards

i. Generally

Table IV.18: Projecting Sign Standards establishes the standards for projecting signs.

Table IV.18: Projecting Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	×	×	×	✓	✓	×	NR
Permit Required?	--	--	--	✓	✓	--	✓
Number per Storefront (max.)	--	--	--	1	1	--	1
Dimensions							
Sign Area (max.)	--	--	--	25 sf	25 sf	--	25 sf
Vertical Clearance (min.)	--	--	--	9 ft	9 ft	--	9 ft
Sign Projection (max.)	--	--	--	5 ft	5 ft	--	5 ft
Features							
Electronic Message Center	--	--	--	×	×	--	×
Changeable Copy	--	--	--	×	×	--	×
Internal Illumination	--	--	--	✓	✓	--	✓
External Illumination	--	--	--	✓	✓	--	✓
Halo Illumination	--	--	--	✓	✓	--	✓
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Design and Installation

A projecting sign shall affix to the surface of the wall so that the face of the sign remains perpendicular to the ground.

7. Roof Sign

a. Definition

A sign that is mounted on the roof of a building, or that is wholly or partially dependent upon the building for support, and that projects above the highest point of a building with a flat roof, the eave-line of a building with a gambrel, gable, or hip roof, or the deck-line of a building with a mansard roof.



b. Standards

i. Generally

Table IV.19: Roof Sign Standards establishes the standards for roof signs.

Table IV.19: Roof Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	×	×	✓	✓	✓	×	×
Permit Required?	--	--	✓	✓	✓	--	--
Number per Building (max.)	--	--	1	1	1	--	--
Dimensions							
Sign Area (max. per sign for buildings ≥ 35 ft)	--	--	200 sf	175 sf	150 sf	--	--
Sign Height (max. per sign for buildings ≥ 35 ft)	--	--	12 ft	10 ft	8 ft	--	--
Features							
Electronic Message Center	--	--	×	×	×	--	--
Changeable Copy	--	--	×	×	×	--	--
Internal Illumination	--	--	✓	✓	✓	--	--
External Illumination	--	--	✓	✓	✓	--	--
Halo Illumination	--	--	✓	✓	✓	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

A building may include either a roof sign or a skyline sign subject to this Subsection, but not both.

iii. Design and Installation

(A) Roof signs shall not project above:
  (1) Ten (10) feet above the top of a flat roof, or
  (2) The top of a mansard roof, or
  (3) The top ridge of a gable, hip, cone, gambrel, or shed roof; or
  (4) The top ridge of any other sloped roof.

(B) Roof signs shall be designed to withstand wind loads established by the Building Code.

8. Skyline Sign



a. Definition

A sign that is placed above the windows of the highest floor of a building that is at least multiple stories and taller than thirty-five (35) feet in height.

b. Standards

i. Generally

Table IV.20: Skyline Sign Standards establishes the standards for skyline signs.

Table IV.20: Skyline Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	×	×	✓	✓	✓	×	×
Permit Required?	--	--	✓	✓	✓	--	--
Number per Street Frontage (max.)							
On a Highway/Major Arterial Street	--	--	2	2	2	--	--
On any Other Classified Street	--	--	1	1	1	--	--
Number per Building (max.)	--	--	4	3	3	--	--
Dimensions							
Sign Area (max. per sign for buildings ≥ 35 ft)	--	--	200 sf	150 sf	125 sf	--	--
Sign Height above Roofline (max. per sign for buildings ≥ 35 ft)	--	--	12 ft	10 ft	10 ft	--	--
Total Sign Area per Building (max.)	--	--	400 sf	300 sf	250 sf	--	--
Features							
Electronic Message Center	--	--	×	×	×	--	--
Changeable Copy	--	--	×	×	×	--	--
Internal Illumination	--	--	✓	✓	✓	--	--
External Illumination	--	--	✓	✓	✓	--	--
Halo Illumination	--	--	✓	✓	✓	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

A building may include either a skyline sign or a roof sign subject to this Subsection, but not both.

iii. Design and Installation

(A) A skyline sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.

(B) The skyline sign's face shall not project more than two (2) feet from the surface of the wall to which it is attached.

(C) Skyline signs shall not project above the roofline of the building.

9. Window Sign



a. Definition

A sign posted, printed, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

b. Standards

i. Generally

(A) Table IV.21: Window Sign Standards establishes the standards for window signs.

(B) Table IV.21: Window Sign Standards expresses the sign area as the percentage of sign coverage per windowpane or per window if it does not contain separate panes.

Table IV.21: Window Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	NR	NR	×	✓	✓	✓	NR
Permit Required?	×	×	×	×	×	×	×
Number per Window Facing Street (max.)	1	1	1	2	2	1	1
Dimensions							
Sign Area (max. % of window area)	15%	15%	25%	25%	50%	25%	15%
Features							
Electronic Message Center	×	×	×	×	×	--	×
Changeable Copy	×	×	×	×	×	--	×
Internal Illumination	--	--	--	✓	✓	--	--
External Illumination	--	--	--	✓	✓	--	--
Halo Illumination	--	--	--	✓	✓	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Design and Installation

(A) Window signs shall be posted or affixed to the window.

(B) No window sign shall be drawn or painted onto the window.

(C) No window sign shall be allowed on any nontransparent window.

M. Incidental Signs

Incidental signs are classified into one of the following sign types: general incidental signs, flags, speaker boards, or walk-up boards. Their associated regulations are established in this Subsection. A building or lot may have multiple incidental signs as allowed in this Subsection.

1. General Incidental Signs

a. Definition

A small permanent sign other than a flag, speaker board, or walk-up board, that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as detached (ground) signs and attached signs, and that has a height and scale that is clearly subordinate to the primary sign types allowed for the property. Examples of typical General Incidental Signs include house numbers, occupant directories, property or tenant identification names or numbers, wayfinding signs, and directional signs, and signs warning the public against trespassing or danger from animals. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of General Incidental Signs. The City will not review the content of General Incidental Signs.

b. Standards

i. Generally

Table IV.22: General Incidental Sign Standards establishes the standards for general incidental signs not specified in Subsections 2. – 4.

Table IV.22: General Incidental Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	×	×	✓	✓	✓	✓	×
Dimensions							
Sign Height (max.)	4 ft	4 ft	6 ft	6 ft	4 ft	6 ft	4 ft
Incidental Sign Area (max. per sign)							
Lots < 1 acre	6 sf	6 sf	20 sf	12 sf	12 sf	20 sf	6 sf
Lots 1 – 5 acres	12 sf	12 sf	35 sf	20 sf	20 sf	35 sf	12 sf
Lots > 5 acres	20 sf	20 sf	50 sf	35 sf	35 sf	50 sf	20 sf
Incidental Sign Area per Lot (max.)							
Lots < 1 acre	25 sf	25 sf	25 sf	25 sf	25 sf	25 sf	25 sf
Lots 1 – 5 acres	50 sf	50 sf	75 sf	75 sf	50 sf	75 sf	50 sf
Lots > 5 acres	75 sf	75 sf	125 sf	100 sf	75 sf	125 sf	75 sf
Distance							
From Front Property Line	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft	5 ft
From Adjacent Property Lines	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
From Other Ground and Incidental Signs	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Internal Illumination	×	×	✓	✓	✓	✓	×
External Illumination	✓	✓	✓	✓	✓	✓	✓
Halo Illumination	×	×	×	×	×	×	×
Additional Information							

Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply

ii. Number

(A) There is no maximum general incidental sign per lot allowance.

(B) The sum of the general incidental sign area on a lot shall not exceed those established in Table IV.22: General Incidental Sign Standards.

iii. Design and Installation

(A) An attached general incidental sign shall affix flush against the wall of the building in which it is located.

(B) A detached general incidental sign shall have an enclosed base and be securely and firmly embedded in the ground.

(C) Incidental signs constructed in conjunction with a ground sign shall be consistent with the building elements and materials of those established on the same lot and within the development.

2. Flags

a. Definition

A piece of fabric or other flexible material with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure or on a pole mounted on a building.

b. Standards

i. Generally

Table IV.23: Flag Standards establishes the standards for flags.

Table IV.23: Flag Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	✕	✕	✓	✓	✓	✓	✕
Dimensions							
Flagpole Height (max.)	No flagpole shall exceed the height of the zoning district in which it is located.						
Flag Area per Lot (max.)	50 sf	50 sf	100 sf	100 sf	100 sf	100 sf	50 sf
Distance							
From Front Property Line	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft	5 ft
From Adjacent Property Lines	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Features							
Electronic Message Center	✕	✕	✕	✕	✕	✕	✕
Changeable Copy	✕	✕	✕	✕	✕	✕	✕
Internal Illumination	✕	✕	✕	✕	✕	✕	✕
External Illumination	✓	✓	✓	✓	✓	✓	✓
Halo Illumination	✕	✕	✕	✕	✕	✕	✕
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** ✕ = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

(A) There is no maximum flag per lot allowance.

(B) The sum of the flag area on a lot shall not exceed those established in Table IV.23: Flag Standards.

iii. Design and Installation

(A) Flags shall be securely mounted in a frame or to a pole or wall.
(B) No flag that is attached to a building shall exceed the height of that building in which it is located.

3. Speaker Boards

a. Definition

A professionally constructed and installed sign made of a durable, weather-resistant product such as metal or high-density plastic and may include a two-way speaker system for ordering from a vehicle in a drive-thru lane provided the volume of the speaker does not exceed ambient noise conditions as measured at the property line.

b. Standards

i. Generally

Table IV.24: Speaker Board Standards establishes the standards for speaker boards.

Table IV.24: Speaker Board Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	×	×	✓	✓	×	×	×
Permit Required?	--	--	✓	✓	--	--	--
Number per Building (max.)	--	--	2	2	--	--	--
Dimensions							
Sign Height (max.)	--	--	8 ft	8 ft	--	--	--
Sign Area (max. per sign)	--	--	50 sf	50 sf	--	--	--
Distance							
From Front Property Line	--	--	50 ft	25 ft	--	--	--
From Adjacent Property Lines	--	--	25 ft	10 ft	--	--	--
From a Residential District or Use	--	--	100 ft	100 ft	--	--	--
Features							
Electronic Message Center	--	--	×	×	--	--	--
Changeable Copy	--	--	✓	✓	--	--	--
Internal Illumination	--	--	✓	✓	--	--	--
External Illumination	--	--	✓	✓	--	--	--
Halo Illumination	--	--	×	×	--	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Design and Installation

(A) A speaker board shall provide no more than three (3) feet and no less than eighteen (18) inches of horizontal separation from the curb or edge of the driveway the speaker board faces.
(B) Speaker boards shall provide a minimum landscaped area of two (2) square feet per one (1) square foot of sign area abutting the sign base.

4. Walk-Up Boards

a. Definition

A sign mounted near the sidewalk entrance to a building or affixed to a building wall where the sign is visible to pedestrian traffic.

b. Standards

i. Generally

Table IV.25: Walk-Up Board Standards establishes the standards for walk-up boards.

Table IV.25: Walk-Up Board Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	×	×	✓	✓	✓	×	NR
Permit Required?	--	--	✓	✓	✓	--	✓
Number per Storefront (max.)	--	--	2	2	2	--	1
Dimensions							
Sign Area (max. per sign)	--	--	12 sf	12 sf	12 sf	--	12 sf
Features							
Electronic Message Center	--	--	×	×	×	--	×
Changeable Copy	--	--	✓	✓	✓	--	NR
Internal Illumination	--	--	✓	✓	✓	--	NR
External Illumination	--	--	✓	✓	✓	--	NR
Halo Illumination	--	--	×	×	×	--	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Design and Installation

No walk-up board is allowed more than three (3) feet from the public sidewalk adjacent to the side of the building to which it is affixed.

N. Temporary Signs

Temporary signs are classified into one of the following sign types: general temporary signs, sidewalk signs, attached banners, or ground banners. Their associated regulations are established in this Subsection. A building or lot may have multiple temporary signs as allowed in this Subsection. A temporary sign shall not be used as a placeholder for ground and attached signs unless specified elsewhere in this Section.

1. General Temporary Signs

a. Definition

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Examples of typical general temporary signs include feather signs, political signs, inflatable devices, public demonstrations, grand opening signs, contractor signs, real estate signs, garage sale signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is not exhaustive and is provided to clarify the regulations and does not limit the content of general temporary signs. The City will not review the content of general temporary signs.

b. Standards

i. Generally

Table IV.26: General Temporary Sign Standards establishes the standards for general temporary signs not specified in Subsections 2. – 4.

Table IV.26: General Temporary Sign Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	✓	✓	✓	✓	✓	✓	✓
Permit Required?	×	×	✓	✓	✓	✓	×
Number per Lot (max.)	2	2	4	2	2	4	2
Dimensions							
Sign Height (max.)	6 ft	6 ft	8 ft	6 ft	6 ft	8 ft	6 ft
Sign Area (max. per sign)	25 sf	25 sf	50 sf	25 sf	25 sf	50 sf	25 sf
Distance							
From All Property Lines	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
From Other Ground and Incidental Signs	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	✓	✓	✓	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Duration

A general temporary sign may be displayed for:

(A) Ninety (90) consecutive days over one calendar year, or

(B) Thirty (30) consecutive days three (3) times during a calendar year, with each thirty (30) day period separated by at least fourteen (14) calendar days.

iii. Design and Installation

(A) A detached general temporary sign shall be securely and firmly embedded in or on the ground.

(B) A detached general temporary sign shall not use sandbags or other weighted objects to secure the sign to or in the ground.

(C) A general temporary sign shall not use an adhesive (tape, glue, etc.) to affix the sign to any surface.

2. Sidewalk Signs

a. Definition

A temporary and portable sign that is ordinarily in the shape of an "A" or inverted "T" with back-to-back sign faces, an easel, or a similar configuration to be located on a sidewalk or walkway.



b. Standards

i. Generally

Table IV.27: Sidewalk Sign Standards establishes the standards for sidewalk signs.

Table IV.27: Sidewalk Sign Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	×	×	✓	✓	✓	×	NR
Permit Required?	--	--	×	×	×	--	×
Number per Storefront (max.)	--	--	1	1	1	--	1
Dimensions							
Sign Height (max.)	--	--	3 ft	3 ft	3 ft	--	3 ft
Sign Width (max.)	--	--	3 ft	3 ft	3 ft	--	3 ft
Sign Area (max.)	--	--	6 sf	6 sf	6 sf	--	6 sf
Distance							
From Another Sidewalk Sign	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	✓	✓	✓	×	NR
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Duration

All sidewalk signs shall only be displayed during a use's business hours.

iii. Design and Installation

(A) Sidewalk signs are not allowed in planter beds.

(B) Sidewalk signs are allowed only where a building is within a build-to-zone or maximum setback, or where a front facade that includes an entryway open to

the general public during normal business hours is within ten (10) feet of the edge of a public sidewalk.

(C) Sidewalk signs shall leave a five (5)-foot minimum, unobstructed sidewalk clearance or as otherwise required by the ADA and City fire lane requirements, whichever is greater.

(D) Sidewalk signs shall have no permanent attachments to the sidewalk.

(E) Sidewalk signs shall be composed of wood, medium-density fiberboard, metal (iron or steel) frames, or other materials with equivalent weight and density. Sidewalk signs shall not be composed of plastic or similar materials.

(F) The sign face of a sidewalk sign may include a chalkboard or dry-erase board.

3. Attached Banners

a. Definition

A temporary sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that is attached, mounted, tied, or otherwise placed on a building or pole attached to a building. This definition does not include flags, pennants, or streamers.

b. Standards

i. Generally

Table IV.28: Attached Banner Standards establishes the standards for attached banners.

Table IV.28: Attached Banner Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	NR	NR	✓	✓	✓	✓	NR
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Storefront (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Height (max.)	4 ft	4 ft	8 ft	6 ft	6 ft	8 ft	4 ft
Sign Area (max.)	50 sf	50 sf	100 sf	75 sf	50 sf	100 sf	50 sf
Distance							
From Another Attached Sign	5 ft	5 ft	10 ft	10 ft	10 ft	10 ft	5 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Duration

All attached banners shall meet the requirements established in Subsection 1. above.

iii. Design and Installation

(A) Attached banners shall not be attached to any window, door, or other sign.

(B) Attached banners shall not use an adhesive (tape, glue, etc.) to affix the attached banner to any surface.

4. Ground Banners

a. Definition

A temporary, freestanding sign made of fabric, cloth, bunting, plastic, paper, or any other non-rigid material with no enclosing framework that affixes to the ground. This definition does not include flags, pennants, or streamers.

b. Standards

i. Generally

Table IV.29: Ground Banner Standards establishes the standards for ground banners.

Table IV.29: Ground Banner Standards

Zoning District → Requirement ↓	**TA R-1 R-2**	**R-3**	**C-1 C-2**	**MU**	**DT**	**I-1 I-2**	**TL**
General							
Allowed?	NR	NR	✓	✓	✓	✓	NR
Permit Required?	✓	✓	✓	✓	✓	✓	✓
Number per Lot (max.)	1	1	1	1	1	1	1
Dimensions							
Sign Height (max.)	4 ft	4 ft	6 ft	6 ft	6 ft	6 ft	4 ft
Sign Area (max.)	25 sf	25 sf	75 sf	50 sf	50 sf	75 sf	25 sf
Distance							
From Front Property Line	5 ft	5 ft	10 ft	5 ft	5 ft	10 ft	5 ft
From Adjacent Property Lines	5 ft	5 ft	10 ft	5 ft	5 ft	10 ft	5 ft
From Another Ground Sign	20 ft	20 ft	20 ft	20 ft	10 ft	20 ft	20 ft
Features							
Electronic Message Center	×	×	×	×	×	×	×
Changeable Copy	×	×	×	×	×	×	×
Internal Illumination	×	×	×	×	×	×	×
External Illumination	×	×	×	×	×	×	×
Halo Illumination	×	×	×	×	×	×	×
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Duration

All ground banners shall meet the requirements established in Subsection 1. above.

iii. Design and Installation

All ground banners shall meet the requirements established in Subsection 1. above.

O. Special Signs

Special signs are classified into one sign type – murals. Their associated regulations are established in this Subsection.

1. Murals

a. Definition

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural does not include:

- Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- Works containing electrical or mechanical components; or
- Works that involve changing or moving images or components.

b. Standards

i. Generally

Table IV.30: Mural Standards establishes the standards for murals.

Table IV.30: Mural Standards

Zoning District → Requirement ↓	TA R-1 R-2	R-3	C-1 C-2	MU	DT	I-1 I-2	TL
General							
Allowed?	×	×	×	✓	✓	×	×
Permit Required?	--	--	--	✓	✓	--	--
Number per Building (max.)	--	--	--	1	1	--	--
Dimensions							
Sign Area (max.)	--	--	--	85% of the building wall, excluding doors and windows		--	--
Features							
Electronic Message Center	--	--	--	×	×	--	--
Changeable Copy	--	--	--	×	×	--	--
Internal Illumination	--	--	--	×	×	--	--
External Illumination	--	--	--	✓	✓	--	--
Halo Illumination	--	--	--	×	×	--	--
Additional Information							
Key	✓ = yes, a permit is required or the feature is allowed **|** × = no/not allowed **|** NR = the sign type or characteristic is allowed for nonresidential uses only **|** sf = square feet **|** ft = feet **|** "-" = the standard does not apply						

ii. Number

One (1) mural may be displayed on a building in addition to other signs allowed in this Section.

iii. Additional Allowances

The maximum sign area for a mural allowed in the MU and DT districts may be increased to one hundred percent (100%) of the building wall with approval by the Arts and Culture Commission and subsequent registration of the mural as public art.

P. Unified Development Sign Modification

1. Generally

A unified development sign modification may be used for any master planned development more than five (5) acres where the plan proposes a large lot and smaller out parcels (lots).

2. Standards

a. Sign allowances shall generally follow those established in Subsections K. – O.

b. One out parcel (lot) may have an additional allowance to increase ground sign area by twenty-five percent (25%).

c. Any out parcel (lot) using this allowance shall not have multiple ground signs.

d. No ground signs, as established in Subsection K. , shall be allowed on the largest lot of the development.

Sec. 22-217. Infill Development Standards

A. Purpose

The purpose of this Section is to accommodate and encourage compatible development in existing developed areas, while reinforcing the established character of those areas and mitigating adverse impacts on adjacent properties.

B. Applicability

This Section applies to all development and redevelopment within Shawnee's corporate limits unless otherwise specified.

C. Standards

1. Generally

a. Infill development shall share a similar height to surrounding buildings.

b. The infill development shall reflect the architectural styles on either side along the block face, except for single-family residential infill in which this standard does not apply.

c. The relationship between height, width, material, and style of existing facades shall be respected, except for single-family residential infill in which this standard does not apply.

d. The infill development shall have consistent setbacks with the buildings on its block face.

2. Lot Size

a. Generally, infill development lots shall meet the required minimums of the zoning district in which it is located.

b. In certain instances, the required minimum lot size may be reduced by fifty percent (50%) if there are site constraints that will otherwise prevent the future development of the lot.

3. Setbacks

a. The front setback for infill development shall be determined by assessing the as-built setbacks on the block face (see Figure IV.12: Infill Development Setback Range).

b. The infill development may be placed anywhere between the smallest and largest front setbacks on the block face (see Figure IV.12: Infill Development Setback Range).

c. All other setbacks shall meet the zoning district's dimensional standards unless specified otherwise.

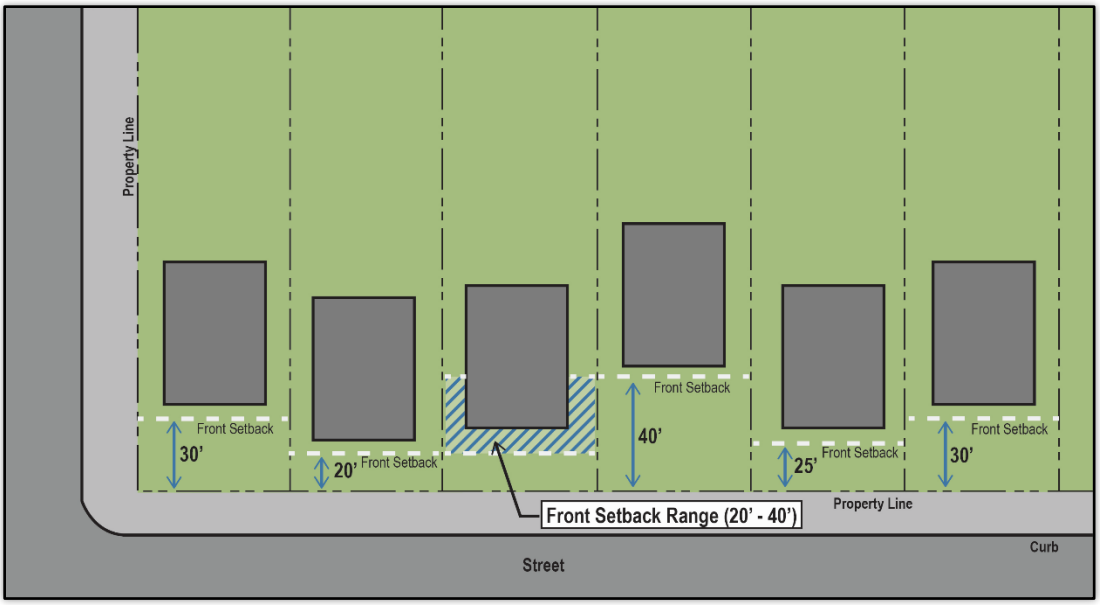


Figure IV-12: Infill Development Setback Range

4. Architectural Requirements

a. Architectural requirements apply for all nonresidential infill development.

b. These architectural requirements do not apply to single-family residential infill development.

c. Infill development shall use similar building materials as assessed by the as-built developments on the block face.

d. Color shades shall be used to facilitate blending the infill development into the block face. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood. If no specified range can be determined, then the infill development shall utilize earth tones.

e. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.

5. Building Height

a. The building height for infill development shall be determined by assessing the as-built building heights on the block face (see Figure IV-13 : Infill Lot Building Heights).

b. The building height for infill development may be placed anywhere between the shortest and tallest building height on the block face (see Figure IV-13 : Infill Lot Building Heights).

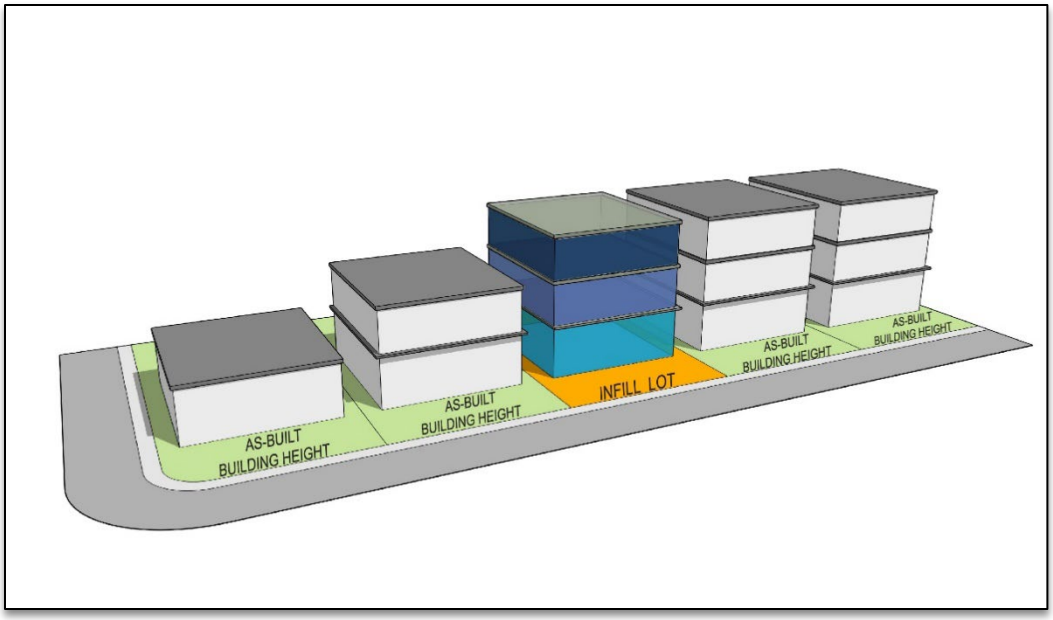


Figure IV-13 : Infill Lot Building Heights

6. Massing

   Buildings shall either be similar in size or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures, if any, on the same block face, abutting or adjacent to the subject property, opposing block face or cater-corner block face at the nearest intersection.

7. Glare

   Building materials and windows shall not create excessive glare nor create a significant adverse impact on the adjacent property owners, neighborhood, or community in terms of vehicular and pedestrian safety and enjoyment of views.

Sec. 22-218. Performance Standards

A. Purpose

The purpose of this Section is to establish regulations that protect the public from the potential negative effects of industrial and intense commercial development by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, and glare in the vicinity of those sites.

B. Applicability

In all zoning districts, any permitted use shall conform in operation, location, and construction to the performance standards established in this Section.

C. Standards

1. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the district.

2. All industrial uses shall be carried on in such a manner so as not to be injurious or offensive by reasons of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odor, glare or heat, fire or explosive hazards.
3. No fuel or energy with the exception of electricity, natural and/or liquefied petroleum, and solar, should be used.
4. All buildings shall be furnished with all-weather, hard-surfaced sidewalks, and the grounds shall be planted and landscaped.
5. The manufacture, or the use, of any materials that produce explosive vapors or gases is prohibited.
6. No activities involving storage, utilization, or manufacture of materials or products that decompose by detonation shall be permitted.
7. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
8. No vibration shall be detectable beyond the lot lines of the lot on which the use is located.

Division V. Subdivision Regulations

Sec. 22-219. General Provisions

Sec. 22-220. Land Division Types

Sec. 22-221. Subdivision Design Standards and Required Improvements

Sec. 22-222. Performance Guarantees and Maintenance

Sec. 22-219. General Provisions

A. Purpose

The purposes of this Article are to:

1. Protect and provide for the public health, safety, and general welfare of the City.
2. Ensure new development meets the goals and conforms to the objectives and policies of the City's Comprehensive Plan.
3. Provide for orderly growth and land development.
4. Provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.
5. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, with particular regard to the avoidance of congestion on the roads and highways, and provide for the proper location and width of roads and building lines.
6. Establish reasonable standards for subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions of subdivided land.
7. Facilitate the creation of accurate records of the separate interests created and conveyed by the subdivision of land, thereby helping to protect private property rights.
8. Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.
9. Provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in this UDC.
10. Promote sustainable land development practices.

B. Applicability

These regulations apply to all subdivision of land located within Shawnee's corporate limits. All subdivisions shall comply with Division II, Division IV, and Division V.

Sec. 22-220. Land Division Types

A. Generally

1. Land may be subdivided by means of a deed approval, preliminary plat, final plat, replat, or vacating plat, and shall comply with the requirements, regulations, and specifications of this Article.
2. Before any land is subdivided, the owner of the property proposed to be subdivided, shall apply for and secure approval of the proposed subdivision with the procedures established in Division VI.

B. Platting Required

Platting or replatting may, in certain cases, be required under the following conditions:

1. A previously platted lot, tract or parcel or any unplatted lot, tract or parcel is being subdivided into more than two (2) lots, any part of which, when subdivided contains five (5) acres or less in area.
2. The design of a subdivision is significantly altered by the creation or deletion of lots.
3. When the dedication of any street is involved.
4. When the creation of a private street subdivision is involved and the lots are five (5) acres or less in size.

C. Platting not Required

These regulations do not apply to the following:

1. Land legally subdivided prior to the adoption of this UDC except where provided within these regulations; or
2. The sale of land by a properly filed deed, including a complete metes and bounds legal description, in tracts of more than five (5) acres in size.

Sec. 22-221. Subdivision Design Standards and Required Improvements

A. Generally

1. Rules and Regulations

In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations:

a. All applicable statutory provisions;
b. All requirements of this UDC, building and housing codes, floodplain regulations, and all other applicable laws of the appropriate jurisdictions;
c. The Official Zoning Map;
d. The special requirements of these regulations and any rules of the Health Department, State Department of Environmental Quality, and/or appropriate state or substate agencies;
e. The rules of the Oklahoma Department of Transportation if the subdivision or any lot or portion of a lot abuts a state highway or connecting road;
f. The standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of Shawnee;
g. The standards and regulations required by the Americans with Disabilities Act (ADA);
h. The intent and policies of the Comprehensive Plan and the Capital Improvements Program of the City, including all public facilities as shown by the Comprehensive Plan, as adopted;
i. Any subdivisions with controlled access or security gates are prohibited except as provided for private streets in Division V.Sec. 22-221. F.
j. The State of Oklahoma County Highway System Design Guidelines Manual; and
k. Any other standards and regulations adopted by the City.

2. Conformance to Guidelines

Plat approval shall be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of these regulations.

3. Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by this UDC, those restrictions or references to those restrictions shall be required to be indicated on the subdivision plat. Where restrictive covenants are less restrictive than those required by this UDC, the more restrictive regulation shall prevail. All restrictive covenants shall be filed in the office of the County Clerk, which directly affects the land being subdivided.

4. Character of the Land

Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by

the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. That land shall be set aside for uses that shall not involve any danger to public health, safety, and welfare.

5. Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the City or within Pottawatomie County's jurisdiction. The Planning Commission shall have final authority to designate the name of the subdivision, which shall be determined at time of Plat approval.

6. Monuments

Permanent reference monuments or markers in subdivisions are required as below:

a. Temporary Markers

Temporary markers outlining all streets shall be set and maintained in place, by resetting if necessary, until grading of all streets is completed.

b. Permanent Markers

Permanent markers shall be placed at the following locations:

i. Each lot corner;
ii. All subdivision boundaries; and
iii. The points of beginning and of ending of all curves.

Permanent markers shall be set by a Registered Land Surveyor, licensed as such in the State of Oklahoma.

c. Benchmarks

Permanent benchmarks shall be set to effectively serve the subdivision by a Registered Land Surveyor, licensed as such in the State of Oklahoma. Those benchmarks shall be based on United States Geological Service (U.S.G.S.) datum.

7. Street Designation

The Planning Commission and City Commission may consider changing existing public streets to private streets or private streets to public streets.

8. Homeowner's Association (HOA) and Property Owners Association (POA)

For any subdivision utilizing or incorporating private streets, shared parking, common drives, islands, or medians within street rights-of-way, and/or any other common areas, a Homeowner's Association (HOA) or Property Owners Association (POA) shall be established and be responsible for maintenance of those easements and common areas.

9. Plats Straddling Municipal Boundaries

Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the City Attorney that access is legally established, and from the Director that the access street is adequately improved, or that the applicant has fully executed a performance bond of sufficient quantity to assure the construction of the access street. Whenever possible, lot lines shall conform to municipal boundary lines.

B. Public Facilities and Services

1. Adequate Public Facilities

No Preliminary Plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on, and use of, public facilities by possible uses of that subdivision.

Public facilities and services to be examined for adequacy will include necessary street improvements, drainage, water service, sewerage, capital improvements, and other improvements.

2. Extension Policies

All public improvements and required easements shall be extended through the parcel on which new development is proposed. Roads, water lines, wastewater systems, drainage facilities, and other required public utilities shall be constructed through new development to promote the logical extension of public infrastructure. The City may require the applicant of a subdivision to extend offsite improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

C. Lot Improvements

1. Generally

The size, shape, and orientation of lots must comply with applicable UDC regulations. When lots will not be served by centralized sewer or water service, lot dimensions and area must comply with the requirements of the Oklahoma Department of Environmental Quality.

2. Lot Arrangement

All lot types and arrangements shall comply with this UDC to provide access to buildings on those lots from an approved street, or from a private access drive approved under Division V.Sec. 22-221. F. 3. , and to avoid any foreseeable natural or manufactured difficulties. See Figure V.1: Lot Types and Arrangements for the various lot types and arrangements.

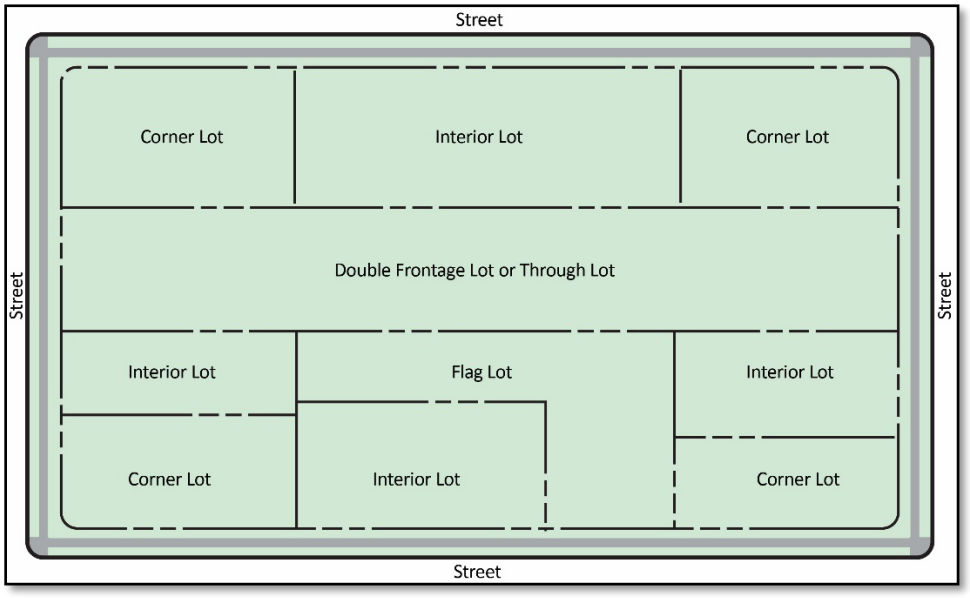


Figure V-1: Lot Types and Arrangements

3. Lot Dimensions/Sight Triangle

Lot dimensions shall comply with the minimum standards of this UDC. Corner lot lines shall provide a sight distance triangle with legs of twenty-five (25) feet from the point of intersection of the property lines along both property lines.

4. Lot Drainage

Lot layouts shall provide positive drainage away from all buildings, and individual lot drainage shall reflect the general storm drainage pattern for the area. Drainage design shall comply in all respects with the *Engineering Design Manual*.

5. Through Lots

Through lots shall be avoided except where necessary, as determined by the City Engineer, to provide separation of residential development from traffic arterials or to overcome disadvantages of topography and orientation.

6. Flag Lots

a. Generally, flag lots shall not be created during the subdivision process.
b. The creation of flag lots may be approved only if a flag lot design:
    i. Limits direct access onto an arterial street;
    ii. Provides greater protection of sensitive natural resources areas;
    iii. Hides or conceals utility buildings/substations, or radio, television, or telecommunication towers; or
    iv. Avoids substantial hardship to the subject property owner due to the property's topography or any other condition.
c. Flag lot conditions may be imposed, including but not limited to requirements for shared driveways, maximum flag lot length, minimum street frontage, and minimum flag lot width.

7. Reserve Lots

These regulations recognize that it may occasionally be necessary and in the public interest to create lots designated as reserve areas to be occupied by stormwater detention, common recreation, private rights-of-way, or other similar uses. If declared reserved for those purposes by restrictive covenants or other recorded legal documents approved by the City or Pottawatomie County, reserve areas are exempt from this UDC's lot regulations.

8. Proximity to Railroads and Limited Access Highways

When the area to be subdivided adjoins or contains a railroad right-of-way or limited access highway, lots that back onto that right-of-way shall have appropriate provisions for buffering and access control as required by Division IV.

9. Access

a. Every lot shall have frontage on, and access to, a public street or private road meeting right-of-way and improvement standards. Minimum frontage shall be established per Division II.
b. Lots shall not, in general, derive access exclusively from a highway or major arterial street.
c. Where driveway access from a highway or arterial street may be necessary for several adjoining lots, the Planning Commission may require that those lots be served by a combined access drive in order to limit possible traffic hazards on the road.
d. If a property with frontage along a highway or arterial street is proposed to be subdivided or developed, the Planning Commission is authorized to restrict access to the respective street and require that a property owner take one or more of the following actions:
    i. Create through lots that back onto the highway or arterial street and front onto and take access from a parallel street, coupled with the installation of a fence, wall, or vegetative visual screen along the highway or major arterial street frontage;
    ii. Provide a frontage road separated from the highway or arterial street;
    iii. Establish deed restrictions or other legally enforceable means of preventing private driveway access to the highway or arterial street;
    iv. Provide a cross-access easement to abutting properties that front on the same highway or arterial street; or

v. Provide a mutual, reciprocal, non-exclusive easement (mutual access easement) to ensure perpetual access to the subject property.

e. Driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on highways and arterial streets.

f. For paving requirements in the right-of-way adjoining any City street, see the *Engineering Design Manual.*

10. Access Points

Access shall be provided to each subdivision in accordance with the *Engineering Design Manual.*

a. Waivers to these access restrictions for subdivisions may be considered by the Planning Commission if the developer can prove that the property in question cannot comply due to the following conditions:

i. Property frontage is too narrow; or
ii. Site topography restrictions.

b. The Planning Commission may consider a street stub into undeveloped property with an alternate emergency access easement as part of a subdivision proposal to warrant a waiver of the above access restrictions.

c. When the first or subsequent phase(s) of a preliminary plat containing one hundred (100) or more lots is submitted, the access or entrance street must be designed in accordance with the criteria established in the *Engineering Design Manual*, if the phases do not connect to an alternate access point.

11. Platted Building Lines

Platted building lines contained in an approved final plat that are more restrictive than the setback of the UDC, shall represent the legal setback lines.

D. Streets

1. Generally

a. The arrangement, character, extent, width, grade, access to, and location of all streets shall conform to the City Comprehensive Plan's intent and are considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed land uses to be served by streets.

b. No permit shall be issued for any development that does not access a street right-of-way compatible with the requirements of this Section, or a private access easement that complies with the minimum width requirements.

c. A Traffic Impact Analysis study is required for:

i. Any development proposal greater than twenty (20) acres or any development proposal greater than five (5) lots; and
ii. Any nonresidential development proposal when the expected traffic generation is:
(A) Greater than two thousand (2,000) vehicle trips per day (tpd).
(B) Less than two thousand (2,000) tpd if the peak hour operation of the development is expected to generate more than one hundred fifty (150) vehicle trips per hour (tph).

d. Any required TIA shall meet the requirements and specifications established in the City's *Engineering Design Manual*.

e. Roads shall be graded, improved, and conform to the standards and specifications established in the *Engineering Design Manual* as required by a Grading and Improvement Plan.

f. Pavement and utilities shall comply with the following provisions:

i. Plans for pavement and utilities shall be prepared by a professional engineer and in accordance with the laws of the State of Oklahoma and the ordinances of the City.

ii. The applicant shall file with the City a surety bond, and in the amount of one hundred ten percent (110%) of the estimated construction cost, conditioned that the applicant, as principal, will faithfully install and complete improvements and utilities in the subdivision within a period not to exceed two (2) years, according to the requirements of approved plans, subdivision rules and regulations, and municipal ordinances, regulations and specifications, and will pay all bills for contractors, improvements and utilities. This requirement only applies when infrastructure is not installed at the time of final plat/plan.

iii. An extension of this period may be allowed by the City Commission.

iv. The professional engineer shall furnish the cost of pavement and utilities to the City Engineer who shall approve the estimated costs of paving, storm sewers, and other drainage facilities, if required, in order that the Planning Commission may determine whether or not the amount of the bond submitted is adequate to ensure the construction of these facilities and to protect the interests of the City and public welfare.

v. All current policies, inspection fees, and other normal requirements of the City shall apply in full force to ensure the proper construction of the private street.

vi. In lieu of the provision contained in Subsections i – v above, the applicant may submit a document prepared by a professional engineer that certifies that all private streets for the development are constructed to the City's standards. The plat or deed shall not be signed and released until certification is received and reviewed by the City.

2. Street Layout

a. Topography

i. Grades of streets shall conform as closely as possible to the original topography. If possible, all streets shall be arranged to provide building sites at, or above, the grade of the street; otherwise, adequate provisions for drainage must be made. A combination of steep grades and curves shall be avoided. Specific design standards are established in the *Engineering Design Manual*.

ii. Collector and local streets shall be designed to conform as much as possible to the topography to:

(A) Discourage use by through traffic;

(B) Permit efficient drainage and utility systems; and

(C) Require the minimum number of streets necessary for convenient and safe access to property.

b. Integration of Existing Streets

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way and shall provide for the integration of future streets. If a subdivision abuts or contains an existing or proposed street, the Planning Commission may require:

i. Marginal access streets;

ii. Reverse frontage with screen planting contained in non-access reserve strips along the rear property line;

iii. Deep lots with rear service alleys, or minimum distances between intersecting driveways and streets, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic;

iv. Minimum spacing between intersecting driveways onto a street or arterial street to conform to the requirements in the *Engineering Design Manual*.

c. Railroad Right-of-Way

If a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a buffer zone between the railroad right-of-way and the residential development to a distance of three hundred (300) feet minimum suitable for the appropriate use of the intervening land. These distances consider grade approaches and future grade separations.

d. Permanently Designed Dead-End Streets

i. Permanently designed dead-end streets shall not be longer than five hundred (500) feet or serve more than twenty (20) dwelling units.
ii. Permanently designed dead-end streets shall provide a turn-around at the closed end with an outside roadway diameter of at least one hundred (100) feet, and a street property line diameter of at least one hundred twenty (120) feet.
iii. The Planning Commission may approve a permanently design dead-end street that extends to one thousand (1,000) feet after reviewing and considering pedestrian connectivity.

e. Temporary Designed Dead-End Streets

i. Temporary turnarounds must be provided at the end of stub streets that are intended for extension when a subsequent phase of the development is completed or when the abutting property is developed if the stub street is more than one hundred fifty (150) feet in length, as measured from the centerline of the intersecting street to the perimeter of the subdivision to which the stub street extends.
ii. At the time that the temporary dead-end street is extended or connected to another street segment, any existing temporary turnaround must be removed by the property owner responsible for extending the street. If for any reason the stub street is not extended, a permanent turnaround must be constructed by the subject property owner on the abutting site being developed.
iii. Stub streets must be clearly marked on plats and labeled “Future Street Extension.” In addition, developers must post an approved sign in the right-of-way of the stub street indicating that the temporary dead-end street is intended as a “Future Street Extension.”

f. Connections

i. The system of streets designated for the subdivision must connect with streets already dedicated in adjacent subdivisions.
ii. Where adjacent connections are not platted, the general projection of streets in the nearest subdivided tracts must continue to the boundaries of the tract subdivided, so that other property owners may connect.
iii. Preliminary plats shall be designed to provide interconnection between adjacent tracts, plats and/or parcels.
(A) There shall be at least one (1) street connecting each quarter section.
(B) An adjoining subdivision may not tie into an existing stub street for its primary entrance unless landlocked.
(C) A stub street shall not warrant a wider street than required because of traffic counts for the original tract.
(D) A property owner shall, if a stub street is required, construct the stub street or grant an easement reserving the minimum right-of-way required for the stub street and any related utilities.

(E) The property owner must build the return for the proposed stub with a connecting curb across the back and add a note to the plat that identifies this area as a street stub. These streets must be constructed in accordance with the City's adopted standards. All streets, including stub streets, and rights-of-way shall be dedicated to the City.

(F) The length of the stub street shall not exceed the average length of residential lots in the subdivision or one hundred fifty (150) feet, whichever is greater. Street stubs must be constructed simultaneously with the improvements within the final plat. Street stubs shall be constructed to the adjoining property line at time of initial development. The owner is responsible for all costs associated with the construction of that stub street and its associated utilities.

(G) If a stub street is not required to be connected to the adjacent development on the final plat of that development, then that stub street may be closed and/or vacated as provided by law. The Planning Commission shall consider physical barriers, land use incompatibilities, proposed amenities that are under private property owners' control (pools, playgrounds, etc.), existing undeveloped landlocked properties, and any potential inappropriate traffic designs to justify a waiver of this requirement.

iv. Reserve strips of land controlling access to or egress from other property from any street or alley or having the effect of restricting or damaging the adjoining property, are not permitted in any subdivision unless those reserve strips are conveyed to the City in fee simple.

g. Widening and Realignment of Existing Roads

Where a subdivision borders an existing road not constructed to the City's standards or when the Comprehensive Plan or UDC regulations indicate plans for realignment or widening of a road that would require use of some of the land in the subdivision, the property owner shall dedicate the additional right-of-way from the centerline. Right-of-way shall be dedicated to accommodate full build-out of the designated street classification. Land reserved for any road purposes shall not be counted in satisfying yard or area requirements of the UDC. Land shall be either dedicated to the City in fee simple or as an easement.

3. Street Classification

a. Generally

The components of the City's street system are divided into six major classifications with corresponding right-of-way widths. All yards or setbacks abutting a shall be measured from the proposed right-of-way as shown on the City's adopted major street and highway plan and any adopted sidewalk and recreational trails master plan.

b. Highway

A highway is a limited access, high speed roadway with grade separated interchanges. Highways are of regional significance and the interchanges may have a significant impact on land use due to their desirability as locations for commerce and industry. Highways are generally controlled by the State of Oklahoma with variable width right-of-way dimensions.

c. Major Arterial

A major arterial is a street type that provides for longer, direct trips on relatively straight paths that often connect to highways. This street type is generally controlled by the State of Oklahoma or the City.

d. Minor Arterial

A minor arterial is a street type typically found between major arterials that provides continuous paths to intermediate destinations and alternate routes for longer trips. This street type is generally controlled by the City.

e. Non-industrial Collector

A non-industrial collector is a street type typically found between minor arterials that provide frequent interconnections between neighborhoods. Non-industrial collectors allow local trips that mostly avoid the arterial network. This street type is generally controlled by the City.

f. Industrial Collector

An industrial collector is a collector street that primarily accommodates large vehicular traffic. This street type is generally controlled by the City.

g. Local

A local street is a street type interconnected within neighborhoods that adjoin other neighborhoods. These streets discourage through traffic and are generally controlled by the City.

4. Street Design

a. Generally

i. Streets will follow the regulations, allocations, and required standards established in the City's *Engineering Design Manual*, including regulations for travel lanes, median/turning lanes, pedestrian facilities, and other elements.

ii. To facilitate flexibility in design while maintaining the safety, health, and welfare of the public, the City Engineer may grant administrative modifications to street design if:

(A) The City Engineer certifies that the proposed exception does not conflict with the goals and policies of the Comprehensive Plan; and

(B) The applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that exceptions to the standard provided by this Section would not pose a threat to health and safety.

iii. Street and access easement designs shall conform with the latest American Association of State Highway and Transportation Officials publication of "A Policy on Geometric Design of Highways and Streets." A professional engineer registered in the State of Oklahoma shall prepare and sign street design plans. For intersection design purposes, local streets and non-industrial collectors assume passenger vehicles only, arterials (major and minor) will carry single-unit trucks and city transit buses, and all industrial collectors and highways will carry vehicles of WB-50.

iv. The applicant shall install all utilities, shall construct curbs and gutters, and shall surface roadways to the widths prescribed in these regulations and the *Engineering Design Manual*. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission or City Commission, this UDC, and *Engineering Design Manual*.

b. Intersections

i. Intersections at Right Angles

(A) Streets shall intersect at right angles.

(B) The City Engineer may authorize intersection modifications as needed based on topography constraints or other restrictive site conditions.

(C) An oblique street shall be curved approaching an intersection and shall connect at right angles.
(D) No more than two (2) streets shall intersect at any one (1) point.

ii. New Intersections along Existing Streets
(A) Proposed new intersections along an existing street shall, wherever practical, coincide with an existing intersection on the opposite side of that street.
(B) Centerline offsets of less than one hundred fifty (150) feet shall not be permitted when intersecting an arterial street, except where the intersected street has separated dual drives without median breaks.
(C) Centerline offsets of less than one hundred ten (110) feet shall not be permitted when intersecting local or collector streets.
(D) Where any street intersects a street, its alignment shall be continuous.
(E) The intersection of streets shall be separated in accordance with the access provisions of this Section and the *Engineering Design Manual*.

iii. Intersection Grade

Intersections shall be designed with the specifications and requirements established in the *Engineering Design Manual*.

iv. Intersection Visibility

At any street intersection where earth banks or existing vegetation inside any lot corner create a traffic hazard by limiting visibility, the applicant shall cut that ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance as established in the *Engineering Design Manual*.

c. Driveway Spacing

Driveways shall be separated from street intersections by the distance defined in the *Engineering Design Manual*.

d. Excess Right-of-Way

Right-of-way widths in excess of the standards designated in these regulations shall be required whenever additional width is necessary, due to topography, to provide adequate earth slopes. Excess slopes shall be addressed and accommodated by the specifications and requirements established in the *Engineering Design Manual* or another construction method approved by the City Engineer.

e. Railroads and Limited Access Highways

Railroad rights-of-way and limited access highways that are adjacent to subdivided lands shall be treated as follows:

i. Generally

Streets parallel to the railroad when intersecting a street that crosses the railroad at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from the street centerline to the railroad right-of-way. Those distances shall be determined with due consideration to the minimum distance required for future separation of grades by means of appropriate approach gradients.

ii. In Residential Districts
(A) A platted setback line of at least twenty (20) feet in depth, in addition to the required setback, shall be provided adjacent to the railroad right-of-way or limited access highway.

(B) A six (6) foot fence shall be erected on all residential lots abutting railroads and limited access highways.

iii. In Nonresidential Districts

The nearest street extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance there from to ensure suitable lot depth.

f. Street Design Criteria

All streets shall comply with the criteria established in the City's *Engineering Design Manual*.

g. Streets Not Identified

For purposes of streets and easements not identified in the City's Street System, the following applies:

i. Streets shall have a fifty (50) foot right-of-way with a thirty (30) foot paving section.

ii. Access easements intended for primary access to a proposed lot or building are fifty (50) foot wide with a thirty (30) foot paving section.

5. Blocks and Street Lengths

a. Generally

i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks for nonresidential development, or blocks adjacent to highways and major arterials, railroads or waterways; provided other applicable provisions of this Section are met.

ii. The lengths, depths, and shapes of blocks shall be appropriate for the locality and type of development contemplated.

(A) Block lengths in residential areas along local streets shall not exceed one thousand five hundred (1,500) feet, except where lots side or back onto arterial streets.

(B) Wherever practical, blocks along arterial streets shall not be less than five hundred (500) feet in length.

(C) Block length shall be measured from property line to property line along the centerline of the block.

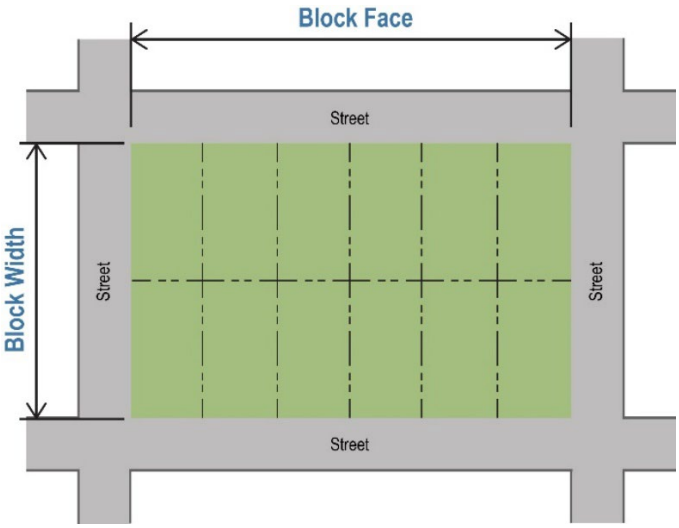


Figure V-2: Block Measurements

iii. The Planning Commission may require the reservation of an easement through long blocks exceeding one thousand (1,000) feet in length to accommodate utilities, drainage facilities, or pedestrian traffic.
   (A) Pedestrian ways or crosswalks, not less than six (6) feet in width, may be required by the Planning Commission through the center of a block, if deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
   (B) Blocks designed for nonresidential development shall be of a length and width, as determined suitable by the Planning Commission, and conform to the UDC, and other applicable ordinances.

b. Exception

The Planning Commission may approve block lengths that deviate from the typical range if needed to ensure the proper projection of existing major arterials and existing platted blocks.

c. Street Length

i. For a typical street segment, street length means the distance following the centerline of the intersecting centerlines of the improved roadway between traffic control devices or cul-de-sacs that halt vehicular movement (see Figure V.2: Measuring Street Length). The City Engineer may approve a different street length than required by this Subsection in industrial districts if the modified street lengths are needed to accommodate safe and efficient truck movements and do not cause a violation of the City's most recently adopted *International Fire Code*.

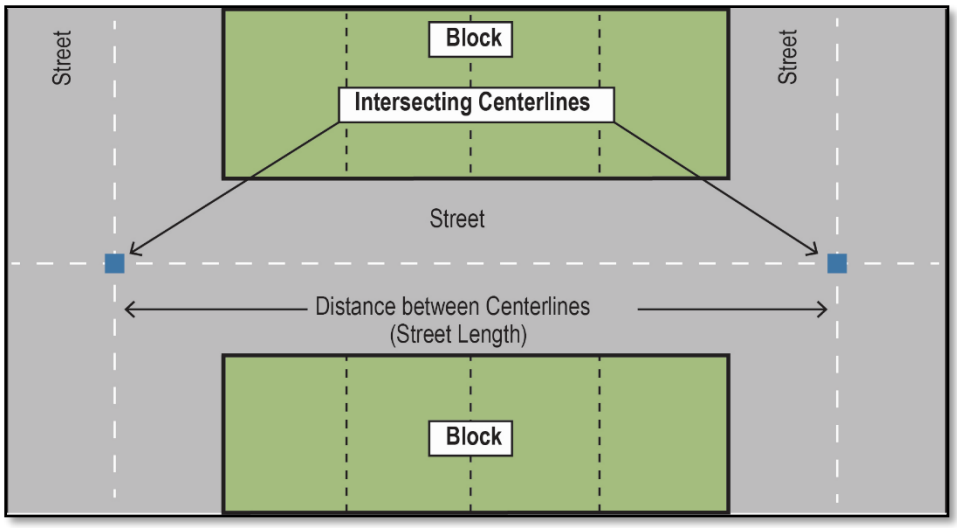


Figure V-3: Measuring Street Length

ii. An L-shaped (elbow type) intersection is an intersection formed by the roadway centerlines of two different non-continuous street lengths where the interior angle formed by these intersecting street lengths is at least seventy-two (72) degrees and no greater than one hundred twenty (120) degrees (See Figure V-4: L-shaped (elbow type) Intersection). Each leg of an L-shaped (elbow type) intersection is considered a separate street section in determining street length.

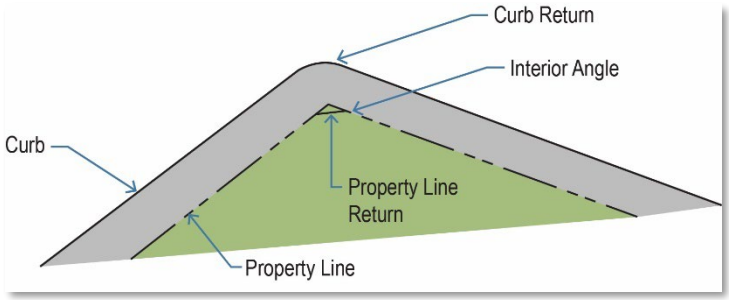


Figure V-4: L-shaped (elbow type) Intersection

iii. Street Segment

A street segment means the section of the street length that results from the placement of traffic calming devices (See Figure V-3: Traffic Calming Devices).

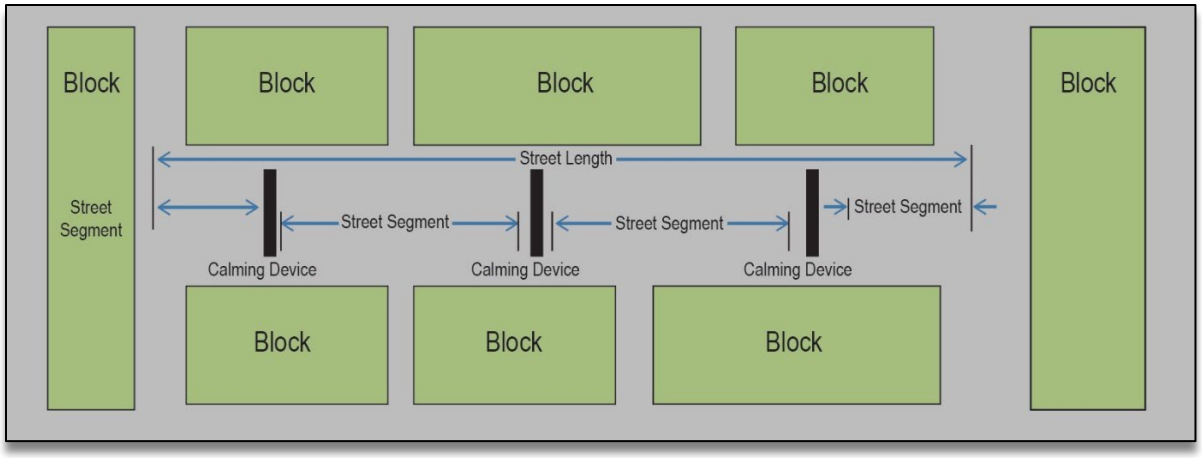


Figure V-5: Traffic Calming Devices

iv. Maximum Continuous Street Length

(A) No continuous street length shall exceed the requirements established in Table V.1: Maximum Street Length unless the following requirements are met.

Table V.1: Maximum Street Length

Street Type	Maximum Street Length
Arterials	N/A
Collectors	1,200 ft
Local	1,000 ft

(B) A street length may extend if:

(1) An approved traffic calming device(s) as described in Division V.Sec. 22-221. D. 6. b. ii and Table V.2: Street Length and Traffic Calming,

(2) The street intersects an arterial roadway, or

(3) The street serves as an entrance street to the proposed neighborhood, or

(4) The street provides an opportunity for traffic to pass from a street of a higher classification to another street link, or

(5) The street width is at least forty (40) feet.

v. School Street Length

For a new school development, all collector and local streets fronting the school require the placement of approved traffic calming devices, including signs and striping maintaining a street segment length of two hundred (200) to four hundred (400) feet.

d. Waivers

i. The Planning Commission may waive block lengths and street lengths if the waiver is requested in writing and incorporates traffic impact mitigation measures into a site plan. This waiver is submitted in conjunction with a preliminary plat/replat application.

ii. The Planning Commission may not grant a block length waiver unless traffic impact mitigation measures comply with standards (adopted here as minimum

standards) of the latest version of the Institute of Transportation Engineers Manual of Transportation Engineering Studies.

iii. A block length waiver shall not modify the proper extension of any street.

iv. A block length waiver shall not compromise safety.

6. Traffic Calming

a. Purpose

Long streets, wide street cross sections, and uninterrupted traffic flows can encourage speeding on local streets. Traffic calming is a combination of physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. Traffic calming and street design standards slow traffic while allowing flexibility and design and offering applicants the choice of treatment that works best for the streets in a proposed development. Traffic control devices, notably stop signs and speed limits, are regulatory measures that require enforcement. Traffic calming measures are self-enforcing.

b. Streets, Street Length, and Traffic Calming

i. Different street types and varying street lengths require traffic calming devices to help reduce travel speeds, improve safety, and promote walkability.

ii. If the street segment criteria in Division V.Sec. 22-221. D. 5. c. iv are surpassed, the applicant shall install a traffic calming device(s) including signs and striping, designed, and approved by the City. The applicant shall follow the standards prescribed in Table V.2: Street Length and Traffic Calming. This table allocates traffic calming devices according to different street types and their varying street lengths.

Table V.2: Street Length and Traffic Calming

Street Type	Required Traffic Calming Device
Local	Must maintain 250 ft to 500 ft segments
Other streets not classified as locals and collectors	Must maintain 500 ft to 1,000 ft segments
Collectors	Must maintain 500 ft to 800 ft segments

c. L-shaped (elbow type) Intersections

i. These intersections require a traffic calming device if the street length to the center of the intersection, measured from the point where the projection of the center lines for the two street sections intersect, exceeds six hundred (600) feet.

ii. Each leg of an L-shaped (elbow type) intersection is considered a separate street section.

iii. When required, the traffic calming device(s) must maintain a maximum of four hundred (400) feet from the center of the L-shaped (elbow type) intersection.

iv. Any proposed street section that includes an L-shaped intersection is measured beginning at the center of the intersection.

v. L-shaped intersections with interior angles less than seventy-two (72) degrees are not permitted.

vi. Intersections with interior angles greater than one hundred twenty (120) degrees are not considered an L-shape (elbow Type).

vii. Where the interior angle exceeds one hundred twenty (120) degrees, a smooth curved roadway design with a minimum radius conforming to the standards for the particular geometric section are used.
viii. Where two L-shaped (elbow type) intersections are used to determine the street length, street length shall not exceed one thousand (1,000) feet.
ix. A longer street length may be allowed through the placement of an approved traffic calming device(s) at distances described in Division V.Sec. 22-221. D. 6. b. ii and Table V.2: Street Length and Traffic Calming.

d. Raised Platform

If traffic calming is necessary on a roadway adjacent to a school, a raised platform will be used as a crosswalk.

e. Location from Intersections

Required traffic calming devices shall be located at least one hundred fifty (150) feet from any intersecting street, cul-de-sac, and L-shaped (elbow type) intersections (except those devices specifically designed for intersections and crosswalks).

f. Driveway Locations

The plat shall clearly identify driveway locations for lots affected by any proposed traffic calming device during the platting process to restrict driveway location to that particular location. The City may also require modification of lots fronting a proposed traffic calming device to minimize impact to these residential lots.

g. Installation

i. When a series of traffic calming devices needs installation, the same type of device(s) may be used for a particular street or area. The exact placement of any required traffic calming device is subject to the City Engineer's review and approval.
ii. The City Engineer reviews and approves intersection approaches that require stop sign installation.

7. Pedestrian Facilities Zones

a. Generally

Pedestrian Facilities Zones are areas within a street right-of-way that restrict vehicular through-traffic and designates space for pedestrian activities like walking and cycling. Sidewalks are required on both sides of streets within the right-of-way, including cul-de-sacs, in conformance with the Americans with Disabilities Act (ADA), Public Right-of-Way Accessibility Guidelines (PROWAG), and the following standards.

b. Pedestrian Facilities Zone Standards

i. Pedestrian Facilities Zones are required for any development.
ii. Pedestrian Facilities Zones include but are not limited to sidewalks, street plantings, patios, bollards, lighting, street furniture, on-street parking, bicycle lanes, cycle tracks, and recreational trails.
iii. Pedestrian Facilities Zones may include drought-tolerant trees planted on both sides of the street.
iv. Pedestrian Facilities Zones shall be well lit by providing lighting along streets. Lighting in Pedestrian Facilities Zones shall meet the requirements established in Division V.Sec. 22-221. D. 10.
v. Pedestrian Facilities Zones may provide on-street parking, bicycle lanes, sharrows, and cycle tracks per the *Engineering Design Manual*.

vi. If on-street parking is allowed, then parking must encompass at least twenty percent (20%) of the street length.
vii. All plats and associated development plans shall show Pedestrian Facilities Zone features.

c. Sidewalk Standards
    i. Sidewalks are required for all development. They are required as part of the platting improvements for land subdivision in all zoning districts.
    ii. Sidewalks shall be provided along all public and private streets abutting any development or redevelopment and any addition to a nonresidential structure exceeding one thousand (1,000) square feet in gross floor area.
    iii. Sidewalks shall be constructed parallel from a curb with at least three (3) feet of space between the sidewalk and curb, except where the continuation of any existing sidewalk on adjacent property requires alternate placement.
    iv. The Planning Commission may require to facilitate pedestrian access from roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least six (6) feet in width. These easements shall be indicated on the plat.
    v. Sidewalks shall meet the construction requirements and specifications established in the *Engineering Design Manual*. If those standards do not apply, a sidewalk must provide a minimum width of five (5) feet unless specifically mentioned elsewhere in this Section.
    vi. Sidewalks shall be unobstructed.
    vii. Existing sidewalks shall not be removed except for the purpose of replacement.

d. Fee in Lieu of Sidewalk Improvements
    i. Where an arterial street is designated for programmed capital improvements and for which the installation of sidewalks would be impractical, the applicant may, with the approval of the City Engineer, pay a fee in lieu of sidewalk construction.
        (A) The fee in lieu of sidewalk improvements shall be in an amount established in the City's *Schedule of Fees*.
        (B) Fees shall be accepted to the City.
        (C) Fees shall be utilized for the costs and expenses incurred for the construction of the sidewalks at the time the capital improvements are constructed.
        (D) As used in this Subsection, the fees are deemed accepted when the City receives the required funds.
    ii. For development that is subject to the fee in lieu of sidewalks, the applicant may, with the approval of the City Engineer, install the sidewalks as provided by this Section; provided such development shall still be subject to the applicable fee in lieu of provisions.

e. Crosswalks and Other Pedestrian Ways
    i. Where sidewalks are provided, pedestrian crosswalks shall be provided at every arterial intersection. Crosswalks shall include painted or textured markings, signage at the crosswalk, and advanced signage to alert traffic of pedestrians.
    ii. Crosswalks, ramp orientation, and driveway cuts shall be as close to perpendicular to the road as possible and shall comply with the *Engineering Design Manual* to promote safe crossings.
    iii. All public and private walkways, trails, sidewalks, ramps, stairs, or other pedestrian or bicycle access routes shall meet the guidelines of the Americans

with Disabilities Act and Oklahoma Department of Transportation (ODOT) Standard Specifications.

f. Alternative Proposals

The Planning Commission may authorize alternative proposals for pedestrian circulation in certain circumstances. Alternate proposal applications are submitted as part of the preliminary plat.

g. Exceptions

i. Sidewalks are not required on local streets if the smallest lot in a new residential subdivision is more than ten thousand (10,000) square feet in area.
ii. Sidewalks are not required in industrial developments exceeding ten (10) acres, where each lot within the development exceeds one acre provided, however, that the sidewalks are required along public streets, industrial collectors and access roads abutting the development if necessary to provide direct pedestrian access from residential neighborhoods to transit, shopping, or neighborhood schools as determined by the Planning Commission.
iii. Sidewalks are not required for replats in existing residential subdivisions where the total area being replatted does not exceed twenty thousand (20,000) square feet.

h. Double Frontage Lots

If double frontage lots are created for the purpose of separating residential property from arterials and collectors, the shoulder and sidewalk area of the arterial or collector conform to the following standards:

i. Street tree planting conforms to the provisions established in this Article and Sec. 22-211.
ii. Screening conforms to the provisions established in this Article and Sec. 22-212.
iii. If the City proposes to maintain an unpaved shoulder area, it will consist of a pervious material. The applicant may also provide a low maintenance landscape plan. The proposed plan is subject to the Planning Commission’s approval.

i. Maintenance of Pedestrian Facilities

Unless maintenance is provided by and under homeowners’ or property owners’ covenants, each owner or occupant of any house or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any facility or public building shall be responsible for maintaining the pedestrian ways, crosswalks, or sidewalks adjacent to their property. During the winter season, this shall include keeping the sidewalk free of snow or ice and at all other times shall keep the sidewalk in good and safe repair in a clean condition, free from obstructions or encumbrances.

j. Bicycle Facilities and Recreational Trails

i. The City may require the installation of bicycle route signage or other standard signage on street segments that are incorporated into the City.
ii. The City may substitute extra-width lanes or designated bicycle lanes on street segments in lieu of trails.
iii. All recreational trails shall comply with ADA and PROWAG requirements. All recreational trails shall be a minimum of eight (8) feet wide to allow for two-way traffic. Recreational trails shall be surfaced as provided in the City’s *Engineering Design Manual*.

iv. If appropriate, recreational trails within a subdivision may be deemed by the City Commission to satisfy part of the requirements of this Section for sidewalks or open space for that subdivision.
v. All streets shall utilize bicycle safe storm sewer inlets. Inlets along defined bicycle lanes on street segments shall be set back one (1) foot behind the back of curb with ten (10) feet of curb transition to each side of the curb inlet throat.

8. Street Medians

a. Generally

A street median is a roadway divider that separates opposing travel lanes. Street medians are typically provided for most street types.

b. Standards

In addition to the requirements in the *Engineering Design Manual*, the following regulations apply to street medians.

i. Raised street medians have drought-tolerant trees planted at a one (1) tree per every fifty (50) linear feet ratio. Tree canopies shall not encroach travel lanes.
ii. Raised street medians provide lighting for vehicular movement. This lighting:
(A) Uses light fixtures that directs one percent (100%) of light downwards;
(B) Uses one light pole attached with either one (1) or two (2) lamps;
(C) Limits light pole heights to a twenty (20)-foot maximum; and
(D) Spaces light poles between one hundred (150) feet to three hundred fifty (350) feet.

c. Street Medians with Turning Lanes

Street medians may have turning lanes. These lanes within street medians may be raised or unraised but have a ten (10)-foot minimum width.

d. Unraised Street Medians and Turning Lanes

Unraised street medians are permitted and may include turning lanes. Those unraised medians that include a turning lane shall have an eleven (11)-foot minimum width. No trees or lighting are permitted in unraised street medians.

9. Pavement

a. Generally

Streets must safely service emergency response units, high traffic volumes, and transit vehicles by reliable pavement standards.

b. Standards

Pavement standards and structure design shall follow the American Association of State Highway and Transportation Officials (AASHTO) Guide for Design of Pavement Structures' latest approved edition. A professional engineer registered in the State of Oklahoma prepares and signs the pavement design report. Pavement design requirements follow the regulations prescribed in the City's *Engineering Design Manual*.

10. Street Lighting

a. Generally

i. All new subdivisions (excluding replats of tracts where the standards below have been previously met) shall include street lighting.
ii. The applicant shall present a plan to install street lighting in conformance with the standards below to the City Engineer for approval prior to final plat submittal in conformance to the following standards below.

(A) Arterial streets = Twenty-seven thousand (27,000) Lumens approximately every three hundred (300) feet of street length.
(B) All other streets = Sixteen thousand (16,000) Lumens approximately every three hundred (300) feet of street length.

iii. In addition to the standards below, additional lighting regulations and specifications from the *Engineering Design Manual* shall be met.

b. Standards

Street lighting standards shall meet the following requirements:

The following street lighting standards apply:

i. Street lights shall follow the spacing requirements established in Table V.3: Street Light Spacing in an alternating pattern.
ii. All street lights shall have a minimum twenty (20) foot mounting height.
iii. All street lights shall use light fixtures that directs one hundred percent (100%) of light downwards.
iv. All street light poles shall be at least three (3) feet from the street curb.
v. Street lights shall be installed at all street intersections, at the end of cul-de-sacs, and at intermittent spacing necessary as established in Table V.3: Street Light Spacing, to produce a minimum of 0.6 maintained foot candles for arterial and collector streets and 0.4 maintained foot candles for local streets with a uniformity ratio not exceeding 3 to 1.

Table V.3: Street Light Spacing

Street	Minimum Spacing (ft)	Maximum Spacing (ft)
Arterials	175	350
Collectors and Local	100	250

c. Variations

i. Staff may approve minor variations by twenty (20) feet in positioning of lamp poles due to lot and block configuration.
ii. On streets that serve as exterior boundaries of the subdivision, the Planning Commission may allow alternate spacings for lamp poles if the adjacent land can be expected to develop and provide for its alternate half of the Street Lighting.

E. Alleys

1. Alleys platted in residential or nonresidential developments shall be private, and will not be maintained by the City.
2. Alleys may be provided in nonresidential districts. The Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as adequate off-street loading, unloading and parking facilities consistent with and adequate for the uses proposed.
3. Alley right-of-way serving nonresidential development shall not be less than thirty (30) feet in width, and if provided, shall be paved in accordance with City standards and specifications.
4. Placing utilities under paved alleys shall be avoided in nonresidential developments that contain utility lines.

5. Alleys are not required in residential developments, but when provided, shall be paved in accordance with City standards and specifications.
6. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed and constructed in such a manner to permit safe and convenient vehicular movement.
7. When alley intersections are unavoidable, as in "T", "L" or “H" alley configurations, a sight triangle at each intersection corner shall be provided. Corner lines shall be cut with a chord to provide a sight triangle with legs of ten (10) feet from the point of intersection along both alley right-of-way lines. The sight triangle shall be included in the alley easement.
8. Dead-end alleys shall be avoided, but where unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the most recently adopted International Fire Code.

F. Private Streets and Gated Subdivisions

1. Generally

Subdivisions with private streets and gated communities shall meet the following requirements:

a. The developer shall comply with all other ordinances and regulations of the City.
b. The definition of a “subdivision” and “street,” as contained in the Subdivision Regulations, will apply to all subdivisions or streets, whether public or private.
c. Property abutting a private roadway must comply with all applicable UDC regulations and other City ordinances and regulations.
d. All private streets and gated subdivisions shall comply with the standards and specifications established by the City in the *Engineering Design Manual*.
e. All applicable building setback lines shall be calculated from the private street easement.
f. The private street shall not be dedicated to the public, and the City is not obligated to accept any private street.
g. All plans concerning private roads and gated subdivisions are subject to review and approval by the City Engineer.
h. Pavement and utilities shall comply with the provisions established in Division V.Sec. 22-221. D. 1. f.
i. Prior to approval of a private street, all abutting property owners shall enter into a legal agreement to assure maintenance and apportion of maintenance costs. The agreement shall clearly state that the City is not responsible for maintenance.
j. Street stubs to serve potential future subdivisions and to improve the overall circulation pattern of the area shall be provided in any location deemed appropriate by the Planning Commission.

2. Owners Responsibility

The person or corporation in control of the property is responsible for, and liable for, any violations of this private street requirement. This includes, but is not limited to, the developer, property owner, the homeowners’ or property owners’ association and its officers, if applicable, or others who may own or exercise control over the property.

3. Private Access Drives

Private access drives, which are deemed to be “private streets or roadways”, may be utilized to provide access to developments under the following conditions:

a. Plat Designation

Private access drives shall be lots designated as Common Area/Private Access Drive on plats.

b. Design and Construction

Private access drives shall be designed and constructed to City specifications, which shall include minimum driving lane widths of twenty (20) feet for one-way traffic and twenty-four (24) feet for two-way traffic.

c. Notice, Maintenance, and Accessibility

The provisions for Notice, Maintenance, and Accessibility to public and emergency vehicles that apply to Private Streets in this Section shall apply to private access drives.

d. Sidewalks

Sidewalks shall be constructed in conjunction with private access drives in accordance with City requirements.

e. Naming and Addressing

Private access drives shall not be named on plats. Lots fronting or taking access from private access drives shall be addressed off the approved street from which the private access drive extends.

f. Zoning

Private access drives shall not be utilized for access to lots that are zoned for industrial uses, or that are permitted to develop under industrial uses by Planned Unit Development unless the drives are built to industrial collector street standards.

4. Maintenance of Private Roads

The City shall not pay for any portion of the cost of constructing or maintaining a private street. The Final Plat shall include a statement acknowledging that the City is not responsible for construction, operation, maintenance, repair, or acceptance of private roads. Each deed shall state that the street is privately maintained.

5. Plans and Inspections

An applicant for a proposed subdivision with private streets must submit to the City the same construction plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply. The City may periodically inspect private streets and require repairs necessary to ensure emergency access.

6. Signs

The entrances to all private roads shall be marked with a sign stating that it is a private street. All private traffic regulatory signs shall conform to the *Oklahoma Manual of Uniform Traffic Control Devices*.

7. Location

a. Subdivisions Greater than 25 Acres

i. Shall comply with adopted *International Fire Code* regulations.
ii. Shall be adjacent to an arterial or collector street unless waived by the Planning Commission,
iii. Shall provide at least one (1) access point to the arterial street,
iv. Shall contain twenty-five percent (25%) useable open space, and
v. Shall provide at least three (3) of the following amenities:
(A) Private park,
(B) Swimming pool,

(C) Clubhouse,
(D) Pedestrian walkways,
(E) Lake,
(F) Pond,
(G) Golf course,
(H) Gazebos,
(I) Picnic areas,
(J) Playground equipment,
(K) Tennis courts, or
(L) Director approved alternative.

b. Subdivisions Less than 25 Acres

i. Subdivisions less than twenty-five (25) acres shall be designed to allow for the continuation of existing interconnected streets in accordance with Division V.Sec. 22-221. D. 2. f. iii.
ii. The proposed development shall not block existing connections.
iii. The Planning Commission may, by variance, waive the requirement for the connection.

8. Gates

a. The type of controlled access or security gate for a controlled access subdivision must comply with the following requirements for gate installation:

i. Single Opening
(A) Minimum twenty (20) foot clearance width from curb face to curb face for one way traffic.
(B) Minimum twenty-four (24) foot clearance width from curb face to curb face for two (2)-way traffic.
(C) Minimum sixty (60) foot gate setback from curb line to gate face.
(D) Drives shall be arranged to provide the ability for a vehicle to turn around without backing into the street.
ii. Dual Openings
(A) Minimum fourteen (14) foot clearance width from curb face to curb face on both sides of a median.
(B) Minimum forty-five (45) foot obstruction setback from curb line to first obstruction.
(C) Minimum sixty (60) foot gate setback from curb line to gate face.
(D) Drives shall be arranged to provide the ability for a vehicle to turn around without backing into the street.
iii. All gates shall have “Knox” hardware or other hardware approved by the Fire Marshal’s Office.
iv. All gates will remain in the open position (unassisted) until gate device is reset.
v. Automatic gates shall have a battery backup.
vi. Permits for fence and gate installations are required by the City Municipal Code.
vii. Each gate installation may have additional requirements specific to that location based on approval of the Fire Marshal’s Office.

b. Setback Required

Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

9. Homeowners’ or Property Owner’s Association Required

a. Subdivisions developed with private streets and alleys must have a mandatory homeowners' or property owners' association that includes all property to be served by private streets. The association shall own and be responsible for the maintenance of private streets, common areas, drainage ponds and channels, and other appurtenances.
b. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The documents shall be filed of record with the Pottawatomie County Clerk's Office prior to the approval of the Final Plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association.

10. Construction and Utilities

Water, sewer, drainage facilities, road lights, and signs placed within the private street and alley lot shall be installed to City standards prior to approval of the Final Plat.

11. Visitor Entrance Design Standards

a. At least one entrance to a subdivision with private streets shall be equipped for visitor access.
b. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least fifty (50) feet from the boundary of the subdivision to provide for visitors calling in an automobile queuing.
c. A knox box meeting the specifications of the adopted *International Fire Code* shall be provided at the visitor entrance for access assurance for emergency services.
d. A turn-around space with a minimum outside radius of thirty (30) feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a "head-out" position.
e. A sign shall be erected next to the edge or such turnaround space to prohibit vehicle parking in such space.
f. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

12. Resident Only Entrance Design Standards

a. In addition to 11. above, an access control device that requires residents to use a key, card, or code to gain access shall be set back internally a minimum of fifty (50) feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempt from this requirement.
b. A sign shall be erected next to any resident entrance that does not meet the fifty (50) foot setback requirement of this paragraph and does not provide a turnaround space with a minimum outside radius of thirty (30) feet to indicate that it is for resident use only and not for visitors.

G. Easements and Utilities

1. The applicant shall dedicate to the public easements to the end that each and every lot within a subdivision shall have access to all available essential public utilities.
2. Easements shall follow the requirements established Table V.4: Easement Requirements.

Table V.4: Easement Requirements

Subdivision Arrangement	Requirement
Where Alleys Not Provided	≥ 10 feet required along each rear lot line resulting in a 20-foot total easement along rear lot lines

Area abutting previously not subdivided property	20-foot easement is required along the boundary of the subdivision
	If the applicant is able to obtain a 10-foot utility easement (by separate document in favor of the City) on this abutting property, then the applicant is required only to dedicate 10 feet of easement on their property
Where utility easements are necessary or required along side lot lines of individual lots	A 10-foot easement shall be required centered on the property line with 5 feet in each abutting lot (see Notes)
Any subdivisions utilizing private streets	Public utility easements having a minimum width of 20 feet shall be provided on one side adjacent to and outside of the designated easement of that private street
Notes	On those side lot easements, the side yard setback line will be measured from the near edge of the utility easement to the structure

3. Private improvements on utility easements shall be avoided; however, when improvements such as fencing, landscaping, driveways, or parking are placed upon utility easements, the property owner shall be responsible for replacement or repair of any improvements when utilities must be repaired or replaced.
4. Aerial easements and easements of greater width for either extension of main sanitary sewers or other utilities, storm sewers and drainage, or the accommodation of utilities in unique situations such as, but not limited to, lots backing onto unplatted land may be required where it is deemed necessary by the Planning Commission.
5. Where a subdivision is traversed by a water course, drainage channel or stream, there shall be provided a right-of-way or easement for drainage, public open space and utility purposes as established in Division V.Sec. 22-221. H. 2.
6. Utility Location

a. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sanitary sewer lines, unless otherwise specified.

b. The placement of utilities within a twenty (20) foot easement shall be as follows:
    i. The electric line shall be located in the easement six (6) feet north or east of the centerline.
    ii. The communication line shall be located in the easement four (4) feet of the centerline and shall be installed to industry standards.
    iii. The sanitary sewer and water lines shall be located in the easement center line south or west of the centerline if the water line is separated by at least two (2) feet above the sanitary sewer line, and shall generally comply with ODEQ standards and specifications.
    iv. The natural gas line shall be located within the easement six (6) feet south or west of the centerline.

c. The placement of utilities within fifteen (15) foot easements shall be as follows:
    i. The electric line shall be located within the easement three and one-half (3 1/2) feet north or east of the centerline.
    ii. The communication line shall be laid located within the easement five and one-half (5 1/2) feet of the centerline and shall be installed to industry standards.
    iii. The sanitary sewer and water lines shall be located on the easement centerline if the water line is separated by at least one foot above the sanitary sewer line.

iv. The gas line shall be located within the easement three and one-half (3 1/2) feet south or west of the centerline.

d. The depth of the utility lines shall be as follows:

i. Electric lines, communication lines, and natural gas lines shall be laid at a depth in accordance with utility provider standards.
ii. The water line shall be laid at a minimum depth of four (4) feet.
iii. The sewer line shall be laid at a depth in accordance with standard engineering practices and ODEQ minimum slope requirements, as approved by the City Engineer.

7. Construction of Utilities

a. Electrical lines, telephone or television cables, and gas mains shall not be buried in public easements prior to the installation of required water, sewer and stormwater drainage improvements being constructed; provided that in all cases the lines having the greatest depth shall be constructed first.

b. As an exception, the City Engineer may permit the construction of utility tunnels and conduits which meet City criteria and standards prior to the construction of water, sewer or stormwater drainage improvements.

8. Conflicting Easements

When existing private easements may potentially interfere with a proposed public dedication or easement, the subdivision shall be designed to minimize the number and extent that such existing private easements cross public easements.

9. Reserve Strips

The creation of reserve strips shall not be permitted adjacent to undeveloped property in such a manner that it denies access from adjacent property to public utilities. Utility easements shall extend to the exterior boundary of all plats to facilitate the extension of public utilities to adjacent property.

H. Drainage and Storm Sewers

1. Generally

a. Drainage Provisions Required

i. Any site development work involving the disturbance of one or more acres of land shall be subject to the drainage standards prescribed in *the Engineering Design Manual*. Land disturbance includes grading, excavation, filling, and clearing.
ii. The Planning Commission shall not recommend for approval any plat or subdivision that does not make adequate provision for site drainage to preclude the creation or aggravation of flooding or erosion issues (onsite or offsite) as a result of site development.
iii. The stormwater drainage system shall be separate and independent of any sanitary sewer system.
iv. Lots shall be laid out to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from each lot to adjacent lots.
v. Each lot or site within the subdivision shall have access to an approved street that is free of excess stormwater as per the conditions prescribed in the *Engineering Design Manual*.
vi. No subdivision shall be approved which would permit building within a regulatory floodway of any stream or watercourse. The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present

and future population, prohibit the subdivision of any property that is encumbered by a designated regulatory floodway of any stream or watercourse. Subdivision of any property that is encumbered by a designated regulatory floodway of any stream or watercourse will only be permitted if the drainage plans meeting the requirements of the *Engineering Design Manual* are provided. These provisions also shall also apply in cases where a creek, channel, or other identified flow path for stormwater runoff not identified by FEMA as regulatory floodways is present on a property being proposed for subdivision. In no instance, shall these provisions conflict with Chapter 14 of the Shawnee City Code.

vii. No lot or site within a subdivision shall derive sole access to an approved street through a regulatory floodplain unless such access shall be so designed to remain open under base flood conditions.

viii. Areas subject to inundation under base flood conditions shall be indicated with the minimum floor elevation (at least 1' above the base flood level) of each lot so affected on a certified letter from a qualified engineering professional. This requirement shall comply with Chapter 14 of the Shawnee City Code.

b. Drainage Plan Required

i. A Drainage Plan shall be submitted with the Preliminary Plat in compliance with the requirements of the *Engineering Design Manual*.

ii. Proposed development shall not create or aggravate flooding or erosion on the property being subdivided or any other property.

c. Freeboard Required

Freeboard requirements shall comply with Chapter 14 of the Shawnee City Code.

d. Capacity Required

All subdivisions shall provide the required capacities as established in the *Engineering Design Manual*.

e. Accessibility to Public Storm Sewers

Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwater, subject to the specifications of the City Engineer.

f. Accommodation of Upstream Drainage Areas

All development shall provide a culvert or other drainage facility to accommodate existing upstream conditions.

2. Dedication of Drainage Easements

a. Generally

i. When a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a drainage easement or right-of-way conforming substantially to the lines of such watercourse, with width and construction conforming to the *Engineering Design Manual*. Wherever possible, it is desirable that the drainage be maintained by an open channel.

ii. In cases where stormwater runoff is conveyed via an underground pipe system not located in the street right-of-way, drainage easements conforming to the requirements of the *Engineering Design Manual* shall be dedicated and depicted on both the Preliminary and Final plat documents.

iii. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities which the applicant's engineer has demonstrated, by

the criteria of the *Engineering Design Manual*, has the capacity to receive the runoff without creating or aggravating flooding or erosion.

iv. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured by the owner of the property being subdivided and indicated on the plat.

3. Detention and Retention Pond Design

a. Purpose

Storage of stormwater runoff within a stormwater management system is a common method of providing extended detention of stormwater flows for water quality protection and downstream streambank erosion protection, as well as for peak flow attenuation of larger flows for flood protection.

b. Detention and Retention Ponds

Detention ponds are designed to drain a runoff volume over a specified period of time, typically twenty-four (24) hours, and provide for streambank protection. Detention ponds are designed to completely drain after a storm has passed. Retention ponds also serve to drain runoff, but have the added feature of a permanent pool.

c. Pond Standards

When a detention or retention pond is used to accommodate drainage, the following standards shall apply unless otherwise provided by the City Engineer.

i. Drainage easements and features shall be included as a portion of buildable lot(s) and not as a lot by itself unless specifically authorized by the City Engineer.

ii. Ponds shall be built to the capacity to detain the rate of stormwater runoff leaving the development at or below the pre-development peak runoff rate (Q) for all storm events, including the 2-, 10-, 25-, 50-, and 100-year storms.

iii. Extended Detention and Release Rate

(A) Ponds shall provide for the extended detention of stormwater to be released at a peak rate that precludes adverse impact to downstream property, protects water quality, and prevents streambank erosion. Due to the unique nature of each site and design of the ponds, the release rate may vary, as determined by the City Engineer.

(B) Stormwater runoff may be released over twenty-four (24) hours after a designed storm has passed.

iv. In addition to showing ponds on the Drainage Plan, ponds shall be shown on and approved with Construction Plans.

v. Pond designs shall include a maintenance plan and bond for the removal of sediment and continued operation of the pond in a clean and sanitary manner.

vi. In order to accommodate subdivisions that are developed in phases, multiple ponds may be constructed and shall detain the runoff from associated phases and any upstream runoff contributing to the inflow of the pond.

vii. Ponds shall be built in the first phase of the subdivision and maintained throughout construction of all phases of development that have the potential to contribute stormwater runoff into the pond. Increased runoff rates or the concentration/acceleration of runoff leading to the risk of erosion are prohibited at all points of the site development project.

viii. In some circumstances, the location of a property being subdivided for development within the drainage basin may make the requirement to provide detention/retention unnecessary. The City Engineer has the right to review the

engineering basis for such a determination presented by the property owner's engineer and waive the detention/retention requirement if deemed appropriate.

d. Pond Design Requirements

All ponds shall meet the design requirements established in the City's *Engineering Design Manual*.

e. Method for Determining Peak Flows

The determination of peak flows shall use one of the methods identified in the *Engineering Design Manual*, or another commonly accepted method as approved by the City Engineer.

I. Conservation Easement or Setback along Waterways

1. Purpose

The Conservation Easement or Setback is intended to limit physical disturbance of the land along waterways to prevent erosion and protect water quality.

2. Applicability

a. The Conservation Easement or Setback is required for all development USGS blue line designated rivers and streams.

b. These requirements apply to zoning and subdivision applications.

3. Required Buffer Width

a. The following Conservation Easement or Setback shall be provided, measured from the waterway centerline and as designated by the USACE.

i. Rivers: One hundred fifty (150) feet,
ii. Major Streams: One hundred (100) feet, and
iii. Minor Streams: Fifty (50) feet.

b. The Conservation Easement or Setback shall be recorded on all plats and site plans.

4. Development Restrictions

a. Conservation Easement or Setback may be used for low-impact activities, such as recreation and entertainment purposes, that do not disturb the natural environment.

b. Conservation Easement or Setback shall remain free of construction, development, tree removal, or other alterations except for utility and roadway crossings, parks, and stormwater detention structures. The number of crossings through a Conservation Easement or Setback shall be minimized. Stormwater treatment facilities, agricultural uses, golf courses, septic systems, or wastewater irrigation shall not be located in the Conservation Easement or Setback.

J. Water Facilities

1. Generally

a. The applicant shall provide a water supply and distribution system capable of meeting water use and fire protection requirements in accordance with this Section and other applicable ordinances, standards and regulations.

b. All water mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether those extensions are required for service within the subdivision.

c. The location of all water improvements shall be shown on the Preliminary Plat, and the cost of installing the same shall be borne by the applicant.

d. Water facilities shall meet the latest specifications issued by AWWA, ASTM, ANSI, and NSF.

e. Water facilities shall meet the standards and requirements as established by ODEQ,

2. Water Supply for Subdivisions

a. Generally

Subdivisions within the area designated for development by the Comprehensive Plan shall satisfy the provisions of this Section.

b. Water Distribution System

i. The applicant shall, at their expense, provide a water distribution system capable of supplying water to each lot within the subdivision, including water service connections to each lot.
ii. Where the lot is for other than residential development and the size of the connection cannot, therefore, be readily predetermined, the City Engineer shall waive the construction of water service connections to each lot.
iii. All construction must comply with the City's standards and specifications and must be approved by the City Engineer in accordance with current water main policy for all distribution lines, water service connections, and external boundary lines.
iv. In no instance are dead ends allowed.
v. Hydraulic analysis shall be provided and follow the requirements as established by ODEQ.
vi. Air relief valves shall be provided at high points in the system as established by ODEQ.

c. Public Water Supply is Reasonably Accessible

i. Where an approved public water supply is reasonably accessible or procurable, the subdivider shall connect with that water supply. For purposes of this Section, a public water supply is considered "reasonably accessible" if an existing or funded water main serves any quarter-section in which the subdivision is wholly or partially located or is within one-half (1/2) mile of any exterior boundary of the subdivision, whichever is the greater distance.
ii. Water supply is considered "procurable" unless the City or other public agency owning and maintaining the public water system cannot or will not, by reason of statute, ordinance, regulation, or policy, furnish water to the subdivision.
iii. All water main construction must conform to the City's standards and specifications, ODEQ requirements, and must be approved by the City Engineer.
iv. The Planning Commission may vary these provisions under special circumstances.

d. Public Water Supply Is Not Reasonably Accessible

i. Where an approved public water supply is not reasonably accessible or procurable, the applicant may provide a private water supply system.
ii. These systems shall comply with the requirements of the State Board of Health and ODEQ and shall have sufficient quantity to meet domestic needs and fire protection requirements of the subdivision.
iii. The system shall be constructed in accordance with City specifications and must be approved by the City Engineer.
iv. The Planning Commission may vary these provisions under special circumstances.

e. Water Wells

i. Water wells serving individual lots shall not satisfy the water facility requirements for subdivisions located within the areas designated for urban development by the Comprehensive Plan.
ii. The Planning Commission may vary these provisions under special circumstances.

f. Fire Hydrants

i. Fire hydrants shall be required for all subdivisions and adhere to the latest ODEQ design requirements Section 252:626-19-3.
ii. The minimum fire hydrant lead size shall be six (6) inches.
iii. Fire hydrants shall be located at the prescribed locations as required by the adopted *International Fire Code*.

K. Wastewater/Sewer Facilities

1. Generally

a. The applicant shall provide a sewage collection and disposal system in accordance with this Section, ODEQ standards, and other applicable ordinances, standards and/or regulations.

b. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether those extensions are required for service within the subdivision.

c. The location of all wastewater improvements shall be shown on the Preliminary Plat, and the cost of installing the same shall be borne by the applicant.

2. Requirements

Subdivisions within the area designated for development by the Comprehensive Plan shall satisfy the provisions of this Section.

a. Sewage Collection System

The applicant shall, at their expense, provide a sewage collection system available to each lot within the subdivision. All such construction must comply with the City's standards and specifications, ODEQ's minimum slope requirements, and must be approved by the City Engineer.

b. Public Sewer System Is Reasonably Accessible

i. Where an approved public sewer system is reasonably accessible or procurable, the applicant shall connect with that sewer system. For purposes of this Section, a public sewer system is considered "reasonably accessible" if an existing or funded sewer main serves the watershed into which the subdivision naturally drains and is within one-half (1/2) mile of any exterior boundary of the subdivision. In certain instances, any gravity/slopes must be appropriate for connection within one-half (1/2) mile of any exterior boundary of the subdivision.
ii. Sewer service is considered "procurable" unless the municipality or other public agency owning and maintaining the public sewer system cannot or will not, by reason of statute, ordinance, regulation, or policy, accept sewage from the subdivision.

c. Public Sewer System Is Not Reasonably Accessible

i. Where an approved public sewer system is not reasonably accessible or procurable, a septic or on-site sewage facility (OSSF) may be utilized, if that treatment system meets all applicable water quality criteria established by ODEQ and is constructed or installed in accordance with the City's standards and specifications and is approved by the City Engineer.
ii. The applicant shall assume full responsibility for the operation and maintenance of the facility. To satisfy this requirement, the applicant may:
(A) Secure a binding agreement from the City, other local government, or other public agency for operation and maintenance of the facility; or
(B) Provide for operation and maintenance of the facility by duly constituted Homeowners' Association or other entity that, in the judgment of the

Planning Commission, can be reasonably expected to carry out this responsibility.

d. Septic Tanks and On-Site Sewage Facilities (OSSF)

Septic tanks and On-Site Sewage Facilities (OSSF) are not approved means of wastewater collection and treatment, unless approved by ODEQ and shall meet the requirements below.

i. Each lot served by septic tanks and On-Site Sewage Facilities (OSSF) shall conform to standards established by ODEQ (Oklahoma Department of Environmental Quality).
ii. Each lot shall have approved percolation results by the state Health Department prior to approval of the Final Plat;
iii. Each lot shall contain adequate area for the installation of a minimum of four hundred (400) feet of septic tank lateral lines;
iv. No part of any septic tank, laterals, or On-Site Sewage Facilities (OSSF) shall be located closer than twenty (20) feet to the rear of the building line, and no closer than five (5) feet to any property line.
v. Alternatively, an aerobic irrigation system may be used but shall comply with industry standards and must be approved by the City Engineer.
vi. In residential subdivisions where septic tanks or On-Site Sewage Facilities (OSSF) are to be installed, the following lot areas shall be required:
(A) Lots with water wells and septic tanks shall maintain a minimum of two (2) acres per lot.
(B) Lots only with septic tanks shall maintain a minimum one (1) acre.
(C) Lots utilizing septic tanks or On-Site Sewage Facilities (OSSF) shall maintain a minimum lot width of one hundred (100) feet measured at the required building line.

L. Stormwater Pollution Prevention

1. Generally

In conjunction with the Construction Plans, the applicant shall submit a Stormwater Pollution Prevention Plan. The purpose of the Stormwater Pollution Prevention Plan is to ensure adequate measures are in place to prevent erosion during and after construction.

2. Design Requirements

a. Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City Engineer.
b. Cut and fill slopes shall be no greater than 3:1, except as approved by the City Engineer.
c. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the City Engineer.
d. Erosion control requirements shall include the following:
i. Soil stabilization shall be completed within five days of clearing or inactivity in construction.
ii. If seeding or another vegetative erosion control method is used, it shall become established within two weeks, or the City Engineer may require the site to be reseeded or a nonvegetative option employed.
iii. Special techniques on steep slopes or in drainage ways shall be used to ensure stabilization.
iv. Soil stockpiles must be stabilized or covered at the end of each workday.

v. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
vi. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
vii. Techniques that divert upland runoff past disturbed slopes shall be employed.

e. Sediment controls requirements shall include:
i. Settling basins, sediment traps or tanks, and perimeter controls.
ii. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the City Engineer.
iii. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

f. Waterway and watercourse protection requirements shall include:
i. Review of Section 404 of the Clean Water Act, which regulates dredged or fill material into waters of the United States, including wetlands. If a 404 permit is required, then the applicant must provide the approved permit from the Corp of Engineers prior to receiving a permit.
ii. A temporary stream crossing installed if a wet watercourse will be crossed regularly during construction.
iii. Stabilization of the watercourse channel before, during, and after any in-channel work.
iv. On-site stormwater conveyance channels.
v. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

g. Construction site access requirements shall include:
i. A temporary access road provided at all sites.
ii. Other measures required by the City Engineer to ensure that sediment is not tracked onto public roads by construction vehicles or washed into storm drains.

M. Low-Impact Development (LID)

The City supports subdivision designs that incorporate low-impact development best management practices for reducing runoff and mimicking a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source. Low-impact development practices include measures such as preserving undeveloped open space, biofiltration, reducing impervious cover, and using porous pavement.

N. Parkland

1. Purpose

The purpose of this Section is to ensure that new development allocates resources for accessible and useable parks, open space, and recreational facilities proportional to the impact of the development and its contribution to increased demand for such facilities. The City Commission adopts this Section in furtherance of the goals and recommendations of the Comprehensive Plan.

2. Applicability

a. This Section applies to any development other than those exempted in Subsection b. below.

b. The following development is exempt from the requirements of this Section:
i. Property less than two (2) net acres.
ii. Property platted prior to the adoption of this UDC.
iii. Replats of property if no increase in dwelling units will occur.

iv. Property zoned Transitional Agriculture (TA) District.
v. Property to be used as a public building or use, a school, or a religious land use.

3. Dedication Requirements

a. The City Commission may elect to accept parkland dedication or refuse the dedication and require payment in lieu of dedication for any new development.
b. Development in properties zoned residential must dedicate public parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof as depicted on the approved Final Plat.
c. Development of multi-family residential or mixed-use must dedicate parkland at the rate of one (1) acre of parkland per one hundred (100) dwelling units or prorated portion thereof based on the number of units approved at the recording of the Final Plat.
d. Development exempted from a Preliminary Plat must dedicate public parkland at the time of Final Plat. Development with an existing Final Plat must dedicate public parkland at the time of application for the first building permit.
e. Any residential or mixed-use development that is required to make payment in lieu of dedication must pay into the park dedication fund a fee of three hundred dollars ($300) per dwelling unit consistent with b. and c. above.
f. Future increases to the number of dwelling units will increase the dedication required in accordance with the rate in place at the time of the amendment unless the previous dedication or payment in lieu made under this Section was based upon the highest density allowed for the district rather than number of units.
g. Unless subject to a development agreement that supersedes this Section, nonresidential development must pay into the park dedication fund a fee of five hundred dollars ($500) per acre of development.

4. Standards for Parkland Property

a. Land dedicated for park, open space, and recreation purposes must, at a minimum, comply with the following area and location standards:
    i. The land must be at least one (1) acre in size. Land may be considered contiguous if it abuts both sides of a street and the separate areas are joined by a marked pedestrian crossing;
    ii. The land must provide a minimum of two hundred (200) feet of street frontage;
    iii. The land must have a minimum width of fifty (50) feet;
    iv. The land must be centrally-located to the population of the neighborhood, community, or phase of development it will serve;
    v. The land must be situated to allow convenient pedestrian and bicycle access in addition to facilities for vehicle parking;
    vi. Up to twenty-five percent (25%) of drainage areas or areas with undulating topography or slopes exceeding five percent (5%) are acceptable if the areas are to remain in their natural state and will preserve one or more significant features such as creeks, watersheds, viewsheds, native clusters of trees, or habitat for native or migratory species;
    vii. Land subject to inundation by a 100-year flood will not be accepted as parkland for the purposes of satisfying dedication requirements.
b. Land dedicated must be shown as dedicated on a Final Plat and be free from any of the following:
    i. Human inhabitants;
    ii. Hazards, including scrap material, junk, vehicles or equipment, above-ground or below-ground environmental contaminants, or holding tanks;

iii. Encumbrances of any kind, including deed restrictions, liens, or easements, unless they confer to the benefit of the City or will not interfere with use of the property as a park;
iv. Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.

c. Land dedicated must be preserved in its pre-developed state and may not be used for construction activities or storage of materials or equipment during construction of the subdivision or development, unless otherwise specified in a development agreement.
d. The City Commission may, at its sole discretion, modify these standards for land dedication that furthers the City's goals of protecting areas of environmental sensitivity and linking multiple properties outside of the subdivision or development requiring the dedication, or to provide natural area parks or preserves or special use parks where identified in the Comprehensive Plan.

5. Required Improvements to Parkland Property

a. The following are the minimum designed elements to be included in dedicated parkland and must be reflected on associated Construction Plans for the subdivision or development at the time of Construction Plan approval:
    i. Curb and gutter along all streets abutting the boundary of the parkland.
    ii. The same level of utilities provided within the abutting subdivision or development must extend to the boundary of the parkland or as approved by the City Engineer (utilities include, but are not limited to, water, wastewater, electricity, and fiber optic communication lines).
    iii. Above-ground survey markers installed at the corners of all property lines.
    iv. Any improvements required under a Development Agreement, Planned Unit Development, or otherwise agreed to in writing between the developer and the City.
b. Construction of the improvements must be completed within three (3) years of the City's approval of the first Final Plat of the subdivision or development.
c. Where the applicant is to provide improvements within parkland or abutting the parkland, the Subdivider or Developer must provide financial security consistent with Division V.Sec. 22-222.

6. Alternatives to Parkland Dedication

a. If suitable land for parkland dedication is not available, the applicant may propose one or more of the following payments in lieu of dedication:
    i. Improvements the applicant pledges to perform or provide in existing City parks;
    ii. Providing private park space or amenities up to fifty percent (50%) of the required public parkland dedication, provided that the private park conforms to the following:
        (A) The property is deed restricted for use as a park;
        (B) The property is shown on the Final Plat as parkland or common area;
        (C) The park is built to the standards of a public park and conforms to the intent of the Comprehensive Plan; and
        (D) The park is owned and maintained by a homeowners' association.
b. The City shall determine the amount of the fee at the time of Preliminary Plat approval, and the applicant must pay all fees before recording a Final Plat.

c. The City will reserve the contributed fees for the purpose of land acquisition, construction of improvements associated with parkland, and purchase of equipment to the most direct benefit possible to the residents of the subdivision or development.

Sec. 22-222. Performance Guarantees and Maintenance

A. Purpose

Performance guarantee and security requirements are established to address those circumstances under which an applicant wishes to receive final plat approval and record the approved Final Plat before installing required infrastructure and public improvements. The provisions help ensure that funding is in place to cover the cost of installing any required improvements that are not installed by the applicant within a reasonable period of time after receiving final plat approval.

B. Term of Agreement

The term of a performance guarantee shall not exceed two (2) years. If the applicant has not completed the required infrastructure and public improvements within the two-year period, the Director is authorized to approve one extension of up to six (6) months in duration. Any additional extensions or extensions of a longer duration require approval of the Planning Commission. Approval authorities/decision-making bodies are authorized to require updated improvement cost estimates and additional security as a condition of any extension granted.

C. Form and Amount of Security

1. Security must be in the form of an irrevocable letter of credit, cash, or another instrument readily convertible to cash, as approved by the City Attorney or District Attorney. The performance guarantee and security must be conditioned upon the performance of all work necessary to complete the required infrastructure and improvements.
2. The estimated total cost of any required infrastructure and improvements that have not been installed by the applicant prior to recording of the approved final plat must be itemized by improvement type and certified by the applicant's registered engineer. Cost estimates must be based on industry norms within Shawnee.
3. The amount of the performance guarantee must equal at least one hundred ten percent (110%) of the estimated total cost of all required infrastructure and improvements that have not been installed by the applicant prior to recording of the approved Final Plat.

D. Default and Use of Security

If the applicant fails to properly install required infrastructure and improvements within the term of the guarantee and any approved extension, the guarantee will be deemed in default. In the case of default, the City is authorized to draw or foreclose upon the security funds to fund completion of the required infrastructure and improvements or to contract for installation of the required infrastructure and improvements. If the cost of completing the required infrastructure and improvements exceeds the security amount, the applicant is liable for all excess costs. Any security funds to be drawn upon or foreclosed will be subject to an administrative fee that reflects the City's actual costs associated with preparing bid documents and preparing and administering a contract for the work to be completed.

E. Release of Security

The security must be released once all the following occur:

1. The conditions of the performance guarantee have been completed to the satisfaction of all agencies with jurisdiction over the improvements;

2. Any required maintenance guarantee has been provided per applicable City or County regulations;
3. A final inspection has been conducted by the City Engineer or other qualified professional selected by the City Engineer and retained by the applicant;
4. Written evidence has been submitted that all owners of the infrastructure and improvements have accepted ownership of the improvements;
5. The applicant has provided as-built or record plans showing monuments, streets, curbs, sidewalks, and all other infrastructure and public improvements as they were installed; and
6. All required certifications of completion have been provided.

F. Plat Vacation

Vacation of the plat as provided by state statute removes the obligation to construct improvements and constitutes grounds for release of any remaining financial guarantee.

G. Maintenance Guarantees and Security

1. Maintenance guarantees and financial security must be provided in accordance with applicable City regulations.
2. Maintenance bonds shall be filed in the following amounts:

a. Paving, Grading, and Drainage:
   i. One hundred percent (100%) for one (1) year,
   ii. Ten percent (10%) for four (4) years.

b. Water and Wastewater/Sewer: Ten percent (10%) for two (2) years.

H. Perpetual Maintenance of Common Areas and Improvements

1. Maintenance Obligation for Common Areas and Improvements

a. The obligation for perpetual maintenance of any common areas and public or private improvements within a development must be established by the developer and approved by the Planning Commission. This obligation must be provided for in the plat, or for developments not required to be platted, by a deed restriction or other appropriate document recorded with the County Clerk.

b. If multiple property owners will be responsible for perpetual maintenance and control of common areas and public or private improvements, a property owners association must be established. Each property owner, by acceptance of a deed to a property within the development, will be deemed to have agreed to be a member of the property owner's association and be subject to assessment for maintenance of the common areas and public or private improvements.

c. If the entire development is to remain under single ownership, the common areas and public or private improvements must be maintained by the owner of the property.

2. Declarations and Covenants

a. Declarations and covenants guaranteeing ongoing maintenance of common areas and public or private improvements must be established within a deed of dedication accompanying a plat or, for developments subject to these regulations but not required to be platted, by a deed restriction or other appropriate document recorded with the County Clerk.

b. The declarations and covenants must expressly authorize the City to correct maintenance deficiencies in areas containing public improvements that the property owner or property owners association is required to maintain, and to recover actual costs and any legal fees from the subject property owner or property owners association if maintenance duties are not carried out, and to establish and enforce a lien against the property in the development for recovery of the costs and fees.

Division VI. Procedures

Sec. 22-223. General Procedures

Sec. 22-224. UDC Text Amendment

Sec. 22-225. Annexation

Sec. 22-226. Rezoning

Sec. 22-227. Conditional Use Permit

Sec. 22-228. Preliminary Plat

Sec. 22-229. Final Plat

Sec. 22-230. Minor Subdivision

Sec. 22-231. Construction Plans

Sec. 22-232. Plat Vacation

Sec. 22-233. Site Plan

Sec. 22-234. Sign Permit

Sec. 22-235. Building Permit

Sec. 22-236. Certificate of Occupancy

Sec. 22-237. Interpretation

Sec. 22-238. Administrative Adjustments

Sec. 22-239. Special Exception

Sec. 22-240. Variances

Sec. 22-241. Waivers

Sec. 22-223. General Procedures

A. Purpose

The purposes of this Article are to:

1. Establish the appropriate workflows associated with each land development process, and
2. Ensure that processes comply with state law, and
3. Assign the appropriate approval authority, completeness measures, and deadlines to ensure that the processes are efficient and fair to applicants, and
4. For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

B. General Procedural Requirements

1. Applicability

This Section establishes rules and procedures for specific land use decisions under the jurisdiction of the City Commission, Planning Commission, Board of Adjustment, Director, and City Staff (where applicable).

2. Procedures

This Section sets up rules for procedures, such as notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description per Table VI.1: Procedural Components.

Table VI.1: Procedural Components

Component	Meaning
Applicability	This is the type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City determines that the application has sufficient information to be processed.
Notice and Hearings	This describes the type of notice, how it is provided, and the conditions of any applicable required public hearings.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Standards	These are any standards that apply to the application. All applications are subject to the regulations of this UDC.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be resubmitted for the property.
Appeals	This provides a way to review an application that is denied or that has conditions that the applicant disagrees with.
Scope of Approval	This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal approval decision is maintained.

3. Authority Table

Table VI.2: Authority Table summarizes the major review procedures for land use applications and development activity in the City's corporate limits and who acts on those applications.

Table VI.2: Authority Table

UDC Section	Application Type	PAM	Notice	Approval Authority			
				DR	*PC*	*CC*	*BA*
Sec. 22-224.	UDC Text Amendment	✕	✓	R	R	D	
Sec. 22-225.	Annexation	✓	✓	R	R	D	
Sec. 22-226.	Rezoning	✓	✓	R	R	D	
Sec. 22-227.	Conditional Use Permit	✕	✓	R	R	D	
Sec. 22-228.	Preliminary Plat	✕	✕	R	R	D	
Sec. 22-229.	Final Plat	✕	✕	R	R	D	
Sec. 22-230.	Minor Subdivision	✕	✕	D			
Sec. 22-231.	Construction Plan	✕	✕	D			
Sec. 22-232.	Plat Vacation	✕	✓	R	R	D	
Sec. 22-233.	Site Plan	✕	✕	D			
Sec. 22-234.	Sign Permit	✕	✕	D			
Sec. 22-235.	Building Permit	✕	✕	D			
Sec. 22-236.	Certificate of Occupancy	✕	✕	D			
Sec. 22-237.	Interpretation	✕	✕	D			A
Sec. 22-238.	Administrative Adjustments	✕	✕	D			
Sec. 22-239.	Special Exceptions	✕	✓	R			D
Sec. 22-240.	Variances	✕	✓	R			D
Sec. 22-241.	Waivers	✕	✕	R	R	D	
Key	✕ = Not Required **|** ✓ = Required **|** R = Review and Recommend **|** D = Decision (a decision includes the review of the application) **|** A = Appeal Decision **|** PAM = Pre-Application Meeting **|** DR = Director **|** PC = Planning Commission **|** CC = City Commission **|** BA = Board of Adjustment						

C. Pre-Application

1. Applicability

   These requirements apply to any application requiring a pre-application meeting or if the applicant elects to request a pre-application meeting with the City.

2. Initiation

   Before filing an application subject to this Section, the applicant shall request a meeting with the Development Review Committee concerning the plans and data as specified in this UDC.

3. Development Review Committee

   The purpose of the Development Review Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager concerning planning and development issues.

a. The Development Review Committee is composed of the following departments, members, or their representatives:

   i. The Director
   ii. The City Engineer
   iii. The City Building Official

iv. The City Fire Marshal

b. The Development Review Committee may request the assistance of other staff members and agency representatives.

4. Scheduling

Any applicants wishing to discuss a development proposal with the Development Review Committee shall advise the Director at least seven (7) calendar days prior to the meeting.

5. Pre-Application Meeting

a. The Pre-Application Meeting shall include the following:

i. A discussion of the general project consistency with this UDC and the Comprehensive Plan,
ii. A discussion of technical studies, plans, and other information deemed relevant to the specific application request, and
iii. Discussion of the anticipated level of citizen interest.

b. The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.

c. The Director will provide information and comments at the Pre-Application Meeting but will not take formal action on the application. In addition to the provision of verbal information, the Director may provide a Pre-Application Meeting checklist.

d. The applicant's and Development Review Committee's comments are for informational purposes, and are not binding on either the City or the applicant.

6. Documentation

a. During the meeting, the Director may review and complete an informational checklist, based on the scope of the application.

b. The Director will record in writing and provide the applicant with any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.

D. Submitting Applications

1. General Requirements

a. Applications filed under this UDC must include the information required in any applicable checklist.

b. The City Commission may establish fees for all applications required in this UDC by resolution.

2. Completeness

a. The Director will not process incomplete applications.

b. An application is not complete until all required items are submitted (see the application's submittal checklist).

c. When applications are submitted, the Director will review them for completeness.

d. The time period to process an application does not commence until the Director determines that the application is properly submitted, and the applicant has corrected any deficiencies in the application.

e. The review for application completeness is solely to determine whether information required for submission with the application is sufficient to allow further processing.

f. The Director will determine whether the application is complete and will transmit the determination to the applicant. If the Director determines that the application is not complete, the Director will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to

complete the application. The Director or the approval authority is not obligated to further review the application until the required information is corrected.

g. The Director or the approval authority may provide submission deadlines for materials required in support of any application provided for in any checklist. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approval authority.

E. Noticing

1. Generally

a. Upon receipt of an application requiring a public hearing, the City Clerk shall set dates of the public hearings before the Planning Commission and City Commission.

b. Interested parties and citizens shall have an opportunity to be heard at all public hearings.

c. All mailed notices shall provide a list of all owners of real property within the prescribed radius of the exterior boundary of the subject property to be certified by the County Assessor, abstract company, or title company.

2. Noticing for the Planning Commission and City Commission

a. Generally

Any application requiring a public hearing and approval from the Planning Commission or City Commission shall follow the requirements established above, as well as the additional requirements specified below.

b. Rezoning

i. Generally

(A) At least fifteen (15) days notice of the rezoning requested, date, time, and place, each hearing shall be published in a newspaper of general circulation in the City.

(B) The notice shall also include a map of the area to be affected, indicating street names or numbers, streams, or other significant landmarks in the area.

ii. Mail

Notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the hearing by mailing written notice by the City Clerk to all owners of real property within a three hundred (300)-foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

(A) Legal description of the property and the street address or approximate location;

(B) Present zoning and classification of the property and the classification sought by the applicant; and

(C) Date, time, and place of the public hearing.

iii. Signage

Notice of public hearing of any zoning change shall be given by a sign or signs as may be required, placed on the property affected by the proposed zoning reclassification. The sign or signs shall be posted on the affected property at least twenty (20) days before the hearing date. Signs and lettering shall be of sufficient size so as to be clearly visible and legible from the public street or streets which it faces. It shall contain as follows:

(A) The date, time, and place of the public hearing;

(B) By whom the public hearing will be conducted;

(C) Existing and desired zoning classification; and

(D) Other information as deemed necessary to provide adequate and timely public notice.

3. Noticing for Specific Uses

a. Generally

i. In accordance with state law, if the zoning change requested permits the use of treatment facilities, multiple-family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to 43A O.S. § 3-403, written notice shall be provided at least thirty (30) days before the hearing date to all property owners within one-quarter (1/4) mile where the area to be affected is located.

ii. The applicant is responsible for costs associated with the notice and shall provide proof of compliance.

iii. The content of the notice shall meet the requirements of this Article and state law.

iv. The City will be responsible for posting the property and providing publication in the newspaper in accordance with the other provisions of the UDC and state law.

b. Group Homes

i. In accordance with state law (60 O.S. § 863), a group home, although a permitted use, shall only be established after notice is given to all affected real property owners within three hundred (300) feet of the exterior boundaries of the property on which the group home is to be located.

ii. The notice shall contain a legal description of the property and the street address or approximate location of the group home.

iii. The applicant shall furnish to the City the mailing list prepared by a bonded abstractor.

4. Noticing for the Board of Adjustment

a. Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the Board of Adjustment hearing to all owners of property within a three hundred (300)-foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten days prior to the hearing.

b. The notice, whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:

i. Legal description of the property and the street address or approximate location in the municipality;

ii. Present zoning classification of the property and the nature of the appeal, variance, or exception requested; and

iii. Date, time, and place of the hearing.

c. For hearings involving minor variances or special exceptions, notice shall be given by the clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain finding of facts. The Board of Adjustment shall have the powers to grant minor variances or special exceptions as set forth in the Board of Adjustment Resolution No. 1-81, subject to the approval or amendment by the City Commission.

F. Staff Review

1. Review by Other Departments and Agencies

The staff may forward copies of the application to various local, state and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

2. Staff Review

   The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other departments or agencies, as described in 1. above. After reviewing the information, staff shall prepare a report summarizing the information for the approval authorities and provide a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

3. Staff Report

   If an individual section of this Article (and where permitted by state law) delegates to staff the authority to approve, approve with conditions, or deny/disapprove an application, the staff report may include a written decision to that effect.

G. Decisions and Public Hearings

1. Purpose

   The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

2. Rules of Procedure

   The City Commission and Planning Commission may adopt rules of procedure for public hearings.

3. Action

   Approval authorities shall hold regularly scheduled public hearings to receive and review public input on items required by this UDC. Decisions and recommendations shall be rendered in a timely manner, based on the specific requirements of this UDC and following:

a. Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines, and policies;
b. Recommendations of staff and approval authorities providing recommendations to the final approval authority;
c. Input of reviewing agencies and departments;
d. Public comment and testimony received at the hearing; and
e. Effects of the proposal on the neighborhood, area, and community-at-large.

4. Authority to Condition Development Approvals

a. After application review, other pertinent information or documents, and any evidence made part of the public record, approval authorities may impose conditions that are necessary to ensure compliance with applicable general or specific standards expressed in this UDC.
b. The Director shall include a copy of the conditions with the record of the decision.
c. The applicant shall be notified of any conditions imposed on the application.

H. Tabling

1. Purpose

   This Section allows for the tabling of applications as needed to collect additional information, or to engage in further review.

2. Applicant Request

   An applicant may request to table any application in writing for a future meeting date.

3. Director Request

The Director may request to table any application for further review and consideration. In that case, the Director shall provide notice and explanation to the applicant in writing before the meeting at which the application is scheduled for hearing. Notice of the tabling will be given at the beginning of the scheduled meeting.

I. Application Withdrawal

1. Generally

An application may be withdrawn at any time prior to formal consideration by the approval authority.

2. Fees

Withdrawal of an application after the determination of completeness results in the forfeiture of fees.

3. No Public Hearing Required

If no public hearing is required, the applicant shall give notice of the withdrawal to the Director at the earliest possible time. This allows the Director to notify other applicants of an agenda change.

4. Public Hearing Required

If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to the opening of the hearing. Once the public hearing is opened, the approval authority shall decide whether to approve the request and may instead act on the application.

J. Scope of Approval

1. Generally

The approval authority may take any action on the application that is consistent with the notice given, including approval, conditional approval, or denial/disapproval of the application.

2. Amendments

a. The approval authority may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing.

b. The approval authority may not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

K. Protest Against Change

1. Generally

Any resident can protest against a proposed change in regulations, restrictions, or district boundaries as provided in 11 O.S. § 43-105. All written protests against proposed changes shall be filed at least three (3) days before the public hearing date. If protests are filed by:

a. The owners of twenty percent (20%) or more of the area of lots included in a proposed change; or

b. The owners of fifty percent (50%) or more of the area of lots within a three hundred (300)-foot radius of the exterior boundary of the territory included in a proposed change.

Then the proposed change or amendment shall not become effective except by a favorable vote of three-fifths of all the members of the City Commission.

2. Protest Exclusions

A resident may not protest or impact approval majorities for plats, conditional use permits, or other applications not approved by the City Commission pursuant to 11 O.S. § 43-105.

L. Post-Decision

1. Minor Revisions

a. The Director may approve minor revisions to the terms of an approved application. “Minor revisions” are those that are necessary in light of technical considerations discovered after the decision on the application, and that do not substantively change the character of the approval. Minor revisions include but are not limited to:

i. An increase in building square footage not exceeding five percent (5%);
ii. Substitution of landscape materials if the proposed materials are of a similar shape, size, and type;
iii. Location of trees; and
iv. Changes to building materials, parking lot design, screening devices, building location, or similar elements of site or building design, that would improve the site or are needed because of circumstances not foreseen at the time of site plan approval.

b. Minor revisions must be authorized in writing.

c. Minor revisions are subject to appeal to the Board of Adjustment. On appeal, no further action will be taken to process the application, and/or issued permits are stayed pending the Board of Adjustment’s determination.

2. Major Revisions

a. A major revision is any revision that the Director determines is not a minor revision.

b. A major revision is approved by the original approval authority and is required in accordance with the procedures established for the original consideration of the application.

c. In making a determination, the Director may seek a recommendation from any approval authority involved in the original application process.

M. Appeals

1. Generally

A party with standing may seek judicial review.

2. Appeals to the Board of Adjustment

a. Appeals may be taken to and before the Board of Adjustment where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of this UDC.

b. An appeal shall be made by submitting to the City a notice of appeal and specifying the appeal’s grounds.

c. An appeal shall be taken within thirty (30) days from the date of the decision by filing with the City and filing with the Board of Adjustment a notice of appeal specifying the grounds therefore, and by paying a filing fee in an amount as described in the City fee schedule at the City at the time the notice is filed. The applicant shall provide at the time of application a certified list of property owners within three hundred (300) feet in question prepared by a bonded abstract company. Newspaper publication shall also include a map of the area to be affected that indicates street names or numbers, streams, or other significant landmarks in said area.

d. The office or department from which the appeal is taken shall transmit to the Board of Adjustment all of the papers constituting the record from which the action appealed was taken.

e. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the Board of Adjustment that, by reason of facts in the

certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal.

f. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of that hearing to the petitioner and to the owners of property lying within a three hundred (300)-foot radius of the exterior boundary of the subject property on which an appeal is desired, and to all other persons deemed by the Board of Adjustment to be affected by the appeal. These owners and persons shall be determined according to the current tax rolls of the City.

3. Appeals to District Court

a. An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment or City Commission may be taken by any person(s), jointly or severally aggrieved, or any taxpayer or any officer, department, board, or bureau of the municipality to the district court in the county in which the sites of the municipality is located.

b. The appeal shall be taken by filing a notice of appeal with the City and with the clerk of the Board of Adjustment within ten days of the decision by the Board of Adjustment. Day one begins the first day following the Board of Adjustment's decision. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.

c. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the court clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision, or filing of the Board of Adjustment.

d. The appeal shall be heard and tried without jury in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

e. An appeal to the district court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the chair of the Board of Adjustment, from which the appeal is taken, certified to the court clerk, after the notice of appeal has been filed, that by reasons of facts stated in the certificate a stay in their opinion cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the code, and upon notice to the chair of the Board of Adjustment from which appeal is taken, and upon due cause being shown.

f. The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the district court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions.

Sec. 22-224. UDC Text Amendment

A. Applicability

This Section applies to any action of the City Commission to amend or change the regulations of this UDC. This includes the regulations, restrictions, and boundaries or classification of property contained within this UDC or a change to the Zoning Map initiated by the City Commission.

B. Initiation

A text amendment may be initiated by:

1. City Commission;
2. The Planning Commission;
3. City staff; or
4. Application of any resident, property owner, or business owner within the City.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

1. Noticing shall comply with Sec. 22-223. E. and state law, as applicable.
2. Two (2) public hearings are required and shall comply with Sec. 22-223. G.

E. Decision

1. Planning Commission Hearing and Recommendation

The Planning Commission shall conduct a public hearing on the text amendment. The Planning Commission shall submit its recommendation to the City Commission:

a. To approve the text amendment,
b. To deny the text amendment, or
c. To approve the text amendment with modifications.

2. City Commission Hearing and Decision

The City Commission shall consider the text amendment at a public hearing after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Commission shall by ordinance:

a. Adopt the text amendment,
b. Deny the text amendment,
c. Approve the text amendment with revisions, or
d. Remand the text amendment to the Planning Commission.

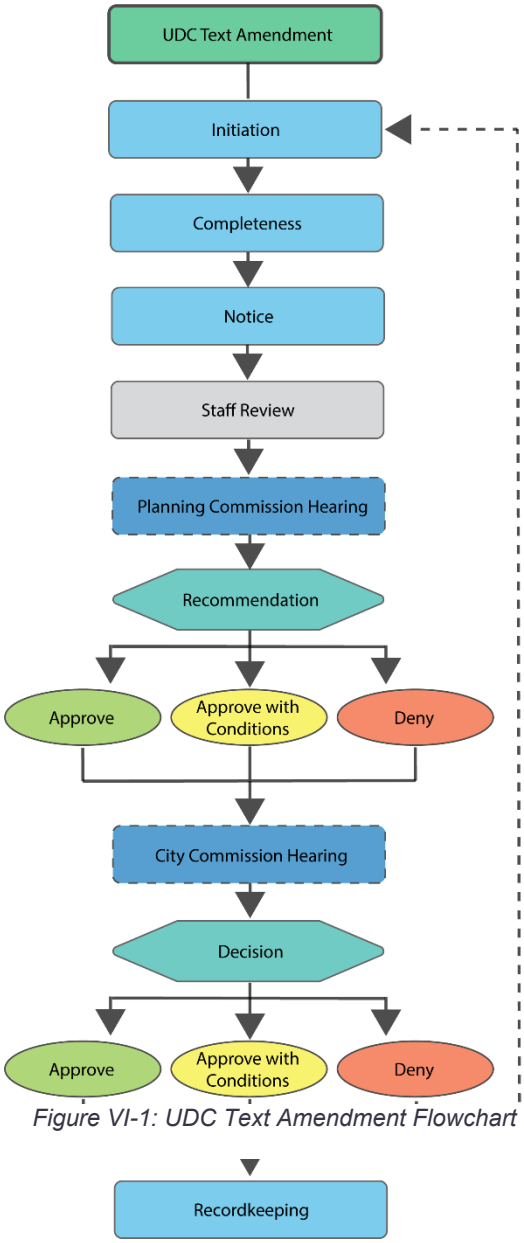


Figure VI-1: UDC Text Amendment Flowchart

F. Standards

A text amendment is a legislative decision subject to the City Commission's discretion. The City Commission may approve the text amendment if it:

1. Is consistent with the comprehensive plan, and
2. Promotes public health, safety, and general welfare.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions consistent with its standards and requirements.

J. Recordkeeping

The UDC's text amendment shall be codified and published as part of the Code of Ordinances by the City Clerk.

Sec. 22-225. Annexation

A. Applicability

This Section applies to the annexation of territory to the City, consistent with the following state statues:

1. 11 O.S. § 21-102
2. 11 O.S. § 21-103
3. 11 O.S. § 21-105
4. 11 O.S. § 21-106
5. 11 O.S. § 21-108
6. 11 O.S. § 21-109
7. 11 O.S. § 21-112
8. 11 O.S. § 21-113
9. 11 O.S. § 21-114
10. 11 O.S. § 21-203

B. Initiation

Annexations are initiated as provided by state law.

C. Completeness

All information required by state law is required for any annexation initiated by a property owner.

D. Notice and Hearing(s)

Public notice is required as provided by state law.

E. Decision

Decision-making procedures are provided by state law.

F. Approval Criteria

1. The City’s annexation policy is to evaluate annexation applications based on their conformance with the goals of the City’s Comprehensive Plan.
2. The City Commission shall hold public hearings at the same time as annexation to establish the zoning district classification for newly annexed property.

G. Subsequent Applications

Any limits on subsequent applications apply to the extent provided by state law.

H. Appeals

Appeals procedures are provided by state law.

I. Scope of Approval

The City will extend the regulations of this UDC to annexed territory as provided by state law.

J. Recordkeeping

Annexations are tracked as provided by state law.

Sec. 22-226. Rezoning

A. Applicability

This Section applies to the change in the zoning classification of individual properties.

B. Initiation

A rezoning may be initiated by:

1. City Commission;
2. The Planning Commission; or
3. Request by owner or agent of owner of property to be changed.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

1. Noticing shall comply with Sec. 22-223. E. and state law, as applicable.
2. One (1) public hearing is required and shall comply with Sec. 22-223. G.

E. Decision

1. Director Review

The Director shall review the rezoning and may provide a recommendation to the Planning Commission to:

a. Approve the rezoning, or
b. Deny the rezoning.

2. Planning Commission Recommendation

The Planning Commission shall review the proposed rezoning and submit its recommendation to the City Commission:

a. To approve the rezoning, or
b. To deny the rezoning.

3. City Commission

The City Commission shall conduct a public hearing to consider the rezoning after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Commission shall, by ordinance:

a. Approve the rezoning, or
b. Deny the rezoning, or
c. Approve the rezoning to a lower intensity classification.

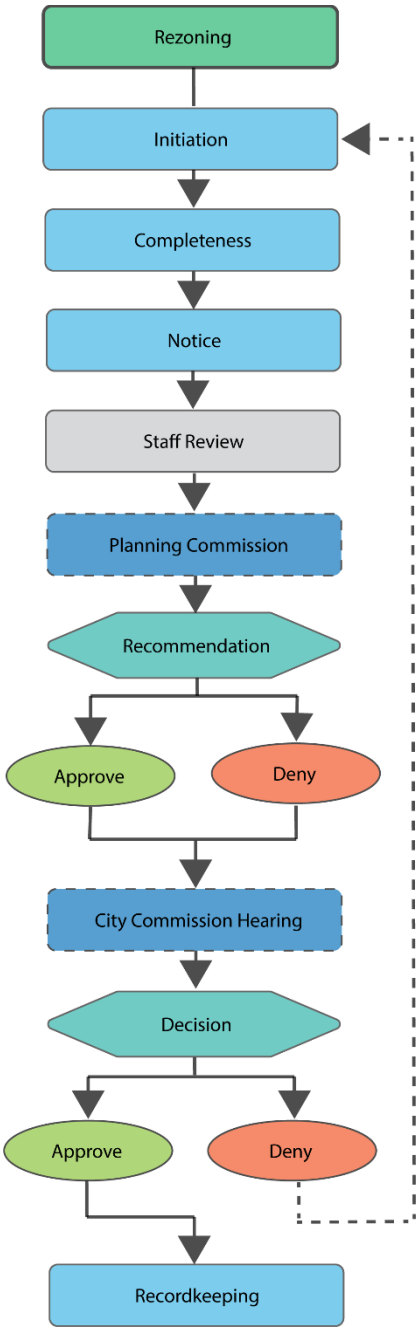


Figure VI-2: Rezoning Flowchart

F. Standards

In its review of an application for rezoning, the City Commission shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning Commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a

recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the City Commission, either prior to or concurrently with the proposed zoning amendment.

1. Consistency

   The City Commission does not redetermine the City's policy of comprehensive zoning. The City's zoning map shall not be altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.

2. Adverse Impacts on Neighboring Lands

   The City Commission shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City Commission finds and determines that vast acreages of single-use zoning produce uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

3. Suitability as Presently Zoned

   The City Commission shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

4. Health, Safety, and Welfare

   The rezoning must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historic and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

5. Public Policy

   A strong public policy in favor of rezoning may be considered. Examples include a need for affordable housing, economic development, recreational activity, or mixed-use development, which functionally relates to the surrounding neighborhoods.

6. Size of Tract

   The City Commission shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a rezoning.

7. Other Factors

   The City Commission may consider any other factors relevant to a rezoning application under state law.

G. Subsequent Applications

1. This Subsection applies if:

a. The applicant withdraws an application after notice of hearing is published, or

b. The City Commission denies a zoning or rezoning application.

2. If the above requirements apply, the applicant shall not submit a rezoning application for the same zoning district request on the same property for at least six (6) months.

However, a rezoning application for the same property in a different zoning classification may be submitted without limitation.

3. The above waiting period begins with the date of the City Commission's denial of the prior application.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit or concept plan, in the case of uses permitted as of right, or a conditional use permit, in the case of uses designated as special uses within the applicable zoning district.

J. Recordkeeping

If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

Sec. 22-227. Conditional Use Permit

A. Applicability

This Section applies to any application for approval of a use designated as a conditional use in Table III.2: Use Table.

B. Initiation

The owner or agent of the owner of the property may initiate a conditional use permit.

C. Completeness

1. Generally

See Sec. 22-223. D.

2. Specific Requirements

a. An application shall be filed with the Director for completeness review.

b. The application shall show the location and intended use of the site.

c. The applicant shall provide a certified property ownership list of all property owners within three hundred (300) feet as prepared by a bonded abstract company.

d. The applicant shall provide the existing land uses adjacent to the site and any other material pertinent to the request that the Director may require.

e. A conditional use permit application shall be accompanied by the payment of a fee in an amount as described in the City fee schedule to cover costs of notice and posting and administrative review.

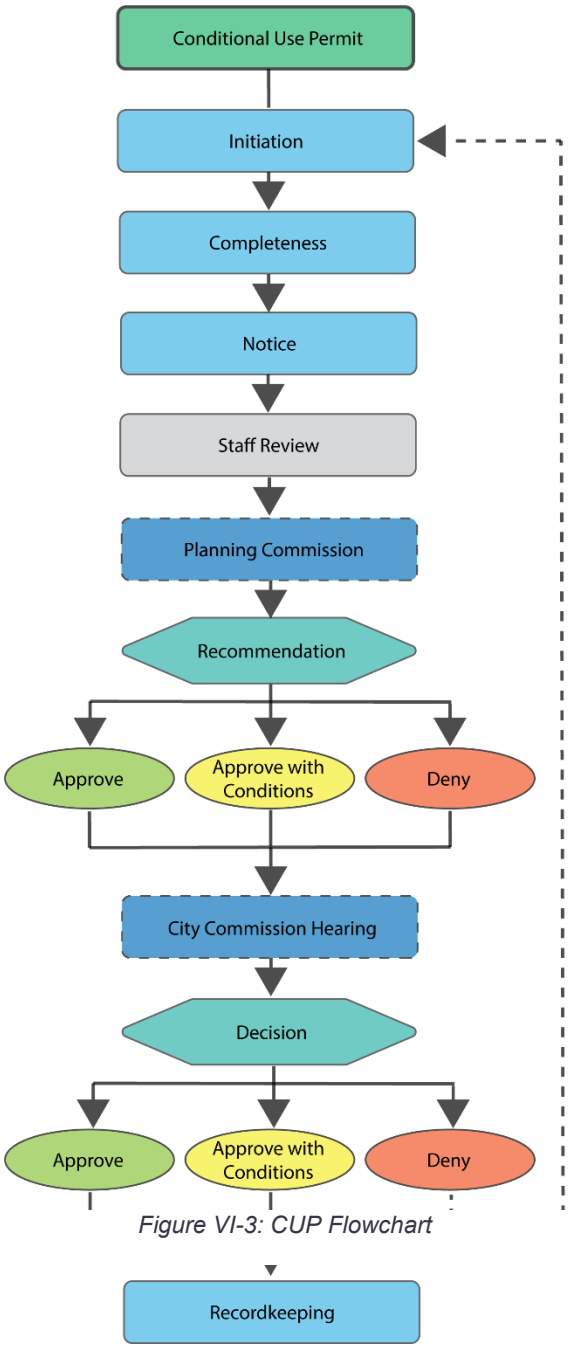


Figure VI-3: CUP Flowchart

D. Notice and Hearing(s)

1. Noticing shall comply with Sec. 22-223. E. and state law, as applicable.

2. One (1) public hearing is required and shall comply with Sec. 22-223. G.

3. In the event any applicant files an application for an amendment concurrently with an application for a conditional use, the Planning Commission may, upon its option, consider both applications concurrently upon proper notice having been given.

E. Decision

1. Director Review

The Director shall review the conditional use permit and shall provide a recommendation to the Planning Commission to:

a. Approve the conditional use permit, or

b. Deny the conditional use permit, or

c. Approve the conditional use permit with conditions.

2. Planning Commission Recommendation

The Planning Commission shall review the conditional use permit and submit its report and recommendation to the effect of the proposed building or use upon the character of the neighborhood, traffic congestion, public utilities, and other matters pertaining to the general health, safety, and welfare of the public and to the City Commission within forty-five (45) days of the application date. The Planning Commission shall recommend to the City Commission:

a. To approve the conditional use permit, or
b. To deny the conditional use permit, or
c. To approve the conditional use permit with conditions.

3. City Commission Decision

The City Commission shall consider the conditional use permit at a public hearing after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Commission shall by ordinance:

a. Approve the conditional use permit, or
b. Deny the conditional use permit, or
c. Approve the conditional use permit with conditions.

F. Standards

1. Generally

The Planning Commission and City Commission may set conditions on the approval of any conditional use permit, including, but not limited to, conditions on:

a. Hours of operation,
b. Use restrictions,
c. Building design,
d. Parking,
e. Setbacks,
f. Lot sizes,
g. Density,
h. Landscaping,
i. Screening,
j. Site design elements,
k. Signs,
l. Lighting,
m. Noise, and
n. Other development standards and operational safeguards that may be deemed important to the welfare and protection of adjacent property and the community as a whole.

2. Specific Conditions Required for Approval

The City Commission shall approve a conditional use permit only if the applicant demonstrates that five (5) of the eight (8) conditions below are met:

a. The proposed conditional use shall comply with the intent of all regulations of the applicable zoning district, the provisions of Division II, any applicable use regulations of Division III, and any applicable development standards of Division IV of this UDC.

b. The proposed conditional use permit does not have a probable effect on the adjacent property and the community welfare with appropriate regard to the health, safety, and welfare of the general public.

c. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than any other use generally permitted in the same district. In making this determination, the Planning Commission or City Commission shall consider the location, type, and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the comprehensive plan which encourages mixed uses or densities.

d. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

e. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

f. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on public roads.

g. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

h. The public interest and welfare supporting the proposed conditional use authorization shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

G. Subsequent Applications

1. This Subsection applies if:

a. The applicant withdraws an application after notice of hearing is published, or

b. The City Commission denies a conditional use permit application.

2. If the above requirements apply, the applicant shall not submit a conditional use permit application for the same conditional use permit request on the same property for at least six (6) months.

3. The above waiting period begins with the date of the City Commission’s denial of the prior application.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

1. Generally

The approval of a conditional use permit does not authorize the development of land. A conditional use permit allows the applicant the right to apply for a building permit, plat, or site plan.

2. Violations

Any conditional use permit violates this UDC and shall be suspended or revoked if:

a. A court with jurisdiction or a jury finds the holder of the conditional use permit guilty of a violation or if a holder of a conditional use permit pleads guilty of violating.

b. Any requirement or term or condition of the conditional use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the conditional use permit as approved by the City Commission.

c. The activity authorized by the conditional use permit commences prior to the institution of all conditions imposed by the conditional use permit.

d. The use for which the conditional use permit was authorized does not commence within six (6) months of the effective date of the conditional use permit. The City Commission may grant an extension of up to six (6) months for good cause shown, upon petition of the conditional use permit holder.

e. The use for which the conditional use permit is authorized is discontinued for six (6) consecutive months.

3. Notification

If the use discontinues or fails to commence as stipulated in this UDC, the Director will issue written notification to the property owner. Ten (10) days after issuance of this notice, the Director shall issue the permit holder written notification of the conditional use permit's official revocation and removal from the Zoning Map.

J. Recordkeeping

1. The conditional use permit shall contain a narrative description if the conditional use permit is only associated with a portion of a tract of land to be reclassified or reference to an accompanying plat if the conditional use permit is associated with the entire tract of land.

2. A certified copy of all ordinances authorizing a conditional use permit pursuant to this Section shall be recorded by and at the expense of the applicant with the City Clerk.

Sec. 22-228. Preliminary Plat

A. Applicability

This Section applies to any application for approval of a preliminary plat of subdivision.

B. Initiation

The applicant shall submit a complete application to the Director.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

1. Any noticing shall comply with Sec. 22-223. E. and state law, as applicable.
2. One (1) public hearing is required and shall comply with Sec. 22-223. G. .

E. Decision

1. Director Review

The Director shall review the preliminary plat application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

a. Approve the preliminary plat, or
b. Disapprove the preliminary plat, or
c. Approve the preliminary plat with conditions.

2. Planning Commission Recommendation

The Planning Commission shall review the preliminary plat and submit its report and recommendation to the effect of the proposed preliminary plat upon the character of the neighborhood, traffic congestion, public utilities, and other matters pertaining to the general health, safety, and welfare of the public and to the City Commission within forty-five (45) days of the application date. The Planning Commission shall recommend to the City Commission to:

a. Approve the preliminary plat, or
b. Disapprove the preliminary plat, or
c. Approve the preliminary plat with conditions.

3. City Commission Decision

a. Generally

The City Commission shall conduct a public hearing to review and consider each preliminary plat submitted pursuant to this UDC after a recommendation has been

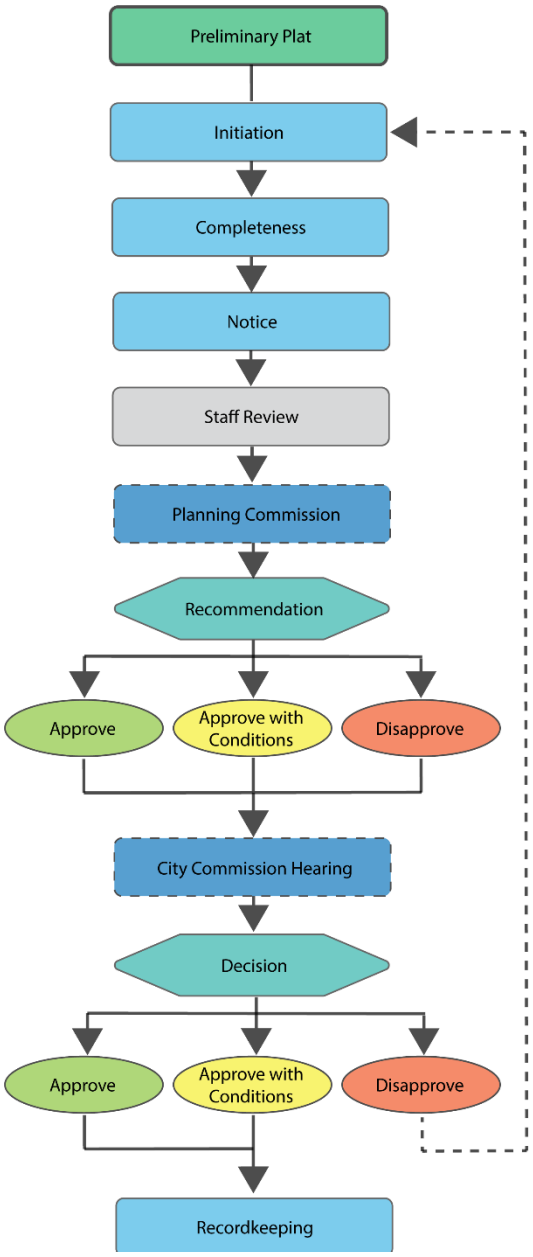


Figure VI-4: Preliminary Plat Flowchart

provided by the Planning Commission, and take the following action within ninety (90) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

i. If the preliminary plat complies with all provisions of this UDC, the City Commission shall approve the plat, or
ii. Approve the preliminary plat with conditions, or
iii. Disapprove the preliminary plat if it fails to comply with this UDC.

b. Approved with Conditions or Disapproved

i. If the Preliminary Plat is disapproved or approved conditionally, the reasons for that action shall be stated in writing, a copy of which shall be signed by the City Commission and shall be attached to one (1) copy of the plat and transmitted to the applicant.
ii. Reasons for disapproval or conditional approval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.
iii. On a conditional plat approval, the City Commission may require submission of a revised preliminary plat.
iv. If the plat conforms to all standards, or after the applicant and City Commission agree upon any revision that shall be filed with the City Commission on a revised copy, the applicant may proceed with the layout of streets and roads, preparation of utility plans and preparation of the final plat.

F. Standards

No person shall subdivide any tract of land except in conformity with this UDC. The City Commission shall approve a preliminary plat only if it conforms to:

1. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. The planned extension of major thoroughfares, streets, and public highways within Shawnee, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
3. The rules and regulations of Division V of this UDC.

G. Subsequent Applications

The City Commission may reconsider the conditions for granting approval within twelve (12) months following City Commission approval upon the applicant's written request. The request shall be submitted on forms approved by the Director and shall state the specific requirement or condition of approval to be reconsidered and the reasons for reconsideration. The City Commission may:

1. Affirm its previous action(s);
2. Rescind its previous action(s) if the merits of the situation warrant; or
3. Grant a variance as provided under this UDC.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

1. Preliminary plat approval is effective for a period of one (1) year, except as provided in Sec. 22-229. B. 4.
2. If a final plat is not submitted for approval within this time, the preliminary plat becomes void unless the City Commission agrees to a time extension.

3. A formal request for extension with the reasons for extension must be submitted before the one (1) year deadline date.
4. Time extensions may be granted for one (1) year and may not be granted more than two (2) times.

J. Recordkeeping

A preliminary plat is not recorded with the County Assessor. The Director and the applicant shall maintain copies of the preliminary plat for purposes of inspection and final plat approval.

Sec. 22-229. Final Plat

A. Applicability

This Section applies to any application for approval of a final plat of subdivision.

B. Initiation

1. The applicant shall submit a complete application to the Director.
2. The final plat shall be submitted to the City Commission for final approval within one (1) year of the preliminary plat approval date.
3. If not submitted for final plat approval within this time, the preliminary plat is void unless the City Commission agrees to a time extension.
4. Where only a portion of an approved preliminary plat is submitted for final plat approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary plat approval date, if each subsequent final plat conforms substantially to the approved preliminary plat.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Director Review

a. Generally

The Director shall review the final plat application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

i. Approve the final plat, or
ii. Disapprove the final plat.

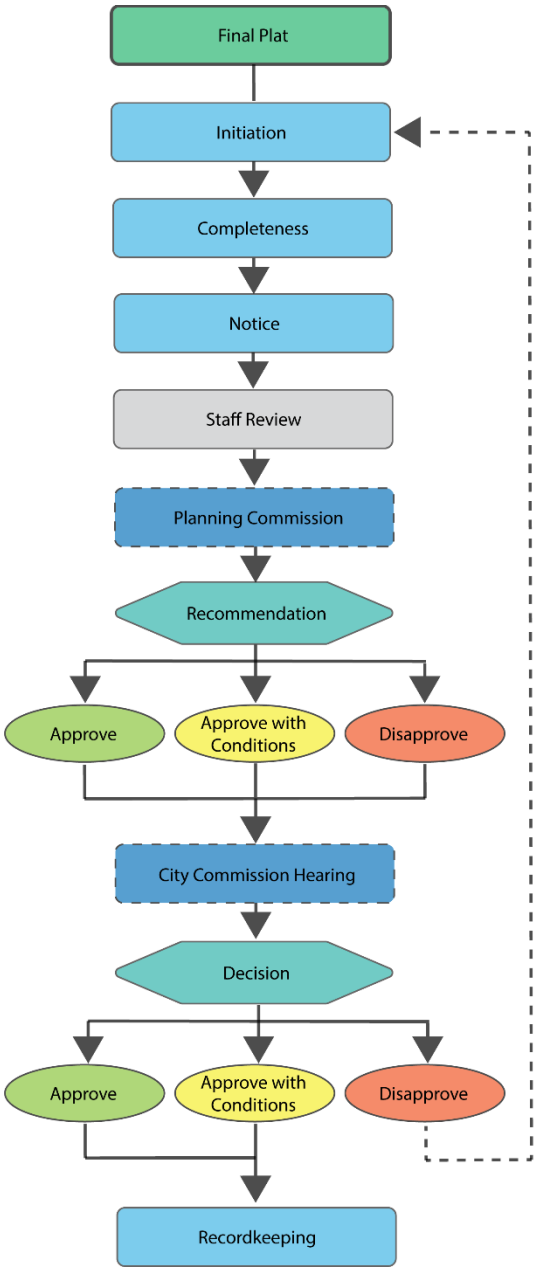


Figure VI-5: Final Plat Flowchart

b. Substantial Compliance Required

A final plat shall be in substantial compliance with the approved preliminary plat to be considered by the Planning Commission and City Commission. A revised preliminary plat may be required if changes to the final plat are considered by the Director to be substantial. Substantial changes may include the following:

i. Change in lot dimensions;

ii. Increase in the number of lots;
iii. Increased density;
iv. Change in circulation network;
v. Change in drainage patterns;
vi. Change in relationship between uses of land; and,
vii. Change in land use in general.

2. Planning Commission Recommendation

The Planning Commission shall review the proposed final plat and recommend to the City Commission to:

a. Approve the preliminary plat, or
b. Disapprove the preliminary plat.

3. City Commission Decision

a. Generally

The City Commission shall conduct a public hearing to review and consider each final plat submitted pursuant to this UDC after a recommendation has been provided by the Planning Commission, and take the following action within sixty (60) days of the submittal date by the applicant, unless additional time is agreed to by the applicant:

i. If the final plat complies with all provisions of this UDC, the City Commission shall approve the plat, or
ii. Disapprove the final plat if it fails to comply with this UDC.

b. Disapproved Decision

i. If the final plat is disapproved, the reasons for that action shall be stated in writing, a copy of which shall be signed by the City Commission and shall be attached to one (1) copy of the plat and transmitted to the applicant.
ii. Reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or specific regulations with which the plat does not conform.

c. Automatic Approval

If no action is taken by the City Commission at the end of sixty (60) day period, the final plat shall be deemed approved.

F. Standards

1. Final plats shall comply with the conditions of plat approval imposed by the City Commission, if any, and the following additional requirements.
2. No person shall subdivide any tract of land except in conformity with this UDC. The City Commission shall approve a final plat only if it conforms to:

a. The preliminary plat approval substantially;
b. The Comprehensive Plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
c. The planned extension of major thoroughfares, streets, and public highways within Shawnee, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
d. The rules and regulations of Division V of this UDC.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

1. Before recording the final plat, it shall be submitted to the City Commission for acceptance of public ways, service and utility easements, and land dedication to public use.
2. This approval of the plat shall be shown over the signature of the Mayor and attested by the City Clerk.
3. The disapproval of any plat by the City Commission shall be deemed a refusal of the proposed dedication shown on the plat.
4. The applicant must meet the requirement of Sec. 22-222. prior to City Commission acceptance of any final plat.

J. Recordkeeping

1. Generally

a. A final plat is recorded with the County Clerk within two (2) years after approval by the City Commission or Planning Commission. If not filed within this time, the final plat approval becomes void.

b. The recording of a signed final plat may be withheld until all public improvements or performance guarantee and security requirements have been obtained to the City's satisfaction as provided in Sec. 22-222.

2. Signatures Required

Signatures shall be affixed to the final plat under the following conditions:

a. When a bond or other assurance for completion of improvements is required, endorsement of approval on the plat shall be given after the assurance or security has been approved by the City Commission, and all the conditions of the final plat approval pertaining to the plat have been satisfied. When such performance guarantee and security requirements are required, the applicant shall meet the requirements established in Sec. 22-222.

b. When installation of improvements is required, endorsement of approval on the plat shall be given after all conditions of the final plat approval have been satisfied and all improvements completed and accepted. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the Director.

3. Recording with the County

A Final Plat may be recorded under the following conditions:

a. After the final plat approval and the affixing of all required signatures, the applicant, accompanied by the City Clerk shall file the original tracing, one (1) dark line print on cloth, and one (1) contact reproducible cloth tracing or mylar with the County Clerk.

b. After recording, the applicant shall provide the Director with three (3) white background prints and one (1) contact reproducible mylar.

c. The applicant shall also submit to the Director one (1) eight and one-half by eleven inch (8.5" X 11") reproducible copy of the recorded plat.

d. The applicant shall pay all required County recording fees.

e. No plat or other land subdivision instrument shall be recorded with the County Clerk until approved by the Planning Commission and by the City Commission as required.

Sec. 22-230. Minor Subdivision

A. Applicability

This Section applies to minor subdivisions, which include any of the following:

1. A subdivision containing no more than five (5) lots.
2. Final plats not requiring dedication of public right-of-way or easements. A plat that includes public street right-of-way or public easements to be dedicated to the City is processed under Sec. 22-228. And Sec. 22-229. A minor subdivision may include the dedication of private easements.
3. An adjustment in boundaries of adjoining platted lots.
4. A resurvey to combine two (2) or more platted lots or tracts.
5. A resurvey of platted lots or tracts containing two-family or multi-family residential structures to subdivide the dwelling units for individual ownership (i.e., condominium plats).

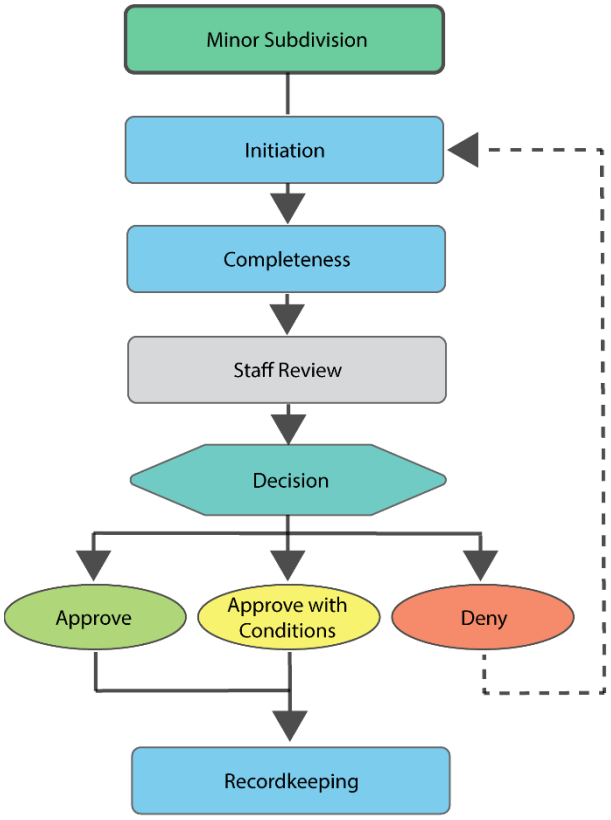


Figure VI-6: Minor Subdivision Flowchart

6. A resurvey of platted lots or tracts containing nonresidential structures to subdivide building units for individual ownership (i.e., condominium plats, townhouse plats)
7. A previously platted lot divided as a minor subdivision by either metes and bounds description or by replatting. A metes and bounds division may only be divided one (1) time and by only one (1) new dividing lot line under the minor subdivision process. Any further division requires replatting.
8. Lots zoned for nonresidential purposes may be divided into two (2) or more tracts without replatting the lot. However, the lot produced shall conform to all minimum standards of this UDC and other applicable City codes.

B. Initiation

The applicant shall submit a complete application to the Director.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. The Director shall act upon a minor subdivision application within thirty (30) days after receipt of a complete application.
2. If the application is approved, the Director shall sign and furnish a certificate of approval to be affixed to the lot split survey.

3. The applicant may appeal the denial of an application for a minor subdivision to the Planning Commission. The Planning Commission shall act on the appeal within thirty (30) days following the filing. All decisions of the Planning Commission are final.
4. Director Review and Decision

   The Director shall review the minor subdivision and shall act to:

a. Approve the minor subdivision, or
b. Deny the minor subdivision, or
c. Approve the minor subdivision with conditions.

F. Standards

The Director shall approve the minor subdivision if it finds that the following criteria are satisfied:

1. The proposed minor subdivision conforms to the requirements of Division IV and Division V, the applicable zoning district regulations and any other applicable provisions of the Code of Ordinances, subject only to acceptable rule exceptions.
2. The proposed minor subdivision represents an overall development pattern that is consistent with the Comprehensive Plan and other City-adopted studies and plans.
3. The proposed minor subdivision contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.
4. The spacing and design of proposed curb cuts, driveway approaches, and intersection locations are consistent with the *Engineering Design Manual*, good traffic engineering design, and public safety considerations.
5. The proposed minor subdivision conforms to any existing, unexpired, and valid conditions of rezoning, special use permit, or site development plan approval.
6. All submission requirements are satisfied.

G. Subsequent Applications

1. When a minor subdivision application is withdrawn or denied, the same application for the same property shall not be resubmitted for a period of one (1) year from the date of withdrawal or denial.
2. A new minor subdivision application showing major modifications and/or revisions to the withdrawn or denied application may be submitted at any time.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

1. A minor subdivision does not authorize development.
2. After the minor subdivision is approved, the applicant may apply for any required permits (site plan, building permit, etc.) to develop the property.

J. Recordkeeping

A minor subdivision is recorded with the County Clerk within two (2) years after approval by the Director. If not filed within this time, the minor subdivision approval becomes void.

Sec. 22-231. Construction Plans

A. Applicability

Construction plans shall be prepared for all subdivision improvements.

B. Initiation

Construction plans shall be submitted with the final plat, prepared, signed, and sealed by a professional engineer, licensed to practice in the state of Oklahoma. The professional engineer may submit construction plans on behalf of the applicant.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

Director Review and Decision

The Director shall review the construction plans and shall act to:

a. Approve the construction plans, or

b. Deny the construction plans, or

c. Approve the construction plans with conditions.

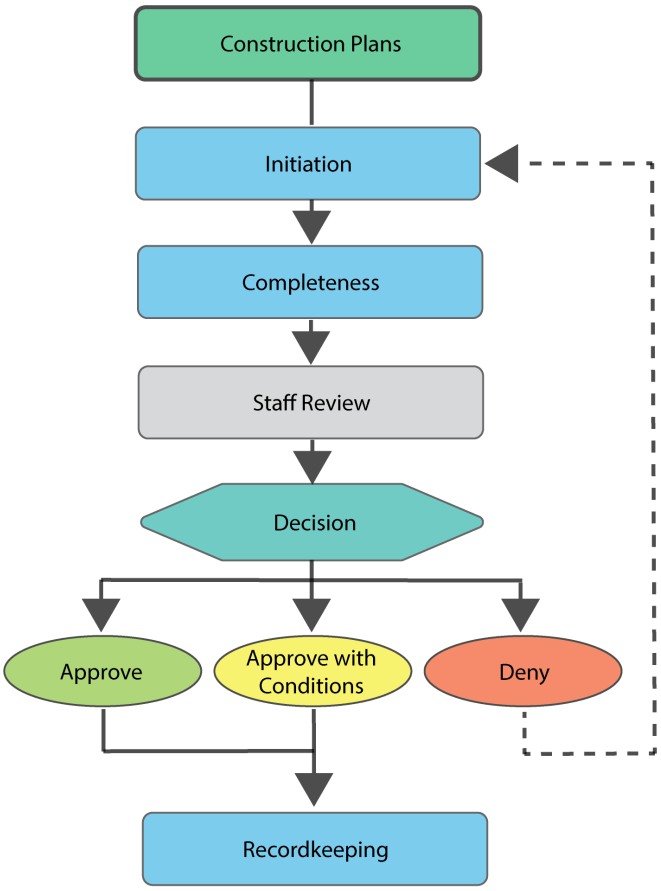


Figure VI-7: Construction Plans Flowchart

F. Standards

1. Generally

a. All improvements shall be designed and installed in accordance with all of the elements of the latest adopted Comprehensive Plan, and shall meet the minimum requirements and standards established by the ordinances and regulations relating thereto.

b. All construction plans shall conform to all standards and specifications required by the Shawnee Code of Ordinances, this UDC, and the City's *Engineering Design Manual*.

c. Plans shall be drawn on twenty-four inch by thirty-six inch (24" X 36") sheets at a horizontal scale of forty feet to an inch (40:1) and a vertical scale of four feet to an inch (4:1) or at a scale approved by the City Engineer.

2. Final Construction Plans

a. Final construction plans for paving and street drainage shall conform to all City standards and specifications including:

i. The horizontal layout and alignment showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of stormwater flow and the location of maintenance holes, inlets, and special structures;

ii. Profile showing existing centerline and proposed elevation along the curb tops of all roads;

iii. Typical paving sections showing design details and type of material.

b. Final construction plans for water distribution systems shall conform to all City standards and specifications including:
    i. The layout and specific location of the water mains, pump stations, elevated tanks, and other related structures in accordance with all current City standards, specifications, and criteria for construction of water mains;
    ii. The size and location of all mains, existing and proposed;
    iii. The location of fire hydrants and valves;
    iv. Design details showing the connection with the existing City water system;
    v. The specific location and size of all individual lot's water service connections, when applicable.
c. Final construction plans for sanitary sewers shall conform to all City standards and specifications including:
    i. A complete sewage flow map with flow calculations at outfall points;
    ii. Design details for maintenance holes and special structures. Flow line elevation shall be shown at a minimum of everyone hundred (100) feet and at every point where the line enters and leaves maintenance holes;
    iii. Detailed design for lift stations, lagoon oxidation ponds, package plants, or other special structures;
    iv. Engineer's report and application for state Health Department approval.
d. Final construction plans for stormwater management and control shall conform to all City standards and specifications including:
    i. A complete drainage map with computations as required by these regulations and the Shawnee Code of Ordinances.
    ii. Detailed design of all drainage facilities including typical channel or paving section, storm sewers, and other storm water control facilities.
e. Final design criteria, reports, basin calculations, and all other related computations shall be submitted with final construction plans, unless previously submitted.

G. Subsequent Applications

Not applicable.

H. Appeals

A decision may be appealed to the City Commission. Sec. 22-223. M.

I. Scope of Approval

1. No construction shall commence until the City Engineer has approved the Construction Plans.
2. All water and sanitary sewer improvements must be approved by the Oklahoma state Health Department prior to any work commencing.

J. Recordkeeping

After all improvements have been installed, four (4) sets of "as-builts" plans and specifications certified and signed by a professional engineer registered in the state of Oklahoma, shall be filed with the Director prior to the acceptance by the City Commission of any improvements installed by the applicant.

Sec. 22-232. Plat Vacation

A. Applicability

1. If the owner of any tract of land platted for municipal purposes, or the owner of any portion of such platted tract, desires to vacate the whole or some part thereof, the owner shall follow the procedures prescribed herein.
2. Unrecorded and recorded plats may be vacated and shall follow the procedures pertaining to unrecorded and recorded plats prescribed in this Section.

B. Initiation

1. Unrecorded Plats

   The owner of any plat may nullify or void the same by application at any time prior to the recordation of said plat, by a written instrument, a copy of which shall be attached to said plat declaring it to be null or void.

2. Recorded Plats

   At the request of the owner, the City Commission shall, at its discretion, vacate and nullify a duly approved and recorded plat or any part of any plat in accordance with 11 O.S. § 42-101 et seq. The owner shall apply for nullification and vacation of said plat, by a written instrument, a copy of which shall be attached to said plat declaring it to be null and void.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

1. Noticing shall comply with Sec. 22-223. E. and state law, as applicable.
2. Two (2) public hearings are required and shall comply with Sec. 22-223. G.

E. Decision

1. Director Review

   The Director shall review the plat vacation application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

a. Approve the plat vacation, or
b. Deny the plat vacation.

2. Planning Commission Review and Recommendation

   The Planning Commission shall conduct a public hearing on the plat vacation. The Planning Commission shall submit its report and recommendation to the effect of the vacation to the City Commission within forty-five (45) days of the application date. The Planning Commission shall recommend to the City Commission to:

a. Approve the plat vacation, or
b. Deny the plat vacation.

3. City Commission Decision

   The City Commission shall consider the plat vacation at a public hearing after a recommendation has been provided by the Planning Commission. After the hearing is closed, the City Commission shall by ordinance:

a. Approve the plat vacation, or
b. Deny the plat vacation.

F. Standards

1. Unrecorded Plats

a. A plat vacation shall be approved in the same manner as platting or subdivision.

b. All accepted public easements shall be reviewed.

2. Recorded Plats

The plat vacation must meet the following requirements:

a. None of the lots in the plat vacation have been sold or title transferred.

b. If any of the lots have been sold, all owners of those lots shall approve, in writing, of the proposed nullification and vacation of the plat vacation. This written approval shall accompany the application for nullification and vacation.

c. The request for nullification and vacation is in accordance with 11 O.S. § 42-101 et seq., as amended.

3. Partial Plat Vacations

a. Partial vacations of plats are allowed pursuant to 11 O.S. § 42-106.

b. All partial plat vacations shall follow the requirements provided in 11 O.S. § 42-106.

G. Subsequent Applications

Not applicable.

H. Appeals

Generally, refer to Sec. 22-223. M. however, if the applicant desires to vacate a plat that does not meet the provisions of subsection F. above, such vacation requires the approval of a court of competent jurisdiction in the county in which the property is situated. Compliance with 11 O.S. §42-101 et seq., as amended, and District Court procedures are required.

I. Scope of Approval

Plat vacations are valid for two (2) years from the initial approval date.

J. Recordkeeping

Upon being duly recorded or filed with the County Clerk, the instrument shall operate to destroy the force and the effect of the approval of the plat so nullified, and to divest all public rights in the streets, alleys, and public grounds, and all dedications or easements laid out or described in those plats.

Sec. 22-233. Site Plan

A. Applicability

1. Generally

Site plan approval is required for all development except single-family and two-family (duplex) dwellings, and for all events that meet the following thresholds:

a. New construction or expansion of an existing building or structure that increases the existing floor area by twenty-five percent (25%) or that adds one thousand (1,000) sf of floor area.

b. New construction or expansion of parking lots that increase the existing impervious area by twenty-five percent (25%) or that add one thousand (1,000) sf of impervious coverage.

2. Deviations Prohibited

A site plan shall not authorize deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signs, landscaping, parking, lighting, or dimensional requirements.

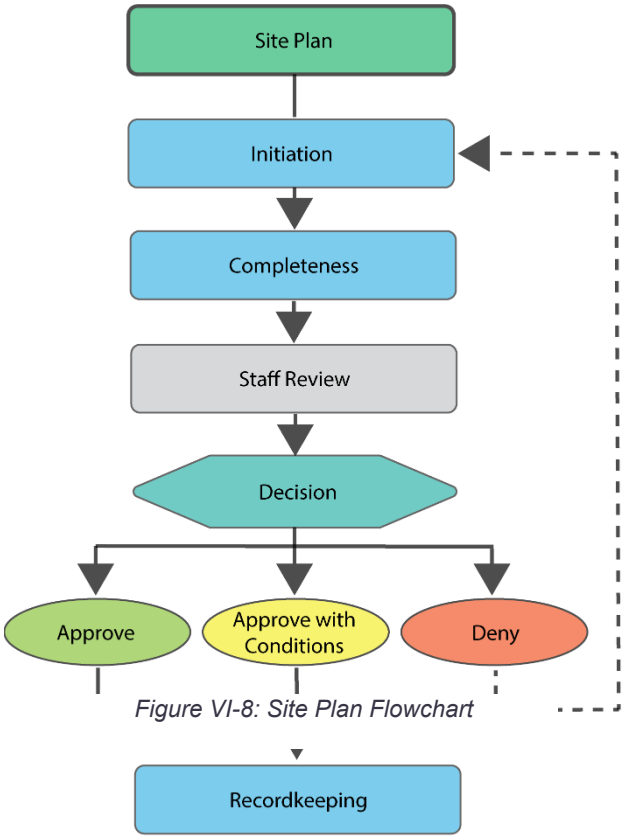


Figure VI-8: Site Plan Flowchart

B. Initiation

The applicant shall submit a site plan application to the Director. In addition to the information required by Sec. 22-223. D. , the Director may require the following additional information if needed to address the proposed development's impacts:

1. Elevations of the proposed new or remodeled structures,
2. Analysis of the traffic impacts of the proposed use, or
3. Evaluation of the environmental impacts of the proposed use.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Director Review and Decision

The Director shall review the site plan and shall act to:

a. Approve the site plan, or

b. Deny the site plan, or

c. Approve the site plan with conditions.

2. Authorization to Impose Conditions

a. Generally

The Director may impose conditions necessary to maintain the integrity of the City's zoning districts, to ensure the proposed use is consistent with the Comprehensive

Plan, conforms with this UDC, is appropriate to its location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.

b. Supplementary Conditions

All requirements imposed by a site plan are in addition to and supplement this UDC's requirements.

c. Authorized Conditions

Authorized conditions include, but are not limited to:

i. Site Plan Features

Limitations or requirements regarding the area, setbacks, open space, landscaping, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.

ii. Operations

Limitations or requirements regarding the proposed use's operating characteristics, duration, or any similar feature of the proposed use.

iii. Duration

If the Director limits the duration of a site plan, a one (1) year grace period, starting from the final approval date, is afforded to the applicant in addition to the time period stipulated in the site plan conditions.

3. Automatic Approval

a. The Director shall see that all administration reviews are completed within fifteen (15) days.

b. The Director may extend the review by one 15-day period, and thereafter, the site plan shall be automatically approved if administrative review is not completed.

F. Standards

A site plan application shall comply with the following standards:

1. Generally

The site of the proposed use or any associated improvements is not in violation of any local, state, or federal law (other than a UDC violation).

a. The use and site plan for the proposed use conforms, at a minimum, with all applicable provisions of this UDC for the existing underlying zoning designation, including but not limited to:

i. Development Standards

All parking, landscaping, signage, improvement, and dimensional standards.

ii. Zoning Districts Standards

The purpose of the zoning district in which the proposed use is to be located and any standards applicable to the particular proposed use.

b. Site plans are only authorized for the proposed use.

2. Suitability

The characteristics of the proposed site are suitable for the proposed use considering the size, shape, location, topography, and location of improvements and natural features.

3. Timeliness

The proposed use or development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the proposed use.

4. Compatibility to Surrounding Area

The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.

5. Comprehensive Plan

   The proposed use satisfies any applicable goals and policies of the comprehensive plan that apply to the proposed use.

6. Use Appropriate and Compatible

   The use is appropriate to its proposed location and compatible with the character of neighboring uses, or enhances the mixture of complementary uses and activities in the immediate vicinity.

7. Traffic

   The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking, or loading problems. Necessary mitigating measures shall be proposed by the applicant.

8. Nuisance

   The operating characteristics of the use do not create a nuisance and the impacts of the use on surrounding properties are minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.

9. Environment

   The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

G. Subsequent Applications

   Not applicable.

H. Appeals

   Generally, refer to Sec. 22-223. M. however, if a site plan is appealed to the Board of Adjustment:

   1. The Board of Adjustment shall consider the site plan at a public meeting.
   2. After the consideration of the Director's decision and any evidence provided by the applicant or an aggrieved party, the Board of Adjustment shall:

a. Approve the site plan, or
b. Deny the site plan, or
c. Approve the site plan with conditions, or
d. Remand the site plan to the Director for further consideration.

I. Scope of Approval

   1. Generally

      After the site plan is approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of site plan approval. An approved site plan expires one (1) year after the approval date unless a building permit has been obtained and the work commenced.

   2. Changes to Site Plan

a. Generally

   Any change to an approved site plan, other than those changes that qualify as insubstantial pursuant to Subsection b. below, requires amendment of the existing site plan. Amendment of an approved site plan may only be authorized by the

Director pursuant to the procedures established in Subsection E. above, and subject to appeal to the Board of Adjustment.

b. Insubstantial Changes to Approved Site Plan

i. The Director may approve insubstantial changes to a previously approved site plan without notice or a public hearing. An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during its review, and that does not significantly change the original approval granted.

ii. An insubstantial change includes:

(A) Minor building revisions/expansions that do not increase the height of a building and are less than an aggregate total of one thousand (1,000) square feet;

(B) Minor changes in the number of parking spaces (adding, removing, or relocating 20 parking spaces or less), provided that minimum parking requirements are met;

(C) Adjustments to solid waste container location;

(D) Minor revisions to approved elevations; and

(E) Substitution of similar materials on an approved landscape plan.

c. An amendment to any of the following site plan requirements is not considered insubstantial:

i. Use

Those activities allowed on site by the site plan.

ii. Operational Characteristics

The gross limitations or requirements regarding the proposed use's operating characteristics.

iii. Site Plan Features

The gross limitations or requirements regarding the area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or the off-street parking of the proposal.

iv. Duration

Requirements governing the duration of the permit.

v. Permit Holder

Requirements regarding the person or entity to whom the permit is issued.

3. Extension

The Director may extend an approved site plan for a single one-year period, upon receipt of a written request for an extension not less than thirty (30) days before the expiration of the approved site plan.

4. Revocation

a. Criteria

An approved site plan is considered in violation of this UDC and shall be revoked if a court of law finds the use in violation of any of the following conditions:

i. The use established on site does not conform, at any time, with any or all approved permit condition(s) and or any local, state, or federal law.

ii. The activity authorized by the site plan commences prior to the institution of all conditions imposed by the site plan.

iii. Discontinuance of the approved use for at least six (6) consecutive months.

b. Revocation Procedures

If the Director's inspection reveals noncompliance with this UDC, site plan revocation procedures shall commence as follows:

i. The Director shall, upon discovery of site plan noncompliance, issue a written warning, granting a grace period of at least thirty (30) calendar days. During this time, the use may be brought into compliance with the current approved site plan for that location.
ii. If noncompliance persists after the conclusion of the warning grace period, a Director shall issue written citation.
iii. If the citation results in a guilty verdict, the site plan is considered revoked.
iv. The Director shall issue the permit holder written notification of the site plan's official revocation.
v. In the event of discontinuance or failure to commence as stipulated above, the Director will issue written notification to the applicant. Fourteen (14) calendar days after issuance of Director notification of discontinuance or failure to commence, the Director shall then issue the permit holder written notification of the site plan's official revocation.

J. Recordkeeping

The applicant and Director shall maintain a copy of the approved site plan.

Sec. 22-234. Sign Permit

A. Applicability

A person shall not construct, alter, or relocate any sign within the corporate limits of Shawnee without first obtaining a permit, unless otherwise specified.

B. Initiation

Each sign permit requires a separate application. The application must be filed on a form furnished by the Director and include a non-refundable permit fee.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director shall:

1. Approve the sign permit, or
2. Deny the sign permit, or
3. Approve the sign permit with conditions.

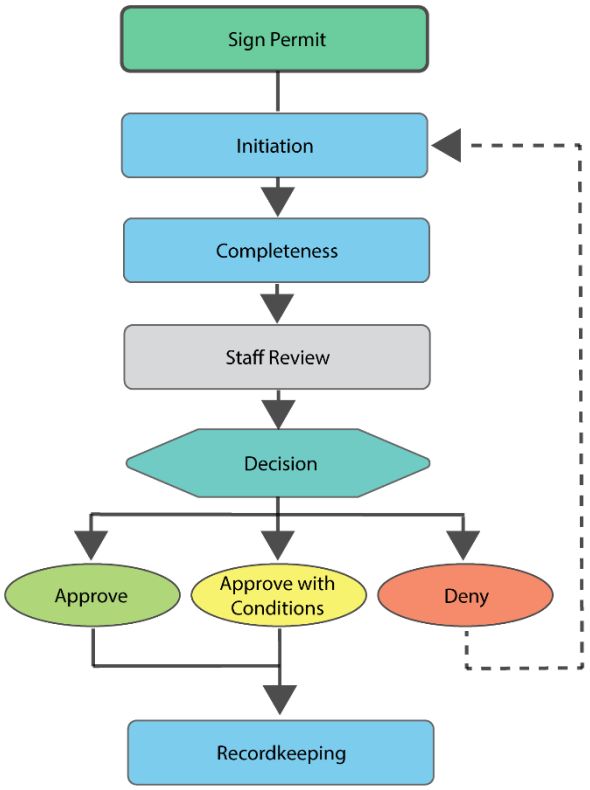


Figure VI-9: Sign Permit Flowchart

F. Standards

A sign permit shall be issued if the proposed sign complies with all applicable provisions of this UDC and any conditions or stipulations of any applicable rezoning, conditional use permit, site plan, or development plan.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

1. Generally

The Director may issue a sign permit if there is an approved site plan.

2. Expiration

a. A sign permit becomes null and void if installation does not commence within six (6) months from the date of permit approval.

b. If work authorized by the permit is suspended or abandoned for one (1) year from the date the work commences, a new permit is required to complete the installation work, even if no changes are made to the original sign permit.

3. Revocation

The Director may revoke a sign permit if:

a. It is issued in error, or

b. The sign or sign supporting structure is installed contrary to the approved plans or in violation of this UDC.

4. Repairs and Maintenance

The repair, routine maintenance, or repainting of an existing sign deemed conforming or allowed to continue as a nonconforming sign does not require a sign permit.

J. Recordkeeping

The applicant and Director shall maintain a copy of the approved sign permit.

Sec. 22-235. Building Permit

A. Applicability

The City shall process building permits as provided in the Shawnee Building Code.

B. Initiation

The applicant shall not submit a building permit application, and the City shall not issue a building permit, for any application until all required permits or applications are approved.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

See Shawnee Building Code.

F. Standards

The City may issue the building permit only if the application complies with all applicable provisions of this UDC and any approved rezoning condition, conditional use permit, plat, or site plan.

G. Subsequent Applications

Not applicable.

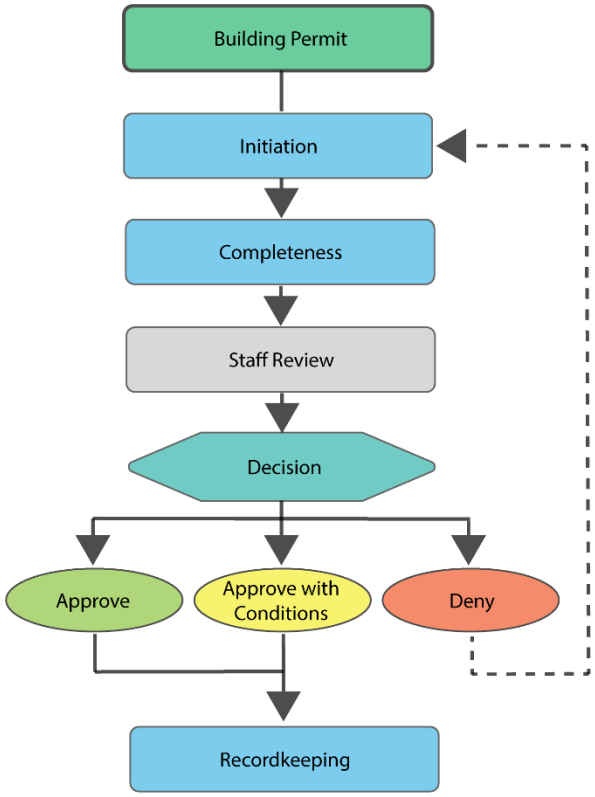


Figure VI-10: Building Permit Flowchart

H. Appeals

Generally, refer to Sec. 22-223. M. ; however, if a building permit is denied for noncompliance with a provision of this UDC, the applicant may appeal that decision.

I. Scope of Approval

See Shawnee Building Code.

J. Recordkeeping

The City shall maintain the approved building permit in its files, and the applicant shall maintain an original signed copy of the approved building permit.

Sec. 22-236. Certificate of Occupancy

A. Applicability

The Director shall process certificates of occupancy as provided in the Shawnee Building Code.

B. Initiation

The applicant shall not submit a certificate of occupancy application, and the Director shall not issue a certificate of occupancy, for any application until all required permits or applications are approved.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

See Shawnee Building Code.

F. Standards

The Director may issue the certificate of occupancy only if the application complies with all applicable provisions of this UDC and any approved rezoning condition, conditional use permit, plat, or site plan.

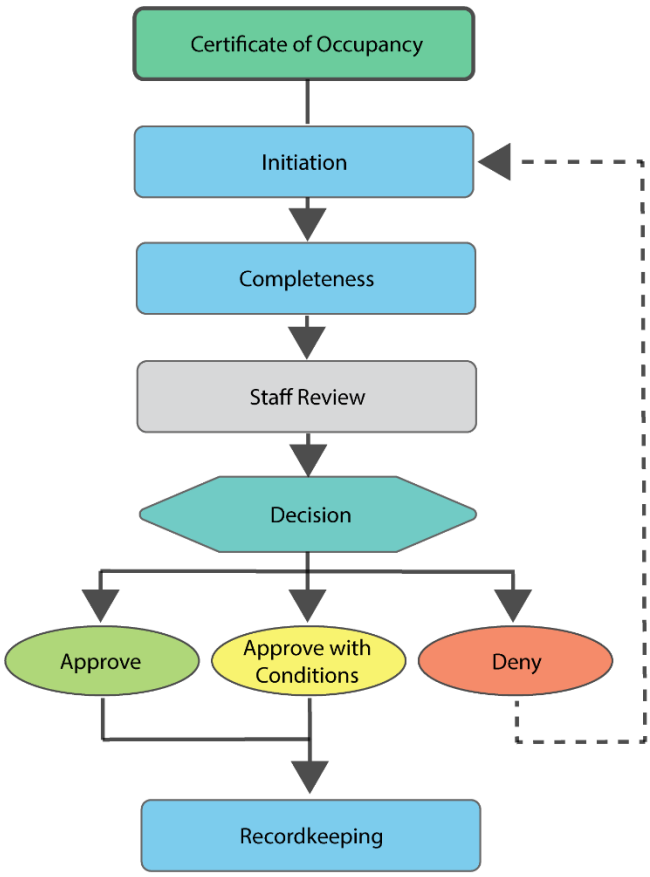


Figure VI-11: Certificate of Occupancy Flowchart

G. Subsequent Applications

Not applicable.

H. Appeals

Generally, refer to Sec. 22-223. M. ; however, if a certificate of occupancy is denied for noncompliance with a provision of this UDC, the applicant may appeal that decision.

I. Scope of Approval

See Shawnee Building Code.

J. Recordkeeping

The Director shall maintain the approved certificate of occupancy in its files, and the applicant shall maintain an original signed copy of the approved certificate of occupancy.

Sec. 22-237. Interpretation

A. Applicability

The Director has authority to make written interpretations concerning the text of this UDC and the official zoning map.

B. Initiation

A request for interpretation shall be submitted to the Director on a form established by the Director and made available to the public.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director may take any of the following actions:

1. Review and evaluate the request;
2. Consult with other staff or the Planning Commission;
3. Render an opinion; and
4. Provide the interpretation to the applicant in writing by regular mail.

F. Standards

The Director's decision shall consider this UDC, the zoning map, the comprehensive plan, and any other relevant information.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

An interpretation does not authorize the development or use of property. After an issued interpretation, the applicant or any other person may file an application to develop or use property pursuant to this UDC, and the approval authority shall take the interpretation into consideration.

J. Recordkeeping

The Director shall maintain an official record of interpretations available for public viewing.

Sec. 22-238. Administrative Adjustments

A. Applicability

1. Generally

The Director has authority to make administrative adjustments pertaining to the standards in Division IV of this UDC.

2. Administrative Adjustment Types

Administrative adjustments may include the following reductions or increases by ten percent (10%):

a. The number of required parking spaces;
b. Setbacks;
c. Building height;
d. The amount of required loading;
e. Screening and fencing applicability;
f. Light fixture height;
g. Sign size and location;
h. Nonresidential, Mixed Use, and Downtown design standards;
i. Required landscaping;
j. The unobstructed approach path requirement for refuse facilities;

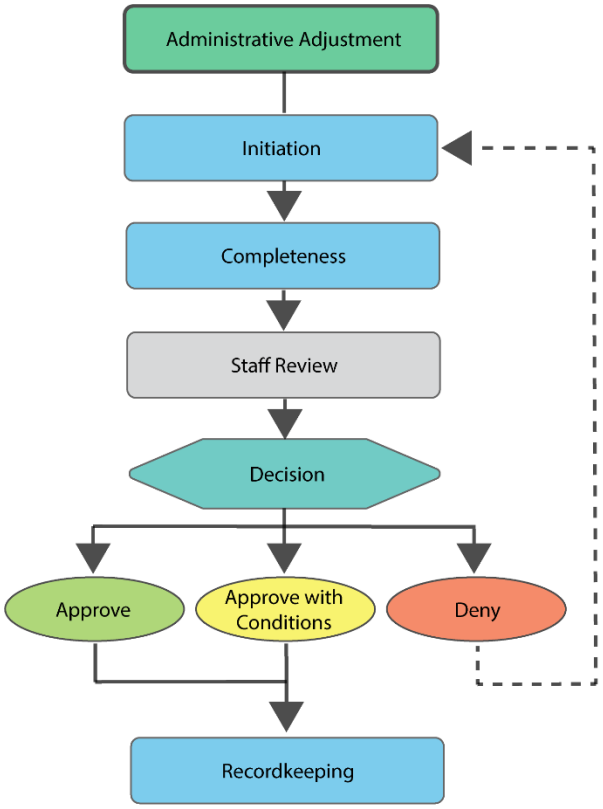


Figure VI-12: Administrative Adjustment Flowchart

B. Initiation

A request for an administrative adjustment shall be submitted to the Director on a form established by the Director and made available to the public.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

The Director shall review the administrative adjustment and shall act to:

1. Approve the administrative adjustment, or
2. Deny the administrative adjustment, or
3. Approve the administrative adjustment with conditions.

F. Standards

The Director shall not approve an administrative adjustment if the proposed development will:

1. Adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses, and proposed land uses in the area;
2. Create more adverse impacts on existing uses in surrounding areas than that reasonably might result from development of the site in strict compliance with the adjusted standard;

3. Be incompatible with existing or permitted uses on adjacent properties, in terms of adjusted building height, setbacks, landscaping, screening, or parking features; or
4. Be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity for reasons specifically articulated by the Director.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

After an administrative adjustment is approved, the Director may apply the approval to a pending site plan review. Once the administrative adjustment and the site plan is approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of an administrative adjustment and site plan approval.

J. Recordkeeping

The applicant and Director shall maintain a copy of the approved administrative adjustment.

Sec. 22-239. Special Exception

A. Applicability

1. The Board of Adjustment is authorized to hear and decide a special exception in accordance with this Section.
2. A special exception is an allowed variation from the regulations of this UDC, but is differentiated from a variance in two ways as described below.

a. No Hardship Required

A special exception does not require a finding of an unnecessary hardship.

b. Specifically Allowed and Pre-Determined by the UDC

Approval of a special exception by the Board of Adjustment is specifically provided for and defined in this UDC.

B. Initiation

The Board of Adjustment may grant a special exception upon receiving a written request from the applicant.

C. Completeness

See Sec. 22-223. D.

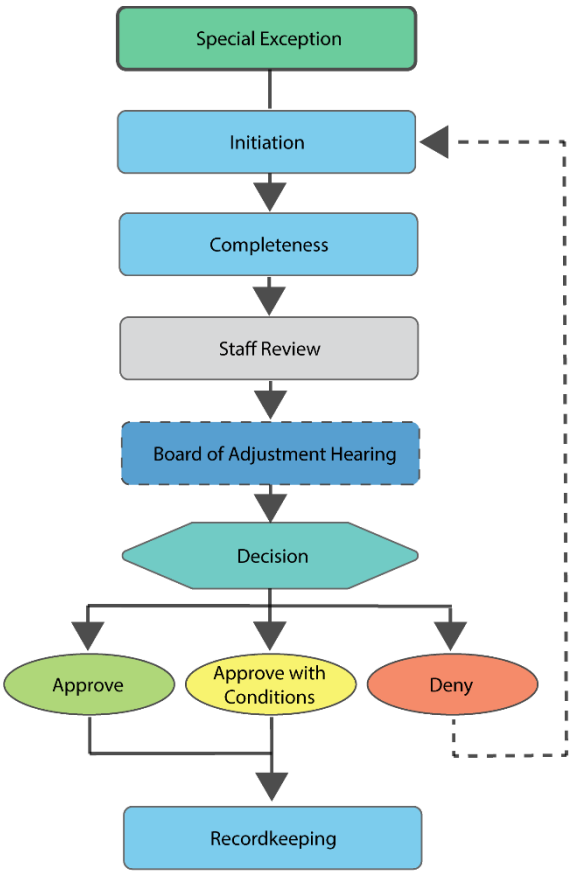


Figure VI-13: Special Exception Flowchart

D. Notice and Hearing(s)

Noticing shall comply with Sec. 22-223. E. and state law, as applicable.

E. Decision

1. The Board of Adjustment shall conduct a public hearing on the special exception and shall render its decision after the hearing is closed.
2. The Board of Adjustment may, in whole or in part:

a. Approve the special exception, or
b. Deny the special exception, or
c. Approve the special exception with conditions.

3. In granting a special exception, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to conditions specifying the period during which a nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this UDC.

F. Standards

If the Board of Adjustment finds that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may authorize the following special exceptions to the regulations herein established:

1. Nonconforming Uses

Permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a nonconforming use.

2. Setbacks

For existing buildings that were legally constructed prior to the effective date of this UDC, the Board of Adjustment may authorize a special exception to allow reconstruction of a building over a setback line or allow a building to be set back further than a build-to line established by this UDC.

3. Landscaping

The Board of Adjustment may permit landscaping that varies by more than ten percent (10%) but less than twenty percent (20%) from the requirements of landscaping regulations.

4. Parking

In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which that use is located, is other than by private automobile, required parking may be reduced up to fifty percent (50%) by the Board of Adjustment.

G. Subsequent Applications

No request for a special exception that has been denied shall be further considered by the Board of Adjustment under a subsequent request unless:

1. Six (6) months have elapsed from the denial date; or
2. Conditions relative to other property in the immediate vicinity, within the six-month period, have been changed or acted on by the Board of Adjustment so as to alter the facts and conditions on which the previous Board of Adjustment action was based.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

After a final decision on the special exception is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

J. Recordkeeping

The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

Sec. 22-240. Variances

A. Applicability

The Board of Adjustment may authorize, in specific cases, a variance from the terms of this UDC.

B. Initiation

An application for a zoning variance shall be filed with the Director.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Noticing shall comply with Sec. 22-223. E. and state law, as applicable.

E. Decision

1. The Board of Adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.
2. The Board of Adjustment may, in whole or in part:

a. Approve the variance, or

b. Deny the variance, or

c. Approve the variance with conditions.

3. A concurring vote must be a majority of the members of the Board of Adjustment to authorize a variance.

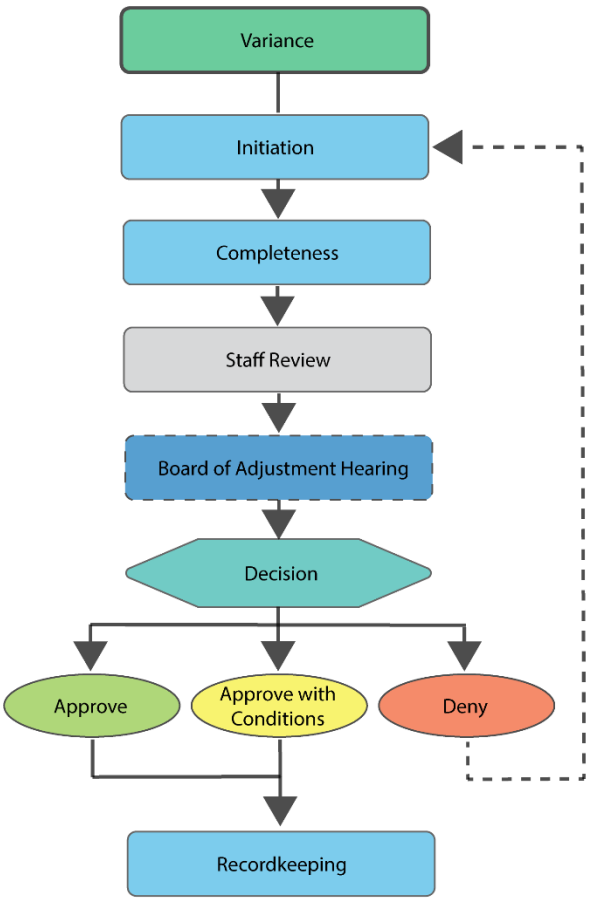


Figure VI-14: Variance Flowchart

F. Approval Criteria

The Board of Adjustment shall not approve a variance unless it finds that:

1. The application of this UDC to the subject property would create an unnecessary hardship,
2. Such conditions are peculiar to the subject property involved,
3. If granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the UDC or the Comprehensive Plan, and
4. If granted, would be the minimum necessary to alleviate the unnecessary hardship.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

J. Recordkeeping

The Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

Sec. 22-241. Waivers

A. Applicability

The City Commission may authorize, in specific cases, a waiver from the Subdivision Regulations in Division V of this UDC.

B. Initiation

A waiver application shall be filed with the Director.

C. Completeness

See Sec. 22-223. D.

D. Notice and Hearing(s)

Not applicable.

E. Decision

1. Director Review

The Director shall review the waiver application, send the application to other departments and entities for review (i.e., Engineering, Fire, Health, etc.), place the application on the next Planning Commission agenda, and provide a recommendation to the Planning Commission to:

a. Approve the waiver, or

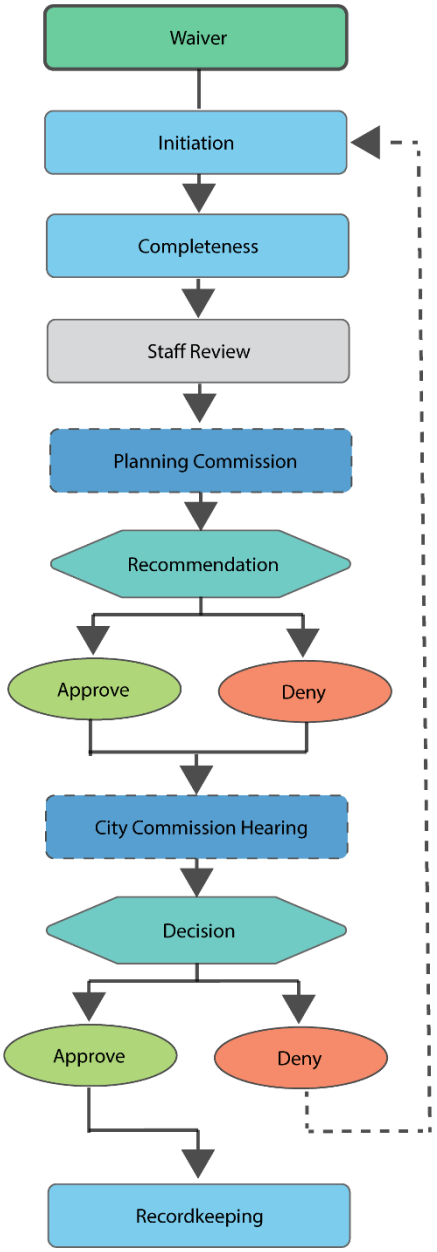
b. Deny the waiver.

2. Planning Commission Recommendation

The Planning Commission shall review the waiver and submit its report and recommendation to the effect of the proposed waiver upon the character of the neighborhood, traffic congestion, public utilities, and other matters pertaining to the general health, safety, and welfare of the public. The Planning Commission shall recommend to the City Commission to:

a. Approve the waiver, or

b. Deny the waiver.



3. City Commission Decision

Figure VI-15: Waiver Flowchart

a. The City Commission shall conduct a public hearing on the waiver after recommendation from the Planning Commission and shall render its decision after the hearing is closed.

b. The City Commission may, in whole or in part:

    i. Approve the waiver, or
    ii. Deny the waiver.

c. The concurring vote of seventy-five percent (75%) of the members of the City Commission is necessary to authorize a waiver.

F. Approval Criteria

The City Commission shall not approve a waiver unless it finds that:

1. The waiver is not contrary to the public interest, and
2. Due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship, and
3. The spirit of the varied provision is observed and substantial justice is done.

G. Subsequent Applications

Not applicable.

H. Appeals

See Sec. 22-223. M.

I. Scope of Approval

After a final decision on the waiver is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

J. Recordkeeping

The Director shall maintain a copy of any order of the City Commission pursuant to this Section.

Division VII. Nonconformities

Sec. 22-242. General Provisions

Sec. 22-243. Nonconforming Uses

Sec. 22-244. Nonconforming Structures

Sec. 22-245. Nonconforming Lots

Sec. 22-246. Nonconforming Signs

Sec. 22-247. Nonconforming Site Plan Improvements

Sec. 22-242. General Provisions

A. Purpose

This Article governs uses, buildings, structures, lots, and other situations that came into existence legally prior to the effective date of this UDC or the effective date of future amendments to this UDC, but do not comply with or conform to one or more requirements of this UDC. All such situations are collectively referred to as “nonconformities”.

B. General Policy

While existing legal nonconformities may continue, this Article is designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination to preserve the integrity of this UDC and the character of Shawnee. Any existing legal nonconformity or site condition that becomes nonconforming because of any subsequent rezoning or amendment to this text of this UDC may be continued or maintained only pursuant to this Article. Also, this Article intends to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

C. Applicability

1. This Article applies to any nonconformity. A “nonconformity” means any of the following on the effective date:

a. Nonconforming use (Sec. 22-243.),
b. Nonconforming structure (Sec. 22-244.),
c. Nonconforming lot (Sec. 22-245.),
d. Nonconforming sign (Sec. 22-246.), or
e. Nonconforming site plan improvements (Sec. 22-247.).

2. For the purpose of this Article, the “effective date” means the effective date of this UDC or any amendment to this UDC that creates a nonconformity.

D. Generally

1. Continuation of Nonconformities

Except provided below, the lawful use of a building or structure existing at the time of the adoption of this UDC may continue, even if the existing use, building, or structure does not conform to the provisions of this UDC for the district where it is located.

2. Removal of Building or Structure

If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this UDC in effect at that time.

3. Replacing Damaged Buildings or Structures

a. If a nonconforming building or structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the UDC.
b. In the case of partial destruction of a nonconforming building or structure not exceeding 75% of its reasonable value, reconstruction will be permitted by size and function, and cannot be expanded.
c. A nonconforming building or structure or group of nonconforming buildings or structures that is damaged by disaster such as fire, flood, explosion, earthquake, tornado, highspeed natural wind, war, or riot, may be reconstructed or replaced subject to this Article and erected as before if:

i. The application for a permit is submitted within one (1) year of the disaster,

ii. The restored or reconstructed building or structure does not exceed the square footage of the area as it existed before the disaster, and
iii. The building or structure meets the Shawnee Building Code.

4. Applications

The City will not process applications if there is a nonconformity, unless:

a. The application brings the property into conformity with this UDC; or
b. The application is otherwise permitted by this UDC.

Sec. 22-243. Nonconforming Uses

A. Applicability

This section applies to any "nonconforming use," defined as a use that lawfully occupies a building or land on the effective date and that:

1. Is no longer permitted in the applicable zoning district, or
2. Would require a conditional use permit in the applicable zoning district.

B. Generally

No existing building, structure, or premises devoted to a use not permitted by this UDC shall be enlarged or structurally altered unless required by law or court order, except as provided below.

C. Discontinuance of Use

A building, structure, lot, or parcel where a nonconforming use is discontinued for at least one year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.

D. Change in Nonconforming Uses

1. A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.
2. A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded.
3. A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.
4. A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.

E. Expansion or Enlargement of Nonconforming Uses

A nonconforming use may be extended only within the premises on which the nonconforming use was located on the effective date. "Premises" means the building where the use occurs and the accessory buildings, appurtenances, driveways, parking, and loading spaces.

Sec. 22-244. Nonconforming Structures

A. Applicability

This section applies to any "nonconforming structure." A "nonconforming structure" means a building or structure that:

1. Lawfully exists on the effective date of this UDC or any amendment to this UDC that would cause the building or structure not to comply with this UDC, and
2. Does not conform to all of the regulations of the zoning district in which it is located.

B. Continuance of Nonconforming Structures

Except as provided below, any nonconforming structure may be occupied and operated if maintained in a state of good repair.

C. Expansion

1. Unless specified otherwise in this UDC, a nonconforming structure on a lot may expand one time by as much as twenty-five percent (25%) of the building's square footage if:

a. The expansion does not encroach into required setbacks,

b. Paved parking, sidewalks, and landscaping, as required by this UDC, are provided, and

c. The nonconforming building or structure is screened and buffered from adjacent uses and zones as determined by Sec. 22-211.

2. The expansion is only allowed pursuant to the Director's authorization.

3. The expansion shall conform to all zoning district and development standards of this UDC and shall not create a new nonconformity.

Sec. 22-245. Nonconforming Lots

A. Applicability

This section applies to any nonconforming lot. A "nonconforming lot" is a lot of record that, on the effective date of this UDC or any ordinance that establishes a minimum or maximum lot area, frontage, or lot width, is:

1. Not in compliance with the minimum or maximum lot area, frontage, or lot width, and
2. Lawfully existing and of record, and
3. Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.

B. New Construction

In all districts, a nonconforming lot may be used as the building site for any use permitted in that district. No newly created or platted lot shall result in a nonconforming lot.

Sec. 22-246. Nonconforming Signs

A. Applicability

Permanent signs that were allowed before the effective date are allowed to remain and may be maintained and repaired as necessary. Signs that this UDC prohibits shall be modified to conform, replaced with a conforming sign, or removed according to the following:

1. If the lot on which the nonconforming sign is located requires any approval or permit that is subject to the site plan process;
2. If there is a change in business ownership, tenant, name, or type of business;
3. If any maintenance, repair, or alteration exceeds fifty percent (50%) of the current value of the sign as of the date of alteration or repair; or
4. If the use of the lot on which the sign is located has been discontinued for ninety (90) days or longer.

B. Exceptions

1. Nonconforming Subdivision Entry Signs

A nonconforming subdivision entry sign that was first installed or erected before the effective date, may continue to be maintained in the current configuration unless the sign requires any maintenance, repair, or alteration that exceeds fifty percent (50%) of the current value of the sign as of the date of alteration or repair.

2. Signs with Nonconforming Electronic Message Centers

   A sign with an electronic message center that does not conform with the area limitations or technological standards of this UDC that was first installed or erected before the effective date, may continue to be maintained, repaired, altered, or replaced so long as the modifications do not enlarge the area of the electronic message center or make it more nonconforming under the standards of this UDC.

C. Sign Removal

1. If a building, structure, or premises is vacant for a six-month period of time, the owner of the premises shall remove any sign messages located on the premises. Additionally, the facade of the building, structure, or premises shall be restored to its condition before the sign's installation.
2. If the owner has not removed an abandoned sign after six (6) months, the Director will notify the property owner in writing that the sign must be removed within thirty (30) days.
3. The notice will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service.
4. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner.
5. If the owner does not remove the sign or appeal within thirty (30) days after the notice is mailed, the City may remove the sign and assess the cost of removal to the owner of the property on which the sign was placed.
6. The City Clerk will mail a statement of the costs for the removal of an abandoned sign or signs to the last known address of the owner of record of the property.
7. The statement of costs will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service.
8. If the property is unoccupied and the owner is a nonresident, then the statement of costs may be served by certified mail, return receipt requested, to the last known address of the owner.
9. If the costs are not paid within sixty (60) days of the date the notice is mailed, the City may issue a special assessment for the cost of removal against the parcel, and the City Clerk shall certify that assessment for collection and payment to the City in the same way that other assessments and taxes are collected and paid to the City.

Sec. 22-247. Nonconforming Site Plan Improvements

A. Applicability

This section applies to any nonconforming site plan improvements.

1. A "Nonconforming Site Improvement" is a situation that occurs when, on the effective date:

a. An existing site plan feature on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks, and landscaping) no longer conforms to the applicable regulations of this UDC, or

b. The lot does not include site plan improvement features required by this UDC for any existing use, building, or structure on the lot.

2. This section does not apply to one-time repairs and renovations of less than ten percent (10%) of the structural value of a structure or site improvements.

B. Generally

On lots with nonconforming site plan improvements, additions to, or exterior repairs or alterations of any building, structure, or site improvement that increases the square footage

by greater than one thousand (1,000) square feet or twenty-five percent (25%) or whichever is greater, are not allowed, unless:

1. The nonconforming site plan improvements are brought into complete conformity with the regulations applicable to the use, building, structure, or zoning district, or
2. The activity is authorized by a site plan approved by the Planning Commission.

C. Standards

When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site plan improvement, the Planning Commission may approve a site plan allowing the addition, repairs, or renovation if:

1. The nonconforming site plan improvement(s) is the only nonconformity pertaining to the property; and
2. Compliance with the site plan improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible; and
3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety; and
4. If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site plan improvement.

Division VIII. Enforcement

Sec. 22-248. General Enforcement Procedures
Sec. 22-249. Penalties

Sec. 22-248. General Enforcement Procedures

A. Generally

1. This Article establishes procedures the City uses to ensure compliance with the provisions of this UDC and obtain corrections for violations. It also institutes the remedies and penalties that apply to UDC violations.
2. For any violation not encompassed by this Article, the Director may issue a citation in Municipal Court stating the alleged violation, the date of the violation, and the section of the UDC violated. Each day during which any violation of this Article occurs or continues is a separate offense and upon conviction is punishable as provided in this UDC.

B. Violations

Any of the following violates this UDC and are subject to the remedies and penalties provided for in this Article.

1. Buildings or Structures

   To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this UDC or a condition of approval.
2. Use of Land

   To use any land or premises in a manner inconsistent with the requirements of this UDC or a condition of approval.
3. Establish Use, Structure, or Sign Without Permit or Approval

   To establish or place any use, structure, or sign upon land that is subject to this UDC without all of the approvals required by this UDC.
4. Development or Subdivision Without Permit or Approval

   To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this UDC without all of the approvals required by this UDC.
5. Development, Subdivision, Use, or Sign Inconsistent with Permit

   To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.
6. Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval

   To violate, by act or omission, any term, condition, or qualification placed by an approval authority upon any permit or other form of authorization.
7. Development, Subdivision, or Sign Inconsistent with this UDC

   To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this UDC.
8. Making Lots or Setbacks Nonconforming

   To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this UDC.
9. Increasing Intensity or Density of Use

   To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this UDC.
10. Removing or Defacing Required Notice

    To remove, deface, obscure, or otherwise interfere with any notice required by this UDC.
11. Failure to Remove Signs

To fail to remove any sign installed, created, erected, or maintained in violation of this UDC or for which the sign permit expired.

12. Miscellaneous

Any other action, or failure to act, that does not comply with a requirement of this UDC or a lawful condition of approval.

C. Responsible Persons

1. Any person who violates this UDC is subject to the remedies and penalties expressed in this Article.
2. If a person causing a violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the violation and the owner is ultimately responsible to ensure that the violations are corrected.

D. Enforcement Responsibility

The City Manager holds primary responsibility for enforcing all provisions of this UDC. Other officers of the City, designated by the City Manager, share responsibility for enforcing provisions of this UDC.

E. Enforcement Procedures

1. Remedies and Enforcement Powers

The City Manager has the following remedies and enforcement powers.

2. Generally

If subsection B. above applies, the City may institute any appropriate action or proceedings:

a. To prevent any unlawful erection, maintenance, or use,
b. To restrain, correct, or abate the violation,
c. To prevent the occupancy of a building, structure, or land, or
d. To prevent any illegal act, conduct, business, or use in or about the premises.

3. Withhold Permit

a. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of an UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
b. The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of an UDC provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.
c. If a subdivision plat is approved, the Director shall not issue a certificate of occupancy until all improvements are accepted by the City in writing and the approved plat is recorded.

4. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the City may grant authorization subject to a corrected violation condition.

5. Revoke Permits

Any development permit or other form of authorization required in this UDC may be revoked, including revocation of a certificate of occupancy.

6. Stop Work

   With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of UDC provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.

7. Injunctive Relief

   The City may seek an injunction or other equitable relief in court to stop any violation of this UDC or of a permit, certificate, or other form of authorization granted.

8. Abatement

   The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

9. Civil Action

   The City may enforce the provisions of this UDC through civil action as per state law.

10. Withhold Public Services

a. The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.

b. Unless a plan, plat or replat is approved in the manner and by the authorities provided for in this UDC, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the City to serve or connect that land to any public utility owned, controlled or distributed by the City for the use of the owners or purchasers of the plat or plan.

11. Other Remedies

    The City may have other remedies provided by law for zoning, subdivision, sign, or related UDC provision violations.

12. Other Powers

    In addition to the enforcement powers specified in this Article, the City may exercise any and all enforcement powers granted by law.

13. Continuation

    Nothing in this UDC prohibits the continuation of previous enforcement actions undertaken by the City by previous and valid ordinances and laws.

F. Cumulative Remedies

   The remedies and enforcement powers established in this Article are cumulative and the City may exercise them in any order or combination at any time.

Sec. 22-249. Penalties

Any person or corporation who violates any of the UDC provisions or fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved is guilty of a misdemeanor punishable under this Section.

A. Responsible Party(ies)

   The owner or owners of any building or premises or part, where anything in violation of this UDC exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any UDC violation are guilty of a separate offense punishable under this section.

B. Each Day is Separate Offense

A person who violates any provision of this UDC by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.

C. Culpable Mental State

1. If the definition of an offense under this UDC does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a fine no more than two hundred fifty dollars ($250). Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a fine no more than one thousand dollars ($1,000).
2. If the definition of an offense under this UDC prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense is punishable by a fine no more than one thousand dollars ($1,000).

D. Subdivision Violation

Any person who violates any of the subdivision and platting regulations of this UDC is guilty of a misdemeanor and, upon conviction by the Shawnee Municipal Court, shall be fined up to two hundred fifty dollars ($250). Each day the violation continues is a separate offense. Prosecution or conviction under this provision does not bar any other remedy or relief for violations of this UDC.

Division IX. Approval Authorities

Sec. 22-250. Generally

Sec. 22-251. Community Development Department

Sec. 22-252. City Commission

Sec. 22-253. Director

Sec. 22-254. Planning Commission

Sec. 22-255. Board of Adjustment

Sec. 22-250. Generally

This Article introduces and establishes approval authorities/decision-making bodies, describes their composition, and summarizes their authority.

Sec. 22-251. Community Development Department

The Community Development Department serves as an administrative and staff decision-making body responsible to the Mayor, City Manager, City Commission, Planning Commission, and Board of Adjustment. The Director of the Community Development Department has the authority to process proposals to change the text and map of this title and for processing zoning and special permit applications, site planning applications, and Board of Adjustment applications.

Sec. 22-252. City Commission

The City Commission serves as an approval authority responsible to the Mayor, City Manager, and the City's residents. The City Commission is established in the City Charter and Chapter 2 of the Code of Ordinances and shall follow those regulations, as applicable.

Sec. 22-253. Director

A. Established

The Director is an extension of the City Manager who is delegated to oversee development activity within Shawnee (see Article X for the definition of the Director).

B. Powers and Duties

The Director has the following duties and responsibilities:

1. To advise the City Manager on any matter affecting the physical development of the City.
2. To formulate and recommend to the City Manager a comprehensive plan and modifications.
3. To review and make recommendations regarding proposed City Commission action implementing the comprehensive plan.
4. To participate in capital program preparations and revisions.
5. To advise the Planning Commission in the exercise of its responsibilities and to provide necessary staff assistance.
6. To keep the official zoning map current and the copies, by entering any changes that the City Commission may order by amendments to the UDC and Map.
7. To investigate complaints about violations of this UDC.
8. To provide written notification to the person responsible for violation(s), ordering the necessary action to correct violations, and order:

a. Discontinuance of illegal uses of land, buildings, or structures.
b. Removal of illegal buildings or structures or illegal additions or structural additions.
c. Discontinuance of any illegal work.

9. To provide any other action authorized by this UDC to ensure compliance with or to prevent violation(s).

Sec. 22-254. Planning Commission

The Planning Commission is established and organized in ARTICLE II. - PLANNING COMMISSION of Chapter 22 – Planning and Development.

Sec. 22-255. Board of Adjustment

A. Established

The Board of Adjustment shall have the powers and duties as set forth in this section.

B. Membership

1. The Board of Adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the City Commission, upon written charges and after a public hearing.
2. Vacancies shall be for the unexpired term of any member whose term becomes vacant. Members appointed shall be citizens of the city, each appointed by the mayor and confirmed by the City Commission.

C. Meetings and Rules

1. The Board of Adjustment shall elect one of its members as chair to serve for a term of two (2) years.
2. The Board of Adjustment shall adopt rules in accordance with the provisions of this UDC.
3. Meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board of Adjustment may determine.
4. The chairman, or, in their absence, the acting chair, may administer oaths and compel the attendance of witnesses.
5. The Board of Adjustment shall be subject to the open meeting laws of the state and all meetings, deliberations, and voting of the Board of Adjustment shall be open to the public.
6. The Board of Adjustment shall keep the 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 all official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

D. Powers

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the UDC;
2. To hear and decide special exceptions to the terms of the UDC upon which the Board of Adjustment is required to pass under such codes;
3. To authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use within a zoning district as authorized by the UDC when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the UDC will result in unnecessary hardship and so that the spirit of the UDC will be observed and substantially justice done; and
4. Exceptions and variances may be allowed by the Board of Adjustment only after notice and hearing as provided in Division VI.

E. Extent of Relief

1. The Board of Adjustment may, in conformity with the provisions of the UDC, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

2. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement and decision or determination of any such administrative officer, or to decide in favor of the applicant, or to decide any matter upon which it is required to pass under the UDC or to affect any variation in such code.
3. The Board of Adjustment shall have no power to authorize variances as to use excepting special exceptions as noted in this UDC.

F. Special Exceptions

The Board of Adjustment is authorized to permit exceptions that:

1. Are consistent with purpose and intent of the district within which the property is located;
2. If granted would not tend to encourage further exceptions of a similar nature in the neighborhood which, when taken together, would be inconsistent with the purposes and intent of the district; and
3. The exception is necessary to render appropriate relief to the applicant for a fair and reasonable use of property (*Within the "TA" district, the Board of Adjustment may permit not to exceed one auxiliary single-family structure on a lot for the purpose of housing a relative of the owner when it can be shown that the residence is necessary for the health, safety and/or care of the parties involved*).

G. Variances

A variance from the terms of the UDC may be granted only upon finding by the Board of Adjustment that:

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

Division X. Definitions

Sec. 22-256. General Provisions

Sec. 22-257. Land Use Terms

Sec. 22-258. General Terms

Sec. 22-256. General Provisions

A. Usage and Interpretation Rules

For the purpose of this UDC, certain terms or words are interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word “person” includes a corporation, trust, individual, and/or group of individuals;
4. The term “shall” is always mandatory; and
5. The term “may” is discretionary.
6. A reference to an official includes a designee of that official.
7. When the calculation of a number for a required standard results in a fraction, that fraction is rounded up to the next whole number.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined in this Article are to be construed according to the normally accepted meaning of those words or terms. Where no definition appears, then according to their customary usage in the practice of planning and engineering, as determined by the Director.

Sec. 22-257. Land Use Terms

Residential Uses

Household Living

Barndominium. A structure that includes living space and barn space on an agricultural property. Barns detached from the living space operating as a separate structure are not included in this definition.

Detached Single-Family Dwelling. A single-family dwelling (a building designed exclusively for occupancy by one (1) family) which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Townhouse. A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another, in which each dwelling is located on a separate platted lot.

Duplex. A building designed for occupancy by two individuals or families living independently of each other within separate units which have a common wall and are under one roof.

Triplex. A detached residential structure containing three dwelling units, designed for occupancy by not more than three families living independently of each other.

Fourplex. A detached residential structure containing four dwelling units, designed for occupancy by not more than four families living independently of each other.

Courtyard Apartment. A medium-to-large sized detached residential structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Each unit is accessed from the courtyard and shared stairs each provide access up to 3 units.

Bungalow Court. A group of small, detached structures arranged around a shared court visible from the street. Dwelling unit entrances are from the shared court.

Multiplex. A detached residential structure that consists of 5 to 12 dwelling units arranged in side-by-side and/or stacked design.

Manufactured Home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All references in this article to manufactured housing or manufactured home(s) shall be references to HUD-code manufactured housing, unless otherwise specified. This use does not include mobile homes.

Mobile Home. A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be used as dwelling units within the corporate limits of the city.

Modular Home. A dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Tiny Home. A single-family residential structure typically 600 square feet or less which may or may not be attached to a permanent foundation.

Multi-Family Dwelling (Apartment). A residential structure arranged, intended, and designed to be occupied by thirteen or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Live-Work Unit. A live-work unit is a Dwelling Unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist studio, or other similar uses and is located on the street level.

Mixed-Use Building. The development of a building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact development form. A mixed-use building is a building with any of the following floor space configurations: (1) an office, as defined below, located above the ground floor, where the ground floor is occupied by any general retail use or (2) any general retail use on the ground floor, and residential dwelling units above the ground floor or behind the non-residential floor area. The floor space above the ground floor may be occupied by non-residential floor area in addition to dwelling units.

Group Living

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

Community Group Home. A community-based group living use for elderly persons or persons with disabilities that allows independent living and that provides communal room and board, personal care, and habilitation services in a household-like environment. Community group

homes for 8 or fewer persons are considered household living uses. All community group homes shall meet the required State licensing requirements.

Dormitory. A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

Emergency and Protective Shelter. A residential use that provides room and board for a continuous period of no more than 30 consecutive days for adults or children who have been abused, displaced or are transient. Such uses provide protection services and typically provide counseling and pre-placement screening services as well.

Life Care Retirement Center. A residential facility designed for and principally occupied by elderly persons in a planned retirement community that includes a residential complex, an activity or community center and a medical or skilled nursing care facility licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

Re-Entry Facility. A facility operated by the city, the state, the federal government or a private party under contract with the city, the state or the federal government and used for rehabilitation and overnight accommodation of individuals, including staff, who are (a) under the jurisdiction of a court, but not under confinement, or (b) individuals recently released from the jurisdiction of a court. Re-entry facilities are operated for the purpose of providing treatment or rehabilitation intended to assist such individuals with their re-entry into the community.

Residential Treatment Center. A community-based residential facility that provides diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for persons receiving active treatment for alcoholism, drug abuse or behavioral disorders.

Rooming/Boarding House. A building, other than a hotel or multiple-family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

Commercial Uses

Afterlife Service

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including ancillary mausoleums, columbariums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Funeral Services. An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and, performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbariums. Cemeteries may be on-site as an accessory use.

Animal Service

Kennel. A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business. This includes pet resorts/hotels, pet adoption centers, dog training centers, animal rescue shelters and sanctuaries.

Veterinary. Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. This use includes any necessary overnight care, medical treatment, and monitoring services for any boarded animal.

Assembly and Entertainment

Assembly Hall. A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Broadcast or Recording Studio. A facility that provides for audio or video production, recording or broadcasting for public reception.

Commercial Amusement (indoor). A place where entertainment activities occur completely within an enclosed structure for a fee, including but not limited to theaters, bowling alleys, arcades, skating rinks, escape rooms, pool halls, video and pinball parlors.

Commercial Amusement (outdoor). A place where entertainment activities occur outdoors for a fee, including but not limited to miniature golf, batting cages, water slides, driving ranges, and go-cart tracks.

Nightclub. A type of entertainment facility that comprises of a dance floor, lightshow, and/or stage for the playing of live music or disc jockey recordings that serves alcoholic beverages and incidental food sales.

Commercial Service

Building Service. Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of premises. Typical uses include janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, window cleaning and similar services. Service vehicles may be stored overnight on the premises.

Business Support Service. Uses that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Typical uses include copy and print shops, telephone services and photo developing labs.

Personal Services. Shops and establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, hair and nail salons, tanning services, massage spas, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers’ homes or places of business are classified as a “building service.”

Research Service. Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

Heavy Equipment Services and Sales. The sales and maintenance of heavy machinery. This includes establishments primarily engaged in sales, renting, or servicing machinery and equipment for use in business, agricultural, or industrial operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or store-front facility. "Heavy machinery" includes office equipment, machinery tools, construction equipment, farm implements, excavation equipment, or transportation equipment.

Financial Service

Alternative Financial Services. "An establishment that:

a. Is not a bank or financial lending institution subject to federal or state regulation;

b. Charges a fee to cash a check or have a check processed; and

c. Provides such services to the public. This use includes ""payday lenders"" which are establishments that are substantially in the business of negotiating, arranging, aiding, or assisting a consumer in procuring payday loans."

Pawnshop. "An establishment that is engaged to any extent in any of the following business or activities:

a. The lending of money on the deposit or pledge of personal property, other than choses in action, securities or written evidence of indebtedness;

b. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;

c. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or

d. The lending of money upon personal property, goods, wares, or merchandise pledged, stored or deposited as collateral security."

Bail Bond. A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.

Financial Institution. An establishment where the primary occupation is financial services such as banking, savings, and loans. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Professional Office," below.

Lodging

Bed and Breakfast. An owner-occupied property, other than a hotel or multiple-family dwelling, which offers lodging for paying guests and which serves meals to these guests and which contains one or more guest bedrooms and where facilities for food preparation are not provided in the individual guest bedrooms.

Hotel/Motel. A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transients or guests, or both. This use may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses. A hotel/motel only provides temporary lodging, and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

Recreational Vehicle Park/Campground. An establishment that provides temporary overnight accommodations for camping in recreational vehicles or tents.

Office

Artist Studio. The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Professional Office. An office for professionals, such as lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of

merchandise exists, except as accessory to the professional services. Professional Office uses are not Medical Offices or Artist Studios. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

Medical Office. Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

Restaurants and Bars

Bar. Uses that cater primarily to adults, 21 years of age and older and that sell and serve alcoholic beverages as their principal business.

Hookah Lounge. An establishment whose business operation, whether as a principal use or as an accessory use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah parlors or hookah cafés.

Brewpub. A licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption.

Restaurant. An establishment where food and drink are prepared, sold to customers, and may be consumed on the premises. A restaurant may include the incidental sales and service of alcoholic beverages for on-site consumption.

Food Preparation and Sales. A place for preparing, cooking, baking, and selling of products on the premises but not for on-site consumption. Accessory office and waiting spaces shall be incidental to the primary use.

Food Truck Park. An area designated for mobile vendors (e.g., food trucks) to park and sell food, beverages, and other retail items or services to patrons. This use may include any necessary electrical outlets, seating/dining areas, restroom facilities, and trash receptables needed for the food trucks daily operations.

Retail Sales

Convenience Store. A retail store containing less than 10,000 square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

Retail Store. Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort, personal well-being, or aesthetics. Typical uses include clothing stores, department stores, pharmacies, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops. This use does not include grocery stores, building supplies and equipment sales, or medical marijuana dispensaries.

Building Supplies and Equipment. Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

Grocery Store. Retail sales uses that sell or otherwise provide assorted goods; products for personal grooming and for the day-to-day maintenance of personal health; and that sell food and beverages for off-premise consumption; and that have a floor area dedicated to the sale of fresh meat, fruits and vegetables. A principal use Grocery Store may include an accessory use restaurant or dining area for on-premise consumption of food and beverage items. This use does not include medical marijuana dispensaries.

Adult Entertainment

Sexually Oriented Business. Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “specified anatomical areas” or “specified sexual activities,” as defined below. Such uses shall include but not be limited to the following:

- Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined here.
- Adult Bookstore - A commercial establishment that has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
    - Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other visual representations that depict or describe “specified anatomical areas” or “specified sexual activities,” as defined here; or
    - Instruments, devices, or paraphernalia that depict “specified anatomical areas” or “specified sexual activities” or are designed for use in connection with “specified sexual activities.”
- Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
    - Person or persons who appear in a state of nudity; or
    - Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or
    - Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations that are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined here.
- Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined here.
- Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that

are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined here.

- Nude Modeling Studio - Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- Massage Parlor - Any place where, for any form of consideration, massage, alcohol rubs, 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 any “specified sexual activity,” or where any person providing such treatment, manipulation, or service related thereto exposes any “specified anatomical area.”

Vehicle Sales and Service

Car Wash. A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

Commercial Vehicle Repair and Maintenance. Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and fleet vehicle fueling facilities, which may dispense conventional vehicle fuels and/or alternative vehicle fuels.

Commercial Vehicle Sales and Rentals. Uses that provide for the sale or rental of large trucks, moving equipment (e.g., U-haul and Ryder) construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

Heavy Personal Vehicle Repair and Maintenance. An establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

Light Personal Vehicle Repair and Maintenance. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles.

Personal Vehicle Sales and Rentals. Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational watercraft. Typical examples include automobile dealers, auto malls, car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking.

Vehicle Equipment and Supplies Sales and Rentals. Uses related to the sale, lease or rental of new or used parts, tools or supplies for the purpose of repairing or maintaining motor vehicles.

Service Station. A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass.

Marijuana Uses

Medical Marijuana Commercial Grower. An entity licensed to cultivate, prepare and package medical marijuana and transfer or contract for transfer medical marijuana to a medical marijuana dispensary, medical marijuana processor, any other medical marijuana commercial grower, medical marijuana research facility, medical marijuana education facility and pesticide manufacturers. A commercial grower may sell seeds, flower or clones to commercial growers pursuant to the Oklahoma Medical Marijuana and Patient Protection Act.

Medical Marijuana Dispensary. An entity that has been licensed by the Department pursuant to the Oklahoma Medical Marijuana and Patient Protection Act to purchase medical marijuana or medical marijuana products from a licensed medical marijuana commercial grower or medical marijuana processor, sell medical marijuana or medical marijuana products to patients and caregivers as defined under the Oklahoma Medical Marijuana and Patient Protection Act, or sell or transfer products to another dispensary.

Medical Marijuana Education Facility. An entity approved pursuant to the Oklahoma Medical Marijuana and Patient Protection Act to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging or creation of medical-marijuana-infused products or medical marijuana products as described in the Oklahoma Medical Marijuana and Patient Protection Act.

Medical Marijuana Processor. An entity licensed pursuant to the Oklahoma Medical Marijuana and Patient Protection Act to operate a business including the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or medical marijuana products as described in the Oklahoma Medical Marijuana and Patient Protection Act.

Medical Marijuana Research Facility. An entity approved pursuant to the Oklahoma Medical Marijuana and Patient Protection Act to conduct medical marijuana research. A medical marijuana research facility is not a medical marijuana business.

Medical Marijuana Testing Laboratory. A public or private laboratory licensed pursuant to the Oklahoma Medical Marijuana and Patient Protection Act, to conduct testing and research on medical marijuana and medical marijuana products.

Industrial Uses

Warehouse, Distribution, and Storage

Contractor's Shop and Storage Yard. The offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. This use includes storage yards (for equipment, materials [including sand, road-building aggregate or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

Equipment and Materials Storage, Outdoor. Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

Warehouse. Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “freight terminal.”

Warehouse, Distribution, and Wholesale. "A facility or area for the storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

a) Carting,

b) Cold storage,

c) Distribution facilities (as defined below),

d) Dry goods wholesale,

e) Express crating,

f) Hauling,

g) Feed locker plants,

h) Fulfillment centers that combine storage with call centers,

i) Hardware storage,

j) Merchant wholesalers (such as restaurant supply sales),

k) Warehouse or produce/fruit/food storage and wholesale structures,

l) Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.

A "distribution facility" means the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" also includes a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

Self-Service Storage Facility. A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

Wholesale Showroom Facility. An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall maintain a minimum of 75% of its total floor area devoted to storage and warehousing not accessible to the public.

Low-Impact Manufacturing and Industry

Craft Manufacturing. The manufacturing and production of goods by a craftsperson done by hand or small machinery, located within a building or indoor tenant space. This use typically includes but is not limited to jewelry, metalwork, cabinetry, woodworking, stained glass, textiles, ceramics, or handmade food products for off-site consumption.

Small Brewery. An establishment that manufactures less than sixty-five thousand (65,000) barrels of beer annually pursuant to a validly issued Small Brewer License hereunder. Small Breweries may include tasting rooms.

Wine and Spirits Wholesaler/Distributor. Any sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer to a wine and spirits wholesaler.

Industrial and Manufacturing, Light. Manufacturing of products, from extracted, raw, recycled or secondary materials, including bulk storage and handling of those products and materials, or

crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

Moderate to High-Impact Manufacturing and Industry

Industrial and Manufacturing, Heavy. The manufacturing, processing, and storing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This use also includes the heaviest and most intensive facilities which warrants additional review by the City such as: asphalt and concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

Large Brewery. An establishment where beer or malt beverages are made on the premises at an annual production rate of over 65,000 barrels. Large breweries may include tasting rooms.

Mining or Mineral Processing. The extraction or quarrying of coal, ores, stone, minerals, top soil or aggregate resources from the ground. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading coal, ore, stone, sand, gravel, minerals, top soil or aggregate resources and manufacture of Portland cement.

Recycling

Consumer Material Drop-off Station. An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel on site for a minimum of 20 hours per week; and (3) stores materials temporarily before transferring them to recyclable material processing facilities.

Recycling Facility. A facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Salvage Yard. A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments.

Solid Waste Facility. A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

Solid Waste Transfer Station. A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

Transportation Uses

Airport. A place where an aircraft can land and take off, usually equipped with hangars, landing pads, facilities for refueling and repair, and various accommodations for passengers and/or freight.

Bus Terminal. Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Parking Facility. A designated lot or area on a lot for the parking of vehicles, inclusive of surface and multi-level, structured parking facilities.

Railroad Station. Any premises for the transient parking of trains and the loading and unloading of passengers.

Transit Station. An area or facility where people wait for transportation services.

Trucking and Transportation Terminals. Uses engaged in the dispatching and long-term or short-term storage of trucks, buses, and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary on-site storage of those items.

Public, Civic, and Institutional Uses

Child Care Facilities

Child Care Center. An entity that provides care, supervision, and learning opportunities for children that operates thirty (30) or more hours per week.

Family Child Care Home. A family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home. This use shall include "Large Family Child Care Homes". Such a use is a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day.

Foster Family Home. The private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home.

Part-day Child Care Program. A program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week.

Residential Child Care Facility. A twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

Institutional

College or University. Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees. The college or university use subcategory includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

Correctional Facility. An institution operated by the city, the state, the federal government or a private party under contract with the city, the state or the federal government for the confinement and punishment and treatment or rehabilitation of offenders under the jurisdiction of a court.

Hospital. Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

Governmental Service. Local, state, or federal government services or similar functions, that are not otherwise classified. Typical uses include health departments, courthouses, soup/food kitchens, and food pantries.

Library, Museum, or Cultural Exhibit. An institution for the collection, display and distribution of objects of art, science, or library sciences and which are sponsored by a public or quasi-public agency that is open to the general public.

Natural Resource Preservation. Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.

Postal Service. Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Religious Land Use. A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker’s quarters, food bank, thrift shop, sale of religious items, and cemeteries.

Safety Service. Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.

School. Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

Technical School. Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

Infrastructure

Utilities and Public Service Facility, Minor. Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on

surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

Utilities and Public Service Facility, Major. Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

Wireless Communication Facility. Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. Wireless communication facility specific use types are listed below.

Freestanding Towers. A structure intended to support equipment that is used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.

Building or Tower-Mounted Antennas. The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

Recreation Uses

Amphitheater. An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated outside in fixed seating or in automobiles.

Civic Club or Lodge. The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

Community Center. A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood or subdivision, and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Country Club. Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Health Club. An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, indoor/outdoor sports courts, and swimming, as well as locker rooms, showers, and saunas. Uses would typically include racquetball and handball courts, tennis courts, weightlifting and exercise equipment facilities, exercise areas, swimming pools and spas, martial arts, classrooms and/or practice areas, gymnasiums and running or jogging tracks. This shall not include municipal or privately owned, access-only recreation buildings.

Firearm Range. A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting

Marina. Facilities that provide moorage, launching, storage, fueling, supplies and services (other than repair) commonly associated with storing, maintaining and operating recreational and commercial watercraft.

Parks and Recreation. Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.

Agricultural Uses

Animal Husbandry. Uses that involve the feeding, housing and care of farm animals for private or commercial purposes.

Community Garden. An area less than one acre in area that is managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses.

Farm, Market or Community-Supported. An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be principal or accessory uses and may be located on a roof or within a building.

Horticulture Nursery. A use involving propagation and growth of trees or plants in containers or in the ground for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district.

Feed and Farm Supply. An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Agriculture. The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, hatcheries, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

Agritainment. Events and activities that allow for recreation, entertainment, and tourism that is in conjunction with on-going agricultural activities on-site (examples include corn mazes, hayrides, wedding venues, and petting zoos).

Feedlot. An area or facility primarily engaged in feeding animals. These animals are kept for the products they produce or for eventual sale.

Commercial Stable. A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the stable use.

Small Farm Winery. A wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17);

Oil or Gas Well. Any hole or bore, of any depth, for the purpose of producing and recovering oil, gas, or other hydrocarbon substances or for the injection or disposal of any oil, gas, or other hydrocarbon substances.

Accessory Uses

Accessory Building. A subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

Accessory Dwelling Unit. An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. This use also includes similar uses like servant's quarters and guard residences.

Apiary. An ancillary area or facilities for the storing of bees and production of honey.

Automatic Teller Machine (ATM). An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

Carport. A structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

Donation and Collection Bin. An accessory structure where clothes, goods, products, and other items are placed for donation and are subsequently delivered to a charitable organization for public consumption.

Drive-thru. A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Fuel Pump. A stand-alone fuel dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for that fuel.

Home Occupation. An occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.

Garage. A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Outdoor Dining. An accessory space reserved for customers at a restaurant.

Outdoor Display. The outside arrangement of goods, materials, products, or other equipment on a lot for consumer sales.

Outdoor Storage. The outside keeping of goods, materials, products, containers, or other equipment on a lot.

Private Stable. An accessory use designated for quartering horses on private property.

Personal Storage. An accessory use consisting of storage lockers/facilities primarily used by unhoused people who need a place to keep personal items which may be stand-alone or included in shelters or non-profit facilities.

Personal Swimming Pool. A swimming pool on private property for the use of the property owner, including family and guests.

Satellite Tasting Room. A licensed establishment operated off the licensed premises of the holder of a small farm winery or winemaker license, which serves wine for on-premises or off-premises consumption.

Service Bay. "An opening in a wall or building, whether with or without bay doors, which is designed to allow vehicle access."

Storm Shelter. A standalone or underground structure designed to protect people from inclement weather.

Transit Stop. A curbside place where passengers board or alight transit, that may or may not include a small shelter usually having three walls, a roof, and a bench, designed to provide for the protection and convenience of passengers.

Wind Energy System. A wind-driven turbine (whether roof or tower mounted), and associated control or conversion electronics for the purpose of providing electrical power to a privately owned lot or parcel. These systems are considered accessory uses in all permitted zoning districts.

Temporary Uses

Batching Plant. A temporary manufacturing facility for the production of concrete or asphalt during construction of a project and to be removed when the project is completed.

Construction Yard. A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as field office.

Field or Sales Office. A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

Flea Market. A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term “flea market” shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Itinerant Merchant/ Transient Street Vendor. “Any person engaged in the business or occupation of selling any merchandise, products or services from a temporary indoor or outdoor location obtained from an owner or leaseholder or obtained by occupying the location without permission or by occupying a location on a street right-of-way as provided in 47 O.S. § 421(7). Itinerant merchant/transient street vendors will not include the following: (1) Participants in wholesale trade shows or convention-sponsored events, trade fairs or flea markets. (2) Sellers of Bibles, agricultural goods, including Christmas trees and firewood, or crafts or items made by hand. (3) Participants in fairs and convention center activities conducted primarily for amusement or entertainment. (4) Participants in residential garage sales. (5) Civic, church and educational groups that are located in the local trade area.”

Seasonal Roadside Stand. Any structure or land used by the property owner, their family, or tenants to sell agricultural or horticultural produce, livestock, or merchandise principally produced on that farm, which is clearly an accessory use of the premises and does not change its character. This may also include the sale of produce grown on other farms and accessory products.

Sec. 22-258. General Terms

AASHTO. The acronym for American Association of State Highway and Transportation Officials.

Accessory Use. A use customarily incidental, appropriate, and subordinate in area, extent, and purpose to the principal use of land or buildings and on the lot in which it is located.

Alley. A public minor way, which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Alter. To change the size, shape or outline, copy, nature of message, intent or type of sign or structure.

Amenity. Specific items for multi-family development that provide opportunities for residents to participate in on-site leisure or recreational activities.

ANSI. The acronym for American National Standards Institute.

Applicant. See Property Owner or Developer.

Application. A written request for approval required by this UDC.

ASTM. The acronym for American Society for Testing and Materials.

Awning. A roof-like cover that can be removed that projects from the wall of a building.

AWWA. The acronym for American Water Works Association.

Balcony. An elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

Banding. An architectural design technique that uses horizontal or vertical bands in the façade of a building for aesthetic or functional purposes.

Basecourse. The first or lowest course of a wall.

Bicycle Locker. A locker or box in which multiple bicycles can be placed, stored, and locked.

Bicycle Parking Facility. Those facilities such as bicycle racks, bicycle lockers, and other features required to park or store bicycles on a site.

Block Face. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Block. That property abutting on one side of the street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Board of Adjustment. The City of Shawnee's appointed Board of Adjustment.

Bollard Rack. A bicycle facility affixed to pavement that stores up to two bicycles which are locked from the outside.

Bollard. A vertical device that provides a physical barrier between different uses or site features to divert traffic from a roadway or specific area.

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

Building Line. A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the property line that a building may be erected.

Building Official. The person hired or designated by the City Manager to enforce and administer the City's adopted building codes. This term includes the Building Official's designee.

Building Permit. A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action complies with the UDC.

Building Square Footage. The area or floor space within a building or structure.

Building. Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

Caliper. The diameter of the trunk of a tree measured from breast height. This measurement is typically taken between four (4) to six (6) feet above ground level.

Canopy Tree. A large tree that reaches a 25-foot minimum crown spread at maturity.

Canopy. See Awning.

Carport. A structure that is open on at least two (2) sides, covered with a roof and constructed specifically for the storage of one or more automobiles.

Certificate of Occupancy. An official certificate issued by the building inspector that indicates conformance with or approved conditional waiver from the UDC and authorized legal use of the premises for which it is issued.

Changeable Copy. A copy that can be changed or rearranged without altering the sign face or structure, excluding electronic message centers.

City Clerk. The person holding the office of City Clerk where they are responsible for a range of clerical duties and maintaining public records. This term shall also include any designee of the City Clerk.

City Commission. The duly elected governing body of the City of Shawnee, Oklahoma.

City Engineer. The person hired or designated by the City Manager to supervise or oversee the City's Engineering Department, and to exercise the authority of the City Engineer. This term includes the City Engineer's designee.

City Manager. The person holding the position of the City's chief executive officer (e.g., City Manager), as appointed by the City Commission.

City. The City of Shawnee, Oklahoma and it's departments, agencies, personnel, and staff unless otherwise expressly stated.

Comprehensive Plan. The long-range planning and development policy of the City and adjoining areas as adopted by the City Commission, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan, etc.). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements. The Comprehensive Plan is titled the Horizons 2040 Comprehensive Plan.

Conditional Use Permit. A permit granted on a discretionary and conditional basis by the City Commission, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Conditional Use Permit are in addition to and supplement UDC requirements.

Contiguous. Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

Copy. Logos, characters, symbols, or any other portion of a sign that conveys a message or information.

Corner Lot. A lot that has more than one intersecting street frontage (with the exception of alleys).

Corner Side Yard. The yard abutting a street on a corner lot perpendicular to where the primary building entrance is to be located.

Cornices. The uppermost member of a classical entablature, consisting typically of a cymatium, corona, and bed moulding.

County Clerk. The person holding the office of Pottawatomie County Clerk where they are responsible for local elections and maintaining public records. This term shall also include any designee of the County Clerk.

County. The department, offices, and services of Pottawatomie County, Oklahoma.

Covered Parking. Any type of structure that provides cover over the length of a vehicle and shall be at least 10 feet wide and 20 feet deep. This includes carports, car garages, and any other structure that may cover a vehicle.

Crown Spread. The average horizontal width of the tree's crown taken from dripline to dripline.

Cul-de-sac. A street having only one outlet to another street, and that terminates on the opposite end by a vehicular turnaround or “bulb.” The length of a cul-de-sac is to be measured from the intersection center point of the adjoining through street to the midpoint of the cul-de-sac bulb.

Cutoff Light Fixture. A luminaire light distribution where no more than 25 candela per 1,000 lamp lumens is emitted above the horizontal.

DBH. The abbreviation for diameter at breast height that measures the caliper of a tree.

Decision-Making Body. The person or body responsible for acting on a development application. A decision-making body may also be referred to as an Approval Authority.

Deed Restriction. A document used to place limitations or conditions on a particular property.

Density. The ratio of dwelling units per gross acre of platted area being developed.

Developer. The owner of land proposed to be developed as a residential or nonresidential subdivision, or the owner’s authorized representative. The developer may be referred to as an applicant.

Development Review Committee. The necessary City staff (Planning, Engineering, Fire, Building, etc.) that reviews project proposals and new application submittals.

Development. Any activity that requires the submission of a subdivision plat or the securing of a building permit.

Directly Visible. Allowing a direct line-of-sight to the light source or lamp.

Director. The person hired or designated by the City Manager to supervise or oversee the City’s Community Development Department, and to exercise the authority of the Director. This term includes the Director’s designee.

District. See *Zoning District* definition.

Dormer. An opening in a sloping roof, the framing of which projects out to form a vertical wall suitable for windows or other openings.

Downspout. A pipe for carrying rainwater down from the roof’s horizontal gutters.

Driveway. An area from a roadway used for access onto a property.

Drought-Tolerant. Plants and landscaping materials that survive on natural precipitation with infrequent watering or can withstand prolonged dry periods.

Dwelling Unit. A room or a group of rooms including cooking accommodations, occupied by one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

Easement. Any area within, on, over, and/or under real property in which the City (and/or another entity, such as a franchised utility) has an interest involving a right of use of the property and/or right to exclude uses of the property–such as requiring removal of all or any part of any buildings, fences, trees, shrubs, or other improvements or uses that interfere with the lawful purpose of the holder of the easement–including but not limited to those required for provision of sidewalks, utility services, or access to property or equipment owned and/or maintained by the City.

Electronic Message Center. A sign that displays a digital copy, including any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. Electronic message centers are also referred to as digital signs, dynamic signs, or changeable electronic variable message signs (CEVMS).

Elevation. See Façade.

Encroachment. The overlapping of a boundary or setback by a physical item such as an awning, canopy, porch, structure, fences, etc.

Engineering Design Manual. The City of Shawnee’s necessary engineering design criteria, specifications, and requirements needed for development.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes outdoor signs and signs located interior to a building but readily visible from the exterior.

External Illumination. Illumination provided by an external light source such as a lamp, bulb, or the like.

Façade. The exterior of a building.

Family. One or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity or sorority house.

Fence. A permanent barrier that is not a screening device but offers privacy between uses or properties. Fences are typically located on residential lots and are wood constructed.

Fenestration. The design, proportioning, and disposition of windows and other exterior openings of a building.

Fire Marshal. The official responsible for enforcing the fire regulations of the City of Shawnee, Oklahoma.

Flat Roof. A roof laid horizontally at an angle of less than 10 degrees.

Flood Lamp. A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

Floodplain. The land adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater. Any land covered by the water of a 100-year frequency storm is considered in the floodplain and must comply with the engineering criteria found in the subdivision regulations and other relevant regulations of the City.

Floodway. Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel, or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre -floodway condition, including those designated on the flood insurance rate map.

Floor Area. See *Building Square Footage*.

Footcandle. One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 10 (10.76) lux.

Front Yard. A yard across the full width of the lot extending from the front line of the primary building to the front property line.

Frontage Buildout. The required location where a building, or portion of a building must front.

Frontage. All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Full Cutoff Light Fixture. A luminaire with light distribution such that no light is emitted above the horizontal.

Gable Roof. A roof with two slopes – front and rear – joining at a single ridge line parallel to the entrance façade.

Gambrel Roof. A ridged roof with two slopes at each side, the lower slopes being steeper than the upper slopes.

Garbage, trash, or refuse container. A container used for, but not limited to, receiving garbage designed and intended to be lifted by forks or other device mounted on a vehicle and the contents emptied into that part of the vehicle designed to receive the same.

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Grade. When used as a reference point in measuring height of a building, the “grade” shall be the average elevation of the finished ground at the exterior walls of the primary building.

Grid Rack. A dual-sided bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

Halo Illumination. Illumination created by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the nighttime perception of a halo around the silhouette of each character. This is also referred to as “reverse channel” or “reverse lit” illumination. A halo-lit sign is not considered an internally illuminated sign.

Hard-Surfaced Driveway. Any driveway that is paved with asphalt, concrete, brick, or other surface of similar integrity.

Height. See *Building Height*.

Highway. See *Street, Highway*.

Hip Roof. A roof with four sloped sides. The sides meet at a ridge at the center of the roof. Two of the sides are trapezoidal in shape, while the remaining two sides are triangular, and thus meet the ridge at its end point.

Homeowners Association (Property Owners Association). A formal nonprofit organization operating under recorded land agreements through which:

- Each lot and/or property owner in a specific area is automatically a member; and
- Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization’s activities, such as the maintenance of common property; and
- The charge, if unpaid, becomes a lien against the nonpaying member’s property.

IESNA. The acronym for the Illuminating Engineering Society of North America.

Illuminance. The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

Impervious. The portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground.

Infill Development. The redevelopment of an existing built-out site or property.

Installed. The attachment, or assembly fixed in place, connected to a power source, of any outdoor light fixture.

Internal Illumination. Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting located on the same plane as the sign face.

Internal Landscape Area. The remaining property exclusive of the street yard and required landscape buffers.

Intersection Visibility Triangle. The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection.

Junk. Those materials and products of older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or associated parts; iron; steel; or other old or scrap materials.

Kelvin. A unit of measurement that is not expressed as Fahrenheit or Celsius.

Key Lot. An interior lot, one side of which is contiguous, or separated only by an alley, to the rear line of a corner lot.

Knox Box. A small, wall-mounted or standalone safe that holds building keys for emergency/life stafety services.

Lake Lot Lease. Those lease areas established by the city, most of which were created in 1936, around Shawnee Lake No. 1, for the purposes of private recreational and residential use. In general, such areas are a minimum of one acre in size and include the right to construct a permanent residence on the subject lease area. The term "lake lot lease" shall also include any newly created or defined lots that are or will be leased by the city or the CLO.

Landscape Plan. An independent plan that is a part of the site plan process that shows a site's required landscaping.

LED. The abbreviation for a light-emitting diode.

Light Trespass. Light falling where it is not wanted or needed, typically across property boundaries.

Loading Space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Local Street. See *Street, Local*.

Lot Area. The total space required for a lot by multiplying the lot's depth by it's width.

Lot Coverage. The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot Depth. The distance between the front lot line and the rear lot line.

Lot of Record. A lot, which is part of a subdivision, the plat of which has been recorded with the County Clerk, or a parcel of land, the deed for which was recorded with the County Clerk, prior to June 18, 1990. A lot of record is an official lot having less area, width, or depth than the requirements of this UDC prior its adoption.

Lot Width. The distance parallel to the front lot line, measured at the front setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Lot. A divided or undivided tract or parcel of land having frontage on a public or private street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the County.

Louver. A window blind or shutter with horizontal slats angled to let in light and air, but keep out the rain, direct sunshine, and noise.

Low Profile Rack. A low-lying bicycle facility affixed to pavement that stores multiple (1 to 20) bicycles which are locked from the outside.

Low-Impact Development. Development practices and techniques, such as bioretention facilities, rain gardens, vegetated roofs, rain harvesting, and permeable pavement, that use or

mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater that protects water quality and the natural environment.

Lumen. A unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire. The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture. For purposes of determining total light output from a luminaire or light fixture (see under this section, “Outdoor light output, total”), lighting assemblies that include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

Luminous Tube. A glass tube filled with a gas or gas mixture (including neon, argon, mercury, or other gases), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A neon tube does not include common fluorescent tubes.

Lux. A unit of illuminance equal to one lumen per square meter. One lux equals approximately 0.1 (0.093) footcandles.

Major Arterial. See *Street, Major Arterial*.

Major Collector. See *Street, Major Collector*.

Major Recreational Equipment. Includes boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings including motor homes, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Major Revisions/Amendments. Any revision(s) that the Director determines is not a minor revision. A major revision constitutes a new application submittal.

Mansard Roof. A roof with two slopes on each side, with the lower slope being nearly vertical and the upper slope nearly horizontal.

Mature Plant. A plant that has reached its projected full growth and development.

Mayor. The elected person who is the presiding officer of all City Commission meetings, is the official head of the City government, and is entitled to vote on all items before the City Commission, except as otherwise restricted by the Shawnee Charter.

Mechanical Equipment. Equipment such as air-conditioning compressors, swimming pool pumps and filters, and similar devices that are intended to provide a performative function for a use, building, or structure.

Minor Arterial. See *Street, Minor Arterial*.

Minor Collector. See *Street, Minor Collector*.

Minor Revisions/Amendments. Those revisions that are necessary in light of technical considerations discovered after the decision on the development application, and which do not substantively change the character of the development approval.

Molding. A decorative strip of wood used for architectural purposes.

Mullions. A vertical member between the lights of a window or the panels in wainscoting.

Muntins. Dividing bars between panes of glass.

Native Plantings. Plant species that have existed historically in a given region or its natural environment without the need of human involvement or cultivation.

Network Node. A type of telecommunications facility, also known as small wireless facility.

Noncombustible Material. Any material that will not ignite at or below a temperature of 1,200 Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of 25 or less.

Nonconforming Lot. A lot that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the lot was established and has been in regular use since that time.

Nonconforming Sign. A sign other than an existing billboard (outdoor advertising sign) that was lawfully in existence and was properly permitted by the City, to the extent such permitting was required as of the effective date of this UDC. Nonconforming signs includes existing signs on vacant parcels.

Nonconforming Site Feature. A site plan feature, such as landscaping, parking, setbacks, etc., that does not conform to the regulations of this UDC, but that was lawfully established under the regulations in force at the time the site plan was approved and has been in regular use since that time.

Nonconforming Structure. A building or structure, or portion thereof, that does not conform to the regulations of this UDC, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming Use. A use that does not conform to the use regulations of this UDC, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Nonconformity. The collective term for all nonconforming situations.

Noninvasive Species. Plant species that are a product of the natural environment and its surrounding ecosystem.

Nonresidential District. Those zoning districts where nonresidential uses (commercial, service, institutional, industrial, etc.) are the primary uses. Nonresidential zoning districts are those designated as C-1, C-2, MU, DT, TL, I-1, and I-2, unless specified otherwise.

NSF. The acronym for National Science Foundation.

Offset. A specified projection or recession that runs vertically along the entirety of a building wall.

Opaque. That material does not transmit light from an internal illumination source.

Ordinary High Water Mark (OHWM). That line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of vegetation and/or debris, or other appropriate means that consider the characteristics of the surrounding areas. The city shall have final authority in determining the OHWM.

Oriel. A bay window supported from below by corbels or brackets.

Ornamental Tree. A small tree that reaches a 15-foot minimum crown spread at maturity.

Outdoor Light Fixture. An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- Parking lot lighting;
- Roadway lighting;
- Buildings and structures;
- Recreational areas;
- Landscape lighting;
- Billboards and other signs (advertising or other);
- Product display area lighting;
- Building or structure decoration; and
- Building overhangs and open canopies.

PAM. The acronym for a Pre-Application Meeting which may be required for an application submittal.

Parapet. A low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

Parking Space. A permanently surfaced area either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one vehicle.

Permanent Sign. A sign constructed from durable materials that is affixed to a building, a structure, or the ground so that the sign resists wind loads, and that precludes ready sign removal or movement. Permanent signs are those signs identified in the detached and attached sign categories.

Permeable Surface. A surface that does not impede the absorption of water.

Person. An individual, company, joint stock company, firm, proprietorship, business, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, co-partnership, association, and any other legal entity or their legal representatives, agents or assigns. Notwithstanding any other provision of the code, each and every code provision–including but not limited to every prohibition, requirement, and penalty–applies to both natural persons and corporations, partnerships, and all other legal entities or organizations.

Pervious Pavement. An engineered hardscaped surface that allows water to infiltrate the surface.

Pitched Roof. A roof that has a slope.

Planned Unit Development. A Planned Unit Development may be one of the following:

- Land under unified control, including developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or building sites, but also site plans, floor plans, and elevations of all buildings as intended be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.
- A concept and a zoning classification that may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination, which may be intended to serve areas within the district and areas without the district.

Planning Commission. The City of Shawnee's appointed Planning Commission.

Planning Department. The City's department, and related employees, that have been specifically created and maintained by the City to assist in planning and zoning related matters. This term shall also apply to any official City employee in the Planning Department, including any practicing, professional land planner, administrative support, and/or firm of professional land planners.

Plat. A preliminary plat of a subdivision, a final plat of a subdivision, a development plat, or an amending plat or replat, as determined by the context.

Plinth Course. The top most course of the plinth masonry.

Plinth. The usually square slab beneath the base of a column, pier, or pedestal. Also, a continuous, usually projecting course of stones forming the base or foundation of a wall.

Porte-cochere. A permanent structure that is structurally and aesthetically integrated into a residence, and that is erected over a driveway to allow for the parking of vehicles. Such structure

is open on two (2) sides and provides covered, direct access to a primary or secondary entrance to the structure.

Pre-Application Meeting. A meeting with the Development Review Committee (Planning, Engineering, Fire, Building, etc.) which may be required for an application submittal. This term is abbreviated in this UDC as *PAM*.

Primary Building. A building in which is conducted the principal use of the lot on which it is situated.

Principal Use. The primary use of a property or lot.

Private Real Property. Privately owned land other than any part of privately owned land that is subject to an easement or other encumbrance that allows the City to use the property for a public purpose.

Private Street. A classification of streets that are owned and maintained by a homeowners' association or property owner's association, and which are not dedicated to the public.

Property Line. A line of record bounding a lot, as indicated on an approved, filed, and recorded plat, which divides one lot from another lot or from a public right-of-way or private street or any other public right-of-way or private space.

Property Owner. Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these subdivision regulations. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer, of land sought to be subdivided.

PROWAG. The acronym for Public Rights-of-Way Accessibility Guidelines.

PSI. The abbreviation for pound per square inch.

Public Hearing. A meeting held by the Planning Commission, Board of Adjustment, or City Commission where action is conducted on an application after public commentary is heard.

Public Improvements. Facilities, infrastructure, and other appurtenances, typically owned and maintained by the City (but not necessarily located upon City-owned property or right-of-way). Public improvements can be located upon public property or upon private property in a public easement. Public improvements serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and protect the general health, safety, welfare and convenience of the City's residents, including efficiency in traffic circulation and access for emergency services. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the City would normally require of a development but which will be owned and maintained by an entity such as a homeowners' association, as in the case of private streets.

Public View. A view from any public or City right-of-way or access easement.

Quoin. An external solid angle of a wall, or one of the stones forming such an angle, usually differentiated from the adjoining surfaces by material, texture, color, size, or projection.

Rear Yard. A yard between the rear property line and the rear line of the primary building and the side property lines.

Recreational Vehicle. A vehicular, portable item that can be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight feet in width and not exceeding 22 feet in length.

Refuse Enclosure. An outdoor structure that encloses a dumpster or trash receptacle.

Refuse Facilities. Those facilities such as trash receptacles, dumpsters and any enclosures, structures, shrubs, and other features required to store trash, waste, and debris.

Regulating Plan. The detailed map establishing the Downtown District boundaries and subdistricts where special zoning and development regulations apply.

Residential District. Those zoning districts where residential uses are the primary uses. Residential zoning districts are those designated as TA, R-1, R-2, and R-3, unless specified otherwise.

Residential Transition. A buffering and screening technique used to shield residential properties from more intensive, nonresidential uses.

Rezoning. An amendment to the Official Zoning Map to effect a change in the nature, density, or intensity of uses and development characteristics allowed on a property.

Right-of-Way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, “right-of-way” may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Roof Line. The height that is defined by the intersection of the roof of the building and the wall of the building; except, for mansard-type roofs, the roof line means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four feet in height may be considered as the roof line.

Roof. The external upper covering of a building, including the frame for supporting the roofing.

Screening Device. A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from the ground level.

Searchlight. A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Searchlights include such lights that are used commonly to sweep the sky for advertisement purposes.

Secure Bicycle Parking Area. A weather-protected, standalone bicycling parking structure or building extension with shared racks and access control.

Setback. A line, generally parallel with and measured from the property line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this UDC. See definition of "Yard".

Shielding. When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Shutters. Pairs of solid or slatted window coverings, traditionally hinged to the exterior of a building to either side of a window, used to block light or wind from the interior of a building.

Side Yard. A yard between the primary building and the adjacent side property line, and extending entirely from a front yard to the rear yard.

Sign Height. The vertical distance measured from the highest point of a sign to the ground or lowest grade beneath the sign.

Sign Permit. A permit authorizing the erection or maintenance of a sign pursuant to this UDC.

Sign Structure. Any combination of materials to form a construction for the purpose of attaching, fixing, or otherwise supporting a sign, whether installed on, above, or below the surface of the lot, a building, or any other solid surface.

Sign. A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

Site Plan. A detailed, scaled drawing of all surface improvements, structures, uses, and utilities proposed for development associated with this UDC.

Specified Anatomical Area. Less than opaquely covered human genitals, pubic region, or pubic hair; or less than opaquely covered perineum, buttock, or anus; or less than opaquely covered female breast below a point immediately above the top of the areola.

Specified Sexual Activities. Human genitals in a discernible state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

Spot Lamp. A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

Spot Light. A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Staff Committee. The committee responsible for providing commentary and insight at Pre-Application Meetings.

Stealth Design. Any telecommunication facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like another object, such as a light pole, clock towers, bell steeples, or a tree.

Story. That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet.

Street Yard. The area between the front property line and the minimum front setback line.

Street, Highway. A limited access, high speed, variable width roadway with grade separated interchanges, typically of regional significance where interchanges may have a significant impact on land use due to their desirability as locations for commerce and industry.

Street, Industrial Collector. A street that primarily accommodates large vehicular traffic for industrial or heavy commercial purposes.

Street, Local. A street interconnected within neighborhoods that adjoin other neighborhoods.

Street, Major Arterial. A street that provides for longer, direct trips on relatively straight paths that often connect to highways.

Street, Minor Arterial. A street typically found between major arterials that provide continuous paths to intermediate destinations and alternate routes for longer trips.

Street, Non-industrial Collector. A street typically found between minor arterials that provide frequent interconnections between neighborhoods where local trips mostly avoid the arterial network.

Street. That part of a right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land and other streets and may include additional facilities for transportation of persons, utilities, drainage, and other street improvements.

Streetscape. The area within street right-of-way that contains sidewalks and pedestrian facilities, street furniture, landscaping, or trees.

Stringcourse. A horizontal course of brick or stone flush with or projecting beyond the face of a building, often molded to mark a division in the wall.

Structural Alteration. Any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Structure. Anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location to the ground (not including sidewalks, driveways and similar improvement areas).

Subdistrict. The areas within the DT and TL districts.

Subdivision. A division or re-division of any tract of land situated within the City's corporate limits into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. "Subdivision" includes re-subdivisions of land or lots that are part of a previously recorded subdivision.

Submittal Checklist. The requirements specified for a specific development application on a form furnished by the City.

Submittal Date. The date when forms, fees, plans, information and copies have been submitted to the City for the purposes of meeting requirements for a development application.

Submittal. See Application.

Temporary Lighting. Lighting which does not conform to the provisions of this section and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses that by their nature are of limited duration, for example, holiday decorations, civic events, or construction projects.

Temporary Use. Any use designed, built, erected or occupied for short and/or intermittent periods of time.

Tenant. A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

Twin Lakes Master Plan. The City's adopted master plan for Shawnee Twin Lakes.

UDC. The abbreviation for the Unified Development Code of the City of Shawnee, Oklahoma.

Uplighting. Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

U-Rack. A "U-shaped" bicycle facility affixed to pavement that's stores up to two bicycles which are locked from the outside.

Use. The purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained or for which it is or may be used or occupied. This definition does not alter or affect the definition of nonconforming use.

Variance. An adjustment to specific regulations of this UDC to a particular lot, building, tenant, or storefront which, because of special conditions or circumstances, peculiar to the particular lot, building, tenant, or storefront, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other properties in the same vicinity and zoning or sign district.

Vehicle. Any automobile, truck, camper, van, trailer, or any device capable of transporting persons or property and shall be considered a "vehicle" in both moving and stationary modes, irrespective of condition.

Visible Light Reflectance. The amount of light reflected away by a glass window's film.

Waiver. A process for alleviating a specific requirement in this UDC's Subdivision Regulations.

Wall Area. The surface of an elevation excluding doors and windows.

WB-50. The type of trucks with wheelbases in the range of fifty (50) feet.

Xeriscape. A type of landscaping design that uses a combination of native plants and grasses, approved hardscapes, and drought-tolerant ground covers and planting materials for the purpose of conserving water and protecting the local environment.

Yard. The open area between building setback lines and lot lines.

Zero Lot Line. A lot line where one or more of a building's sides rest directly on a side lot line.

Zoning District. A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the City's UDC, as amended.

Zoning Map. The official map of Shawnee, Oklahoma upon which the boundaries of the various zoning districts are drawn and which is an integral part of the UDC, which may also be cited as the Official Zoning Map.

Appendix

Appendix A. Approved Tree List

Appendix A. Approved Tree List

Common Name	Botanical Name	Type
Large Trees: Trees that mature over 60 feet in height. 1 tree per approx. 350 s.f.		
American Sycamore	Platanus occidentalis	Deciduous
Cedar Elm	Ulmus crassifolia	Deciduous
Cypress, Bald	Taxodium disticum	Deciduous
Ginko (male)	Ginko Biloba	Deciduous
Oak, Burr	Quercus macrocarpa	Deciduous
Oak, Pin	Quercus palustris	Deciduous
Oak, Shumard	Quercus shumardi	Deciduous
Tulip Tree	Liriodendron	Deciduous
Medium Trees: Trees with mature size from 30 feet to 60 feet. 1 tree per approx. 300 s.f.		
Arizona Cypress	Cupressus arizonica	Evergreen
Ash, Green (improved cultivars)	Fraxinus pennsylvanica	Deciduous
Birch, River	Betula nigra	Deciduous
Cedar, Atlas	Cedrus atlantica	Evergreen
Dogwood, Kousa	Cornus kousa	Deciduous
Elm, Lacebark	Ulmus parvifoila	Deciduous
Goldenrain Tree	Koelreuteria paniculata	Deciduous
Hornbeam, European	Carpinus betulas	Deciduous
Japanese Pagoda Tree	Sophora japonica	Deciduous
Leyland Cypress	Cupressocyparis leylandii	Evergreen
Linden, Greenspire	Tilia cordata "Greenspire"	Deciduous
Magnolia, Sweetbay	Magnolia virginiana	Deciduous
Maple (improved cultivars)	Acer	Deciduous
Oak, Blackjack	Quercus marilandica	Deciduous
Oak, Chinquapin	Quercus muehlenbergi	Deciduous
Oak, Live	Quercus virginiana	Evergreen
Oak, Sawtooth	Quercus acutissima	Deciduous
Pear, Callary	Pyrus calleryana var.	Deciduous
Pine, Austrian	Pinus nigra	Evergreen
Pine, Japanese Black	Pinus thunbergii	Evergreen
Pistache, Chinese	Pistacia chinesis	Deciduous
Western Soapberry	Sapindus saponaria	Deciduous
Zelkova, Japanese	Zelkova serrate	Deciduous

Small Trees: Trees with a mature size of less than 30 feet. 1 tree per 150 s.f.		
Crabapple, Flowering (improved cultivars)	Malus spp.	Deciduous
Foster Holly	Ilex x attenuate	Evergreen
Holly, American	Ilex opaca	Evergreen
Hornbeam, American	Carpinus caroliniana	Deciduous
Magnolia, Saucer	Magnolia aoulangiana	Deciduous
Redbud, Eastern	Cercis Canadensis	Deciduous
Redbud, Oklahoma (improved cultivars)	Cercis reniformus	Deciduous
Smoketree	Cotinus	Deciduous
Whitebud, Eastern Redbud	Cercis Canadensis, alba	Deciduous
Yaupon Holly	Ilex vomitoria	Evergreen