

ORDINANCE NO. 2677

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, THE USES PERMITTED AFTER REVIEW FOR SEC. 62-255 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-256 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-258 R-2 TWO-FAMILY DWELLING DISTRICT, AND SEC. 62-259 R-3 MULTIPLE-FAMILY DWELLING DISTRICT; AMENDING THE DEVELOPMENT STANDARDS OF SEC. 62-274 COTTAGE HOUSE DEVELOPMENT OVERLAY DISTRICT; AND REPEALING ALL CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, that

SECTION 1. That Section 62-255, R-1A single-family residential district (rural subdivision district) is hereby amended to read as follows:

- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-129:
- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public building and public utilities, in conjunction with one of the other permitted uses, and subject to screening requirements in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage as shown on the major street plan.
 - (5) Library, provided it has major street frontage as shown on the major street plan.
 - (6) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.

SECTION 2. That Section 62-256, R-1B single-family residential district is hereby amended to read as follows:

- (c) *Uses permitted after review.* The following uses may be permitted after review by the planning commission in accordance with provisions in this article:
- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage as shown on the major street plan.
 - (5) Library, provided it has major street frontage as shown on the major street plan.
 - (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state/federal agency.
 - (7) Bed and breakfast. For the purposes of these regulations on bed and breakfasts, the term "bed and breakfast" shall be defined as a use carried on in a structure designed for single-family occupancy which provides to the general public overnight accommodations and breakfast. Such use shall be permitted after review, subject to the following conditions:
 - a. Operator or host family must reside on the premises.
 - b. Bed and breakfast home may not have more than five units or host more than ten overnight guests at one time.
 - c. Guests must be within principal structure. Detached buildings and/or garage apartments may not be converted to guest quarters.
 - d. Provide one parking space per guest quarters plus two parking spaces per single-family dwelling unit. Parking requirements are not intended to destroy landscaping or

damage the integrity of the dwelling; therefore, the planning commission may alter the parking space requirements if it is determined that sufficient parking can be provided to service the bed and breakfast.

- e. Signs. One nonilluminated freestanding or wall-mounted sign not more than six square feet may be located on the site. Sign design, color and location shall not detract from the neighborhood and be in harmony with the neighborhood. The word "hotel" or "motel" shall not be allowed on sign. Any lighting for sign must be general or indirect lighting.
 - f. Guest may be provided breakfast by the host, but no other meal may be served. There will be no cooking in guest rooms.
- (8) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.

SECTION 3. That Section 62-258, R-2 two-family dwelling (duplex) district is hereby amended to read as follows:

- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in this article:
- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage, as shown on the major street plan.
 - (5) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
 - (6) Child or day care homes, only as defined in section 62-1.
 - (7) Bed and breakfast. (Regulations as outlined in section 62-256(c)(7).)
 - (8) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.

SECTION 4. That Section 62-259, R-3 multiple-family dwelling district is hereby amended to read as follows:

- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-129:
- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage, as shown on the major street plan.
 - (5) Library, provided it has major street frontage, as shown on the major street plan.
 - (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
 - (7) Child/day care homes as defined in section 62-1.
 - (8) Mobile home/trailer court, allowed only if found to be in compliance with the requirements in subsection (e) of this section.
 - (9) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations

that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.

SECTION 5. That Section 62-274, Cottage house development overlay district is hereby amended to read as follows:

- (d) *Development standards.* A cottage house is a detached, single-family dwelling unit containing a maximum first floor area of 1,500 square feet and a maximum dwelling size of 2,100 square feet of gross floor area. A site plan for the proposed cottage house development shall be reviewed and found by the planning department to be in compliance with all applicable requirements of this section and this zoning code prior to the issuance of building permits for new construction within the development.
- (1) *Orientation.* Cottage houses must be oriented to, and have a main entry onto a courtyard or common open space area that is accessible by all residents in the cottage house development, provided that cottage houses on lots abutting minor streets must have their front building elevation facing the street, using a building entrance, with a second entrance facing a courtyard or common open space area.
 - a. Required courtyards and common open space areas must have cottage houses abutting on at least two sides.
 - b. All cottage houses must be located within 75 feet walking distance of a required courtyard or common open space area.
- (2) *Development size.* Cottage house developments must contain at least four and no more than ten houses arranged around at least two sides of a courtyard or common open space, located on no less than one-half acre. The minimum lot area and use intensity requirements and the maximum percentage of coverage requirements that apply to detached houses in the subject zoning district are not required.
- (3) *Common elements.* A unified, contiguous courtyard or common open space must be provided as the focal point of the cottage house development. The courtyard or common open space area must contain at least 250 square feet of common open space per cottage house.
- (4) *Building setbacks.* All buildings within a cottage house development must comply with the minimum building setbacks from the exterior boundary of the development as follows: ~~that apply to detached houses in the subject zoning district, except that no building setback is required from an alley.~~
 - a. Front yard setback will be no less than 25 feet from the street right-of-way line.
 - b. Side yard setback will be no less than five feet on interior lots and no less than 25 feet from the street right-of-way-line for corner lots.
 - c. No rear yard setback is required from an alley right-of-way line.
- (5) *Building separation.* Minimum fire separation distances for exterior wall elements allowed by the adopted building code may be used where fire-sprinkler or minimum fire-rated exterior wall improvements have been made. In all other cases, Buildings buildings within a cottage house development must be separated by a minimum distance of 10 feet.
- (6) *Building coverage.* Individual cottage houses are subject to a maximum first floor area of 1,500 square feet and a maximum dwelling size of 2,100 square feet. Attached garages are counted in the calculation of first floor area, but covered porches and detached accessory buildings are not counted.
- (7) *Vehicular access and parking.* Vehicular access to parking areas serving cottage houses within the development may come from the street, an alley or a private drive.
 - a. Required parking may be provided on each cottage house lot or in a shared parking area located within commonly owned space or in a combination of the two. Parking may not be located in street yards or in the required courtyard or common open space area.
 - b. Common parking areas containing four or more spaces must be screened from view of abutting residentially zoned lots in accordance with the screening fence or wall standards of section 62-459.
- (8) *Street-facing facades.* The facades of buildings facing the street contribute to the neighborhood by including attractive design details such as windows, front doors and porches, siding and trim. All street facing facades of dwellings shall avoid blank walls and include a covered porch of at least 60 square feet, with a minimum dimension of six feet on any side, and one more of the following:

- a. Windows, including bay windows;
 - b. Dormers;
 - c. Changes in exterior siding material or paint color.
- (9) *Screening requirements.* Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping or fence not to exceed 36 inches in height to reduce the appearance of bulk or intrusion onto adjacent properties. Screening shall also be required to screen dumpsters and other trash receptacles from public streets and adjoining residential properties. Reasonable passageways within the screening may be allowed to encourage connections between parks, schools, and adjoining neighborhoods.
- (10) *Maintenance.* The applicant shall prove to the city that there will be a suitable legally-binding system in place, such as a homeowner association agreements, to ensure proper maintenance and funding of shared facilities, such as shared parking areas, common open spaces, drives, alleys, and other improvements.

SECTION 6. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other ordinances not in conflict herewith shall remain in full force and effect.

PASSED this _____ day of _____ 2019.

CITY OF McALESTER, OKLAHOMA
A Municipal Corporation

ATTEST:

By: _____
John Browne, Mayor

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of _____ 2019.

By: _____
William J, Ervin, City Attorney