

**ORDINANCE NO. 2819**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV. ZONING DISTRICTS AND DISTRICT REGULATIONS; DIVISION 2. SPECIFIC DISTRICTS, TO MODIFY THE USES PERMITTED OF SECTION 62-264 C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT, SPECIFICALLY TO PERMIT MULTI-FAMILY RESIDENTIAL USES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.**

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

SECTION 1. That Chapter 62, Land Development, Planning, Zoning and Subdivisions, of the McAlester City Code, amending Sections 62-264 to read as follows:

Sec. 62-264. - C-5 highway commercial and commercial recreation district.

(a) General description. This general commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the neighborhood convenience district.

(b) Uses permitted.

(1) Any use permitted in the C-1, C-2, C-3 or C-4 commercial districts.

(2) Additional uses include:

- a. Ambulance service, office and garage.
- b. Amusement enterprises.
- c. Automobile service station.
- d. Boat sales.
- e. Bowling alleys.
- f. Building material store, retail and wholesale.
- g. Bus terminal.
- h. Drive-in theatre or restaurant, standard theatre.
- i. Feed and fuel store.
- j. Food stores.
- k. Frozen food locker.
- l. Furniture repair and upholstery.
- m. Garden centers/stores.
- n. Golf course, miniature or practice range.
- o. Heating/plumbing sales and service.
- p. Humane Society animal shelter.
- q. Ice plant.
- r. Key shop.
- s. Kennels.
- t. Motels or motor inns.
- u. New and/or used automobile/truck sales and/or service.
- v. New and used machinery sales and service.
- w. Nightclubs.
- x. Novelty shop.

- y. Pawnshop.
  - z. Recreation center, private.
  - aa. Research laboratories.
  - bb. Roller skating rink.
  - cc. Storage warehouse.
  - dd. Tavern.
  - ee. Travel trailer park and sales.
  - ff. Veterinarian clinic and/or hospital.
  - gg. Wholesale distributing center.
- (3) Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
- (4) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration or traffic than those above.
- (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-259(d)(1)d.
- (6) Mobile home courts, in compliance with the following requirements:
- a. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
  - b. The proposed site shall be a minimum of 2.5 acres in size and shall contain no more than 15 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
  - c. It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
  - d. The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet solid fencing, screen planting or wall of six feet in height.
  - e. The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height or a screen planting which will attain at least six feet in height.
  - f. The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.
  - g. The proposed site shall provide a connection for each mobile home stand to all public utilities, i.e., sewer, water, and other facilities necessary for the health, safety, and general welfare of the public.
- (7) Multi-family residential, in compliance with the following requirements.
- a. Multi-family dwellings are subject to the lot and building regulations of the zoning district, except as otherwise expressly modified by the supplementary regulations of this section.
  - b. Facade. The front facade of new multi-family structures may not exceed 120 feet in width.
  - c. Screening. Trash and recycling dumpsters shall be located to the side or rear of the principal building and shall be screened on all four sides by sight-proof fencing six (6) feet in height with a metal gate. If the subject property abuts any residential zoned district or agricultural zoned district there shall be sight-proof screening eight (8) feet in height between the site and the residential zoned district or agricultural zoned district.

Any fences, hedges, walls, access gates, or similar structures shall not be erected in a manner which will obstruct visibility or otherwise interfere with the proper flow of traffic. The distances and heights must be installed and maintained so as not to create a sight obstruction of a public way.

- d. Landscaping. Perimeter landscaping with a minimum width of five (5) feet shall be adjacent to all streets with at least one (1) shade tree for every forty (40) feet of frontage but not in conflict with utilities. In addition to all perimeter landscaping, per each one thousand five hundred (1,500) square feet of parking, there shall be at least twenty-five (25) square feet of landscaping of either one (1) shade tree or (2) ornamental trees. All landscaped areas shall be protected by a raised six (6) inch concrete curb with openings to allow for the drainage of stormwater into the landscaped areas.
- e. Lighting. All lighting shall be arranged with down-light, indirect, diffused or shielded lighting fixtures so that glare will be reduced, directed or reflected away from adjacent properties and boundary streets and shall only occur during hours of use. Parking areas shall be sufficiently illuminated to ensure the visibility of pedestrians and the safe movement of traffic within the site.
- f. Point of Access to Public Way. Provisions must be made for stacking and transition of incoming vehicular traffic from a public way into the subject property to maintain clear and safe path for vehicles, bicyclists, and pedestrians. A minimum stacking distance of sixty (60) feet from the property line to any gates, barriers, or guardhouses shall be provided
- g. Parking. No off-street parking or loading space shall be closer than twenty (20) feet to any lot line abutting a residential district. The number of spaces provided shall not be less than 1.5 times the number of units.
- h. Area regulations. The site shall front or have direct access to a street meeting minimum design standard. Minimum lot frontage shall be fifty (50) feet. There shall be no minimum lot coverage. There shall be a maximum building height of forty (40) feet. No building shall be located closer than twenty (20) feet to any abutting single-family residential district.

(c) Uses permitted after review. The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-129: None.

~~(1) Multi-family Residential (with stipulations). Any use authorized shall comply with all standards and provisions of the zoning district, unless specifically modified by the provisions below:~~

- ~~a. Multiple-family Residential High Intensity: A development with at least nine (9) dwelling units attached in a single structure in any vertical or horizontal arrangement. Typical uses include high density and high-rise apartments.~~
- ~~b. The conditions for approval of multi-family residential as set forth in Sec. 62-261(e)(2).~~

SECTION 2. 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.

SECTION 3. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF McALESTER, OKLAHOMA on THIS 27TH DAY OF AUGUST, 2024.

CITY OF McALESTER, OKLAHOMA  
A Municipal Corporation

ATTEST:

By: \_\_\_\_\_  
John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk

Approved as to form and legality this 27th day of August, 2024.

By: \_\_\_\_\_  
John T. Hammons, City Attorney