

ORDINANCE NO. 2663NS

AN ORDINANCE RELATING TO FLAGPOLES, AMENDING ARTICLE VII, SECTION 8 – GENERAL USE RESTRICTIONS; PROVIDING FOR SEVERABILITY.

WHEREAS, City of Shawnee (“City”) staff periodically reviews City Ordinances and makes recommendations to the City Commission to revise its Ordinances; and

WHEREAS, the City Commission has reviewed the regulations set forth in this Ordinance and has determined that such regulations are consistent with the City’s plans

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: CREATION. That Article VII, Division 8, Section 22-413 of the Shawnee Zoning Code is hereby created and shall include the following provisions:

22-413 Flagpoles and Flags

1. General. The purpose of this Section is to regulate the height and placement of flagpoles and the flags flown on them. Without regulations, flagpole installations may impact neighboring properties negatively in the areas of noise and visual clutter.
2. These regulations are in no way intended to prevent one from flying an American or State of Oklahoma flag. They are intended to ensure the impacts to neighboring properties are mitigated.
3. Residential.
 - a. Individual residences are limited to one flagpole. More than one (1) flagpole is subject to approval by City Manager with three (3) flagpoles maximum.
 - b. Height of flagpoles shall be limited to thirty-five (35) feet.
 - c. The flagpole should not be closer than the height of the flagpole to the nearest property line.
 - d. Flagpoles shall be listed and designed for their use. Flagpole diameter shall be no greater than the maximum necessary to hold the largest allowed flag.
 - e. The size of the flag shall not exceed thirty-two (32) square feet
 - f. Applications in excess of the above regulations are subject to approval from the City Manager.
 - g. Flags shall be replaced when they become faded, tattered or torn.
4. Commercial.
 - a. Commercial centers are limited to three (3) flagpoles maximum in not more than one (1) location.
 - b. Height of the flagpoles is limited to seventy (70) feet unless approved otherwise by the City Manager. Under no circumstances shall any flagpole exceed ninety (90) feet
 - c. The flagpole should not be closer than the height of the flagpole to the nearest property line.
 - d. Flagpole installation shall comply with Building Department regulations and permits.
 - e. The lanyard shall be made of material other than metal to mitigate noise and shall be of an internal design thereby incorporated into the structure of the flagpole.
 - f. The size of the flag shall comply with Table 22-413(1).
 - g. Flags shall be replaced when they become faded, tattered, or torn.

SECTION 2: AMENDATORY. That Article VII, Division 8, Table 22-413(1) of the Shawnee Zoning Code is hereby added and shall include the following provisions:

Pole Height	Flag Size (Sq. Feet)
20ft	3’x5’
30ft	5’x8’
40ft	8’x12’
50ft	10’x15’
60ft	12’x18’
70ft	15’x25’
80ft-90ft (with City Manager approval)	20’x30’

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable, and if any sentence, provision or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this 20th day of May, 2019.

RICHARD FINLEY, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 20th day of May, 2019.

JOSEPH M. VORNDRAN,
CITY ATTORNEY