

ORDINANCE NO. 3221

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STILLWATER BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE I, GENERAL PROVISIONS, SECTION 23-7, DEFINITIONS; ARTICLE III, LAND DEVELOPMENT PROCESS, SECTION 23-58, ZONING MAP AMENDMENT; SECTION 23-60, CLOSING OF PUBLIC WAYS AND EASEMENTS; AND SECTION 23-65, VARIANCES; ARTICLE IV, DESIGN PRINCIPLES AND ACCESS MANAGEMENT, SECTION 23-85, LOTS; ARTICLE V, USE CATEGORIES AND LIMITATIONS, DIVISION 2, ACCESSORY USE CATEGORIES AND REGULATIONS, SECTION 23-100, TEMPORARY ACCESSORY STRUCTURES AND USES WITHIN ALL DISTRICTS OTHER THAN RESIDENTIAL; ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 3, RESIDENTIAL DISTRICTS, SECTION 23-136, RSL LARGE LT SINGLE-FAMILY RESIDENTIAL DISTRICT; SECTION 23-137, RSS SMALL LOT SINGLE-FAMILY RESIDENTIAL DISTRICT; SECTION 23-138, RT TWO-FAMILY RESIDENTIAL DISTRICT; SECTION 23-139, RTM TWO FAMILY & MULTI-FAMILY DISTRICT; SECTION 23-140, RMI MULTI-FAMILY INTERMEDIATE DISTRICT; AND SECTION 23-141, RMU MULTI-FAMILY URBAN DISTRICT; DIVISION 4, COMMERCIAL DISTRICTS, SECTION 23-150, O OFFICE DISTRICT; SECTION 23-151, CS COMMERCIAL SHOPPING DISTRICT; AND SECTION 23-153, CG COMMERCIAL GENERAL DISTRICT; DIVISION 5, INDUSTRIAL DISTRICTS, SECTION 23-160, IL LIGHT INDUSTRIAL DISTRICT; ARTICLE XIII, OVERLAY DISTRICTS, DIVISION 2, SPECIAL PURPOSE OVERLAY DISTRICT, SECTION 23-273, DEVELOPMENT STANDARDS; ARTICLE XIV, COMMERCIAL USE BY RIGHT, SECTION 23-282, CONTENTS OF APPLICATION; SITE PLAN; ARTICLE XV, PLANNED UNIT DEVELOPMENTS, DIVISION 2, DEVELOPMENT GUIDELINES, SECTION 23-307, APPLICATION; PRELIMINARY PUD PLAN; ARTICLE XVII, REQUIRED IMPROVEMENTS, DIVISION 2, ADMINISTRATION, SECTION 23-349, PUBLIC IMPROVEMENT WARRANT; DIVISION 3, IMPROVEMENTS, SECTION 23-357, WATER DISTRIBUTION SYSTEM; SECTION 23-358, SANITARY SEWER COLLECTION SYSTEM; AND SECTION 23-360, ALLEYS.”

*(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

**SECTION 1:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-7 be amended to read as follows:

**Sec. 23-7. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*“Abut – Dwelling” (definitions remain unchanged)...*

*Dwelling unit* means one or more rooms ~~connected together but physically separated from any other dwelling units in the same dwelling in a residential building or residential portion of a building forming a single habitable unit that are designed, occupied, or intended for occupancy as separate living quarters with provisions for cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.~~

*“Earth Change - Final plat” (definitions remain unchanged)...*

Flag Lot means a lot in the approximate configuration of a flag pole or sign post, with a pole or post functioning primarily as an access way to the main body, or flag, of the lot from the street. All lot size, bulk standards, and lot coverage requirements apply only to the flag portion of the lot.

*“Fraternity or sorority house” (definition remains unchanged)....*

Front building line means the front setback line or a point at which the lot reaches the required lot width in the case of a flag lot.

*No change to remainder of section.*

**SECTION 2:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-58 be amended to read as follows:

**Sec. 23-58. Zoning map amendment.**

(a) *Authority.* The zoning district boundaries shown on the official zoning map may be amended only by the City Council in accordance with the provisions of this Section. Such amendment may be initiated by the City Council on its own motion, upon the recommendation of the Planning Commission, or upon application by a property owner or authorized representative.

(b) *Application.* A property owner or authorized representative shall request amendment of the zoning map by submitting the following documentation to the Development Services Department:

- (1) Completed application for zoning map amendment and checklist furnished by the Development Services Department;
- (2) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced;
- (3) Applicable filing fee; and
- (4) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by ~~a~~ the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.

(c) *Review and Notice Requirement.* The Planning Commission shall review applications for zoning map amendment prior to consideration by the City Council. After completing its review, the Planning Commission shall return the application with its recommendation to the Development Services Department for submission to the City Council. The City Council shall hold a public hearing to consider the application. In the event two or more different applications requiring public hearings for the same property are considered together by the City Council, only one public hearing shall be required. Notice that the City Council will conduct a public hearing to consider such applications shall be published in a newspaper of general circulation in the city. Such notice shall also be given in writing by mail to all owners of property, within a 300-foot radius, excluding public rights-of-way, of the exterior boundary of the subject property. Required notices shall be published and mailed at least 20 days prior to the date of the public hearing and shall contain the following:

- (1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the property's location in the city;
- (2) The current zoning of the property and the zoning sought by the applicant;
- (3) The date, time, and place of the public hearing; and

- (4) The notice to surrounding property owners shall also include a map showing the location of the subject property with respect to:
- a. surrounding lots;
  - b. abutting streets;
  - c. railroads; and
  - d. waterways;

as applicable and necessary to convey clear and adequate understanding of the property's location.

(d) *Additional notice to be posted.* In addition to the notice requirements in subsection (c) of this section, the City shall, at least 20 days prior to the public hearing, post a sign on the subject property stating:

- (1) the date, time and place of the public hearing;
- (2) the current zoning and the zoning classification sought; and
- (3) the address and phone number of the Development Services Department where additional information is available.

The sign and lettering thereon shall be of sufficient size so as to be clearly visible and legible from at least one public street.

(e) *Exemption from notice.* If the City proposes zoning reclassifications in order to revise its Comprehensive Plan or official zoning map or to identify areas which require specific land use development due to topography, geography, or other distinguishing features, including but not limited to floodplain, drainage, historic preservation, and blighted areas, the notice requirements for posting a sign on the property and for notification by mail to property owners shall not apply. All other public hearing and notice requirements of this article shall remain applicable.

(f) *Protest.* If a written protest against a proposed map amendment, signed by the owners of 20 percent or more of the area of lots included in the proposed change, or by the owners of 50 percent or more of the area within a 300-foot radius, excluding public rights-of-way, of the exterior boundary of the subject property, is filed in the office of the city clerk three or more days prior to the time of said public hearing, such amendment shall not become effective except by the favorable vote of at least four-fifths of all the members of the City Council. For purposes of protest calculations, all public property within a 300-foot radius of the subject property shall be split, with one-half of the public property deemed to be protesting said map amendment and one-half of the public property deemed to be acquiescing in said map amendment.

(g) *Hearing Procedure.* Upon satisfaction that the required notice has been given, the City Council shall hold a public hearing to review the proposed zoning map amendment, receive comments from interested parties, and receive the recommendation of the Planning Commission. Each public hearing shall be preceded by a report from city staff concerning the general nature of the application and specific information as necessary to explain relevant conditions, requirements, findings, or historical background.

(h) *Council Action.* The City Council shall approve or deny the request for a map amendment. Approval shall be documented by corresponding changes in zoning district boundaries on the official zoning map and by passage and publication of an ordinance.

(i) *Reapplication Moratorium:* Reapplication for a zoning map amendment is prohibited for one year whenever:

1. The City Council has denied a requested zoning map amendment, or, the application for a requested zoning map amendment is withdrawn by the applicant after the public hearing before the City Council as required by subsection (c) of this section is convened; and
2. The reapplication requests the same zoning classification for the same property or a portion thereof as previously denied or withdrawn or the reapplication is for a planned unit development map amendment that will permit substantially the same use as the previously denied or withdrawn zoning map amendment.

The reapplication moratorium authorized in this subsection shall commence on the date of the denial or withdrawal, whichever is applicable. The Director of Development Services shall make the initial

determination whether an application for a zoning map amendment or planned unit development zoning map amendment is subject to the prohibition set forth herein. The determination of the Development Services Director regarding the applicability of the reapplication moratorium is appealable to the Board of Adjustment by the applicant or an aggrieved party. The reapplication moratorium authorized herein shall not prohibit application for a zoning map amendment that will authorize a different use after denial or withdrawal of a requested zoning map amendment.

**SECTION 3:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-60 be amended to read as follows:

**Sec. 23-60. Closing of public ways and easements.**

- (a) *Application.* Requests for closing of public ways and easements shall be initiated by submitting the following documentation to the development services department:
- (1) Completed application and checklist on the appropriate form furnished by the development services department;
  - (2) A typewritten and electronic/digital copy of the legal description of the subject property to be closed, capable of being reproduced;
  - (3) Copy of existing and proposed restrictive covenants on the subject property;
  - (4) A closing site plan drawn to an approximate scale and containing at a minimum the following:
    - a. Dimensions of the subject property to be closed;
    - b. Location and dimensions of all buildings, easements, utilities, rights-of-way, driveways, parking areas, property lines, and fences on or within 50 feet of the subject property to be closed;
    - c. Location and dimensions of any proposed easements or relocated and/or to be removed utilities, sidewalks, and streets.
  - ~~(4)~~ (5) Applicable filing fee; and
  - ~~(5)~~ (6) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by a the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within 300 feet of the subject property. The ownership list shall have been prepared no more than 30 days prior to submission.

(b) *Notice requirement.* Prior to closing public ways or easements, a public hearing shall be conducted by the city council in accordance with the notice and procedural requirements herein. The city council shall fix the date and time of the public hearing by motion. Written notice of any proposed closing of a public way or easement shall be given to any holder of a franchise or others determined by the city to have a special right or privilege granted by ordinance or legislative enactment to use the subject public way or easement. Such written notice shall be given at least 30 days prior to the public hearing. A public notice of such hearing shall, at least 30 days prior to the public hearing, be published in a newspaper of general circulation in the city and shall contain:

- (1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the subject property's location in the city;
- (2) A brief description of the nature of the application or action to be considered;
- (3) The date, time, and place of the public hearing; and
- (4) The written notice to franchise holders and others the city determines to have interest in use of the property granted by legislative action shall also include a map showing:
  - a. The location of the subject property with respect to surrounding lots;

- b. Abutting streets;
- c. Railroads; and
- d. Waterways;

as applicable and necessary to convey clear and adequate understanding of the subject property's location.

(c) *Review.* Upon compliance with all application requirements, the request for closing shall be reviewed by city staff and forwarded with a recommendation to the city council.

(d) *Procedure.* Each public hearing shall be preceded by a report from city staff concerning the general nature of the application and specific information as necessary to explain relevant conditions, requirements, findings or historical background.

(e) *Approval.* Upon satisfaction the required notice has been given, the city council shall hold a public hearing and approve or deny the proposed closing.

(f) *Reopen a public way or easement.* The city shall retain the absolute right to reopen the public way or easement without expense to the city. The public way or easement may be reopened by ordinance when:

- (1) The city council deems it necessary; or
- (2) An application of the property owners owning more than one-half in area of the property abutting on the public way or easement previously closed is filed with the city council

(g) *Temporary closing:* The City Manager shall establish an application process and form for the temporary closing of streets, and sidewalks for safety reasons, construction or events.

**SECTION 4:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-65 be amended to read as follows:

**Sec. 23-65. Variances.**

(a) *Application.* A property owner or authorized representative shall request a variance by submitting the following documentation to the Development Services Department:

- (1) Completed application for variance furnished by the Development Services Department;
- (2) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced;
- (3) Copy of existing and proposed restrictive covenants on the subject property;
- (4) Applicable nonrefundable filing fee; and
- (5) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by a— the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within 300 feet of the subject property. The ownership list shall have been prepared no more than 30 days prior to submission.

(b) *Review and Notice Requirement.* City staff shall review completed applications for variance prior to consideration by the Board of Adjustment. After completing this review, City staff shall forward the application with staff findings and recommendations to the Board of Adjustment. The Board of Adjustment shall hold a public hearing to consider the application. Notice of the public hearing to consider such application shall be published in a newspaper of general circulation in the city. Such notice shall also be given in writing by mail to all owners of property, within a 300-foot radius, excluding public rights-of-way, of the exterior boundary of the subject property. Required notices shall be published and mailed at least ten days prior to the date of the public hearing and shall contain the following:

- (1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the property's location in the city;
- (2) Current zoning classification of the property and the nature of the variance requested; and
- (3) Date, time and place of the hearing.

(c) *Hearing.* Upon satisfaction that the required notice has been given, the Board of Adjustment shall hold a public hearing to review the proposed variance, receive comments, testimony, and evidence from interested parties, and receive the recommendation of city staff. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by Article VI of this chapter may be granted, in whole, in part, or upon reasonable conditions as provided herein, only upon a finding that:

- (1) The application of this chapter 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 this chapter or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

(d) *Approval.* The Board of Adjustment shall approve or deny the variance request. In the event a variance is approved, the record of the meeting at which the variance was acted upon shall show that each element required to justify a variance was established; otherwise, said variance shall be voidable on appeal to the district court.

(e) *Minor administrative variances.* A minor administrative variance is a variance of up to one-foot encroachment into a zoning setback. A request for a minor administrative variance shall be submitted in the same manner as other requests for a variance, but shall be subject to approval or denial, after hearing, by the Development Services Director. Notice of hearing on requests for a minor administrative variance 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 days prior to the hearing and shall contain:

- (1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the property's location in the city;
- (2) Current zoning classification of the property and the nature of the variance requested; and
- (3) Date, time and place of the hearing.

The Board of Adjustment may set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the City Council.

**SECTION 5:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-85 be amended to read as follows:

**Sec. 23-85. Lots.**

- (a) Residential lots shall not be less than 50 feet in width at the front building line.
- (b) Residential lots shall abut a public or private street a distance of not less than ~~50~~ 35 feet along the property line ~~or shall abut a private street a distance of not less than 35 feet at the access easement line~~, except that a corner lot shall be not less than 60 feet in width at the front building line.
- (c) ~~Residential lots that abut cul-de-sac streets shall be a distance of not less than 35 feet along the property line.~~
- (d-c) Side lot lines should be approximately at right angles or radial to the street lines except for minor deviations on cul-de-sac or curvilinear streets.

- (ed) Lots which abut a street along both the front and rear yards should be avoided except where they are needed to provide for the separation of residential development from arterial streets, in which case the lot shall be accessed only from the street with the lower classification.
- (fe) In no case shall the division or combination of a lot create a residual lot which does not meet the zoning requirements unless labeled as an "outlot" for green space, common area and/or drainage purposes. ~~A lot shall have frontage on a public street or on an approved private street and may consist of the following:~~
  - ~~(1) A single lot of record;~~
  - ~~(2) A portion of a lot of record;~~
  - ~~(3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record, under single ownership;~~
  - ~~(4) A parcel of land described by metes and bounds.~~
- (f) A lot shall have frontage on a public street or on an approved private street.
- (g) A Lot may consist of the following:
  - (1) A single lot of record;
  - (2) A portion of a lot of record;
  - (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record, under single ownership as described by a recorded deed, or CUBR Certificate;
  - (4) A parcel of land described by metes and bounds.

**SECTION 6:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-100 be amended to read as follows:

**Sec. 23-100. Temporary accessory structures and uses within all districts other than residential.**

- (a) *Permitted uses.* Permitted temporary accessory uses in all districts other than residential include, but are not necessarily limited to, the following:
  - (1) Itinerant merchant activities in accordance with the provisions of this Code.
  - (2) Christmas tree sales in any type of district other than office, for a period of time not to exceed 45 days.
  - (3) Promotional activities of retail merchants involving the display of goods and merchandise conducted outside of enclosed commercial buildings in any commercial districts shall be permitted, subject to the following conditions:
    - (a) No portion of the display shall be on property owned by or dedicated to the public unless approval is first obtained from the City Manager;
    - (b) No more than ten percent of the required off-street parking space or loading area will be utilized for such display, storage, or dispensing;
    - (c) These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailer and equipment rental, or the sale of used furniture, appliances, house wares, or building materials, or similar display or sale in any business district except as such may otherwise be authorized elsewhere in this chapter as a permitted principal or accessory use; and
    - (d) Nothing in this section shall be construed to prohibit the display and sale of newspapers outside any building located in a commercial district or to prohibit persons from conducting business as an itinerant merchant in accordance with the requirements of this Code.
  - (4) Transient commercial amusement enterprises such as a carnival or circus for a consecutive period of time not to exceed seven days, provided that no structure or equipment associated with the use is located within 500 feet of any RSL or RSS zoning district.
  - (5) Special events of public interest including theatrical, musical, and religious productions conducted outdoors or inside a tent structure, provided that the use occurs for a consecutive period of not more than 30 days, and a total of not more than 60 days in the same location during any one year if such use is not the principal use of the property.

- (b) *Permitted structures.* Permitted temporary accessory structures include, but are not necessarily limited to, the following:
- (1) Real estate sales office for activities incidental to the marketing of properties in the subdivision in which located, provided that:
    - a. The office shall not contain sleeping or cooking accommodations unless located in a model home; and
    - b. Any such office may remain for two years or until 90 percent of the properties therein have been sold, whichever is sooner, unless an extension of the period shall have been granted as a special exception by the board of adjustment.
  - (2) Contractor's office and equipment sheds accessory to a construction project, provided that:
    - a. Only one office or shed may contain sleeping or cooking accommodations;
    - b. Ingress and egress must be from arterial or collector streets; and
    - c. The use may continue for a period not to exceed two years in the same location, unless extended as a special exception by the Board of Adjustment;
    - d. An approved Earth Change, Grading, and Stormwater Permit has been issued by the City for the development project. If no Earth Change, Grading, and Stormwater permit is required for the project, a plan must be approved with sufficient information to determine no adverse impacts would be caused by such temporary buildings. Temporary building permits are required for each structure placed on the job site. Such permits need not be renewed after a building permit for the construction project has been issued.
  - (3) Temporary signs in accordance with the provisions of Article VII of this chapter.
- (c) *Permit required.* No temporary uses which are to be located on public property or public right-of-way shall occur without a special event permit issued by the city manager.

**SECTION 7:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-136 be amended to read as follows:

**Sec. 23-136. RSL Large Lot Single-Family Residential District.**

- (a) *Permitted by Right:* The following uses are permitted by right in the RSL Large Lot Single-Family Residential District:
- (1) Conventional Single Family
  - (2) Residential Design Manufactured Homes
- (b) *Specific Use Permit:* The following uses are permitted by specific use permit in the RSL District:
- (1) Accommodation: Bed & Breakfast only
  - (2) Boarding house/Rooming House
  - (3) Child and Adult Care Services
  - (4) Educational Services
  - (5) Churches and Religious Institutions
- (c) *Lot Size Requirements.* The lot size requirements in the RSL district are as follows:
- (1) Minimum Lot Area: 10,000 square feet
  - (2) Minimum Lot Width: 75 feet
  - (3) Minimum Lot Depth: 125 feet
- (d) *Bulk Regulations.* The height and area requirements in the RSL district are as follows:



- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet
  - (2) Setbacks. The following are the minimum required setback in the RSL district:
    - (a) Minimum Front Yard:
      1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      2. 10 feet from all property boundaries abutting an alley.
    - (b) Minimum Side Yard:
      - (i) Residential Structures: Ten feet
      - (ii) All other uses: 20 feet
    - (c) Minimum Rear Yard: 25 feet
  - (3) Maximum Lot Coverage: 35 percent
- (e) *Exceptions.* The following are the exceptions in the RSL district.
- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (3) Not more than one principal structure shall be located on a lot, unless specifically exempted.

**SECTION 8:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-137 be amended to read as follows:

**Sec. 23-137. RSS Small Lot Single-Family Residential District.**

- (a) *Permitted uses.* The following uses are permitted in the RSS Small Lot Single-Family Residential District:
- (1) Conventional single-family.
  - (2) Residential design manufactured homes.
  - ~~(3) Unit (condominium) ownership.~~
- (b) *Specific Use Permit.* The following uses are permitted by specific use permit in the RSS district:
- (1) Accommodation: Bed and Breakfast only
  - (2) Child and Adult Care Services
  - (3) Educational Services
  - (4) Townhomes
  - (5) Churches and Religious Institutions
- (c) *Lot Size Requirements.* The lot size requirements in the RSS district are as follows:
- (1) Minimum Lot Area: 5,000 square feet
  - (2) Minimum Lot Width: 50 feet
  - (3) Minimum Lot Depth: 100 feet
- (d) *Bulk regulations.* Bulk regulation requirements in the RSS districts are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet.
  - (2) Setbacks. The following are the minimum required setbacks:
    - a. Minimum front yard:
      1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      2. 10 feet from all property boundaries abutting an alley.
    - b. Minimum side yard:
      1. Residential structures: five feet
      2. All other uses: 15 feet.
    - c. Minimum rear yard: 20 feet.
    - d. Corner lots, optional setback requirements:
      1. Minimum front yard: 20 feet from all property boundaries abutting a right-of-way or road access easement.
      2. Minimum side yard abutting a secondary right-of-way or road/access easement not opposite the front yard: 15 feet.
      3. Minimum rear yard: 20 feet.
      4. Minimum side yard abutting another lot or parcel: five feet.

~~(3) Maximum lot coverage: 40 percent.~~

- (e) *Exceptions.* The following are the exceptions in the RSS district.
- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (3) No interior side yard is required on one side for zero lot-line dwellings. The opposite side yard for zero lot-line dwellings shall not be less than ten feet.
  - (4) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
  - (5) Not more than one principal structure shall be located on a lot, unless specifically exempted by this chapter.

**SECTION 9:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-138 be amended to read as follows:

**Sec. 23-138. RT Two-Family Residential District.**

(a) *Permitted uses.* The following uses are permitted in the RT Two-Family Residential District:

- (1) Conventional single-family.
- (2) Residential design manufactured home.
- (3) Two-family (duplex).
- ~~(4) Unit (condominium) ownership.~~

(b) *Specific Use Permit.* The following uses are permitted by specific use permit in the RT district:

- (1) Townhome
- (2) Child and Adult Care Services
- (3) Churches and Religious Institutions
- (4) Educational Institutions

(c) *Lot Size Requirements.* The lot size requirements in the RT district are as follows:

- (1) Minimum Lot Area: 7,500 square feet
- (2) Minimum Lot Width: 60 feet
- (3) Minimum Lot Depth: 100 feet

(d) *Bulk Regulations:* Bulk regulation requirements in the RT district are as follows:

- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet.
- (2) Setbacks. The following are the minimum required setbacks in the RT district.
  - a. Minimum front yard:
    1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
    2. 10 feet from all property boundaries abutting an alley.
  - b. Minimum side yard:
    1. Residential structures: five feet
    2. All other uses: 15 feet.
  - c. Minimum rear yard: 20 feet.
- (3) Maximum lot coverage: 40 percent.

(e) *Exceptions.* The following are the exceptions in the RT district.

- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
- (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
- (3) No interior side yard is required on one side for zero lot-line dwellings. The opposite side yard for zero lot-line dwellings shall not be less than ten feet.
- (4) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.

- (5) Not more than one principal structure shall be located on a lot, unless specifically exempted by this chapter.

**SECTION 10:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-139 be amended to read as follows:

**Sec. 23.139. RTM Two Family & Multi-Family District.**

- (a) *Permitted Uses.* The following uses are permitted in the RTM Two Family and Multi-Family District.
  - (1) Boarding house/Rooming House
  - (2) Churches and Religious Institutions
  - (3) Multiple-Family with a maximum gross density of 20 units per acre
  - (4) Townhome
  - (5) Two Family (Duplex)
- (b) *Specific Use Permit.* The following uses are permitted by specific use permit in the RTM district:
  - (1) Child and Adult Care Services
  - (2) Conventional Single Family
  - (3) Educational Institutions
  - (4) Health care and social assistance
- (c) *Lot Size Requirements.* The lot size requirements in the RTM district are as follows:
  - (1) Minimum Lot Area: 20,000 square feet
  - (2) Minimum Lot Width: 100 feet
  - (3) Minimum Lot Depth: 130 feet
- (d) *Bulk Regulations.* Bulk regulation requirements in the RTM district are as follows:
  - (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet
  - (2) Setbacks. The following are the minimum required setbacks in the RTM district:
    - a. Minimum front yard:
      1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      2. 10 feet from all property boundaries abutting an alley.
    - b. Minimum Side Yard:
      1. Residential Structures: Five feet
      2. All other uses: 15 feet
    - c. Minimum Rear Yard: 20 feet
  - (3) Maximum Lot Coverage: 40 percent.
- (e) *Exceptions.* The following are the exceptions in the RTM district.
  - (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - (2) No interior side yard is required on one side for zero lot-line dwellings. The opposite side yard for zero lot-line dwellings shall not be less than ten feet.
  - (3) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
  - (4) More than one principal residential structure may be located on a lot.

**SECTION 11:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-140 be amended to read as follows:

**Sec. 23-140. RMI Multi-Family Intermediate District.**

- (a) *Permitted Uses.* The following uses are permitted in the RMI Multi-Family Intermediate District.
  - (1) Boarding house/Rooming House

- (2) Churches and Religious Institutions
- (3) Free-standing self service facilities
- (4) Multiple-Family with a maximum gross density of 30 units per acre
- (5) Parking lot/garages
- (6) Townhome
- (7) Two Family (Duplex)

(b) *Specific Use Permit.* The following uses are permitted by specific use permit in the RMI district:

- (1) Accommodation
- (2) Child and Adult Care Services
- (3) Educational Institutions
- (4) Health care and social assistance
- (5) Personal and laundry services
- (6) Telecommunications tower

(c) *Lot Size Requirements.* The lot size requirements in the RMI district are as follows:

- (1) Minimum Lot Area: 15,000 square feet
- (2) Minimum Lot Width: 75 feet
- (3) Minimum Lot Depth: 130 feet

(d) *Bulk Regulations.* Bulk regulation requirements in the RMI district are as follows:

- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 50 feet
- (2) Setbacks. The following are the minimum required setbacks in the RMI district:
  - a. Minimum front yard:
    - 1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
    - 2. 10 feet from all property boundaries abutting an alley.
  - b. Minimum Side Yard:
    - 1. Residential Structures: Five feet
    - 2. All other permitted and specific use permit uses: 25 feet
  - c. Minimum Rear Yard: 20 feet

(3) Maximum Lot Coverage: 40 percent.

(e) *Exceptions.* The following are the exceptions in the RMI district.

- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
- (2) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
- (3) Residential structures not divided into dwelling units shall have densities determined as:
  - a. Each two sleeping rooms for single or double occupancy shall be deemed to constitute one dwelling unit; and
  - b. Each four beds, in sleeping rooms that contain beds for more than two persons, shall be deemed to constitute one dwelling unit.
- (4) More than one principal residential structure may be located on a lot.

**SECTION 12:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-141 be amended to read as follows:

**Sec. 23-141. RMU Multi-Family Urban District.**

(a) *Permitted Uses.* The following uses will be permitted by right in the RMU Multi-Family Urban District:

- (1) Boarding house/Rooming House
- (2) Churches and Religious Institutions
- (3) Free-Standing Self Service Facilities
- (4) Mixed-Use
- (5) Multiple-Family with a maximum gross density of 50 units per acre
- (6) Parking Lot/Garages

(b) *Specific Use Permit.* The following uses are permitted by specific use permit in the RMU district:

- (1) Accommodation
  - (2) Child and Adult Care Services
  - (3) Educational Institutions
  - (4) Personal and Laundry Services
  - (5) Telecommunications Tower
- (c) *Lot Size Requirements.* Lot size requirements in the RMU district are as follows:
- (1) Minimum Lot Area: 10,000 square feet
  - (2) Minimum Lot Width: 60 feet
  - (3) Minimum Lot Depth: 130 feet
- (d) *Bulk Regulations.* Bulk regulation requirements in the RMU district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: Fifty (50) feet
  - (2) Setbacks. The following are the minimum required setbacks in the RMU district:
    - (a) Minimum Front Yard:
      - 1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      - 2. 10 feet from all property boundaries abutting an alley.
    - (b) Minimum Side Yard:
      - (1) Residential Structures: 15 feet
      - (2) All other permitted and specific use permit uses: 25 feet
    - (c) Minimum Rear Yard: 30 feet
  - (3) Maximum Lot Coverage: 60 percent
- (e) *Exceptions.* The following are the exceptions in the RMU district:
- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - (2) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
  - (3) Residential structures not divided into dwelling units shall have densities determined as:
    - a. Each two sleeping rooms for single or double occupancy shall be deemed to constitute one dwelling unit; and
    - b. Each four beds, in sleeping rooms that contain beds for more than two persons, shall be deemed to constitute one dwelling unit.
  - (4) More than one principal residential structure may be located on a lot.

**SECTION 13:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-150 be amended to read as follows:

**Sec. 23-150. O Office District.**

- (a) *Permitted uses.* The following uses will be permitted by right in the O Office District.
- (1) Child and Adult Care Services
  - (2) Churches and Religious Institutions
  - (3) Educational Services
  - (4) Financial Institutions and Services
  - (5) Free-Standing Self Service Facilities
  - (6) Health Care and Social Assistance
  - (7) Mixed Use
  - (8) Professional and Administrative Office and Services
  - (9) Public Administration and Service
- (b) *Specific Use Permit.* The following uses are permitted by specific use permit in the O district:
- (1) Bed and breakfast, hotel, motel
  - (2) Beverage services
  - (3) Food services
  - (4) Information
  - (5) Parking lot/garages
  - (6) Personal and laundry services
  - (7) Recreation

(8) Research and development

- (c) *Bulk Regulations.* Bulk regulation requirements in the O district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 50 feet.
  - (2) Setbacks. The following are the minimum required setbacks in the O district:
    - (a) Minimum Front Yard:
      1. 25 feet from all property boundaries abutting a right-of-way or road/access easement.
      2. 10 feet from all property boundaries abutting an alley.
    - (b) Minimum Side Yard: When a side yard has a common boundary with property in any residential district, the minimum setback is 15 feet. When a side yard has a common boundary with property in any district except for a residential district, the minimum setback is ten feet.
    - (c) Minimum Rear Yard: When a rear yard has a common boundary with property in any residential district, the minimum setback is 15 feet. When a rear yard has a common boundary with property in any district except for a residential district, the minimum setback is ten feet.
  - (3) Maximum Lot Coverage: 40 percent
- (d) *Exceptions.* Exceptions in the O district are as follows:
- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - (2) Where a commercial building is to be serviced from the rear, the rear yard shall be not less than 30 feet to accommodate a 20-foot wide service drive.
  - (3) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (4) Any number of structures or uses

**SECTION 14:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-151 be amended to read as follows:

**Sec. 23-151. CS Commercial Shopping District.**

- (a) *Permitted by Right.* The following uses will be permitted by right in the CS Commercial Shopping District:
- (1) Bed & Breakfast, Hotel, Motel
  - (2) Beverage Services
  - (3) Educational Services
  - (4) Financial Institutions and Services
  - (5) Food Services
  - (6) Free-Standing Self Service Facilities
  - (7) Information
  - (8) Mixed Use
  - (9) Personal & Laundry Services
  - (10) Personal Storage and Warehousing
  - (11) Professional and Administrative Offices and Services
  - (12) Retail Trade
- (b) *Specific Use Permit.* The following uses are permitted by specific use permit in the CS district:
- (1) Child and Adult Care Services
  - (2) Construction
  - (3) Health Care and Social Assistance
  - (4) Multi-Family
  - (5) Public Administration and Service
  - (6) Telecommunications tower
  - (7) Transportation Activities
  - (8) Vehicle and Equipment Sales and Service
- (c) *Bulk Regulations.* Bulk regulation requirements in the CS district are as follows:

- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit
- (2) Setbacks. The following are minimum required setbacks:
  - (a) Minimum Front Yard:
    1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
    - 10 feet from all property boundaries abutting an alley.
  - (b) Minimum Side Yard: 15 feet.
  - (c) Minimum Rear Yard: 25 feet.
- (3) Maximum Lot Coverage: 40 percent
- (d) *Exceptions.* The following are the exceptions in the CS district:
  - (1) Whenever a structure exceeding one story in height abuts a residential district, a six-foot high landscape buffer shall also be required.
  - (2) The rear yard setback of a lot containing a commercial building serviced from the rear shall be no less than 30 feet, said additional footage being necessary to accommodate a 20-foot wide service drive.
  - (3) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (4) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

**SECTION 15:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-153 be amended to read as follows:

**Sec. 23-153. CG Commercial General District.**

(a) *Permitted by right.* The following uses will be permitted by right in the CG Commercial General District.

- (1) Arts and Entertainment
- (2) Bed & Breakfast, Hotel, Motel
- (3) Beverage Services
- (4) Churches and Religious Institutions
- (5) Financial Institutions and Services
- (6) Food Services
- (7) Free-Standing Self Service Facilities
- (8) Health care and social assistance
- (9) Information
- (10) Parking Lots/Garages
- (11) Personal & Laundry Services
- (12) Personal Storage and Warehousing
- (13) Professional and Administrative Office and Services
- (14) Recreation
- (15) Research and Development
- (16) Retail Trade
- (17) Transportation Activities
- (18) Utilities
- (19) Vehicle and Equipment Sales and Service
- (20) Wholesale Trade

(b) *Specific Use Permit.* The following uses are permitted by specific use permit in the CG district:

- (1) Animal and pet keeping facility
- (2) Child and adult care services
- (3) Computer and electronic product and electrical equipment, appliance, and component manufacturing
- (4) Construction

- (5) Food, beverage and tobacco product manufacturing
  - (6) Mixed use
  - (7) Mobile home park
  - (8) Paper manufacturing
  - (9) Public administration and service
  - (10) RV park
  - (11) Telecommunications tower
- (c) *Bulk Regulations.* Bulk regulation requirements are as follows in the CG district:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit
  - (2) Setbacks. The following are the minimum required setbacks in the CG district:
    - (a) Minimum Front Yard:
      - 1. 25 feet from all property boundaries abutting a right-of-way or road/access easement.
      - 10 feet from all property boundaries abutting an alley.
    - (b) Minimum Side Yard: When a side yard has a common boundary with property in any residential district, the minimum setback is 20 feet. When a side yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.
    - (c) Minimum Rear Yard: When a rear yard has a common boundary with property in any residential district, the minimum setback is 20 feet. When a rear yard has a common boundary with property in any district except for a residential district, there shall be no required minimum setback.
  - (3) Maximum Lot Coverage: 50 percent
- (d) *Exceptions.* The following exceptions are set forth in the CG district:
- (1) Parking may be shared with no less than 75 percent of the spaces required being provided on site or within the adjacent properties.
  - (2) Outside storage of materials, as an accessory use, is permitted with screening from view.
  - (3) Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof not less than 20 feet of surface width.
  - (4) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (5) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

**SECTION 16:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-160 be amended to read as follows:

**Sec. 23-160. IL Light Industrial District.**

- (a) *Permitted by right.* The following uses will be permitted by right in the IL Light Industrial District:

- (1) Accommodation
- (2) Beverage service
- (3) Computer and electronic product and electrical equipment, appliance, and component manufacturing
- (4) Construction
- (5) Food, beverage and tobacco product manufacturing
- (6) Food services
- (7) Freestanding self-service facilities
- (8) Information
- (9) Parking lots/garages
- (10) Personal storage and warehousing
- (11) Public administration and service
- (12) Research and development
- (13) Telecommunications Tower



- (14) Transportation activities
  - (15) Utilities
  - (16) Vehicle and equipment sales and service
  - (17) Warehousing and storage
- (b) *Specific Use Permit.* The following uses are permitted by specific use permit in the IL district:
- (1) Child and Adult Care Services
  - (2) Furniture and Related Product Manufacturing
  - (3) Leather and Allied Product Manufacturing
  - (4) Paper Manufacturing
  - (5) Textile Mills, Textile Product Mills, and Apparel Manufacturing
  - (6) Wood Product Manufacturing
- (c) *Lot Size Requirements:* No minimum lot size requirements are established in the IL district.
- (d) *Bulk Regulations.* Bulk regulation requirements in the IL district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: No maximum limit
  - (2) Setbacks. The following are the minimum required setbacks:
    - (a) Minimum Front Yard: 25 feet on all property boundaries abutting a right-of-way or road/access easement.
    - (b) Minimum Side Yard: When a side yard has a common boundary with property in a:
      - 1. *Residential district.* The minimum setback is 30 feet;
      - 2. *Commercial district.* The minimum setback is 15 feet;
      - 3. *Industrial district.* The minimum setback is five feet.
    - (c) Minimum Rear Yard:
      - 1. When a rear yard has a common boundary with property in any residential district, the minimum setback is 50 feet.
      - 2. When a rear yard has a common boundary with property in any district except for a residential district, the minimum setback is 25 feet.
  - (3) Maximum Lot Coverage: No maximum limit to lot coverage is established in the IL district.
- (e) *Exceptions.* The following exceptions are set forth in the IL district:
- (1) When an IL lot abuts a residential district, there shall be, within the required setback, a minimum six-foot high landscape/screening buffer as set forth in Article IX of this chapter, landscaping, screening and environmental standards.
  - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
  - (3) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

**SECTION 17:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-273 be amended to read as follows:

**Sec. 23-273. Development standards.**

The following ~~are~~ development standards are required in the special purpose overlay district:

- (1) At least ten percent of a building face along an exterior property line abutting a public street (excluding a public alley) must be on the property line and none of the building face shall be more than 15 feet from a property line abutting a public street. This standard shall not apply to any remodel of a building whenever there is no external structural alteration.
- (2) Metal facades are prohibited.
- (3) Renovation or alteration of existing buildings shall comply with the city existing building code; new construction shall comply with the International Residential Code and International Building Code as adopted and modified by the city.
- (4) Landscaping is permitted in the right-of-way throughout the district. Alternative treatments including, but not limited to, flower pots or hanging baskets,

movable planters, sculptures, canopies, brick pavers or tile walkways, murals, commercial scale benches and trash receptacle, or water features are identified as acceptable landscape (hardscape) features and recognized as acceptable substitutes to existing landscaping standards. Such hardscape features shall be indicated on any site plan required by existing codes.

- (5) Minimum Lot Size: None
- (6) Maximum Height Requirement: None
- (7) Signs. Signs may be mounted or painted on a building below the roof parapet. Signs may also be painted or otherwise placed on storefront windows, provided that any such sign does not exceed 50 percent coverage of the total window space per wall. No more than one sign type per street frontage per business shall be allowed. "Off-site" advertising is permitted provided that no such signage shall exceed eight square feet in size and dimension and complies with other requirements set forth in this section.
- (8) Special community events signage is permitted.
- (9) Off-Street Parking Requirement: parking on the individual property is not required.
- (10) Sidewalk Cafes are permitted in this overlay district, provided that such operations comply with the following:
  - a. All such operations shall be located in an area immediately adjacent to and contiguous with the food service enterprise operating it;
  - b. Facilities, including tables and chairs, shall not extend beyond the frontage of the building wherein the food service enterprise operating the sidewalk café is located; provided, however, if the property line provides more space, such operations shall not extend beyond these boundaries;
  - c. All such operations shall be maintained on a concrete or similar hard, all-weather surface;
  - d. Operations located on public sidewalks or rights-of-way must be configured to ensure that six feet of space remains completely clear of obstructions for pedestrian travel;
  - e. Decorative wrought iron fencing is permitted when identified on a site plan approved by the Development Services Department;
  - f. Awnings or canopies extending over the sidewalk café shall be supported by internal or external connections to the building face. If ground support poles are necessary, the poles shall comply with all applicable building and structural requirements;
  - g. The owner/operator of a sidewalk café operated on a public sidewalk or right-of-way must carry general liability insurance in an amount sufficient to fully indemnify the City in case of personal injury or property damage. Such insurance coverage shall be in amounts equal to the liability limits for political subdivisions set forth in the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 *et seq.*, and shall name the city as an additional insured in amounts equal to such liability limits.
  - h. Prior to commencing such operations, a scaled site plan showing the location of the building, right-of-way, sidewalks, curbs, utility poles, awnings or canopies, and all proposed fencing, seating and tables, as well as proof of insurance shall be submitted to Development Services for review. A Sidewalk Café Permit will be granted upon approval.

**SECTION 18:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-282 be amended to read as follows:

**Sec. 23-282. Contents of application; site plan.**

The following submittals shall be required at the time of application:

- (1) Completed application on form provided by Development Services Department.
- (2) Completed checklist.
- (3) Full application fee.
- (4) Complete AutoCAD plan drawings for inclusion in GIS System.
- (5) Six sets of the final plan drawing providing accurate representation and explanation of any existing improvements or notable existing man-made or natural features currently existing on the subject property:

- a. Title block with name of development, date of preparation, written scale, property address, and revision date(s);
  - b. Name and address of property owner/developer and person or entity responsible for preparation of the drawing;
  - c. Graphic scale, north point, and legend;
  - d. Written legal description of the site including the size of the property;
  - e. Map showing location of subject proposal in relation to cross streets, schools, parks, other public areas within a one-half mile area of the subject property;
  - f. Statement and signature by the preparer that the plan has, to the best of his/her knowledge, been designed in accordance with the applicable city ordinances and regulations;
  - g. Location, dimensions, and materials of fences and pedestrian ways;
  - h. Length of boundaries of the entire tract to the nearest foot;
  - i. Existing physiographic characteristics including contour lines at two-foot intervals and significant drainage features on and within 75 feet of the subject property;
  - j. Location, identification, and width of existing and proposed public right-of-way and existing public and private easements within a minimum of 75 feet of the subject property;
  - k. Location, orientation, dimension, area, height, and general use of existing and proposed buildings and other structures, including dumpster;
  - l. Location, arrangement, and dimensions of off-street parking, access drives, and loading spaces, and curb cuts within a minimum of 75 feet of the subject property;
  - m. Written narrative description of the proposed use of the property;
  - n. Location, size and orientation of any signs not attached to buildings;
  - o. If applicable, location of 100-year floodplain and floodway, with base flood elevation (BFE) noted, as shown on the current effective FEMA Flood Insurance Rate Map (FIRM) or as modified by a FEMA approved letter of map revision (LOMR) or letter of map amendment (LOMA);
  - p. Location and size of all driveways and streets within 75 feet of the subject property;
  - q. Location of all existing structures within 75 feet of the subject property.
- (6) Public utility plan identifying the location, type, size, whether a public or private utility, and other identifying characteristics of the nearest existing utilities and proposed utility extensions or upgrades, with easements, to serve the project as well as the proposed service lines.
  - (7) Contract ready site development construction plans and applicable public improvement plans.
  - (8) Final drainage study and plan in compliance with the drainage requirements of Section 23-386.
  - (9) Final grading plan required in Chapter 35.
  - (10) Detailed landscape plan in compliance with the landscape requirements of Section 23-230(d)(5).
  - (11) Water and Sanitary Sewer Impact Analysis.

**SECTION 19:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-307 be amended to read as follows:

**Sec. 23-307. Application; preliminary PUD plan.**

- (a) *Application.* Requests for planned unit developments shall be initiated by submitting the following documentation to the development services department:
  - (1) Completed application and checklist on the appropriate form furnished by development services department;
  - (2) A typewritten and electronic/digital copy of the legal description of the subject property;
  - (3) A nonrefundable filing fee;
  - (4) Certified property owner mailing labels and a mailing list (in excel spreadsheet) of owners within 300 feet of the perimeter of the property and prepared by ~~a licensed abstract or title company~~ the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all

property owners within 300 feet of the subject property. The ownership list shall have been prepared no more than 30 days prior to submission.

(5) Proof of ownership of the subject lot or tract of land in the form of a copy of the recorded deed of ownership. In the absence of legal ownership, the applicant shall provide notarized consent from the legal property owner that grants the applicant the right to submit the PUD application to the city.

(b) *Preliminary PUD plan.* This plan is a graphic representation of the proposed development. The following items shall be included in the plan, which may be shown on one or more sheets depending on the size and complexity of the proposal, provided that subsections (b)(1), (2) and (3) of this section are shown on each sheet. The plan shall be approved prior to the issuance of any building permits, the division of any land, or the construction of any improvements within the PUD. Of the plan, six blueines, a digital submittal, in established format for use in GIS system during hearings for identification and information, and an 8.5-inch by 11-inch paper copy shall be submitted showing the following:

- (1) Name of the planned unit development;
- (2) Name and address of property owner of record and developer, if different;
- (3) Graphic scale drawn at a scale no smaller than 1:100, north point, date and legend;
- (4) A typewritten and electronic/digital copy of the legal description of the subject property, which shall also indicate the size of the property in acres;
- (5) Length of boundaries of the tract measured to the nearest foot;
- (6) Location and identification of abutting subdivisions, and relationship with airport approach zone, flood hazard area or city limits, if applicable;
- (7) Existing physiographical characteristics including contour lines at two-foot intervals and identification of natural watercourses, floodplains and wooded areas;
- (8) Location and size of existing and proposed easements, utilities and public rights-of-way;
- (9) Classification of every public street in accordance with the intended use and proposed design;
- (10) Location of all public/private streets;
- (11) Proposed grading, where different from existing contours;
- (12) Location, orientation, area, and height of existing and proposed buildings and other structures to include typical elevation drawings;
- (13) Location and dimensions of proposed lot lines;
- (14) A preliminary drainage study;
- (15) Approximate density of residential uses, if any, expressed by number of dwelling units allocated to each identifiable segment of the PUD;
- (16) General location, identification, and amount of all land uses shall be established in the PUD and identification of land use types, including common areas and facilities that are to be owned and maintained by an association of individual property owners in the PUD;
- (17) Table indicating the comparison between the requirements of the underlying zoning district and the proposed PUD;
- (18) Location, arrangement, and dimensions of off-street parking and loading spaces, and access drives;
- (19) Location, dimensions, and materials of fences and pedestrian walkways;
- (20) Landscape plan as required for common areas and as required based on the underlying zoning;

- (21) Location, area, height, and orientation of any signs not attached to buildings;
- (22) Typical elevation drawings and construction materials, not applicable for single- or two-family residential applications;
- (23) Identification of phase area boundaries, if development is to occur in phases;
- (24) Certification by any owner, planning commission and city council; and
- (25) A separate written request, as applicable, for any of the foregoing items to be waived or amended, with necessary explanation to justify such request.

(c) *Statement of intent.* The statement of intent is a written narrative report that shall accompany the preliminary PUD plan and shall contain the following elements:

- (1) Proposed name of the planned unit development;
- (2) Name, address, and telephone number of the property owners of record, and developer, if different;
- (3) Statement of the general concept of the proposed PUD, the special considerations which require the PUD zoning classification rather than a conventional district designation, and why, in the applicant's opinion, the proposed district would be in the public interest and is consistent with the stated objectives of the city with regard to the Planned Unit Development District classification;
- (4) A statement of the substance of existing or proposed covenants, future ownership within the development; property owner's association contract, or other restrictions imposed upon the use of the land, buildings, and structures; and any other provisions which set forth mechanisms for ownership and maintenance of property within the PUD;
- (5) The anticipated development time schedule for completion of proposed phases or stages of construction;
- (6) A statement regarding the compatibility of the proposed development with the surrounding neighborhood to include such things as use of buffer or transition zones, projected range of value of structures, type of materials to be used, square footage of structures, hours of operation, etc.; and
- (7) Typical building elevations for determination of compatibility.

(d) *Review and notice requirement.* The review and notice requirement is as provided in [Section 23-58\(c\)](#).

(e) *Neighborhood meeting.* The applicant shall schedule a neighborhood meeting and shall provide notice to all property owners within 300 feet of the perimeter of the proposed planned unit development and to city staff. The neighborhood meeting shall be held not less than seven days prior to the planning commission meeting where the PUD will be considered. Notification shall be in the form of a letter mailed at least ten days prior to the planning commission meeting at which the request will be considered, and shall include the place of general assemblage, date, time, and advocates of the proposed development. In addition, the neighborhood meeting shall be held no less than five business days after the application has been filed with the City of Stillwater. A summary of comments and concerns expressed at such meeting shall be presented to the planning commission for consideration.

(f) *Review.* Review of the preliminary PUD application shall include:

- (1) Whether the proposed PUD is consistent with the comprehensive plan;
- (2) Whether the proposed PUD is compatible with the existing and expected development of surrounding areas; and

(3) Whether the proposed PUD is consistent with the stated purposes and standards of this article.

(g) *Hearing procedure.* Upon satisfaction that the required notice has been given, the city council shall hold a public hearing to review the proposed specific use permit application, receive comments from interested parties, and receive the recommendation of the planning commission. Each public hearing shall be preceded by a report from city staff concerning the general nature of the application and specific information as necessary to explain relevant conditions, requirements, findings or historical background.

(h) *Council action.* The city council shall approve or deny the request for a preliminary PUD map amendment. The ordinance rezoning the subject tract to Planned Unit Development District shall specifically incorporate into the ordinance by reference the statement of intent which will become a part of the official records of the city. Upon the effective date of such ordinance, the designation PUD, preceded by the symbol of a corresponding conventional district, shall be recorded for each identifiable segment of the subject tract on the official zoning map.

(i) *Submittal of Mylars.* Upon approval of the preliminary PUD by the city council, two Mylars that reflect any revisions based upon said approval shall be submitted to the city. Each Mylar shall contain a signed certification by the owner and the unsigned certification by the planning commission and by the city council.

**SECTION 20:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-349 be amended to read as follows:

**Sec. 23-349. Public improvement warranty.**

(a) ~~Prior to the~~ Upon acceptance by the city council of any improvement, a maintenance bond for the full amount of the contract to construct such improvement will be filed with the City Clerk. ~~the developer shall provide, on the approved city warranty form, a public improvement warranty. The warranty shall end one year after the acceptance of the improvement by the city council~~ bond shall be for one year from the acceptance of the improvement (warranty period), shall name the city of Stillwater as Obligee and shall identify the location of the improvement and the improvement being bonded. The developer shall ensure the correction of any defect in materials or workmanship that are necessary to restore and maintain said improvements to the same standards applicable at the time of the City's acceptance of said improvements. For a period of one year following the acceptance of the improvements (warranty period), the developer shall be responsible for making any repairs or replacements that are necessary to restore and maintain said improvements to the same standards applicable at the time of the city's acceptance of said improvements, and that are required due to defective materials or workmanship.

(b) *Inspection.* The city may perform a warranty inspection prior to the end of the warranty period, and if necessary, issue a warranty punch list of items that are required to be corrected.

(c) *Deficiencies.* All deficiencies identified in the warranty punch list shall be corrected by the developer no later than seven calendar days prior to the expiration of the warranty. If all deficiencies are not corrected at least seven days prior to the expiration of the warranty, the warranty period shall be extended until all deficiencies have been corrected.

(d) *Reinspection.* The developer shall inform the city upon completion of the warranty punch list items. The city will reinspect the improvements identified in the punch list.

(e) *Warranty release.* Upon determination that the improvements identified in the warranty punch list are in compliance with this article and city standards, the city shall issue a release of warranty obligation to the developer.

- (f) *Defective improvements.* Nothing herein shall be construed or deemed as requiring the city to release the developer from its obligations on any improvements that are defective.

**SECTION 21:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-357 be amended to read as follows:

**Sec. 23-357. Water distribution system.**

- (a) The City shall be responsible for the design, materials, and installation of water lines shown on the master water plan, subject to available funding. The City shall install these lines as needed for service to a given site when development commences on the property. At the City's option, a line size less than shown on the master water plan may be installed by the City in order to ensure that water quality standards and the conditions of subsection (b) of this section are met. Any future upsizing by the City to meet the master water plan will be at City expense. The Developer shall be responsible for the design, materials and installation of all other water distribution system to serve its proposed development and entire tract of property with the following exception: For those properties that are located within the Urban Core Neighborhood Subarea and the Downtown Subarea as shown in the latest version of the Comprehensive Community Development Plan as approved by the City Council, the City may reimburse the Developer for 75 percent of the materials and installation costs for the off-site water lines and appurtenances that are required to meet the City's fire flow requirements. The Developer may submit a written request to the Development Services Director for reimbursement. The reimbursement request shall include a plan showing the water line improvements and a detailed cost estimate to support the requested reimbursement amount. The reimbursement request will be presented to the City Council, and if approved, the Developer shall enter into a water line reimbursement agreement with the City prior to commencing construction of the off-site water lines. Reimbursement shall be based on actual costs certified by the Developer and shall not occur until after the off-site water lines have been completed and accepted by the City Council. Reimbursement for off-site water lines shall be subject to available funding. The design shall meet the requirements of this Code and the state department of environmental quality (ODEQ) and provide water service to all points on the property. The design fire flow shall not be less than the minimum fire flow requirements as established by this Code. The water system design calculations shall be submitted to the City with the submission of the water improvement plans. The proposed plans will not be approved by the City and released for review by ODEQ until the City has determined that the proposed plans and system calculations meet the city standards.
- (b) The Developer is responsible for the design and installation of water distribution system of sufficient size to serve its proposed development. If the City requires a larger line in order to provide water to other properties, the City shall pay to the Developer the difference between the current price for the materials needed to serve the development and the larger size being required by the city. The developer is responsible for the installation of the service line from the water main to the water meter location with the installation of the water main
- (c) The Developer is responsible for the installation of fire hydrants required to meet fire code requirements.
- (d) The Developer is responsible for the extension of the water distribution system along the full extent the property's road frontage as well as to the furthest interior boundaries of the development.
- (e) Whenever it is necessary for a Developer to expend funds for the design, materials, and installation of a water distribution system that may serve areas other than its own, the Developer may enter into a water line lease purchase agreement with the City as provided for in Chapter 41.
- (f) To facilitate the looping of the water distribution system, each development shall be required to extend water mains within and along the development so as to be able to connect to existing or future water lines on adjacent tracts. In those cases where meeting this requirement would require a water main to be extended more than 150 feet from the last point of service within the development, the City will pay 50 percent of the cost of the extra length to the edge of the development. The City may also pay for any upsizing larger than a six-inch line as provided for in subsection (b) of this section. The City will utilize funds from the water main extension fee established in Chapter 41 to install these connections.

- (g) The maximum length of a dead-end water main shall be no more than 500 feet. The length measurement for a dead-end water main shall be from the last point of redundant feed.
- (h) The minimum size water line shall be six inches.
- (i) An impact analysis must be submitted with the improvement plans.

**SECTION 22:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-358 be amended to read as follows:

**Sec. 23-358. Sanitary sewer collection system.**

- (a) All subdivisions of land shall be so designed as to provide sanitary sewer service to each lot. Individual development projects shall connect to the City's sanitary sewer system. Septic/On-Site treatment is allowed within the city if under permit issued by the state department of environment quality (ODEQ), provided the parcel of record is located more than 300 feet from the nearest city sanitary sewer, and further provided such treatment is not a lagoon-type or open containment system.
- (b) The design shall meet the requirements of this Code and the state department of environmental quality (ODEQ) and provide sewer service to all points on the property. The sanitary sewer collection system design calculations shall be submitted to the City with the submission of the sanitary sewer improvement plans. The proposed plans will not be approved by the City and released for review by ODEQ until the City has determined that the proposed plans and system calculations meet the city standards.
- (c) Whenever it is necessary for a developer to expend funds for the construction of a sewer main that will serve areas other than his own, the developer may enter into a sewer main lease purchase agreement with the city as provided for in Chapter 41.
- (d) The minimum size for a gravity sewer line shall be eight inches.
- (e) No connection shall be made to the City sewer collection system to serve property located outside the corporate limits of the city, unless the owner of such property to be connected first petitions for annexation into the City in accordance with the provisions set forth in 11 O.S. §21-105. If said property cannot be annexed under said statute, the property owner shall instead execute a written consent to annexation sufficient to meet the requirements of 11 O.S. §21-103, and such consent shall be filed in the land records of the county clerk to provide notice to all successors in interest that such consent to annex has been given. This provision shall not apply to connections made to such properties prior to the effective date of the ordinance from which this chapter is derived.
- (f) An impact analysis must be submitted with the improvement plans.

**SECTION 23:** That the Stillwater City Code, Chapter 23, Land Development Code, Section 23-360 be amended to read as follows:

**Sec. 23-360. Alleys.**

All new alleys shall be designed and paved to city standards. Existing alleys shall be designed and paved in accordance with the city standards when any development which increases the size of the existing principal structure or adds any structure or parking/loading area to the property is proposed which uses the alley for any access. The full width of the alley shall be paved for the length of the development and to the nearest intersecting street or existing paved section of alley. Any existing alleys within the RSS and RSL districts serving single-family uses are exempt from these paving requirements.



PASSED, APPROVED AND ADOPTED THIS 21st DAY OF FEBRUARY, 2013.

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JOHN W. BARTLEY, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
MARCY ALEXANDER, CITY CLERK

APPROVED AS TO FORM AND LEGALITY, THIS 21st DAY OF FEBRUARY,  
2013.

\_\_\_\_\_  
JOHN E. DORMAN, CITY ATTORNEY

1ST READING: 2-4-13  
2ND READING: 2-21-13