

ORDINANCE NO. 22-19

AN ORDINANCE PERTAINING TO THE DOWNTOWN LAWTON OVERLAY DISTRICT AMENDING SECTIONS 18-12-2-1232 AND 18-12-3-1243, CHAPTER 18, LAWTON CITY CODE, 2015, MODIFYING EXISTING PERMITTED USES; ADDING USES FOR STATE LICENSED DAY CARE CENTER AND MULTI-MODAL TRANSPORTATION; ADDING USES PERMITTED ON REVIEW; PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Section 18-12-2-1232 is hereby amended to read as follows:

18-12-3-1232 - Permitted uses.

- A. The following uses are permitted in the Mixed-Use District:
- (1) Single-family residential.
 - (2) Two-family residential.
 - (3) Three-and four-family residential.
 - (4) Multiple-family residential.
 - (5) Administrative and Professional Office. Offices of firms or organizations providing professional and executive management or administrative services. Typical uses include advertising agencies, law offices, real estate offices, architectural and engineering offices, financial institutions, and corporate offices.
 - (6) Animal Sales and Services, Kennels and Veterinary: Restricted. Kennel and veterinary services for small domestic animals such as dogs, cats, or other household pets, with all operations and storage conducted within an enclosed building. Typical uses include animal or veterinary hospitals, boarding and breeding kennels, pet motels, and animal training centers.
 - (7) Automotive, new car dealership provided no repairs occur outside the confines of the building.
 - (8) Automotive equipment sales provided no outside display or storage of parts.
 - (9) Automotive repair provided no repairs, paint or body work occur outside the confines of the building.
 - (10) Building Maintenance Services. Establishments or places of business primarily engaged in the sale, rental, or repair of equipment and supplies used by office, professional, and service establishments primarily to other firms, rather than to individuals, but excluding automotive, construction, and farm equipment. Typical uses include office equipment and supply firms; janitorial services; disinfecting and exterminating services; and vending machine sales and services.
 - (11) Business Support Services. Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms, rather than individuals, and where the storage of goods or equipment other than as samples or as necessary for daily operation is prohibited. Typical uses include secretarial services; telephone answering services; blueprint services; and reproduction services.
 - (12) Communications Services: Limited. Establishments primarily engaged in the provision of public information, broadcasting and other information relay services accomplished through the use of printed, electronic, and telephone mechanisms but excluding those classified as major impact services and utilities. Typical uses include newspaper publication, television/radio studios, and telecommunication service centers.

- (13) Community Recreation: Restricted. Recreational, social, and multipurpose uses that operate during daylight hours and generally are available for public use. Typical uses include golf courses with accessory clubhouses and buildings; and unlighted swim centers, tennis courts, playgrounds, playfields, and public parks.
- (14) Community Recreation: General. Recreational, social, or multipurpose open or enclosed uses and accessory buildings which have no fixed seats and occupancy limited to 500 persons. Typical uses include golf courses, clubhouses, swim centers, tennis centers, playgrounds, playfields, marinas, boat docks, country clubs, and public parks.
- (15) Convenience Sales and Personal Services. Establishments or places primarily engaged in the provision of frequently needed, day-to-day retail commercial goods and services. Such uses are designed and intended to serve a limited local market and to be generally within a short walking or short driving distance of a residential area. Furthermore, only uses that do not create increased traffic, noise, or such other impacts considered incompatible with a residential use will be permitted. Typical uses include small grocery stores whose ground floor is less than 10,000 square feet in size; drugstores; medical marijuana dispensaries licensed by the State of Oklahoma; candy stores; ice cream parlors; dry cleaning establishments; barbershops; shoe repair shops; self- service laundries; and newsstands.
- (16) Cultural Exhibits. Museum-like preservation and exhibition of objects of artistic, cultural, scientific interest, and gallery exhibition of works of art for study and pleasure. Typical uses include aquariums; art galleries; museums; planetariums; and observatories.
- (17) Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or small mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight
- (18) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, or custom jewelry manufacturers.
- (19) Day Care Center. Licensed facility providing care and supervision for eight (8) or more children and operating more than thirty (30) hours per week. This does not include informal arrangements which parents make with neighbors, friends, and others or caretakers in the child's own home.
- (20) Eating Establishments: Sit-down, Alcohol Not Permitted. Establishments or places of business where customers are seated and served and that are primarily engaged in the sale of prepared foods and beverages for on-premises consumption. They are located at high capacity/high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops where ~~liquor, beer, wine, or spirits~~ alcoholic beverages are not served or sold.
- (21) Eating Establishment: Sit-down, Limited Alcohol Permitted. Establishments or places of business where customers are seated and served and are engaged in the sale, mixing, or dispensing of alcoholic beverages for on-premises or off-premises consumption ~~containing more than 0.5 percent alcohol and less than 14 percent alcohol by volume~~ as accessory to a restaurant operation. Typical uses include restaurants and short-order eating places, ~~with or without bottle clubs~~, serving beer and wine. Annual receipts from the sale of permitted beverages containing alcohol may not exceed 50 percent (50%) of the ~~combined~~ total receipts ~~from food and beverages~~.

- (22) Eating Establishments: Sit-down, Alcohol Permitted. Establishments or places of business where customers are seated and served and are engaged in the sale, mixing, or dispensing of alcoholic beverages for on-premises or off-premises consumption ~~containing more than 0.5 percent alcohol by volume~~ as accessory to a restaurant operation. Typical uses include restaurants and short-order eating places ~~as well as bottle clubs for such establishments~~. Annual receipts from the sale of permitted beverages containing alcohol may not exceed 50 percent (50%) of the ~~combined~~ total receipts ~~from food and beverages~~.
- (23) Eating Establishments: Fast Foods. Establishments or places of business primarily engaged in the sale of prepared food and beverages for both on- and off-premises consumption. These uses are normally adjacent to high volume pedestrian and/or vehicular movement areas and are characterized by prepackaged and pre-cooked foods and by a central ordering and serving point within the establishment. Typical uses include restaurants.
- (24) Eating Establishments: Fast Food with Drive-Through Order Windows. Establishments or places of business primarily engaged in the sale of prepared food and beverages for both on- and off- premises consumption. The facilities have drive-through windows that allow patrons to pick up food orders from their vehicles and encourage off-premises consumption.
- (25) Eating Establishments: Drive-in. Establishments or places of business with little or no inside seating where prepared food and beverages are consumed within a motor vehicle on the premises or are carried outside by the purchaser to tables. These uses are normally adjacent to high volume vehicular movement areas and are characterized by either remote order of food from within the vehicle and delivery by attendants or by carrying packages for consumption on or off the premises.
- (26) Family day care home. Licensed family home which is operated by no more than one wholly self-employed person residing at and inhabiting the dwelling providing care and protection for seven (7) or fewer children for part of the 24-hour day. This shall not include informal arrangements which parents make with neighbors, friends, and others or caretakers in the child's own home.
- (27) Gasoline Sales: Restricted. Establishments or places of business primarily engaged in the on-site retail sale of petroleum products with incidental retailing. Typical uses include automobile service stations. Road service tow trucks are permitted but not the temporary or permanent parking or storage of damaged, wrecked, or inoperable vehicles.
- (28) Laundry Services. Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Convenience Sales and Personal Services: General. Typical uses include laundry agencies; diaper services, or linen supply services.
- (29) Library. Public facility for the use, but not sale, of literary, musical, artistic, or reference materials.
- (30) Light Public Protection and Utility: General. Public services involving direct citizen contact as well as incidental storage and maintenance of necessary equipment or vehicles including public protection or essential utility services. Said services may have technical and locational requirements, necessitating proximity to the area served but should have a minor impact on surrounding uses. Typical uses include ambulance service, fire protection facilities, police substations, civil defense shelters and facilities.
- (31) Limited Industrial. Establishments engaged in the manufacture, assembly, research, or processing of products and goods with all operations and processes entirely within an enclosed structure, requiring no outdoor industrial wastewater treatment

system, producing no airborne emissions, objectionable noise, glare, odor, vibrations, smoke, or dust associated with the industrial operation. There is no outdoor storage of raw materials and products. Medical marijuana growing facilities and medical marijuana processing facilities are included as permitted uses when associated with a dispensary at the same location. Typical uses include, but are not limited to, bakery employing more than five employees, book bindery, cabinet shop, clothing manufacturing, electronic equipment assembly and manufacturing, furniture upholstery, laundry and dry-cleaning plant employing more than five employees, printing plant, engraving plant, instrument and meter manufacture, optical goods manufacture, prosthetics manufacture, and photographic equipment manufacture. The following other manufacturing uses which may also be considered appropriate, provided there is not outdoor storage of raw materials and products, include but need not be limited to bottling plant, pottery and figurine manufacturing, machine shop, and stone and monument works.

- (32) Low Impact Institutional: Neighborhood Related. Public, quasi- public, or private activities of an educational or religious nature, which may have minor impact on surrounding uses and are occupied on an intermittent basis. Such uses are necessary to serve common functions within a residential area and are not designed to provide lodging, except churches may provide lodging. Typical uses include elementary schools and churches.
- (33) Medical Services: Restricted. Establishments primarily engaged in the provision of personal health services including prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, dental offices, dental laboratories, clinics, or health maintenance organizations but not including any sales facilities, hospitals, convalescent centers, or nursing homes.
- (34) Medical Services: General. Establishments primarily engaged in the provision of personal health services and including related retail sales activities. Typical uses include medical offices, dental offices, dental laboratories, clinics, or health maintenance facilities with related sales facilities such as opticians or apothecaries in the same structure but not including hospitals, convalescent centers, or nursing homes.
- (35) Participant Recreation and Entertainment: Indoor. Those participant recreation and entertainment uses conducted within an enclosed building. Typical uses include bowling alleys and billiard parlors, dance halls, gymnasiums, health clubs, skating rinks, and arcades. Any spectators would be incidental to the participant recreation activity.
- (36) Personal Services: Restricted. Establishments primarily engaged in the provision of informational, instructional, and personal improvements and similar services which are able to be located in an office-type building. Typical uses include photography studios, travel agencies, automobile driving schools, reducing salons, dance and music academies, and classrooms for business schools. Lodge and meeting halls, including but not limited to a Masonic Lodge, V.F.W. Post and Shrine Temple shall also be allowed.
- (37) Personal Services: General. Establishments primarily engaged in the provision of services to customers or clients which have one or more of the following characteristics: high customer volume, hand- carried parcel delivery or mailing facilities, overnight parking for small service or delivery vehicles, or sale of non-mercantile items such as postage stamps or public event tickets. Typical uses

- include a post office, theater ticket office, or a utility company business office, and all activity takes place within a completely enclosed building.
- (38) Repair Services, Consumer. Establishments primarily engaged in the provision of repair services to individuals and households rather than to firms. Typical uses include appliance repair; apparel repair; musical instrument repair; electrical repair; shoe repair; and jewelry repair shops.
 - (39) Research Service: Restricted. Administrative offices plus research facilities of a technical or scientific nature which are located within a completely enclosed building. There is no product manufacturing and no outside storage, display, or activity. Typical uses include electronics or medical research facilities including medical marijuana research facilities licensed by the State of Oklahoma, product testing laboratory, or a pharmaceutical laboratory.
 - (40) Retail Sales and Services: General. Establishments engaged in the sale or rental of goods and services, both retail and wholesale, of commonly used goods, merchandise, and services.
 - (41) Spectator Sports and Entertainment: Restricted. Establishments or places engaged in provision of cultural, entertainment, athletic, and other events to spectators as well as providing space for social or fraternal gatherings. These uses are conducted within an enclosed building with a capacity of 500 or less people and include retail sales and storage facilities that are incidental to the operation of such uses. Typical uses include small theaters or amusement places.
 - (42) Spectator Sports and Entertainment: General. Establishments or places engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as parking space for social or fraternal gatherings. These uses are conducted in open facilities or within an enclosed building with a capacity of more than 500 people and include retail sales, storage facilities, and other activities incidental to the operation. Typical uses include large theaters or amusement places.
 - (43) Taxi or limousine service. Business offering motor vehicle transportation for a fee or charge.
 - (44) Transient Accommodations: Lodging. Lodging services involving room accommodations for travelers, including food, drink, and other sales and services intended for the convenience of guests. Typical uses include hotels, motels, and transient boardinghouses.
 - (45) Transportation Facilities: Surface Passenger. Surface facilities which contribute to the movement of people on a local or cross- country basis. Typical uses include inter-city bus or railroad passenger terminals, multi-modal transportation stations and local mass transportation passenger stations.
 - (46) Uses which are similar in character to those enumerated above as determined by the Planning Commission, provided these uses are not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
 - (47) Uses Permitted on Review: Any use that is not similar in character to those enumerated above but is determined by the Lawton Urban Renewal Authority to be consistent with the objectives of the Urban Renewal Plan for that area, may be authorized as a Use Permitted on Review as provided in Section 18-1-1-113 of this Municipal Code.

SECTION 2. Section 18-12-3-1243 is hereby amended to read as follows:

18-12-3-1243 - Permitted uses.

A. The following uses are permitted in the Commercial Central District:

- (1) Convention centers.
- (2) Day care centers, licensed by the State of Oklahoma.
- (3) Department stores.
- (4) Hotels.
- (5) No bars, ~~taverns~~ or lounges will be permitted; however, private clubs and entertainment will be permitted when the serving of alcoholic beverages is auxiliary to a restaurant use.
- (~~66~~) Parking, public and/or private.
- (~~77~~) Professional offices and financial institution (excluding pawn shop).
- (~~88~~) Restaurant (no drive-in).
- (~~99~~) Specialty retail stores and shops.
- (~~110~~) Stores and shops for retail business, including incidental minor repair and service.
- (~~111~~) Theater and movie.
- (12) Transportation Facilities: Surface Passenger. Surface facilities which contribute to the movement of people on a local or cross-country basis. Typical uses include inter-city bus or railroad passenger terminals, multi-modal transportation stations and local mass transportation passenger stations.

- (123) Accessory uses customarily incidental to the above uses.
- (134) Any other use which is similar in character to those enumerated above as determined by the Planning Commission, provided these uses are not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property than those uses enumerated above.
- (4415) Other public uses necessary for access to interior areas for emergency vehicles and service.
- (16) Uses Permitted on Review: Any use that is not similar in character to those enumerated above but is determined by the Lawton Urban Renewal Authority to be consistent with the objectives of the Urban Renewal Plan for that area, may be authorized as a Use Permitted on Review as provided in Section 18-1-1-113 of this Municipal Code.

SECTION 3. Renumbering. The provisions of Sections 18-12-2-1232 and 18-12-3-1243, Chapter 18, Lawton City Code, 2015, shall be renumbered consecutively to reflect the new numbering of paragraphs of said sections as amended by this ordinance as to avoid duplication or omission of numbers and/or letters in said sections.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 12th day of July, 2022.

STAN BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this 11th day of July, 2022.

JOHN RATLIFF, CITY ATTORNEY