

## ORDINANCE NO. 22-22

AN ORDINANCE PERTAINING TO PLANNING AND ZONING AMENDING SECTIONS 18-1-1-106, 18-6-11-611, 18-6-11-612, AND 18-6-14-646, CHAPTER 18, LAWTON CITY CODE, 2015, REMOVING DEFINITIONS, ADDING DEFINITIONS, STRIKING AND ADDING USES PERMITTED FOR MICROBREWERY AND MICRODISTILLERY IN THE C-4 TOURIST COMMERCIAL DISTRICT; ADDING USES PERMITTED FOR MACROBREWERY, MICROBREWERY, AND MICRODISTILLERY IN THE I-1 RESTRICTED MANUFACTURING AND WAREHOUSE DISTRICT, PROVIDING FOR SEVERABILITY, PROVIDING FOR RENUMBERING AND ALLOWING FLOOR AMENDMENTS;

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

SECTION 1. Section 18-1-1-106 is hereby amended to read as follows:

### **18-1-1-106 - Definitions.**

- A. As used in this chapter, unless otherwise specified, the following terms shall have the meanings respectively ascribed to them in this section:
1. "Accessory building" means a subordinate building, or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises;
  2. "Accessory use" means a use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith;
  3. "Adult entertainment" as defined in Chapter 7 of this code;
  4. "Alley" means a minor right-of-way dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes;
  5. "Amusement center/arcade" means an indoor establishment or facility primarily for games and coin-operated devices or machines oriented toward persons under the age of twenty-one (21) and family patronage, not to include the sale of alcoholic beverages.
  6. "Automobile" means a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including but not limited to the following: Passenger cars, trucks, buses, motor scooters and motorcycles;
  7. "Automotive wrecking yard" means the use of any building, lot, portion of lot or tract of land for the storage, keeping, salvaging, or dismantling of automobiles or related automotive vehicles and parts of equipment for the primary purpose of salvaging any part or parts or components thereof, including the processing of such salvaged or salvageable parts or components incidental to such use, and the processing of resultant scrap materials accessory to the above;
  8. "Basement" means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or ~~when subdivided~~

~~and used for commercial or dwelling purposes by other than a janitor employed on the premises;~~

9. "Bed and Breakfast Establishment" or "short-term rental" means a commercial establishment situated in a residentially designed building which is occupied by the owner and provides overnight lodging, off-street parking, and breakfast for compensation, with a maximum of four guest rooms, with individual or shared bath facilities.
10. "Boardinghouse" means a dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more, but not exceeding twenty (20) persons on a weekly or monthly basis;
11. "Building" means any structure intended for shelter, housing or enclosure for persons, animals, or personal property chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building;
12. "Building height" means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof;
- ~~13. "Carnival" means an amusement show, operated on an infrequent basis at a temporary location, which offers public entertainment by featuring carnival games or more than three (3) amusement rides, or both such games and rides. The term carnival shall not include operation of a school or church carnival, provided that:~~
  - ~~a. The carnival games must be owned and operated solely by the school or church, or the students or patrons thereof; and~~
  - ~~b. That the proceeds derived from the school or church carnival must exclusively benefit the school or church, or the official programs thereof;~~
143. "Child-care facility" means any public or private residential facility, child placing agency, foster family home, group home, day care center, part day childcare program, or family day care home, providing either full-time or part-time care for children away from their own homes, and which is owned and controlled by a political subdivision, a corporation, an unincorporated organization or association, or individual;
- ~~15. "Circus" means traveling company or troupe that presents public entertainment which features exhibits of pageantry and performance by acrobats, aerialists, clowns, and trained animals on an infrequent basis at a temporary location. In addition the term "circus" shall include the exhibition of menageries, curiosities, and monstrosities;~~
16. "Commercial amusement enterprise" means and includes types of amusement devices most usually found in an amusement park such as merry go rounds, Ferris wheels, roller coaster, giant slide, go cart track, various rides, and coin-operated amusement devices. The enterprise may be located indoors or outdoors and may be located in C 4 and C 5 zoning districts as a use permitted on review or as a permitted use in I 1, I 3 and I 4 districts. This use shall not be located

~~within three hundred (300) feet of any residential district, residential use, medical facility, or public or private school offering classes in grades kindergarten through twelve (K-12). The license requirement included in Chapter 7, Article 8, shall apply;~~

174. "Convalescent or nursing home" means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation;
185. "Corner lot" means a lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of the two sides is less than one hundred thirty-five (135) degrees;
196. "Coverage" is the total ground area covered by an enclosed building plus the total area of all covered open space at ground level measured from the face of the exterior wall to the main grade level of each building. However, open covered porches, carports and patios shall be included in the coverage;
- ~~2017.~~ "Day-care" means the provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person for part of the day who is conducting a family day-care home or person conducting a day care center;
- ~~2418.~~ "Day-care center" means a City and State licensed or approved facility which provides care and supervision for eight or more children, and which operates for more than thirty (30) hours per week. ~~The term day care center shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home.~~
- ~~2219.~~ "Dental clinic" or "medical clinic" means a facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions. Dental clinic or medical clinic means and includes a dental office or doctor's office;
230. "District" means any section of the city for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class of building therein;
241. "Double frontage lot" means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot;
252. "Downtown area" means a defined area bounded by the centerline of West Gore Boulevard on the north, twenty-five (25) feet north of the center line of the main line of the Burlington Northern Railroad on the south, twenty-five (25) feet west of the main line of the Burlington Northern Railroad on the east, and the east right-of-way line of Southwest 11th Street on the west.
263. "Dwelling" means any building or portion thereof which is designed or used as living quarters for one or more families;
274. "Encroachment" means any obstruction or unauthorized intrusion into a defined yard space, right-of-way, designated floodway area or adjacent land. Encroachments may consist of, but are not limited to, structures, walls, and fences.
285. "Fairmont Area" means a defined area bounded by the centerline of East Gore Boulevard on the north, the centerline of Southeast F Avenue on the south, the centerline of Southeast Larrance Street on the east, and the centerline of South Railroad Street on the west.

296. "Family" means one or more persons related by blood, marriage or adoption, or a group of not to exceed five persons not all related by blood or marriage, occupying a boarding ~~or lodging~~ house, hotel, short-term rental, club or similar dwelling for group use;
3027. "Family day care home" means a licensed or approved family home, which is operated by no more than one wholly self-employed person residing at and inhabiting the dwelling, and which provides care and protection for seven or fewer children for part of the twenty-four-hour day. The term day care home shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home.
3128. "Front yard" means a yard adjacent to the front elevation of the main building and extending across a lot between the side lot lines and being the horizontal distance between the front property line and the outside wall of the front of the main building;
3229. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;
330. "Garage" means:
- a. Private: An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory; and
  - b. Repair: A building in which are provided facilities for the care, servicing, repair or equipping of automobiles;
341. "Garage apartment" means a dwelling unit for one family erected above a private garage;
352. "Garage parking" means any building or portion thereof used for the storage of four or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes and where repair facilities are not provided;
363. "Gasoline service" or "filling station" means ~~any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels. Gasoline service or filling stations may conduct the retail sale of automobile accessories and may provide incidental services in connection with the operation of the gasoline service or filling stations, including facilities for lubricating, hand washing and cleaning or otherwise servicing automobiles, but not including painting, major repair, automatic automobile washing or the sale of butane or propane fuels~~ an establishment or place of business primarily engaged in the on-site retail sale of petroleum products with incidental retailing of convenience goods, not limited to pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods. Other incidental uses may include the sale of prepared foods and beverages for on-or-off premises consumption. May include an automatic carwash if approved through the Uses Permitted on Review (UPOR) process.
374. "Gross floor area" includes the sum total of all the floor areas of all structures on a lot, less any floor area devoted to mechanical equipment supporting the

building, less parking space included within the structure, less the floor area whose respective ceiling is less than four feet in height;

385. "Half story" means a space under a sloping roof which has the line of intersection of room decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds ( $\frac{2}{3}$ ) of the floor area is finished off for use. A half story containing an independent apartment or living quarters shall be counted as a full story;
396. "Helistop" means any landing area used for the landing and taking off of private helicopters for the purpose of picking up and discharging of passengers or cargo but not including operations facilities such as maintenance, storage, fueling, or terminal facilities. See Section 18-4-1-412 for regulations.
4037. "Home nursing management facility" means a single-family dwelling used by a nonprofit public organization for the specific purpose of providing off-premises in-home health care which may include the dispatch of home health care volunteers, nurses, and counselors; providing referral services; conducting limited volunteer training; and maintaining records. Specifically excluded from this definition are on-site patient care or treatment, storage of sickroom equipment other than medicines used by home nursing staff, and regularly scheduled support group meetings or other group counseling activities. Additionally, no fund-raising activities such as garage or rummage sales, car washes, or haunted houses may be conducted on the premises.
4138. "Home occupation" means any occupation or activity carried on by the inhabitant of the dwelling, which is clearly secondary to the use of the dwelling for dwelling purposes, which does not change the residential character of the dwelling or neighborhood.
4239. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.
430. "Hotel" means a building or group of buildings under one ownership containing six or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including any trailer court or camp, ~~sanitorium~~, hospital, asylum, orphanage or building where persons are housed under restraint.
441. "Institutional use" means a use pertaining to or characteristic of an institution, which is by actual use and function predominantly public in character;
452. "Interior lot" means a lot other than a corner lot.
463. "Intersecting street" means any street which joins another at an angle, whether or not it crosses the other street.
474. "Kennel" means any lot or premises ~~on which are kept~~ where any combination of four eight (8) or more dogs or cats more than four six (6) months of age are sheltered, fed or watered and shall be licensed as required in Article 5-4 of this Code.
485. "Lot" means a parcel or plot of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and yards and other open spaces. Such lot shall have frontage on a public street, and may consist of a:

- a. Single lot of record.
  - b. Portion of a lot of record.
  - c. Combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or,
  - d. Parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter;
496. "Lot area" means the total area measured on a horizontal plane, included within lot lines;
- ~~504~~47. "Lot depth" means the mean horizontal distance between the front and rear lot lines;
- ~~514~~48. "Lot frontage" means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot;
- ~~524~~49. "Lot lines" mean the lines bounding a lot;
530. "Lot of record" means a lot which is part of a subdivision recorded in the office of the county clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded;
51. Macrobrewery" means an establishment where beer or malt beverages are made on the premises at an annual production rate of over 15,000 barrels (465,000 gallons). A Macrobrewery may include tasting rooms.
552. "Main building" means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated;
563. "Medical marijuana" means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.
574. "Medical marijuana commercial grower" means a business licensed by the State of Oklahoma to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor, or researcher;
585. "Medical marijuana dispensary" means a dispensary licensed by the State of Oklahoma to purchase medical marijuana from a licensed processor or licensed grower and sell medical marijuana only to qualified patients and caregivers;
586. "Medical marijuana processor" means a business licensed by the State of Oklahoma to purchase marijuana from a licensed commercial grower to subsequently prepare, manufacture, package, sell and deliver medical marijuana products to a licensed dispensary or other licensed processor; and who may also process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee; nothing in this code alters state license category requirements for medical marijuana establishments. Applicants may be required to seek multiple state licenses in order to comply with state law.
- a. "Tier I processor" means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in only the following activity(ies): the preparation (from medical marijuana grown in compliance with state law) by mechanical means of "prerolled" marijuana cigarettes, "joints" or "blunts" and the use of medical marijuana concentrate(s) (produced off-site in compliance with state law) or medical

- marijuana plant pieces (produced in compliance with state law) as an additive to products by means that do not include cooking and/or baking. Tier I medical marijuana processor does not include extraction processes of any kind.
- b. "Tier II processor" means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which includes processing activities described in Tier I medical marijuana processor and/or: the use of medical marijuana concentrate(s) (created off-site in compliance with state law), as an additive to product by means of cooking and/or baking. Tier II medical marijuana processor does not include extraction processes of any kind.
  - c. "Tier III processor" means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which includes processing activities described in Tier II and Tier I medical marijuana processor and/or: medical marijuana concentrate extraction processes that use only non-flammable substances.
  - d. "Tier IV processor" means a facility defined and regulated by Oklahoma state law as a medical marijuana processor, and which engages in the following activities: any type(s) of medical marijuana processing, consisting of all extraction processes including flammable chemicals such as butane, alcohol, propane, and ethanol.
57. "Microbrewery" means an establishment in which beer or malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 gallons) of beer and malt beverages per calendar year. Where allowed by law, microbreweries may include tasting rooms and direct sales to consumers in addition to other methods of distribution."
58. "Microdistillery" means a distillery producing distilled spirits in total quantity of no more than 40,000 proof gallons per calendar year. Where allowed by law, micro distilleries may include tasting rooms and direct sales to consumers in addition to other methods of distribution.
59. "Mobile home" is as defined in Section 14-104 of this code on mobile homes;
60. "Multiple dwelling" means a detached dwelling designed to be occupied by three or more families living independently of each other;
61. "Net Floor Area" means the gross floor area within a building devoted or intended to be devoted to a particular use, with ceiling height of seven feet or more, whether above or below finished grade, excluding:
- a. Elevators, stairways, hallways, walls, and partitions.
  - b. Floor space permanently devoted to mechanical equipment, closets, or other items permanently preventing the floor space from being occupied by persons while engaged in use of the building.
62. "Nonconforming uses" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated;
63. "Official zoning map" means the maps in atlas form dividing the city into zones or districts, as prescribed and set forth in Section 18-108 of this code.

Each separate sheet shall be properly authenticated in the manner prescribed in Section 18-108 of this code;

64. "Off-street" means off the right-of-way of a public street or place;
65. "Package store" or "retail spirits" or "liquor store" means any ~~storefront sole proprietor or partnership~~ licensed by the State of Oklahoma to sell wine, beer, and/or spirits for off-premises consumption and that is not a grocery store, convenience store, or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises consumption by state law;
66. "Parking space" means an area, enclosed or un-enclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile;
67. "Pet day-care center" means an indoor facility that regularly provides care for animals, which may include limited boarding and an outdoor relief area. The outdoor area shall be fully screened, and animals shall not be left unattended;
68. "Planning Commission" means the City of Lawton Municipal Planning Commission (City Planning Commission);
69. "Public health center" means a facility primarily utilized by a health unit for providing public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection therewith;
70. "Public recreation" means and includes such recreation facilities as parks, playgrounds, open space picnic areas, greenbelts, nature trails, boating, fishing and swimming facilities, golf courses and such other recreational activities which are functionally compatible with the character of the district. Private recreation areas for general public use and for which fees are collected shall be included in this definition;
71. "Rear yard" means a yard extending across the rear of a lot measured between the side lot lines and being the horizontal distance between the rear lot line and the outside wall of the rear of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard;
72. "Recreation center" means an indoor establishment which is predominantly in business for the entertainment of its patrons by a combination of the following activities:
  - a. The placement of coin-operated amusement devices or machines as defined by this code;
  - b. Dancing activities;
  - c. The preparation and serving of food and refreshments; and/or
  - d. Live or mechanically reproduced entertainment;

Provided this definition does exclude the above listed activities when a secondary or accessory use to another permitted use. This definition shall not include other permitted uses specifically listed in this chapter.

73. "Rest home" or "home for the aged" means any home, establishment or institution offering or providing planned continuing care for one or more aged persons not related to the operator, who by reason of advancing age or



physical infirmity are partially unable to care for themselves or who occasionally require care incident to old age. The furnishing of board, room and laundry, separately or combined, to any person, regardless of age, shall not in itself be deemed care incident to old age;

74. ~~"Rooming house" means a building where lodging only is provided for compensation to three or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty (20) persons shall be defined as a hotel;~~

75. ~~"Sanitarium" means an institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents;~~

76. ~~"Self-service laundry" or "dry cleaning establishment" means any attended or unattended place, building or portion thereof available to the general public for the purpose of washing, drying, extracting moisture from or dry-cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of mechanical appliance which is operated primarily by the customer;~~

77. ~~"Setback" means the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure;~~

78. ~~"Side yard" means a yard between the building and the side line of the lot and extending from the front yard to the rear yard and being the horizontal distance between a side lot line and the outside wall of the side of the main building;~~

79. ~~"Single-family dwelling" means a detached dwelling erected and secured on a permanent foundation designed to be occupied by one family;~~

80. ~~"Special exception" means a use that would not be appropriate generally or without restriction through the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions if specific provision for such special exceptions is made in this chapter;~~

81. ~~"Story" means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it;~~

82. ~~"Street" means any public or private thoroughfare which affords the principal means of access to abutting property;~~

83. ~~"Street categories" means and includes the following:~~

- a. ~~"Expressway:" This class of facilities is devoted entirely to the task of traffic movement and performs little or no land service function. Thus, it is characterized by at least some degree of access control. Except in rare instances, this classification should be reserved for multilane, divided roads with few, if any, intersections at grade. Expressways provide for large volumes of traffic at relatively high speed and are primarily intended to serve long trips;~~

- b. "Major arterial:" This class of streets brings traffic to and from the expressway and serves those major movements of traffic within or through the metropolitan area not served by expressways. Major arterials interconnect the principal traffic generators within the city and the important different areas of the city and should form a reasonably integrated system. The length of the typical trip on the system should exceed one mile. Major arterials mainly serve to move traffic, but they normally also perform a secondary land service function. Thus, although abutting property will have free access, parking and loading may have been restricted or prohibited altogether to improve capacity;
  - c. "Collector:" This class of streets serves the internal traffic movement within an area of the city such as a subdivision and connects this area with the major arterial system. They do not handle long, through trips and are not, of necessity, continuous for any great length. In gridiron patterns, however, a street of several miles in length may be serving as a collector rather than a major arterial if the predominant use is to reach the next junction with a major arterial and there turn off. The collector street is intended to supply abutting property with the same degree of land service as a local street while at the same time serving local traffic movement. This may necessitate a wide roadway-wider than that of many major arterials-if the traffic volumes are high, as they would be in the vicinity of the Central Business District;
  - d. "Local:" Local streets are those streets whose sole function is to provide access to immediately adjacent land. They make up a large percentage of the total street mileage of the city but carry a small proportion of the vehicle-miles of travel. In and around the Central Business District, local streets may carry traffic volumes measured in the thousands of vehicles; but this is an exception to the rule;
  - e. "Major streets:" Expressways, principal and minor arterials, and collectors as shown on the Federal Highway Administration Functional Classification Map are referred to collectively as "major streets";
842. "Street line" means the right-of-way line of a street;
853. "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls;
864. "Townhouse" means a building on its own separate lot containing one (1) single-family dwelling unit that occupies space from the ground to the roof and may be attached to no more than nine (9) other townhouse dwelling units with each unit having a front and rear entrance, a private outdoor area, and access to common open space;
875. "Theater, indoor" means a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances. This definition does not include an adult theater as defined and regulated by Article 7-13, Chapter 7, of this Code.
886. "Theater, movie, drive-in" means an outdoor movie theater where patrons view movies on a screen from their vehicles and shall adhere to Division 16-

4-2 of this code. A drive-in movie theater as an accessory use to an indoor theater shall be allowed when permitted in Article 7-34, Chapter 7 of this code. This definition does not allow the viewing of adult motion pictures as defined in Article 7-13, Chapter 7 of this code.

897. "Theater, outdoor" means an establishment for the performing live action arts with open-air seating for audiences.

9088. "Tourist court" means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients;

9189. ~~"Tourist home" means a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four rooms are provided or offered for transient guests for compensation;~~

920. "Townhouse" means a building on its own separate lot containing one single-family dwelling unit that occupies space from the ground to the roof and is attached to at least one but no more than nine (9) other townhouse dwelling units by at least one common wall with each unit having a front and rear entrance, a private outdoor area, and access to common open space;

931. "Trailer space" or "mobile home space" means a plot of ground within a trailer court designed for the accommodation of one mobile home;

942. "Trailer court" or "mobile home park" means land or property utilized for or intended to be used or rented for occupancy by two or more trailer houses or mobile homes;

953. "Trailer, hauling" means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats;

964. "Trailer home" or "mobile home" means a portable or mobile living unit used or designed for human occupancy on a permanent basis;

975. "Travel trailer" or "camping trailer" means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and containing less than one hundred seventy-five (175) square feet of floor area;

986. "Two-family dwelling" means a detached dwelling designed to be occupied by two families living independently of each other;

997. "Used" or "occupied" means and includes the words intended, designed or arranged to be used or occupied;

10098. "Variance" means a ~~relaxation lessening~~ of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. ~~A variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts;~~

~~404~~99. "Yard" means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this chapter that any accessory building or structure may be located in a portion of the yard of a main building.

SECTION 2. Section 18-6-11-611 is hereby amended to read as follows:

**18-6-11-611 - Uses permitted**

A. The following uses shall be permitted in a C-4 Tourist Commercial District:

1. Any use permitted in the C-1 Local Commercial District;
2. All those uses permitted on review in a C-1 Local Commercial District except mobile home park or trailer court;
3. Ambulance service, office and garage;
4. Boat and marine sales and service in accordance with the provisions of Section 18-6-12-625, Open Display Uses, but not including manufacturing operations;
5. Car and truck rental agency;
- ~~6. Carnival;~~
- ~~7. Circus~~
- ~~86.~~ Golf course, miniature or practice range;
- ~~9. Indian goods, retail;~~
- ~~407.~~ Institutional or fraternal building and use;
- ~~448.~~ Liquor/package store;
- ~~9.~~ Microbrewery, when associated with a restaurant located within the same building or where products prepared are retailed on the premises;
- ~~10.~~ Microdistillery, when associated with a restaurant located within the same building or where products prepared are retailed on the premises;
- ~~121.~~ Motel, hotel;
- ~~132.~~ Museums;
- ~~143.~~ New car franchise dealership and accessory uses incidental to the primary use in accordance with the provisions of Section 18-6-12-625, Open Display Uses;
- ~~154.~~ Novelty shop, retail;
- ~~165.~~ Offices, business and professional;
- ~~176.~~ Parking lot;
- ~~187.~~ Recreational center, public or private;
- ~~198.~~ Restaurant, cafeteria, drive-in restaurant;
- ~~2019.~~ Roller skating rink;
- ~~240.~~ Gas Station Service station;
- ~~221.~~ Sightseeing tour dept;
- ~~232.~~ Souvenir shop;
- ~~243.~~ Sporting goods store, except the sale of live bait;
- ~~254.~~ Swimming pool, commercial;
- ~~265.~~ Theater, indoor and outdoor;
- ~~276.~~ Trailer, rental;

- 287. Mixed beverage licensee or a beer and wine licensee selling alcoholic beverages for consumption on the premises;
- 298. Dance hall; and
- 3029. Nursery or garden supply store.

SECTION 3. Section 18-6-11-612 is hereby amended to read as follows:

**18-6-11-612 - Uses permitted on review.**

A. The following uses may be permitted on review in accordance with provisions of Section 18-113 of this code:

- 1. Bait shop;
- ~~2. Commercial amusement enterprise;~~
- 32. Motorcycle sales and service provided that:
  - a. The use conforms to the requirements of Section 18-625 of this code "Open Display Uses";
  - b. All service of vehicles be conducted within the building;
  - c. Disassembly, removal or sale of property for the purpose of salvage be prohibited; and
  - d. Outdoor storage of vehicles or vehicle parts shall be prohibited;
- 43. Medical marijuana—Tier II processor, when associated with a dispensary located within the same building, and all processed materials are sold on site;
- 54. Small animal veterinary clinic;
- 65. Theater, movie, drive in;
- ~~7. Trailer court or mobile home park;~~
- 86. Travel trailer park;
- 97. Travel trailer sales provided the use conforms to the requirements of Section 18-625 of this Code "open display Uses;" and
- 108. Any other store or shop for retail trade or for rendering personal, professional or business service not listed elsewhere which would be similar to and not more obnoxious than any of the uses listed above due to noise, dust, odor, smoke, vibration, heat, glare, danger to life and property or other similar causes.

SECTION 4. Section 18-6-14-646 is hereby amended to read as follows:

**18-6-14-646 - Uses permitted.**

A. Property and buildings in an I-1 Restricted Manufacturing and Warehouse district shall be used only for the following purposes:

- 1. Adult entertainment business as defined in Chapter 7 of this code ~~licensed by the city;~~
- 2. Any use, except a residential use, permitted in a C-5 General Commercial District. No dwelling uses shall be permitted. ~~except sleeping facilities for caretakers and nightwatchmen employed on the premises;~~
- 3. Automobile body repair and paint shop;
- 4. Bakery;
- 5. Bottling works;

6. Book bindery;
7. Candy manufacture;
- ~~8. Commercial amusement enterprise;~~
- ~~89.~~ Engraving plant;
- ~~940.~~ Electrical equipment assembly;
- ~~104.~~ Electronic equipment assembly and manufacture;
- ~~112.~~ Food products processing, packing;
- ~~123.~~ Furniture manufacture;
- ~~134.~~ Instrument and meter manufacturing;
- ~~145.~~ Jewelry and watch manufacturing;
- ~~156.~~ Laundry and cleaning establishment;
- ~~167.~~ Leather goods fabrication;
- ~~17.~~ Macrobrewery;
18. Medical marijuana commercial growing facility within an enclosed building;
19. Medical marijuana—Tier III processor;
- ~~20.~~ Microbrewery;
- ~~21.~~ Microdistillery;
- ~~220.~~ Optical goods manufacturing;
- ~~231.~~ Paper products manufacturing;
- ~~242.~~ Shoe manufacturing;
- ~~253.~~ Sporting goods manufacturing;
- ~~264.~~ Theater, movie, drive-in; and
- ~~275.~~ Wholesale or warehousing enterprises.

B. All the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings and shall not emit any dust or smoke or noxious odor or fumes outside the building housing the operation or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be so screened by opaque ornamental walls and fences that it cannot be seen from adjoining public streets or lots when viewed by a person standing at ground level; however, screening shall be not less than six (6) feet nor more than eight (8) feet in height.

SECTION 5. 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 6. 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 23rd day of August, 2022.

\_\_\_\_\_  
STAN BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN RATLIFF, CITY ATTORNEY