

## CHAPTER 2

### GENERAL PROVISIONS

200	Zoning and Supplemental Zoning Districts Established
202	Official Zoning Map Established
203	District Boundary Description and Interpretation
204	Limitation on Land Use
205	Division of Lots
206	Street Frontage Required
207	One Single-Family Dwelling Per Lot of Record
208	Home Occupations
209	Neighborhood Group Home
210	Family Day Care Homes
211	Community Group Home
220	Height Exceptions
225	Telecommunication Towers and Antennas
230	Lot Area and Width Exceptions
240	Yards
241	Existing Building Encroachment of Front Yards or Building Setbacks
250	Screening Wall or Fence
260	Platting Requirement
270	Major Street Plan
280	Structure Setback from Abutting Streets
290	Code of Ethics
291	Satellite Communication Antennas
292	Floodplain Regulations
293	Certain uses require approval of a Specific Use Permit. See Chapter 26.

#### SECTION 200 ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED

The Zoning Districts and Supplemental Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

AG	Agriculture District
RS-1	Residential Single Family Low Density District
RS-2	Residential Single Family High Density District
RD	Residential Duplex District
RM-1	Residential Multifamily District
RMHS	Residential Mobile Home Subdivision District
RMHP	Residential Mobile Home Park District
O	Office Low Intensity District
CN	Neighborhood Commercial District
CG	Commercial; General District
CH	High Intensity Commercial District
IL	Light Industrial District

IM	Industrial Moderate District
IH	Heavy Industrial District
PUD	Planned Unit Development

## SECTION 202 OFFICIAL ZONING MAP ESTABLISHED

The locations and boundaries of the various districts as defined herein shall be established by ordinance and shall be shown and delineated on the Official Zoning Map of the City of Coweta. The Official Zoning Map shall be maintained by the City Manager of the City of Coweta, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

## SECTION 203 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Official Zoning Map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the Board of Adjustment.

## SECTION 204 LIMITATION ON LAND USE

No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by Chapter 19, Nonconformities. Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by Chapter 19, Nonconformities.

## SECTION 205 DIVISION OF LOTS

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which located.

## SECTION 206 STREET FRONTAGE REQUIRED

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 feet of frontage on a public street or dedicated right-of-way, except a substandard lot of record or lot within an approved Planned Unit Development.

#### SECTION 207 ONE SINGLE FAMILY DWELLING PER LOT OF RECORD

Not more than one single-family dwelling may be constructed on a lot, except in the case of a lot which is within an approved Planned Unit Development.

#### SECTION 208 HOME OCCUPATION

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

- (a) Location: Home Occupations shall be conducted only within principal structures.
- (b) Area: An area equal to not more than twenty-five (25%) percent of the floor area of the principal structure may be utilized for home occupational purposes.
- (c) Employees: Only residents of the premises may be employed.
- (d) Merchandise: The home occupation shall not involve the retail sale of merchandise manufactured off the premises.
- (e) Visibility of Merchandise: No merchandise shall be displayed in such a manner as to be visible from off the premises.
- (f) Outdoor Storage: No outdoor storage shall be allowed in connection with any home occupation.
- (g) Maintenance of Residential Character: No alteration of the residential character of the premises may be made.
- (h) Signs: No signs visible from outside the lot relating to home occupations shall be allowed.
- (i) Parking: Off-street parking shall be provided in accordance with requirements of Chapter 17.
- (j) No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.

#### SECTION 209 NEIGHBORHOOD GROUP HOME

1. Must be licensed by the State of Oklahoma, Oklahoma State Health Department and meet contracting standards of the State of Oklahoma, Department of Human Services for group homes for mentally retarded persons.

2. No building may be occupied after the effective date of this amendment until a zoning clearance permit is obtained. This permit will be revoked automatically upon revocation of the state license.
3. No signs advertising the neighborhood group home shall be permitted on the lot.
4. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.
5. To avoid clustering, a neighborhood group home shall not be located on a lot within ½ mile (2,640 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention/correctional facility.

#### SECTION 210 FAMILY DAY CARE HOMES

1. Must be licensed by the State of Oklahoma Department of Human Services
2. Must obtain a zoning clearance permit from the building inspector if established after the effective date of this amendment.
3. A maximum of five (5) children, including those pre-school children under five years of age who reside in the residence, may be cared for in the home.
4. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver as required by the standards for Family Day Care Homes adopted by the Oklahoma Department of Human Services.
5. No signs advertising the Family Day Care Home shall be permitted on the lot.
6. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.

#### SECTION 211 COMMUNITY GROUP HOME

1. Must be licensed by the State of Oklahoma, Oklahoma State Health Department and meet contracting standards of the State of Oklahoma, Department of Human Services for group homes for mentally retarded persons.
2. No building may be occupied after the effective date of this amendment until a zoning clearance permit is obtained. This permit will be revoked automatically upon revocation of the state license.
3. No signs advertising the community group home shall be permitted on the lot.
4. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure. Fire escapes, if

required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.

5. To avoid clustering, a community group home shall not be located on a lot within one mile (5,280 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention/correctional facility.

#### SECTION 220 HEIGHT EXCEPTIONS (Ord #573)

The following structures shall not be subject to the height limitations of the district in which they are located:

- (a) Farm buildings and structures.
- (b) Belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.
- (c) Ground and structure-supported antennas and aerials, including elevating structures (poles and towers), which do not exceed a total aggregate height of 65 feet above the natural land grade and which meet the following requirements:
  1. No portion of the antenna, aerial, elevating structure or any anchor or guy line may encroach upon the land area or airspace of any adjoining or abutting property;
  2. In RS Districts no portion of an amateur radio antenna, aerial, elevating structure, or any anchor or guy line, may extend beyond the front yard building setback line or extend into any established front yard or into any established side yard;
  3. In I Districts, towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of any AG, RS, or O District, excluding expressway rights of way zoned residential.

Provided that:

- a. Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any city, county, state, or federal government entities;
- b. Non-guyed, omni-directional, single element vertical antennas not exceeding 112 inches in height, and not exceeding one and three-fourths (1  $\frac{3}{4}$ ) inches outside diameter shall be permitted in addition to the 65 foot aggregate height limitation.
- c. The restrictions established by this section may be modified by Board of Adjustment Special Exception approval, subject to the minimum requirements for Special Exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

## SECTION 225 TELECOMMUNICATION TOWERS AND ANTENNAS (Ord #573)

In that the City of Coweta finds that Telecommunication Towers and Antennas and other supporting structures present unique land use concerns, Telecommunication Towers and Antennas and their supporting structures shall meet the following requirements and adequately consider the following purposes as set forth below:

A. **Purpose:** The purpose of this Section is to establish requirements for the location of wireless communications towers and antennas as follows:

1. Protect residential areas and land uses from potentially adverse impacts of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage co-location of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Consider the public health and safety of communications towers;
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and furtherance of these purposes, the City of Coweta shall give due consideration to the City of Coweta's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. **Exclusions.** The following shall be exempt from these regulations:

1. Microwave reflectors and parabolic antennas;
2. Antennas and equipment completely located inside of buildings;
3. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those

modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the general requirements set forth in this document.

C. **Definitions.** As used herein, the following terms shall have the meanings set forth below:

1. **Antenna:** Any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communications signals.
2. **Co-location:** Construction of antenna towers which provides space for multiple wireless service providers to locate on one tower. The term used when multiple service providers are located on one tower.
3. **Comprehensive Plan:** Means the official Plan for the growth and development of the City of Coweta. Adopted by the Coweta City Council December 5, 1994
4. **FAA:** The Federal Aviation Administration.
5. **FCC:** The Federal Communications Commission.
6. **Guyed Tower:** A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
7. **Height:** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.
8. **Preexisting towers and preexisting antenna:** Any tower or antenna which lawfully existed prior to the effective date of these regulations, including permitted towers or antennas that have not yet been constructed so long as such approval is current and has not expired.
9. **Tower:** Any principal use antenna that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like, and also includes the structure and any support thereto.
10. **Principal Use Tower:** A tower situated on a lot or parcel of land, which is the primary use of said lot or parcel.
11. **PUD:** Planned Unit Development

12. **Accessory Use Tower:** A tower situated on a lot or parcel, which is subordinate to the principal or primary use of said lot or parcel.

**D. General Requirements for Antennas and Tower**

	<u><b>AG</b></u>	<u><b>RS</b></u>	<u><b>O</b></u>	<u><b>C</b></u>	<u><b>I</b></u>	<u><b>PUD</b></u>
<b>Principal Use</b> E		X	X	R*	R*	R*
<b>Accessory Use</b> E		X	E	R*	R*	R*
E: Special Exception		R: Use By Right		X: Not Allowed By Right or Exception		

\* Antenna Towers and Accessory Structures are allowed by right in the above designated zoning districts as long as compliance with all general requirements of this ordinance are met at time of building permit issuance.

1. Principal or Accessory Use. Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot. Reference the above chart for applicability of siting new principal or accessory use towers.
2. Towers and antennas shall meet the following requirements:
  - a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - b. Other than in Industrial zoning districts and PUD's, antennas and towers shall be a monopole design unless the Board of Adjustment determines by special exception that an alternative design would adequately blend into the surrounding environment, or that such antenna cannot be supported by a monopole.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible
3. Non Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities
4. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or federal or state authority. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.



5. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
6. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 300 feet used for residential purposes.
7. Setbacks. The following setback requirements shall apply to all towers; provided, however, that the Board of Adjustment may modify the requirements by special exception:
  - a. Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot, excluding expressway right of way zoned residential, office or agricultural.
  - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
8. Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided, however, the Board of Adjustment may modify or waive such requirements by special exception.
9. Minimum Spacing. Antennas and towers constructed for a single-use provider or for co-location shall be spaced a minimum distance of one mile from any other tower or antenna.
  - a. Each applicant for permit to build a tower shall provide to Coweta Community Development Department, an inventory of all the existing towers or permits for other locations that are within one (1) mile of the site applied for; said inventory shall include specific information about the location, height, and design of each tower. If the towers within the applicant's inventory have been designed for co-location, a description of the facilities and heights for the possibility of co-location shall be included within the inventory. Said inventories may be shared with other applicants applying for any approvals under these regulations; provided, that the City of Coweta does not warrant the accuracy of any such information. The applicant for a permit shall also provide the description, identity and contact for the backhaul network provided who will serve that site.
10. Height: No tower shall exceed 65 feet in height without Board of Adjustment approval.

E. **Administrative Approval of Permits.** The Coweta Community Development Department may administratively approve the installation of a new antenna on the following:

1. An existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing, non-residential structure) which is 55 feet or less in height, so long as such addition does not add more than **10** feet to the height of the existing structure.
2. An existing tower of any height, including a preexisting tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 10 feet to the height of the existing tower and the tower remains set back from any existing adjacent residential lot boundary equal to one hundred ten percent (110%) of the total new height of the tower.
3. Certain developed public properties including but not limited to water towers, water treatment plants, sewer treatment facilities, police stations, fire stations, ambulance stations, equipment maintenance facilities, and lighted and enclosed sports facilities such as football stadiums, baseball and softball parks, but not practice facilities at unlighted or unsecured locations which may be temporarily used for sporting events, nor on or in any park or greenbelt.
4. Top of high schools, intermediate high schools, and commercial or office buildings, so long as such addition does not add more than 10 feet to the height of the existing structure.
5. An existing tower or supporting structure as a collocation.
6. An accessory or principal use tower or antenna in an I District 65 feet tall or less provided such tower is setback 110% of the total height from an abutting AG, RS, or O District.

F. **Antenna and Towers Requiring Special Exceptions.** If a tower or antenna is not permitted pursuant to Section 220 or Section 225.D of this chapter, a special exception shall be required for the construction of such tower.

1. In order to obtain approval of a special exception for an antenna and antenna support structure, the Board of Adjustment shall require, subject to modification and additional requirements as deemed necessary by said Board as a part of the review process, that the antenna and antenna support structure satisfy the following:
  - a. Height of the proposed tower;
  - b. Proximity of the tower to residential structures;

- c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - g. The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;
  - h. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
  - i. Proposed ingress and egress;
  - j. The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;
  - k. The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
2. Co-location. Co-location of facilities is encouraged.
- a. All towers requiring Special Exception approval from the Coweta Board of Adjustment shall be designed and constructed in such a manner as to accommodate co-location of a minimum of two (2) additional wireless telecommunication system providers unless it can be demonstrated by the applicant to the satisfaction of said Board that such collocation is not technically feasible or that it would unreasonably impede or otherwise impair the operation of the initial or subsequently located facilities.
  - b. Certification from a professional engineer licensed to practice in the State of Oklahoma shall be submitted with the Board of Adjustment application that the antenna and antenna support structure is designed and constructed in such a manner as to accommodate the co-location of a minimum of two wireless telecommunication system providers.
  - c. Written evidence of compliance with the standards of the Federal Communications Commission and the Federal Aviation Administration.
  - d. No new tower should be permitted by the Coweta Board of Adjustment unless the applicant demonstrates to the Board reasonable satisfaction that no existing tower

or other structure can accommodate the applicant's proposed antenna. Evidence of this unavailability may consist of the following:

- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
  - (2) Existing towers or structures are not of sufficient height or structural strength to meet the applicant's engineering requirements;
  - (3) Applicant's proposed antenna would cause electromagnetic interference with existing antenna on existing towers or structures, or the existing antennas on the existing towers or structures would cause electromagnetic interference with applicant's proposed antenna;
  - (4) Fees, costs, or contractual provisions required by the owner of the existing tower in order to share said tower structure are unreasonable. In this regard, rental costs exceeding the costs of site acquisition and tower construction, including engineering and design fees, are presumptively unreasonable; and,
  - (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable to the satisfaction of the Board.
3. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided however, that the Board of Adjustment may modify or waive such requirements by special exception.
- a. Tower facilities shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
4. The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

G. **Removal of Abandoned Antenna and Towers.** Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower, or the property owner, shall remove the same within 90 days of receipt of notice from the City of Coweta notifying the owner of such abandonment. Failure to remove the abandoned antenna or tower within said 90 days shall be grounds for the City of Coweta to issue Penalties for Violations in accordance

with the City of Coweta Zoning Code and/or to remove the antenna or tower at the tower owner's or property owner's expense. Additionally, any abandoned tower that is not current in the structural safety inspection required by Coweta's Building Code may be subject to nuisance abatement procedures as set forth by the City of Coweta.

- H. **Existing Towers and Antennas.** Antennas and towers lawfully existing on or before the effective date of these regulations shall be considered nonconforming uses as specified in these regulations. Routine maintenance, including antenna replacement, shall be permitted on such existing towers. New construction other than routine maintenance shall require compliance with all provisions of these regulations.

## SECTION 230 LOT AREA AND WIDTH EXCEPTIONS

The lot area and width requirements of the zoning districts shall not apply to public protection and utility facilities, other than fire protection and ambulance services.

## SECTION 240 YARDS

### 240.1 Compliance With Yard Requirements

Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building, for the purpose of complying with the provisions of the Code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.

### 240.2 Permitted Yard Obstructions

Obstructions are permitted in required yards as follows:

- (a) Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two (2) feet into a required yard.
- (b) Fire escapes may project not more than four and one-half (4 1/2) feet into a required yard.
- (c) Fences, hedges, plant materials and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the City of Coweta Code. Fences and walls within yards shall not exceed a height of eight (8) feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four (4) feet. The Board of Adjustment, as a special exception, may modify these limitations.
- (d) Signs which are permitted as accessory uses in residential districts may be located within any yard which is bounded by a public street.
- (e) Detached accessory buildings may be located in the rear yards of RS Districts and shall be regulated as follows:
  - (1) On RS lots containing less than one-half (0.5) acre of lot area, detached accessory buildings may be located in a rear yard provided that the accessory

buildings in aggregate do not exceed 768 square feet of floor area, or cover more than twenty percent (20%) of the rear yard, whichever is smaller.

- (2) On RS lots containing one-half (0.5) acre of lot area or greater, detached accessory buildings may be located in the rear yard provided that the accessory buildings in aggregate do not exceed the following: RS lots containing a minimum of one-half (0.5) acre but less than one (1) acre of lot area - an aggregate maximum floor area of 1,000 square feet; or RS lots containing one (1) acre or more of lot area - an aggregate maximum floor area of 1,500 square feet.
  - (3) Accessory Buildings over 750 square feet in size located upon a property site, or an adjacent property if under same ownership, shall be designed to relate in materials, color, character and detail to the principal building(s) located upon the site and/or adjacent lots.
  - (4) In no case shall the aggregate area of accessory buildings on a lot be permitted to exceed the floor area of the principal residential structure located upon the lot.
  - (5) All accessory buildings not meeting the minimum requirements in (1.) and (2.) above shall require Board of Adjustment action in the form of a Special Exception. The following factors, at a minimum, shall be considered by the Board of Adjustment in granting Special Exception approval of detached accessory buildings as referenced above: the accessory building height; building construction materials; building color scheme; building, location and setbacks; proposed or existing landscaping and/or screening fence, roof types, surface texture, style, details and building form. (Ord #572)
- (f) Swimming pools, tennis courts, and fallout shelters.
  - (g) Mobile home hitches where mobile homes are permitted.
  - (h) Customary accessory structures, such as clotheslines, barbecue pits, playground equipment.
  - (i) Carports 12 feet or higher shall require Board of Adjustment special exception approval prior to construction. All other carport requests require building permit review and approval. All carports are to match in color and character to the primary structure on the lot. The setbacks for carports shall comply with the corresponding zoning district setback and bulk and area requirements. Carports shall be constructed on a hard surface area of an all-weather material, asphalt or concrete parking. (Ord #697)

### 240.3 Use of Yards

- (a) No inoperative motor vehicles shall be parked or stored within the front or exterior side yard in an R district. No vehicle and/or recreational vehicles including RV's, Boats, boat trailers, and other recreational trailer's shall be parked except on a hard surface area constructed of an all-weather material. Gravel may be used in R Districts for recreational vehicles. The gravel parking space must be maintained in good condition and remain dust-free in compliance with 240.3 (b).

- (b) When an existing home (as of the date of adoption of this ordinance) has no garage or a one-car garage, one gravel parking space may be located on the property. Access to such designated parking space shall be by way of the property's paved driveway. The gravel parking space must be maintained in good condition and remain dust-free as determined by city code enforcement officer or the property owner shall return such area to a landscaped area/grass, or an all weather hard surface. Designed parking spaces will be subject to the following conditions:
- (1) Permit must be applied for and approved before the work is done.
  - (2) The majority of the front yard must be landscaped/grass.
  - (3) Gravel parking space must be installed in a way to prevent gravel run off to the street i.e. border space with large rocks, bricks, etc.
- (c) Portable storage containers are permitted in residential zoning districts on a temporary basis (maximum 10 days) and only permitted once a year per property. If a storage container is proposed to be placed on the property permanently (more than 10 days), it must conform to the detached accessory building requirements of this code per section 240.2 (e). Storage containers, accessory buildings and other accessory structures greater than 200 square feet proposed to be permanently located on a property within the city must be affixed to the land with footings, anchors or other tie down approved by the city and must meet the setback requirements as stated in the zoning ordinance. No container, accessory building or structure is permitted to be higher than the primary structure. In all other districts, storage containers, accessory buildings and accessory structures should be similar in material, color, character and detail to the principal structure and screened from view from the public per Section 250 of the city code. All storage containers, whether permanent or temporary, greater than 120 square feet, require a permit through the City.

Exemption: construction containers associated with new construction or remodel in conjunction with a building permit. All containers to be maintained so litter may not accumulate on property per Section 8-110 of the City Code. (Ord #638)

## SECTION 241 EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

- (a) If the proposed building is to be located more than 200 feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (b) If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an

intersecting street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.

- (c) If the proposed building is to be located within 200 feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.
- (d) If the proposed building is to be located within 200 feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.

Provided, however, that the application of (c) or (d) above, the front yard or building setback shall not be reduced to less than 5 feet plus 1/2 of the right-of-way width designated on the Major Street Plan for the abutting street, or 5 feet plus 25 feet if the street is not designated on the Major Street Plan.

## SECTION 250 SCREENING WALL OR FENCE

### 250.1 Specifications

For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.

When the provisions of this Code require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

- (a) Shall be constructed with customarily used fencing materials which are compatible with the surrounding area, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation;
- (b) Shall not be less than six (6) feet in height;
- (c) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
- (d) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened

### 250.2 Maintenance

The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

### 250.3 Modification of the Screening Wall or Fence Requirements

The Board of Adjustment, as a Special Exception, may:



- (a) Modify or remove the screening requirement where existing physical features provide visual separation of uses,
- (b) Modify the screening requirement where an alternative screening will provide visual separation of uses,
- (c) Grant an extension of time to erect a screen where properties which are to be benefited by the screen are undeveloped, and
- (d) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances and/or regulations.

250.4 Location Where Screening Walls or Fences are Required

Any use in a zoning district in column A is required to erect and maintain a screening wall or fence along the lot line or lines abutting any district in column B if the use is not allowed as a Permitted Principal Use in the districts in column B.

Column A	Column B
Any use in RM-1, RMHS, RMHP, 0, CN, CG, CH, IL, IH and PUD	RS-1, RS-2, RS-3 and RD
Any use in 0, CN, CG, CH, IL, IH and PUD	RM-1, RMHS and RMHP

SECTION 260 PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission and City Council and filed of record in the office of the County Clerk where the property is situated. Provided that the City Council pursuant to their jurisdiction over subdivision plats, may remove the platting requirement upon a determination that the above-stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

SECTION 270 MAJOR STREET PLAN

“The City of Coweta Major Street and Highway Plan,” hereinafter referred to as “The Major Street Plan” as adopted by the City Council of the City of Coweta, on October 20, 1986 or as it may hereinafter be amended by ordinance is hereby adopted by reference and made a part hereof.

SECTION 280 STRUCTURE SETBACK FROM ABUTTING STREETS

The structure setback from abutting streets shall be as provided for each zoning district. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than 1/2 of the right-of-way designated on the Major Street Plan.

#### SECTION 290 CODE OF ETHICS

The Mayor or any member of the Council of Coweta, Planning Commission, or Board of Adjustment to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this Code should not be a participant in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual should not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

#### SECTION 291 SATELLITE COMMUNICATION ANTENNAS

Satellite antennas are regulated as follows:

- (a) Satellite antennas are a permitted use in an AG, RS, RD, RMHS, RMHP or RM-1 district, provided it meets the following standards:
  - 1. Shall be ground mounted.
  - 2. Shall be located in the rear yard only and shall be setback from the property line(s) one foot for every foot of height.
  - 3. Shall not exceed 13 feet in height at the grade where it is mounted.
  - 4. Not permitted as a principal use on the lot.
- (b) Satellite antennas are permitted as a matter of right in all other O, C, and I districts, provided if the antenna is to be located on a lot which abuts a residential district, the antenna shall be setback from the common property boundary two feet for every foot of height above grade.
- (c) Satellite antennas which do not meet the standards as set forth above shall require approval of a Special Exception by the Board of Adjustment.
- (d) Satellite antennas which have been installed prior to the effective date of this ordinance shall be permitted to continue notwithstanding any provision herein to the contrary.

#### SECTION 292 FLOODPLAIN REGULATIONS

No zoning clearance permit shall be issued for any activity regulated under this ordinance unless that activity complies with the City of Coweta's Flood Damage Prevention Ordinance, Ordinance No. 365.

#### SECTION 293 SPECIFIC USE PERMIT

Certain uses require approval of a Specific Use Permit, Chapter 26 of this Code.