CITY OF COWETA

ZONING CODE

Ordinance No. 716
Adopted April 4, 2011

Ordinance No. 726
Adopted May 2, 2011

THE ZONING CODE
OF THE CITY OF COWETA, OKLAHOMA

This is the publication of the Zoning Code as adopted by Ordinance No. 716 on April 4, 2011. Ordinance No. 726 on May 2, 2011. This document will be codified by the City as amendments are adopted by the City Council. Additional copies of this Zoning Code may be obtained for a reasonable fee at city hall. Supplements to this Zoning Code will also be available for a reasonable fee at city hall.

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THE COWETA ZONING CODE

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OKLAHOMA

THE ZONING CODE

OF

THE CITY OF COWETA

Prepared for
The City of Coweta
By the
MEMBERSHIP SERVICES DIVISION
INDIAN NATIONS COUNCIL OF GOVERNMENTS

Adopted by the City Council
Ordinance No. 377
July 6, 1987
Amended April 4, 2011

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CHAPTER 1

TITLE, PURPOSES, INTERPRETATION AND JURISDICTION

100 Title
110 Purposes, Interpretation, and Jurisdiction

SECTION 100 TITLE

This Ordinance shall be known and may be cited as “The Coweta Zoning Code”.

SECTION 110 PURPOSE, INTERPRETATION, AND JURISDICTION

Purpose

This Code is enacted for the purpose of promoting the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate light and air, police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and preventing undue encroachment thereon; conserving the value of buildings and encouraging the most appropriate use of land; encouraging the industrial, commercial and residential growth of the community; and promoting the development of the community in accordance with a comprehensive plan.

110.2 Interpretation

(a) Validity of Other Laws

Where this Code imposes a greater restriction upon the use of structures or land or upon height or bulk of structures, or requires larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of this Code shall govern. However, nothing in this Code shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.

(b) Severability

In case any portion of this Code shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the Code shall not thereby be invalid, but shall remain in full force and effect.

(c) Tense and Definition

For the purpose of the Code, certain terms and words are to be used and interpreted as defined in Chapter 23 of this code, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular,

except where the natural construction of the writing indicates otherwise. The word ‘shall’ is mandatory and not directory.

110.3 Jurisdiction

(a) Territorial Jurisdiction

This Code shall be in full force and effect in the corporate limits of the City of Coweta, Oklahoma. Property owned, leased, or operated by the City of Coweta, or any other public or governmental body or agency, shall be subject to the terms of this Code.

(b) Annexed Territory

When any territory shall be brought into the zoning jurisdiction of the City of Coweta, by annexation or otherwise, such territory shall be deemed to be an AG Agriculture district, provided, however, that the City Council of Coweta may annex and zone the property another classification in one ordinance provided that:

1. The proposed zoning is reviewed by the Coweta City Planning Commission, and,

2. The City Council of Coweta determines that the zoning is in accordance with the Comprehensive Plan of Coweta and thus the best interest of the City.

These provisions shall not operate to preclude subsequent rezoning of such property by amendment in the manner set forth in Chapter 22.

CHAPTER 2

GENERAL PROVISIONS

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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 ¾) 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

	AG	RS	O	C	I	PUD
Principal Use	E	X	X	R*	R*	R*
Accessory Use	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 feasibility 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 BUILDNG 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-l, 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-l, 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 everyone 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 not withstanding 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.

CHAPTER 3

AG - AGRICULTURE DISTRICT

300 General Description
310 Permitted Principal Uses
320 Permitted Accessory Uses and Structures
330 Uses Permitted by Special Exception
340 Uses Permitted by Specific Use Permit
350 Minimum Yard requirements
360 Minimum Lot Area
370 Minimum Lot Width
380 Maximum Height of Structures

SECTION 300 GENERAL DESCRIPTION

Description

This district is intended to offer protection to agricultural land within the city limits of the City of Coweta from the depreciating affects of objectionable, hazardous, and unsightly uses and, at the same time, prevent untimely scattering of more dense urban development. The types of uses and intensity of use of lands which are authorized in this district are designed to encourage and protect all agricultural uses until urbanization is warranted, and the appropriate changes in district classification are made.

SECTION 310 PERMITTED PRINCIPAL USES

Agricultural uses and services and certain other uses suitable for location in an agricultural environment.

Property and buildings in an AG Agricultural district shall be used only for the following purposes:

Included Uses

(a) Animal and Poultry Raising

(b) Chick Hatchery

(c) Dairy Farming

(d) Farming

(e) Fishery

(f) Guest or Dude Ranch

(g) Horticultural Nursery

(h) Ranching

(i) Riding Stable or Academy

(j) Veterinary Hospital (large animals)

(k) Roadside sales stands

(l) Any use permitted in the RS-1 or RS-2 Single Family Residential district.

(m) Municipal use, public building, and public utility.

(n) Public park or playground.

(o) Oil well or gas well, including the drilling thereof.

(p) Business signs or outdoor advertising subject to the provisions of Chapter 18.

(q) Servant or caretaker's quarters.

(r) Water reservoir.

(s) Neighborhood group home subject of the provisions of Section 209.

(t) Foster home.

Use Condition

(a) Dairy Farming, Fishery, Guest or Dude Ranch and Riding Stable or Academy requires a minimum lot area of 5 acres.

(b) A veterinary hospital (large animals) requires a minimum lot area of 5 acres.

(c) Horticultural nursery permits the growing of plant stocks only, and no retail, sales are permitted on the site.

(d) Roadside sales stands provided;

1. Only products raised on the premises shall be sold in such stand.

2. Such stands shall be of a temporary nature and shall not be constructed as a permanent structure.

3. The stand shall be set back from the front property line an adequate distance to permit parking and ingress and egress; and shall not be constructed in such a location as to create an undue traffic hazard.

4. The stand shall be removed during winter months.

SECTION 320 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in the Agriculture district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

(a) Fallout and/or storm shelter.

(b) Home occupation subject to the provisions of section 208.

(c) Signs subject to the provisions of Chapter 18.

(d) Family day care home, subject to the provisions of Section 210.

(e) Children's Day nursery.

(f) Mausoleum in existing or approved Cemeteries.

SECTION 330 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Advertising signs.

(b) Sewer lagoon.

(c) Community group home subject to the provisions of Section 211.

SECTION 340 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Public school or school offering general education courses the same as ordinarily given in the public schools and having no rooms, regularly used for housing and/or shopping.

(b) Church, rectories, convents, parish houses, halls, and other religious uses.

(c) Country clubs and golf courses, excluding miniature golf courses and driving ranges.

(d) Cemetery.

(e) Sewage Disposal Facility.

(f) Water Treatment Facility and/or Water Storage Facility.

(g) Kennel.

SECTION 350 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet.

(b) Side yard - All buildings shall be setback from the side lot line to comply with the following side yard requirements:

(1) For principal buildings on interior lots, there shall be a minimum side yard of twenty (20) feet.

(2) For unattached accessory buildings on an interior lot there shall be a minimum side yard of ten feet

(3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback distance of twenty-five (25) feet. The interior side yard requirements shall be the same as in (1) and (2) above.

(c) Rear yard - There shall be a rear yard for principal buildings of not less than twenty-five (25) feet. Unattached accessory buildings may be located in the rear yard, but shall be setback at least ten (10) feet from the rear property line or outside any utility easement, whichever is greater.

SE CT ION 360 MINIMUM LOT AREA

The minimum lot area for uses permitted by right or special exception is 2 acres or the land area required by the County Health Department, whichever is greater.

SECTION 370 MINIMUM LOT WIDTH AND FRONTAGE

(a) The minimum lot width for uses allowed in the Agriculture District is 200 feet.

(b) All lots shall abut on a street for a distance of not less than thirty (30) feet.

SECTION 380 MAXIMUM HEIGHT OF STRUCTURES

Except as hereinafter provided in Section 220, no structure shall exceed forty (40) feet in height.

CHAPTER 4

RS-1, RS-2 AND RS-3 RESIDENTIAL SINGLE FAMILY

400 General Description
410 Permitted Principal Uses
420 Permitted Accessory Uses and Structures
430 Uses Permitted by Special Exception
440 Uses Permitted by Specific Use Permit
450 Minimum Yard Requirements
460 Minimum Lot Area
470 Minimum Lot Width and Frontage
480 Maximum Height of Structures

SECTION 400 GENERAL DESCRIPTION

Description

The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

SECTION 410 PERMITTED PRINCIPAL USES

Included Uses

Principal uses permitted in the RS-l, RS-2 and RS-3 Residential Single Family districts are as follows:

(a) Detached single family dwellings.

(b) General purpose farm or garden, but not the raising of livestock or poultry.

(c) Temporary buildings used specifically for construction purposes only, (not for living purposes) which shall be removed upon completion or abandonment of construction work.

(d) Foster home.

(e) Neighborhood group home subject to the provisions of Section 209.

(f) Public park or playground.

(g) Fire Stations.

Use Condition

A single-family detached dwelling and Foster home shall:

1. Be affixed to a permanent foundation as defined herein;

2. Utilize customary residential exterior finishing materials as defined herein;

3. Have a core area of living space at least 20 feet by 20 feet in size exclusive of an attached garage; and

4. Meet all other City Codes and Ordinances.

SECTION 420 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in Residential Single Family districts are permitted in such districts. In addition, the following uses are permitted as accessory uses:

(a) Fallout and/or storm shelter.

(b) Home occupation, subject to the provisions of Section 208.

(c) Signs subject to the provisions of Chapter 18.

(d) Family day care home, subject to the provisions of Section 210.

(e) Mausoleum in existing or approved Cemeteries.

SECTION 430 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as Special Exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Municipal use, public building or public utility which holds the right of eminent domain.

(b) Public library.

(c) Private recreational clubs and recreational areas operated by membership organizations for the benefit of their members and not for gain or profit.

(d) Community group home subject to the provisions of Section 211.

(e) Children's Day nursery.

(f) Adult Day Care.

(g) Care Home.

(h) Children's Home (i.e. orphanage).

(i) Accessory buildings in accordance with Section 240.2(e).

(j) Miniature golf courses.

SECTION 440 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Cemetery, not including animal cemeteries.

(b) Church.

(c) Golf course and driving ranges.

(d) Public school or school offering general educational courses, the same as ordinarily given in a public school and having no rooms regularly used for housing or sleeping.

SECTION 450 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

District	Arterial Streets	Non-Arterial Streets
RS-1	35 feet	35 feet
RS-2	35 feet	25 feet
RS-3	35 feet	25 feet

(1) When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard - All buildings shall be setback from the side lot line to comply with the following side yard requirements:

(1) For dwellings located on an interior lot, there shall be a minimum side yard as follows:

RS-l:	10 feet
RS-2:	5 feet
RS-3:	5 feet

(2) For unattached buildings accessory to residential uses on an interior lot there shall be a minimum side yard of 5 feet

(3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to the appropriate distance shown below:

District	Arterial Streets	Non-Arterial Streets
RS -1	35 feet	20 feet
RS-2	20 feet	15 feet
RS-3	20 feet	15 feet

The interior side yard requirements shall be 1) for dwellings and accessory buildings, the same as in (1) and (2) above; and 2) for all other principal or accessory building, the same as in (4) below.

(4) For all other principal or accessory buildings on an interior lot there shall be a minimum setback as follows:

RS-l: 25 feet
RS-2: 20 feet
RS-3: 15 feet

(c) Rear yard - There shall be a rear yard for principal buildings of not less than the following:

RS-1: 25 feet
RS-2: 20 feet
RS-3: 15 feet

Unattached buildings of accessory uses may be located in the rear yard, but shall be setback at least ten (10) feet from the rear property line or outside any utility easement, whichever is greater.

SECTION 460 MINIMUM LOT AREA

(a) For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:

RS-1: 11,400 square feet
RS-2: 6,600 square feet
RS-3: 5,000 square feet

(b) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for any of the uses, except churches, permitted by this section.

(c) For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yards required by

this section and the off-street parking areas required in Chapter 17.

(d) There shall be no more than one (1) dwelling unit and one (1) use per lot in the Single Family Residential districts.

SECTION 470 MINIMUM LOT WIDTH AND FRONTAGE

(a) For dwellings there shall be a minimum lot width at the front building line of the following:

RS-1:	85 feet
RS-2:	60 feet
RS-3:	50 feet

(b) For uses other than dwellings, the lot width shall be adequate to provide the setbacks required in the Residential Single Family districts.

(c) All lots shall abut on a street for a distance of not less than the following:

RS-1:	45 feet
RS-2:	35 feet
RS-3:	30 feet

SECTION 480 MAXIMUM HEIGHT OF STRUCTURE

No structures shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

CHAPTER 5

RD RESIDENTIAL, TWO-FAMILY

500 General Description
510 Permitted Principal Uses
520 Permitted Accessory Uses and Structures
530 Uses Permitted by Special Exception
540 Uses Permitted by Specific Use Permit
550 Minimum Yard Requirements
560 Minimum Lot Area
570 Minimum Lot Width and Frontage
580 Maximum Height of Structures

SECTION 500 GENERAL DESCRIPTION

Description

This residential district is designed to provide for a slightly higher population density than the RS districts, yet be compatible near single-family uses. This district is generally located adjacent to the high density multi-family district and provides a transition from the high density land uses to single family uses.

Included Uses

SECTION 510 PERMITTED PRINCIPAL USES

Principal uses permitted in the RD Residential, Two-Family districts are as follows:

(a) Any principal use permitted other than by Special Exception, in the RS-3 Residential Single Family district.

(b) Two-Family dwellings.

Use Condition

A duplex dwelling shall:

1. Be attached to a permanent foundation as defined herein;

2. Utilize customary residential exterior finishing materials as defined herein;

3. Have a core area of living space in each dwelling unit at least 20 feet by 20 feet in size exclusive of an attached garage; and

4. Meet all other City Codes and Ordinances.

SECTION 520 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in Residential Two Family district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

(a) Fallout and/or storm shelter.

(b) Home occupation, subject to the provisions of Section 208.

(c) Signs subject to the provisions of Chapter 18.

(d) Family day care home subject to the provisions of Section 210.

SECTION 530 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as Special Exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Any uses permitted by Special Exception in the RS-3 Single Family Residential district.

SECTION 540 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Any uses permitted by Specific Use Permit in the RS-3 Single Family Residential district.

SECTION 550 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard - All buildings shall be setback from the side lot line to comply with the following side yard requirements:

(1) For dwellings located on an interior lot, there shall be a minimum side yard of five (5) feet.

(2) For unattached buildings accessory to residential uses on an interior lot there shall be a minimum side yard of 5 feet.

(3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback of twenty (20) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard requirements shall be for dwellings and accessory buildings, the same as in (1) and (2) above; for all other principal or accessory building, the same as (4) below.

(4) For all other principal or accessory buildings on an interior lot there shall have a minimum setback of fifteen (15) feet.

(c) Rear yard - There shall be a rear yard for principal buildings of not less than fifteen (15) feet.

Unattached buildings of accessory uses may be located in the rear yard, but shall be setback at least five (5) feet from the rear property line or outside any utility easement, whichever is greater.

SECTION 560 MINIMUM LOT AREA

(a) For each residential structure and buildings accessory thereto, there shall be a lot area of not less than:

(1) for Single Family dwelling: 5,000 sq. ft.

(2) for Two-Family dwelling: 8,000 sq. ft.

(b) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for any of the uses, except churches, permitted in the RS-1 district.

(c) For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yard areas required by this section and the off-street parking areas required in Chapter 17.

SECTION 570 MINIMUM LOT WIDTH AND FRONTAGE

(a) For residential structures there shall be a minimum lot width at the front building line of the following:

(1) for Single Family dwellings: 50 feet

(2) for Two-Family dwellings: 80 feet

(b) For uses other than dwellings, the lot width shall be adequate to provide the minimum side yards required in the Residential Two Family District.

(c) All lots shall abut on a street for a distance of not less than the following:

(1) for Single-Family dwellings: 30 feet

(2) for Two-Family dwellings: 40 feet

SECTION 580 MAXIMUM HEIGHT OF STRUCTURES

No structures shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

CHAPTER 6

RM-1 RESIDENTIAL MULTI-FAMILY

600 General Description
610 Permitted Principal Uses
620 Permitted Accessory Uses and Structures
630 Uses Permitted by Special Exception
640 Uses Permitted by Specific Use Permit
650 Minimum Yard Requirements
660 Minimum Lot Area
670 Minimum Lot Width and Frontage
680 Maximum Height of Structures

SECTION 600 GENERAL DESCRIPTION

Description

The RM-1 Multi-Family Residential district is provided to allow medium to high population density along with religious, recreational and educational facilities. The district is generally located adjacent to the commercial districts and permits a transition to the Single Family Residential districts.

SECTION 610 PERMITTED PRINCIPAL USES

Included Uses

Principal uses permitted in the RM-1 Residential, Multi-Family district are as follows:

(a) Any principal use permitted other than by Special Exception, in RS-3 or RD Residential districts.

(b) Multi-Family dwellings, apartments, boarding or rooming houses.

(c) Rowhouses and townhouses within a planned unit development.

(d) Community group home subject to the provisions of Section 211.

(e) Elderly/Retirement housing, life care retirement center, licensed by the State of Oklahoma.

(f) Adult Day Care.

SECTION 620 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in the Residential Single Family district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

(a) Fallout and/or storm shelter.

(b) Home occupations, subject to the provisions of Section 208.

(c) Roomers and Boarders.

In a dwelling unit occupied as a private residence, one or more rooms may be rented or table board furnished, to not more than: (a) two persons who are non-members of the family occupying said premises as a permitted accessory use; or, (b) more than two persons by special exception requiring Board of Adjustment approval. However, in either case, no window display or sign board shall be used to advertise such use.

(d) Fraternity or Sorority House.

Fraternity, Sorority: the determination of the applicable bulk and area requirements, a fraternity, sorority, or rooming/boarding house, shall be considered a multifamily dwelling, with each 600 square feet of floor area constituting a one-bedroom dwelling unit.

(e) Signs subject to the provisions of Chapter 18.

(f) Family day care home subject to the provisions of Section 210.

(g) Care Home.

(h) Children's Home (i.e. orphanage).

(i) Children's Day nursery.

SECTION 630 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as Special Exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Any use permitted by Special Exception in the RS-1, RS-2, RS-3, or RD Residential District.

(b) Social services facilities.

(c) Medical facilities, other than those allowed as permitted uses in the district.

(d) High rise apartments.

(e) Fraternal-organization facilities.

(f) Any public building erected and used by any department of city, county, state or federal government.

(g) Any use permitted as a Special Exception in the RS-3 Single Family Residential district.

(h) Monastery or novitiate.

(i) Assisted Living Center.

SECTION 640 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Any use permitted by Specific Use Permit in the RS-1, RS-2, RS-3, or RD District.

(b) Institutions of a religious, educational or philanthropic nature.

(c) Emergency and protective shelter.

(d) Nursing home or convalescent home licensed by the State of Oklahoma.

SECTION 650 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard - All buildings shall be setback from the side lot line to comply with the following side yard requirements:

(1) For buildings located on an interior lot, there shall be a minimum side yard on both sides of the building of five (5) feet for single and two family dwellings and ten (10) feet plus five (5) feet for each additional story or part thereof over one for all other principle structures.

(2) For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet.

(3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback of twenty (20) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard shall be the same as for structures on interior lots.

(c) Rear yard - There shall be a rear yard for principle buildings of not less than 20 feet and for garage apartments or detached accessory buildings five (5) feet from the utility easement or ten (10) feet from the rear property line, whichever is greater.

SECTION 660 MINIMUM LOT AREA

(a) For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:

(1) 5,000 square feet: for single family dwelling;

(2) 7,000 square feet: for two family dwelling;

(3) 2,500 square feet for each dwelling in a multi-family dwelling

(b) For other principle uses except dwellings, the lot area shall be adequate to provide the minimum yard requirements of Section 640 and the off-street parking required in Chapter 17.

SECTION 670 MINIMUM LOT WIDTH AND FRONTAGE

(a) For dwellings there shall be a minimum lot width at the front building line of the following:

(1) 50 feet for single family dwellings on individual lots.

(2) 70 feet for two family dwellings on individual lots.

(3) 75 feet plus an additional five (5) feet for each additional dwelling over three (3), but in no case greater than 200 feet for multi-family dwellings or group developments other than townhouses or rowhouses.

(b) For uses other than dwellings, the lot width 'shall be adequate to provide the minimum side yards required in the Residential Multi-Family district.

(c) All lots shall abut on a street for a distance of not less than the following:

(1) 30 feet for single family dwellings on individual lots.

(2) 35 feet for two-family dwellings on individual lots.

(3) 35 feet plus an additional two (2) feet for each additional dwelling over three (3) but in no case greater than 100 feet for multi-family dwellings or group developments including townhouses and rowhouse developments.

SECTION 680 MAXIMUM HEIGHT OF STRUCTURES

No structures shall exceed three stories or forty (40) feet in height.

CHAPTER 7

RMHP-RESIDENTAL MANUFACTURED HOME PARK
RMHS -RESIDENTIAL MANUFACTURED HOME SUBDIVISION

700 General Description - Residential Manufactured Home Park
705 Permitted Principal Uses
710 Permitted Accessory Uses and Structures
715 Uses Permitted by Special Exception
720 General Requirements
725 Tract Development Standards
730 Internal Space Requirements
750 General Description - Residential Manufactured Home Subdivision
755 Permitted Principal Uses
760 Permitted Accessory Uses and Structures
765 Uses Permitted by Special Exception
770 General Requirements
775 Tract Development Standards
780 Definitions

SECTION 700 GENERAL DESCRIPTION - RESIDENTIAL MANUFACTURED HOME PARK

Description

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments in which there is one land owner, or residential manufactured home subdivisions, as set forth below. This zoning district is intended to provide for manufactured homes in a manufactured home park as an alternate living style and dwelling type to conventional multi-family housing. The purpose of this district is to provide a grouping of manufactured home sites within the setting of a manufactured home park which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual manufactured home space is required so that overcrowding is prevented and minimum levels of privacy are maintained. A minimum manufactured home park size is established to assure a desirable residential environment is created and to provide separation from neighboring conventional housing areas.

SECTION 705 PERMITTED PRINCIPAL USES

Included Uses

Principal use permitted in the RMHP Residential, Manufactured Home Park district are as follows:

(a) One family single, double or triple wide manufactured homes or modular home development that consists of two or more tract(s) under common ownership or control which shall be contiguous or separated only by non-arterial streets or alleys, each placed

on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

(b) Public park or playground.

SECTION 710 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in Residential Manufactured Home Park (RMHP) district are permitted in such district.

Accessory Buildings:

Minimum Area	36 sq. ft.
Maximum Area	100 sq. ft.
Minimum Setback from Space Boundary	5 feet
Minimum Separation from Adjacent Dwelling	10 feet
Maximum Area Under Roof	45% of the Space

*area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 715 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Those uses permitted as Special Exceptions in the RS-l Residential Single Family District.

(b) Those uses allowed as Permitted Principal Uses in the RS-1 Residential Single Family District

SECTION 720 GENERAL REQUIREMENTS

(a) Minimum internal private street surfacing width - 24 feet.

(b) All dwellings shall be placed on permanent foundation, all wheels and axles removed. All dwellings shall be certified and display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards.

(c) One identification sign may be erected on each perimeter street frontage of a manufactured home park. The sign shall not exceed two tenths of a square foot of display surface area per lineal foot of street frontage; provided however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed

150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any shall be by constant light.

SECTION 725 TRACT DEVELOPMENT STANDARDS

Tract Area (min.)	5 acres
Land Area per Dwelling Unit (min.)	6,000 sq. ft.
Tract Width (min.)	200 feet

Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance 1/2 of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major Street Plan:

Abutting an Arterial or a Freeway Service Road:	35 feet
Not abutting an Arterial or Freeway Service Road:	25 feet

Height of Structures: 20 feet maximum (one story)

Common park/recreational open space and facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be delineated and provided on each development established under these regulations equal to at least 6% of the total gross tract area, exclusive of open area on each space.

SECTION 730 INTERNAL SPACE REQUIREMENTS

Exclusive of Streets and Required Open Space

Minimum Space Width	20 feet
Minimum Space Area	1,500 sq. ft
Side Yards (min.)	
One side yard	5 feet
Other side yard	10 feet
Rear yard	10 feet
Front yard	As figured above

Minimum Separation between Dwellings: 15 feet
Minimum Paved Off Street Parking Spaces per dwelling unit: 2

A paved outdoor living area shall provided on each space and shall be a minimum of 100 square feet and shall have an average dimension of not less than 10 feet. This area may be covered with a roof, subject to limitations imposed by maximum area under roof. Required parking areas and driveways shall not be included as part of this outdoor living area. Parking areas and driveways shall be of all weather all purpose material such as concrete or asphalt.

SECTION 750 General Description - Residential Manufactured Home Subdivision.

Manufactured Homes within the City of Coweta shall be limited to either residential manufactured home park developments, in which there is one land owner, or residential manufactured home subdivisions, as set forth below. A subdivision designed for the sale of lots for the purpose of siting manufactured homes on individual lots, provided that such a development and lots therein shall comply with the requirements set out below as well as the Coweta subdivision Regulations requiring submittal of a subdivision plat incorporating said requirements submitted to and approved by the Planning Commission, City Council and filed of record in the office of the County Clerk.

SECTION 755 Permitted Principal Uses

Principal use permitted in the RMHS Residential, Manufactured Home Subdivision district are as follows:

(a) Any principal use permitted, other than by Special Exception, in the RS-3 Residential Single Family District.

(b) One family single, double or triple wide mobile homes or modular homes located on individual lots, placed on permanent foundations, tied-down according to city regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

SECTION 760 Permitted Accessory Uses and Structures

Accessory uses and structures customarily incidental to a permitted principal use in Residential Manufactured Home Subdivision (RMHS) District are permitted in such district. In addition, the following uses are permitted as accessory uses:

Accessory Buildings:

Minimum Area	36 sq. ft.
Maximum Area	100 sq. ft.
Minimum Setback from Space Boundary	5 feet
Minimum Separation from Adjacent Dwelling	10 feet
Maximum Area Under Roof	45% of the Space

*area under roof is the sum of the square footages of the dwelling plus any carport approved by the Board of Adjustment and outdoor shelters, plus any independent accessory buildings.

SECTION 765 Uses Permitted by Special Exception

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Those uses permitted as Special Exceptions in the RS-l Residential Single Family District.

SECTION 770 General Requirements

(1) All dwellings shall be attached to a conventional permanent foundation.

(2) All manufactured homes placed shall be certified and shall conspicuously display such certification that they have been constructed and comply with the National Mobile Home Construction and Safety Standards, or were constructed after the first edition of said code.

(3) The tract to be subdivided shall consist of one or more tracts under individual ownership or control which shall be contiguous or separated only by non arterial streets or alleys and have an area of at least 5 acres.

(4) One identification sign may be erected on each perimeter street frontage of a manufactured home subdivision. The sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed 20 feet in height, and illumination, if any, shall be by constant light.

SECTION 775 Tract Development Standards

Tract Area:	5 acres
Lot Area:	5,500 sq. ft.
Structure Height:	35 feet (Maximum)

Livability Space per Dwelling Unit: 2,500 sq. ft.

Setback Abutting a Public Street (min.): Measured from the centerline; add to the distance of right of way width designated on Major Street Plan plus the designated distance below, or 25 feet, if not designated on the Major Street Plan:

Abutting an Arterial or a Freeway Service Road:	35 feet
Not abutting an Arterial or Freeway Service Road:	20 feet.

Side Yards:	5 ft (minimum)
Rear Yards:	15 ft (minimum)

Accessory building setback from side or rear yard: 3 feet (Not Permitted in Front Yard)

Minimum paved off street parking spaces per dwelling unit: 2 spaces. The pavement must be all purpose and all weather such as concrete or asphalt.

SECTION 780 Definitions

Mobile Home: This term used for factory built homes produced prior to June 15, 1976, when the HUD Code went into effect. By 1970, these homes were built to voluntary industry standards that were eventually enforced by 45 states.

Manufactured Home: These are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally regulated national building code. On site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes.

Modular Home: These factory built homes are built to state, local or regional code where the home will be located. Modules are transported to the site and installed.

Panelized Home: These are factory built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory built housing in which building materials are factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

Chapter 8 deleted by Ordinance 593

CHAPTER 9

O - OFFICE AND INSTITUTIONAL

900 General Description
910 Permitted Principal Uses
920 Permitted Accessory Uses and Structures
930 Uses Permitted by Special Exception
640 Uses Permitted by Specific Use Permit
950 Minimum Yard Requirements
960 Minimum Lot Area and Intensity of Use
970 Minimum Lot Width and Frontage
980 Maximum Height of Structures

SECTION 900 GENERAL DESCRIPTION

Description

This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

SECTION 910 PERMITTED PRINCIPAL USES

Included Uses

(a) Offices.

(b) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.

(c) Ethical pharmacies, medical and dental laboratories, establishments for the fitting and sale of prosthetic devices.

(d) Hospitals, medical and health related clinics.

(e) Auditoriums, legitimate theaters.

(f) Funeral homes.

(g) Children's Day nursery.

(h) Adult Day Care.

(i) Rooming and boarding houses.

(j) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.

(k) Veterinary establishments, provided that all animals are kept within suitably designed sound proof, air conditioned buildings.

(l) Public park or playground.

(m) Public Library.

(n) Colleges and universities.

(o) Lodges, fraternity or Sorority house, denominational student centers.

(p) Post Office

SECTION 920 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools and the like.

(b) Home Occupations subject to the provisions of Section 208.

(c) Signs subject to the provisions of Chapter 18.

(d) Uses and structures which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures,

(2) Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership, and

(3) Are in keeping with the character of the district.

SECTION 930 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) As accessory uses to permitted principal uses and structures, barber shops, beauty shops, restaurants, drug stores, newsstands and similar uses not enumerated as permitted principal uses, designed primarily to serve the convenience of persons living or working in the building in which such accessory uses are located. No accessory uses shall be permitted unless the Board finds that:

(1) It is reasonably necessary to serve the needs of the persons involved.

(2) It is accessory and clearly incidental to the permitted principal use.

(3) It is not designed or intended to attract clientele from outside the district, and

(4) It will not adversely affect neighboring uses or the district as a whole.

(b) Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding sitting or characteristics of use potentially incompatible with nearby uses.

(c) Temporary borrow pits for fill dirt and top soil.

(d) Any use permitted in the RM-l Residential Multifamily district which is not a permitted use in the 0 Office and Institutional district.

(e) Structures exceeding the maximum height requirements of Section 970.

SECTION 940 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Private clubs and lodges

(b) Museums.

(c) Nursing homes, rest homes, convalescent homes, and homes for orphans licensed by the State of Oklahoma.

(d) Cemeteries

(e) Churches and other places of worship, including educational buildings related thereto.

(f) Elementary schools, high schools, business and vocational schools not involving operations of an industrial or retail nature.

(g) Emergency and protective shelter.

(h) Rehabilitation centers or halfway house with a lot area of at least 10,000 sq. ft.

SECTION 950 MINIMUM YARD REQUIREMENTS

The area regulations for dwellings shall be the same as those in the RM Multifamily Residential district. For all other uses permitted in this district, the following requirements shall apply:

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on

arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a corner abutting a residential district, there shall be a side yard of not less than ten (10) feet.

(2) On any corner lot, the depth of the required exterior side yard shall be-determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.

(3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

(c) Rear Yard - For dwellings in the O district, the rear yard requirements shall be the same as the RM-1 Multifamily Residential district. When the O zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

SECTION 960 MINIMUM LOT AREA AND INTENSITY OF USE

(a) The lot area requirements for dwellings shall be the same as those in the RM-l Multifamily Residential district.

(b) For all other uses allowed there shall be a lot area of not less than six thousand six hundred (6,600) sq. ft. and a maximum floor area ratio of 0.35.

(c) For main and accessory buildings other than dwellings, and buildings accessory to dwellings, the lot area shall be adequate to provide the yard area required by this section.

(d) Where a lot has less area than herein required and all boundary lines of that lot touch land under other ownership on the effective date of his ordinance, that lot may be used for any use permitted in this district as long as all setback requirements are carried out.

SECTION 970 MINIMUM LOT WIDTH AND FRONTAGE

There shall be a minimum lot width of sixty (60) feet at the front building line and such lot shall abut on a street for a distance of not less than forty (40) feet.

SECTION 980 MAXIMJM HEIGHT OF STRUCTURES

No building shall exceed a height of three (3) stories or forty (40) feet.

CHAPTER 10

CN NEIGHBORHOOD COMMERCIAL

1000 General Description
1010 Permitted Uses
1020 Permitted Accessory Uses and Structures
1030 Uses Permitted by Special Exception
1040 Uses Permitted by Specific Use Permit
1040 Minimum Yard Requirements
1050 Minimum Lot Width
1060 Minimum Intensity of Use
1070 Maximum Height

SECTION 1000 GENERAL DESCRIPTION

Description

This district is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

SECTION 1010 PERMITTED USES

Included Uses

(a) Retail establishments limited to the following uses:

(1) Variety stores limited to 5,000 sq. ft. of floor area.
(2) Retail merchandise vending machine operations (not including motor fuel).
(3) Retail food stores limited to 10,000 sq. ft. of floor area.
(4) Liquor stores.
(5) Book stores.
(6) Stationery stores.
(7) Arts and Crafts supply stores.
(8) Garden and supply stores.
(9) Florists.
(10) Cigar and cigarette stores.
(11) Newspaper and magazine stores.
(12) Gift, novelty and souvenir stores.
(13) Hardware stores limited to 5,000 sq. ft. floor area.
(14) Drug stores limited to 5,000 sq. ft. of floor area.
(15) Sporting good and bicycle stores limited to 5,000 sq. ft. of floor area.
(16) Art galleries and sales.
(17) Antique shops.

(b) Personal service establishments limited to the following uses:

(1) Laundering and dry cleaning (self-service).
(2) Pressing, alteration and garment repair; laundry and dry cleaning pickup services (only).
(3) Beauty and barber shops.
(4) Shoe repair shops.
(5) Tailoring and dressmaking shops limited to not more than 3,000 sq. ft. of floor area.

(c) Professional services establishments limited to the following:

(1) Photography
(2) Interior design studios.
(3) Craft studios.
(4) Establishments for the teaching of music, dancing or other performing arts.
(5) Art studios.
(6) Doctor’s and dentist's offices.

(d) Lodges, denominational student centers, civic or fraternal uses, excluding residential uses.

(e) Parks, playgrounds, playfields, tennis courts and miniature golf.

(f) Community services structures and uses, such as community service centers civic, libraries, fire stations and cultural or recreational uses.

(g) Children's Day nursery.

(h) Adult Day Care.

SECTION 1020 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, for occupancy only by owners or employees thereof.

(b) Signs subject to the provisions of Chapter 18.

(c) Other structures and uses which:

(1) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.

(2) are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

(3) do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

SECTION1030 USES PERMITTEDBY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in

accordance with the provisions contained in Chapter 21.

(a) Retail establishments not exceeding 5,000 square feet of gross floor area, which are not permitted outright, but excluding establishments dealing in salvaged merchandise, automobiles service stations, or establishments selling automobiles or automotive equipment and supplies.

(b) Personal and professional service establishment not permitted outright.

(c) Eating and drinking establishments, including drive-in eating and drinking establishments, provided that it shall be determined that the characteristics of such establishments will be compatible with nearby uses and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.

(d) Commercial recreational and entertainment structures and uses such as theaters and bowling alleys, provided that such uses are housed in structures and are of such a size and situation that they are not likely to be incompatible with nearby residential zoning districts, and further provided that the Board shall specifically determine that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.

(e) Utility substations, provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding sitting or characteristics of use potentially incompatible with nearby uses.

(f) Stores and shops which are permitted outright in Section 1010, except that they exceed the maximum size requirement set for in that section, if the Board of Adjustment determines that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions. The Board may place appropriate conditions and safeguards as it deems necessary upon the characteristics of operation or construction of such establishments to assure the compatibility of these uses.

SECTION 1040 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Churches and other places of worship, including educational buildings related thereto.

(b) Elementary, middle and high schools, business and vocational schools not involving operations of an industrial nature.

(c) Golf courses.

(d) Private clubs.

(f) Cemeteries

(g) Mini-storage.

SECTION 1050 MINIMUM YARD REQUIREMENTS

The minimum yard requirements for the CN, Neighborhood Commercial district are as follows:

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a lot which abut a residential district, a side yard less than twenty (20) feet shall be provided.

(2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.

(3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

(c) Rear Yard - For dwellings in the CN district, the rear yard requirements shall be the same as the RM-1 Multifamily Residential district. When the CN zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

SECTION 1060 MINIMUM LOT WIDTH
No minimum required except as needed to meet other requirements of this ordinance.

SECTION 1070 MA.XIMUM INTENSITY OF USE
There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.35.

SECTION 1080 MA.XIMUM HEIGHT

No building shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

CHAPTER 11

CG GENERAL COMMERCIAL

1100 General Description
1110 Permitted Principal Uses
1120 Permitted Accessory Uses and Structures
1130 Uses Permitted by Special Exception
1140 Uses Permitted by Specific Use Permit
1150 Minimum Yard Requirements
1160 Minimum Lot Width
1170 Minimum Intensity of Use
1180 Maximum Height

SECTION 1100 GENERAL DESCRIPTION

Description

This district is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as a special exception subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

SECTION 1110 PERMITTED PRINCIPAL USES

Included Uses

(a) Offices.

Offices, studios, medical and dental laboratories, and certain other compatible or supporting services. The Office Uses included in when located on a 40-acre tract or larger, may be approved as a Specific Use Permit. See Chapter 26.

(1) Abstract Company
(2) Advertising Agency
(3) Artist's Studio
(4) Bank
(5) Broadcasting or Recording Studio Business School
(6) Computing Service
(7) Copying Service
(8) Data Processing Service
(9) Dental Offices, Clinics, Laboratories
(10) Doctor's Office
(11) Drafting Service
(12) Employment Agency
(13) Financial Institution, other than pawn shop

(14) Funeral Home
(15) General Business Offices, excluding on premise sale of Merchandise
(16) Interior Design Consultant
(17) Medical Offices, Clinics, Laboratories
(18) Office and Studio
(19) Office Building
(20) Optician or Optical Laboratories
(21) Photography Studio
(22) Prescription Pharmacy, provided that no sundry or other merchandise is sold or offered for sale
(23) Professional services such as accountants, architects, attorneys, engineers, planners or realtors
(24) Studio or School for teaching ballet, dance, drama, fine arts, music, language, business or modeling
(25) Therapeutic Massage, Licensed or Certified*
(26) Ticket Office
(27) Transportation Ticket Office
(28) Travel Agency
(29) Veterinary establishments, provided that all animals are kept within suitably designed sound proof, air-conditioned buildings, excluding boarding services
(30) Bus Station

* Certification is required from the National Certification for Therapeutic Massage Body Work or certification of completion of a program of therapeutic massage from a school licensed by the Oklahoma Board of Private Vocational Schools.

(b) Eating and drinking establishments, other than drive-ins

Eating places offering on premises consumption of food and drink within the principal structure and/or providing carry out service if no curb service is provided, and if no in-car on premises consumption is permitted. Use is established in recognition of the desirability of providing dinning facilities in certain environments in which commercial facilities of a higher use intensity would be objectionable.

(1) Café
(2) Cafeteria
(3) Coffee shop
(4) Delicatessen
(5) Restaurant, and other similar eating establishments**

** An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this Use.

Use Conditions: Eating and drinking establishments

1. The uses included, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District

by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. The uses shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:

   a. Outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

   b. Outdoor customer seating area shall not occupy or use required parking spaces access aisles;

   c. Outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and,

   d. Noise from any outdoor entertainment activity shall not be audible from any abutting R district.

(c) Drive-in restaurants

Eating establishments providing curb service or offering food or drink for on-premise consumption within parked motor vehicles, or permitting the on-premise consumption of food or drink within a parked motor vehicle or outside the principal structure.

Use Conditions: Drive-In Restaurants

1. The uses included, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

(d) Convenience goods and services

Retail trade and service establishments which are desirable conveniences in Commercial Districts. Is established to permit the location of convenience goods and services in certain environments in which commercial facilities of higher use intensity would be objectionable.

1. Retail Trade Establishments

   (1) Drug Store
   (2) Florist
   (3) Food:
   (4) Bakery
   (5) Candy & confection and/or nut store
   (6) Dairy store

(7) Food specialty store Grocery
(8) Health food store
(9) Ice cream store
(10) Gift, Novelty, Souvenir Shop
(11) Liquor Store
(12) Meat Market
(13) Newsstand
(14) Souvenir Shop
(15) Tobacco Store

2. Service Establishments

(1) Courier
(2) Dry Cleaning and Pick up
(3) Barber Shop
(4) Beauty Shop
(5) Florist
(6) Laundry Service and Pick up
(7) Tanning Salon

(e) Shopping goods and services

Retail establishments engaged in the merchandising of shopping goods and services.

1. Retail Trade Establishments

(1) Antique Shop
(2) Appliance Repair
(3) Appliance Store
(4) Art Gallery, commercial
(5) Artist Supply Store
(6) Automobile Parts and Accessories Store
(7) Bait Shop and Fishing Tackle Sales
(8) Bicycle Shop
(9) Book Store
(10) Business and Office Machine Sales Establishment
(11) Camera and Photographic Supply Store
(12) Clothing and Accessories Store Computer Sales
(13) Cosmetic Shop
(14) Department Store
(15) Dressmaking Shop
(16) Dry Goods Store
(17) Feed Store
(18) Fur Storage
(19) Furrier and Fur Shop
(20) Garden Supply Store (open air sales)
(21) Fruit and Vegetable sales (open air sales)

(22) Christmas tree sales (open air activities sales)
(23) Plant sales (open air activities and sales)
(24) Hardware Store
(25) Hobby Shop
(26) Home Furnishings Establishment selling such items as: appliances, china, glassware and metal ware, draperies, carpets, curtains, upholstery, floor coverings and furniture
(27) Jewelry Store and Jewelry Repair
(28) Laundry, Not Self-Service
(29) Leather Good and Luggage Store
(30) Medical, Dental and Orthopedic Appliances and Supply Store
(31) Monument Sales and Engraving, excluding Shaping
(32) Musical Instrument and Supply Store
(33) Office Furnishing Establishment
(34) Office Machine Sales
(35) Office Supplies Store
(36) Paint Store
(37) Pawn Shop
(38) Pet Shop
(39) Phonograph and Record Shop
(40) Photography Supply Store
(41) Radio and Television Sales
(42) Record Shop
(43) Reducing Salon
(44) Shoe Repair Shop
(45) Shoe Store
(46) Shopping Goods and Services
(47) Sporting Goods Store
(48) Stationery Store
(49) Tailor Shop
(50) Toy Shop
(51) Variety Store
(52) Wall Paper Store
(53) Wig Shop

2. Retail Building Material Establishments, exclusive of fabrication or repair:

(1) Air Conditioning and Heating Sales
(2) Building Materials
(3) Electrical Supply
(4) Plumbing Fixtures

3. Service Establishments

(1) Caterer
(2) Costume Rental Service
(3) Dry Cleaning Establishment Limited to 3,000 SF maximum floor area
(4) Automobile Service Station and repair Garages (Tires sales and repair).

(5) Gun Smith
(6) Household Appliance Repair
(7) Interior Decorating
(8) Laundromat, Self-Service
(9) Locksmith
(10) Automotive Service and Repair Garages (except painting).
(11) Oil and Lubrication Service (three bay maximum)
(12) Photo finishing
(13) Picture Framing
(14) Printing and Publishing Services
(15) Radio and Television Repair
(16) Reproduction Sales, Services and Bindery
(17) Self Service Laundromat
(18) Tire Sales service and repair.
(19) Tune-up Service (three bay maximum)
(20) Veterinarian Clinic, small animals and excluding outside animal runs
(21) Watch and Jewelry Repair
(22) Wedding Chapel

(f) Other Trades and services

Trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

1. Trade establishments, including incidental fabricating, processing, installation and repair

(1) Air Conditioning and Heating
(2) Bakery, Wholesale
(3) Bottled Gas
(4) Carpeting
(5) Decorating, Interior
(6) Fence
(7) Fuel Oil Sales
(8) Furniture Repair
(9) General Merchandising Establishment, NEC
(10) Glass
(11) Greenhouse, retail sales
(12) Heating Equipment, Fabrication, Installation,
(13) Ice Plant
(14) Lumber Yard
(15) Model Homes (for display only)
(16) Plastic Materials
(17) Plumbing Shop
(18) Portable Storage Building, sales
(19) Vending Machines, sales and services

2. Service Establishments

(1) Disinfecting and exterminating services
(2) Janitorial service
(3) Newspaper publishing
(4) Window cleaning

3. Other Services

(1) Dry Cleaning/Laundry, 7,000 SF maximum floor area

4. Contract Construction Service

(1) Air Conditioning
(2) Carpentry Decorating
(3) Electrical
(4) Exterminating Service
(5) Furnace Cleaning
(6) Landscaping
(7) Painting
(8) Paper Hanging
(9) Plastering
(10) Plumbing
(11) Sign Painting
(12) Tile Setting

5. Business Service

(1) Armored Car Service
(2) Courier
(3) Limousine Service

6. Personal Services

(1) Auctioneer
(2) Bindery
(3) Cabinet Maker
(4) Drapery Service
(5) Frozen Food Locker
(6) Kennel, SUP - See Chapter 26
(7) Linen Supply
(8) Packing and crating of household and other similar goods
(9) Rug Cleaning and Repair
(10) Tattoo Parlor
(11) Taxidermist
(12) Veterinarian Hospital, Livestock
(13) Woodworking Shop

7. Repair Services

(1) Armature Rewinding Service
(2) Business Machine Repair Computer Repair
(3) Data Processing Machine Repair
(4) Electrical Repair Service
(5) Furniture
(6) Household Appliances
(7) Mattresses and Pillows
(8) Re-upholstery
(10) Rug Repair

(g) Automotive and allied activities

1. Sales

(1) Agricultural Implement
(2) Sales Aircraft Sales
(3) Automobile Sales, new and used
(4) Boat Sales
(5) Camper Sales
(6) Manufactured Home
(7) Sales Motorcycle Sales
(8) Recreational Vehicle (RV) Sales
(9) Truck Sales

2. Services

(1) Automobile Rental
(2) Auto Wash
(3) Vehicle Repair and Service Wheel Alignment and Brake (except painting)

(h) Hotel, motel and recreation facilities

Hotels, motels and commercial amusement establishments ordinarily not requiring large sites and which have use characteristics permitting their location in or near developed commercial trade areas.

(1) Billiard Center, Family
(2) Bingo Facility, Commercial
(3) Bowling Alley
(4) Dance Hall
(5) Enclosed Commercial Recreation Establishments, Gymnasium
(6) Health and Fitness Center
(7) Hotel*
(8) Ice Skating Rink
(9) Motel*
(10) Motion Picture Theater, Enclosed

(11) Racquetball Club
(12) Rifle and Skeet Range, SUP
(13) Gun Club, Enclosed, SUP
(14) Skating Rink, Enclosed
(15) Slot Car Track
(16) Swimming Pool, Enclosed
(17) Tennis Club
(18) Video Games
(19) Country clubs and golf courses, miniature golf courses and driving ranges

*An accessory use bar which is customarily incidental and subordinate to a principal use hotel or motel is included in this Use Unit.

(i) Community Services, Cultural and Recreational Facilities

Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses.

(1) Civic Centers
(2) Community Center
(3) Recreational Facility
(4) Hospital
(5) Police Department
(6) Fire stations
(7) Libraries
(8) Public Tennis Courts
(9) Parks, playgrounds and playfields.

(j) Passenger terminals.

(k) Utility substations.

(l) Children's Day Nursery

(m) Signs subject to the provisions of Chapter 18.

(n) Commercial parking lots and parking garages.

(o) Uses which utilize open air activities and sales *

(1) Christmas tree sales
(2) Fruit and vegetable sales
(3) Plant sales
(4) Other

* Open air activities shall include sales from trucks, trailers, pickups and other vehicles requires an itinerant vendor license

Use Conditions:

1. Change in use of an existing establishment shall effectively void any nonconforming use status and compliance with site plan review is therefore required.

1. The uses when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Certain uses require approval of a Specific Use Permit. See Chapter 26.

4. Certain uses, where permitted by Special Exception or by Specific Use Permit (see also Chapter 26), are subject to the following requirements:

   a. The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.

   b. Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.

   c. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a non arterial street.

SECTION 1120 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Signs subject to the provisions of Chapter 18.

(b) Structures and uses which:

   (1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

   (2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;

   (3) Do not involve operations not in keeping with the character of the area.

SECTION 1130 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Community services, cultural and recreational facilities

Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses. These uses are permitted by Special Exception.

(1) Adult Day Care.
(2) Aquarium.
(3) Art Gallery (not operated for profit).
(4) Assisted Living Center.
(5) Care Home.
(6) Children's Home (i.e. orphanage).
(7) College.
(8) Community Group Home subject to the provisions of Section 211.
(9) Day Camp.
(10) Day Care Home.
(11) Elderly/Retirement Housing.
(12) Extended Care Facility.
(13) Hospital.
(14) Life Care Retirement Center.
(15) Marina.
(16) Monastery.
(17) Novitiate.
(18) Planetarium.
(19) University.

(b) Governmental Services, Post Office

(c) Lodges, denominational student centers, civic or fraternal uses, excluding residential uses.

(d) Sanitarium

(e) Temporary borrow pits for fill dirt and top soil.

(f) Wholesaling and distribution establishments not containing over 20,000 sq. ft. of area for storage of wares to be wholesaled or distributed.

SECTION 1140 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

Community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses. These uses are permitted by Specific Use Permits. See also Chapter 26.

(a) Community services, cultural and recreational facilities

(1) Churches and other places of worship, including educational buildings related thereto.
(2) College or University Hospital.
(3) Commercial Resort Facilities (Minimum acreage Requirement of 40 acres).
(4) Commercial Theme Parks.
(5) Convalescent Home.
(6) Cultural or Heritage Centers.
(7) Emergency and Protective Shelter.
(8) Golf Course.
(9) Gulf Driving Range.
(10) Gun Club, Enclosed.
(11) Halfway House
(12) Homeless Center.
(13) Museum.
(14) Nursing Home.
(15) Public Schools.
(16) Public or Private Attractions.
(17) Private Schools with comprehensive education curriculum.
(18) Rehabilitation Centers
(19) Residential Treatment Center.
(20) Rifle and Skeet Range.
(21) Transitional Living Center.

(b) Adult Detention Center/Correctional Facility.

(c) Airport-Heliport.

(d) Bed and Breakfast.

(e) Cemeteries

(f) Convict Pre-Release Center.

(g) Correctional Community Treatment Center

(h) Crematory.

(i) Detention Center Juvenile-Adult.

(j) Electric Generation Plant &/or Sub-Station.

(k) Juvenile Delinquency Center.

(l) Kennel.

(m) Mini-storage.

(n) Mixed Use.

(o) Offices use when located on a 40-acre or larger tract.

(p) Prison.

(q) Recycling Center.

(r) Refuse Transfer Station.

(s) Transmitting Tower (excluding amateur radio tower).

(t) Trade Schools

(1) Barber
(2) Beauty

(u) Adult Entertainment Establishments

Businesses which cater primarily to adults 21 years of age and above and which sell and serve intoxicating beverages and/or low-point beer (as defined by Oklahoma Statutes) on the premises and all Sexually Oriented Businesses. Adult Entertainment Establishments require approval of a Specific Use Permit. See Chapter 26

(1) Bar/Tavern.
(2) Beer Bar.
(3) Billiard Parlor/Pool Hall.
(4) Night Club.
(5) Private Club.
(6) Sexually-Oriented Business.

Use Conditions:

1. Adult Entertainment Establishments and Sexually Oriented Businesses require approval of a Specific Use Permit. See Chapter 26.

2. The uses included in, when located on a lot which is abutting an R district shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R district.

3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:

a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and

b. Shall be located a minimum of 300 feet from a public park, school or church, which shall be measured from the nearest point on the property line of a park, school or church to the nearest public entrance door of the Adult Entertainment Establishment measured along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and

c. Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in, which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.

d. Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines.

e. School, of the type which offers a compulsory education curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school buildings irrespective of any interior lot lines.

4. The uses included shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:

a. Outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;

b. Outdoor customer seating area shall not occupy or use required parking spaces or access aisles;

c. Outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and

d. Noise from any outdoor entertainment activity or speakers shall not be audible from any abutting R District.

(v) Commercial Recreation: Intensive

Description

Commercial recreation facilities, the principal activities of which are usually open-air and located in undeveloped, outlying sections of the City. All uses in this category require approval of a Specific Use Permit. See also Chapter 26.

Included Uses

(1) Amphitheater
(2) Amusement Activities, NEC
(3) Arena
(4) BMX Track
(5) Drag Strip
(6) Drive-In Theater
(7) Fairground
(8) Frisbee Golf Course
(9) Go-Kart Track
(10) Golf Driving Range
(11) Miniature Auto Track
(12) Outdoor Recreation, NEC
(13) Overnight Camping for Recreational Vehicles Paintball
(14) Race Tracks, Auto, Boat, Dog, Horse Rodeo Grounds
(15) Skateboard Track
(16) Stadium, NEC
(17) Tennis Courts, Commercial
(18) Water Slide

Use Conditions

1. The uses included when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District

2. Overnight camping for recreational vehicles requires a minimum lot area of Three (3) acres.

3. All uses require approval of a Specific Use Permit (see also Chapter 26), and are subject to the following requirements:

   a. The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.

   b. Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.

c. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a non-arterial street.

SECTION 1150 MINIMUM YARD REQUIREMENTS

The minimum yard requirements for the CG General Commercial district are as follows:

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.

(2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.

(3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

(c) Rear yard - When the property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

SECTION 1160 MINIMUM LOT WIDTH

No minimum required except as needed to meet other requirements of this ordinance.

SECTION 1170 MAXIMUM INTENSITY OF USE

There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.75.

SECTION 1180 MAXIMUM HEIGHT

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

CHAPTER 12

CH - HIGH INTENSITY COMMERCIAL

1200 General Description
1210 Permitted Principal Uses
1220 Permitted Accessory Uses and Structures
1230 Uses Permitted by Special Exception
1240 Uses Permitted by Specific Use Permit
1250 Minimum Yard Requirements
1260 Minimum Lot Width
1270 Maximum Intensity of Use
1280 Maximum Height

SECTION 1200 GENERAL DESCRIPTION

Description

This district is intended to accommodate those uses, which, taken together, form the central business district, characterized by retail core uses, intensive office employment, and complimentary uses intended to serve persons who shop or work in the central business district. Certain related structures and uses required to serve the needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this chapter. Since the central business district of the city serves a unique and special function, it is the intent of this chapter that the CH district classification be applied to one contiguous and continuous area, and that before additional areas contiguous to those already classified CH are considered for inclusion within the CH district, consideration should be given to the appropriateness of the CG General Commercial district as an alternate designation intended to create a less congested character than that of the CH district.

SECTION 1210 PERMITTED PRINCIPAL USES

Included Uses

Any use permitted in the CG General Commercial district.

(1) Retail establishments, sales and display rooms.
(2) Offices.
(3) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
(4) Financial institutions.
(5) Hotels and motels.
(6) Eating and drinking establishments, including drive-in eating and drinking establishments.
(7) Personal service establishments.
(8) Business service establishments.

(9) Service and repair establishments including automobile service stations and repair garages.
(10) Amusement, recreational and entertainment establishments.
(11) Laboratories and establishments for fitting, repair or production of eyeglasses, hearing aids or prosthetic devices.
(12) Radio and television stations.
(13) Veterinary establishments.
(14) Commercial printing and job printing.
(15) Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.
(16) Parking lots and parking garages.
(17) Lodges, civic and fraternal organizations.
(18) Parks, playgrounds and playfields.
(19) Utilities substations.
(20) Community service structures and use such as community service centers, civic center.
(21) Libraries.
(22) Children's Day nursery.
(23) Fire stations.
(24) Uses which utilize open air activities and sales *

(1) Christmas tree sales
(2) Fruit and vegetable sales
(3) Plant sales
(4) Other

* Open air activities shall include sales from trucks, trailers, pickups and other vehicles requires an Itinerant Vendor License

SECTION 1220 PERMITTED ACCESSORY USES AND STRUCTURES

Any accessory use or structure permitted in the CG General Commercial district.

SECTION 1230 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Any uses permitted by Special Exception in the CG General Commercial district.

(b) Wholesaling and distribution establishments not containing over 20,000 sq. ft. of area for storage of wares to be wholesaled or distributed.

SECTION 1240 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(a) Any uses permitted by Specific Use Permit in the CG General Commercial district.

(b) Churches and other places of worship, including educational buildings related thereto

(c) Mini-storage

SECTION 1250 MINIMUM YARD REQUIREMENTS

No minimum except as needed to meet other requirements of this ordinance.

SECTION 1260 MINIMUM LOT WIDTH

No minimum required except as needed to meet other requirements of this ordinance.

SECTION 1270 MAXIMUM INTENSITY OF USE

No minimum lot size or maximum intensity of use except as needed to meet other requirements of this ordinance.

SECTION 1280 MAXIMUM HEIGHT

No building shall exceed three (3) stories or forty (40) feet in height.

CHAPTER 13

IL - LIGHT INDUSTRIAL

1300 General Description
1310 Permitted Principal Uses
1320 Permitted Accessory Uses and Structures
1330 Uses Permitted by Special Exception
1340 Uses Permitted by Specific Use Permit
1350 Minimum Yard Requirements
1360 Minimum Lot Area
1370 Minimum Lot Width
1380 Maximum Intensity of Use
1390 Maximum Height of Structures

SECTION 1300 GENERAL DESCRIPTION

Description

This district is intended to accommodate wholesaling, distribution, storage, processing and light manufacturing. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. This district does not allow any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor or obnoxious dust, vapor or offensive noise or vibration. The uses included may be approved as a Specific Use Permit when located on a 40-acre or larger tract. See Chapter 26.

SECTION 1310 PRINCIPAL PERMITTED USES

Included Uses:

(a) Light Manufacturing and Industry

(1) Aircraft Assembly and Subassembly
(2) Aircraft Repairs, Maintenance Instruction and Training
(3) Apparel and Other Finished Products Made From: fabrics, leather, similar materials
(4) Automotive Painting
(5) Bakery Products - Manufacturing
(6) Blacksmithing
(7) Bottling Plant
(8) Brooms and Brushes - Manufacturing
(9) Building Contract Construction Service and Storage:
(10) Cesspool Cleaning
(11) Concrete Construction Service
(12) Dry-cleaning, Industrial
(13) Heavy Construction, Equipment Storage/Parking

(14) Heating, Contracting Construction Service
(15) Insulation Contractor
(16) Laundry, Industrial
(17) Masonry
(18) Oil Well Drilling and Cleaning Contracting Service
(19) Roofing
(20) Sheet Metal
(21) Spray Painting
(22) Stonework
(23) Water Well Drilling and Cleaning
(25) Bus Maintenance Shop
(26) Candle Manufacturing
(27) Candling or Processing Plant
(28) Clothes Manufacturing
(29) Cold Storage Plants
(30) Communication Equipment, Including Radio Television Receiving Sets
(31) Manufacturing: Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions (except precious materials) - Manufacturing
(32) Drug - Manufacturing
(33) Dry Cleaning/Laundry - Industrial
(34) Freight Terminals
(35) Furniture Packing and Crating
(36) Garment Manufacturing
(37) Ice Manufacturing
(38) Laundry Service (Non-personal goods)
(39) Machine Shop
(40) Mattress and Bedding Renovator
(41) Mattress Manufacturing
(42) Motor Freight Depot/Terminal
(43) Motion Picture Production
(44) Musical Instruments and Parts - Manufacturing
(45) Office, Computing and Accounting Machines - Manufacturing
(46) Paint and Other Solvent Use
(47) Pens, Pencils, and Other Office and Artist Materials - Manufacturing
(48) Pharmaceutical Manufacturing
(49) Pottery and Figurines or Other Similar Ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
(50) Printing, Publishing and Allied Industries
(51) Professional, Scientific and Controlling Instruments, Photographic and Optical
(52) Goods, Watches and Clocks - Manufacturing
(53) Produce Markets Wholesale
(54) Roasting Coffee and Coffee Products - Manufacturing
(55) Truck Freight Terminal (repair and storage of commercial contract carriers)
(56) Umbrellas, Parasols and Canes - Manufacturing
(56) Welding Equipment and Supply Manufacturing
(57) Welding Shop
(58) Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excludes salvaged or dismantled

vehicles)

(b) Wholesaling, warehousing, storage, supply and distribution.

(c) Truck terminals, freight terminals and passenger terminals

(d) Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials

(e) Radio and television stations

(f) Commercial printing and job printing

(g) Parking lots and parking garages

(h) Utilities substations

(j) Signs subject to the provisions of Chapter 18

Use Conditions

1. The uses included when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less, Vehicles shall have a screening wall or fence with a minimum of eight (8) feet in height.

3. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.

SECTION 1320 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.

(b) Signs subject to the provisions of Chapter 18.

(c) Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

(2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;

(3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

(d) Fire stations

SECTION 1330 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.

(a) Dwelling units with densities and building placements which are compatible with the character of the surrounding area.

(c) Temporary borrow pits for fill dirt and top soil.

SECTION 1340 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(b) Mini-storage.

SECTION 1350 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.

(2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.

(3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

(c) Rear yard - When the IL zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

SECTION 1360 MINIMUM LOT AREA

No minimum lot area required except as needed to meet other requirements herein.

SECT ION 1370 MINIMUM LOT WIDTH
No minimum lot width required except as needed to meet other requirements herein.

SECTION 1380 MAXIMUM INTENSITY OF USE

No limitation except as needed to meet other requirements herein.

SECTION 1390 MAXIMUM HEIGHT OF STRUCTURES

No building shall exceed forty (40) feet in height.

CHAPTER 14

IM – INDUSTRIAL MODERATE
MODERATE MANUFACTURING AND INDUSTRY

1400 General Description
1410 Permitted Principal Uses
1420 Permitted Accessory Uses and Structures
1430 Uses Permitted by Special Exception
1440 Uses Permitted by Specific Use Permit
1450 Minimum Yard Requirements
1460 Minimum Lot Area
1470 Minimum Lot Width
1480 Maximum Intensity of Use
1490 Maximum Height of Structures

SECTION 1400 GENERAL DESCRIPTION

Description

This district is intended to accommodate wholesaling, distribution, storage, processing, moderate manufacturing and industry and light manufacturing. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. This district allows manufacturing and industrial uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration. The uses included may be approved as a Specific Use Permit when located on a 40-acre or larger tract. See Chapter 26.

SECTION 1410 PRINCIPAL PERMITTED USES

Included Uses

(a) Any use permitted in the IL Light Manufacturing district.

(1) Aircraft Assembly and Subassembly
(2) Aircraft Repairs, Maintenance Instruction and Training
(3) Apparel and Other Finished Products Made From: fabrics, leather, similar materials
(4) Automotive Painting
(5) Bakery Products - Manufacturing
(6) Blacksmithing
(7) Bottling Plant
(8) Brooms and Brushes - Manufacturing
(9) Building Contract Construction Service and Storage:
(10) Cesspool Cleaning
(11) Concrete Construction Service

(12) Dry-cleaning, Industrial
(13) Heavy Construction, Equipment Storage/Parking
(14) Heating, Contracting Construction Service
(15) Insulation Contractor
(16) Laundry, Industrial
(17) Masonry
(18) Oil Well Drilling and Cleaning Contracting Service
(19) Roofing
(20) Sheet Metal
(21) Spray Painting
(22) Stonework
(23) Water Well Drilling and Cleaning
(24) Bus Maintenance Shop
(25) Candle Manufacturing
(26) Candling or Processing Plant
(27) Clothes Manufacturing
(28) Cold Storage Plants
(29) Communication Equipment, Including Radio Television Receiving Sets
(30) Manufacturing: Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions (except precious materials) - Manufacturing
(31) Drug - Manufacturing
(32) Dry Cleaning/Laundry - Industrial
(33) Freight Terminals
(34) Furniture Packing and Crating
(35) Garment Manufacturing
(36) Ice Manufacturing
(37) Laundry Service (Non-personal goods)
(38) Machine Shop
(39) Mattress and Bedding Renovator
(40) Mattress Manufacturing
(41) Motor Freight Depot/Terminal
(42) Motion Picture Production
(43) Musical Instruments and Parts - Manufacturing
(44) Office, Computing and Accounting Machines - Manufacturing
(45) Paint and Other Solvent Use
(46) Pens, Pencils, and Other Office and Artist Materials - Manufacturing
(47) Pharmaceutical Manufacturing
(48) Pottery and Figurines or Other Similar Ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
(49) Printing, Publishing and Allied Industries
(50) Professional, Scientific and Controlling Instruments, Photographic and Optical
(51) Goods, Watches and Clocks - Manufacturing
(52) Produce Markets Wholesale
(53) Roasting Coffee and Coffee Products - Manufacturing
(54) Truck Freight Terminal (repair and storage of commercial contract carriers)
(55) Umbrellas, Parasols and Canes - Manufacturing
(56) Welding Equipment and Supply Manufacturing
(57) Welding Shop

(58) Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excludes salvaged or dismantled vehicles)

(b) Moderate Manufacturing and Industry

(1) Aircraft and Aerospace Parts Manufacturing and Remanufacturing
(2) Alcohol Manufacturing
(3) Aluminum, Brass, Copper Foundry
(4) Batch Plant
(5) Beverage Manufacturing
(6) Boiler or Forage Works
(7) Brewery
(8) Canning and Preserving of Fruits/Vegetables
(9) Cellophane Manufacturing
(10) Celluloid Manufacturing
(11) Cheese Manufacturing
(12) Chipping of Trees and Shrubs
(13) Chrome Plating
(14) Concrete Ready-Mix Plant
(15) Confectionery and Related Products - Manufacturing
(16) Cooperage Works
(17) Corrugated Metal Manufacturing
(18) Cotton Baling, Compressing and Ginning
(19) Cotton Storage, Open
(20) Cottonseed Oil Milling
(21) Cultured Marble Manufacturing
(22) Cutlery, Hand Tools, General Hardware - Manufacturing
(23) Dairy Products Manufacturing
(24) Die Casting Manufacturing
(25) Diesel Engine Repairs
(26) Dyestuff Manufacturing
(27) Electronic Components and Accessories - Manufacturing
(28) Electrical Lighting and Wiring Equipment - Manufacturing
(29) Electrical Machinery, Equipment and Supplies - Manufacturing
(30) Electroplating
(31) Fabricated Metal Products, NEC - Manufacturing
(32) Feed Grinding and Processing
(33) Fiberglass Products Manufacturing
(34) Flat Glass - Manufacturing
(35) Flavor Extracts and Flavoring Syrups Manufacturing, NEC
(36) Flour Mills
(37) Food Products, Manufacturing
(38) Foundry, Nonferrous Metals
(39) Fur Goods - Manufacturing
(40) Furniture and Fixtures - Manufacturing
(41) Galvanizing
(42) Gas (heating or illuminating) manufacturing or Storage, except where such gas is

to be entirely consumed on the same premises
(43) Glass and Glassware (pressed and blown) manufacturing
(44) Grain Elevators
(45) Grain Mill Products - Manufacturing
(46) Heat Exchangers, Fabrication
(47) Household Appliance Manufacturing
(48) Ice Cream Manufacturing
(49) Indoor Recycling Center for Metal, paper, Glass and Plastic Products
(50) Industrial Spray Painting and Other Solvent Use
(51) Jewelry, Silverware and Plated Ware - Manufacturing
(52) Lamp Black Manufacturing
(53) Lamp Shades - Manufacturing
(54) Leather and Leather Products - Manufacturing
(55) Liquefied Petroleum Gas Sales and Service, Wholesale
(56) Livestock Auction Sales
(57) Lumber and Wood Products Manufacturing, NEC
(58) Machinery Manufacturing
(59) Moderate Manufacturing, NEC
(60) Meat Products - Manufacturing
(61) Milling, Custom
(62) Monument Manufacture
(63) Mortician Goods - Manufacturing
(64) Noodle Manufacturing
(65) Oilcloth Manufacturing
(66) Oil Compounding and Barreling
(67) Oil Well Equipment Storage
(68) Other Fabricated Metals Products - Manufacturing
(69) Paper Products - Manufacturing, Not Using Sulphide Processes
(70) Pickle, Sausage, Sauerkraut or Vinegar Manufacturing
(71) Pickling, Fruits and Vegetables; Salad Dressings - Manufacturing
(72) Planing Mill
(73) Plastics, Blow Molding and Injection Molding
(74) Pottery and Related Products - Manufacturing
(75) Prefabricated House Manufacturing
(76) Prestressed and Pretensioned Concrete Products
(77) Printing Ink Manufacturing
(78) Radioactive Service Company
(79) Rayon or Cellophane Manufacturing
(80) Ready Built House Manufacturing
(81) Refrigerator Manufacturing
(82) Sandblasting (indoor)
(83) Sash and Door Manufacturing
(84) Sausage Manufacturing
(85) Shoddy Manufacturing (low grade cotton or wool)
(86) Shoe Polish Manufacturing
(87) Sighting and Fire Control Equipment - Manufacturing
(88) Signs and Advertising Displays - Manufacturing
(89) Small Arms Manufacturing

(90) Soybean Oil Milling
(91) Space Vehicle Manufacturing
(92) Starch, Glucose, Dextrin Manufacturing
(93) Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excludes salvaged or dismantled vehicles)
(94) Store Fixture Manufacturing
(95) Tank and Tank Components - Manufacturing
(96) Textile Mill - Manufacturing
(97) Tire Recapping
(98) Tobacco - Manufacturing
(99) Toy, Amusement, Sporting and Athletic Goods - Manufacturing Transportation
(100) Equipment Manufacturing
(101) Vegetable Oil Milling
(102) Vinegar Manufacturing
(103) Waste Paper Salvage and Reclamation
(104) Wool Scouring, Hair Manufacturing
(105) Yeast Manufacturing

(c) Wholesaling, warehousing, storage, supply and distribution.

(d) Truck terminals, freight terminals and passenger terminals.

(e) Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.

(f) Radio and television stations.

(g) Utilities substations.

(h) Signs subject to the provisions of Chapter 18.

Use Conditions

1. The uses included when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less, Vehicles shall have a screening wall or fence with a minimum of eight (8) feet in height.

3. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.

SECTION 1420 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Signs subject to the provisions of Chapter 18.

(b) Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

(2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;

(3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

SECTION 1430 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 21.

(a) Temporary borrow pits for fill dirt and top soil.

SECTION 1440 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

(b) Mini-storage.

SECTION 1450 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.

(2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner: measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan,

or 25 feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.

(3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

(c) Rear yard - When the IM zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

SECTION 1460 MINIMUM LOT AREA

No minimum lot area required except as needed to meet other requirements herein.

SECT ION 1470 MINIMUM LOT WIDTH

No minimum lot width required except as needed to meet other requirements herein.

SECTION 1480 MAXIMUM INTENSITY OF USE
No limitation except as needed to meet other requirements herein.

SECTION 1490 MAXIMUM HEIGHT OF STRUCTURES

No building shall exceed forty (40) feet in height.

CHAPTER 15

IH - HEAVY INDUSTRIAL

1500 General Description
1510 Permitted Principal Uses
1520 Permitted Accessory Uses and Structures
1530 Uses Permitted by Special Exception
1540 Uses Permitted by Specific Use Permit
1550 Minimum Yard Requirements
1560 Minimum Lot Area
1570 Minimum Lot Width
1580 Maximum Intensity of Use
1590 Maximum Height of Structures

SECTION 1500 GENERAL DESCRIPTION

Description

This district is intended to accommodate primarily those uses of a manufacturing and industrial nature and secondarily uses which are functionally related thereto such as distribution, storage and processing. Manufacturing and industrial uses having substantial objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration. Light industrial uses are allowed but are considered incidental to the predominantly heavy industrial nature of the district. Certain related structures and uses required to serve the needs of the primary uses are permitted outright or are permissible as special exceptions or a specific use permit subject to restrictions and requirements intended to best fulfill the intent of this ordinance. In addition, certain uses are permitted only as special exceptions or a specific use permit or are prohibited in order to protect such uses from the potentially incompatible characteristics of industrial areas. The uses included may be approved as a Specific Use Permit when located on a 40-acre or larger tract. See Chapter 26.

SECTION 1510 PERMITTED PRINCIPAL USES

Included Uses

(a) Any use permitted in the IL Light Manufacturing district.

(1) Aircraft Assembly and Subassembly
(2) Aircraft Repairs, Maintenance Instruction and Training
(3) Apparel and Other Finished Products Made From: fabrics, leather, similar materials
(4) Automotive Painting
(5) Bakery Products - Manufacturing
(6) Blacksmithing
(7) Bottling Plant
(8) Brooms and Brushes - Manufacturing

(9) Building Contract Construction Service and Storage:
(10) Cesspool Cleaning
(11) Concrete Construction Service
(12) Dry-cleaning, Industrial
(13) Heavy Construction, Equipment Storage/Parking
(14) Heating, Contracting Construction Service
(15) Insulation Contractor
(16) Laundry, Industrial
(17) Masonry
(18) Oil Well Drilling and Cleaning Contracting Service
(19) Roofing
(20) Sheet Metal
(21) Spray Painting
(22) Stonework
(23) Water Well Drilling and Cleaning
(24) Bus Maintenance Shop
(25) Candle Manufacturing
(26) Candling or Processing Plant
(27) Clothes Manufacturing
(28) Cold Storage Plants
(29) Communication Equipment, Including Radio Television Receiving Sets
(30) Manufacturing: Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions (except precious materials) - Manufacturing
(31) Drug - Manufacturing
(32) Dry Cleaning/Laundry - Industrial
(33) Freight Terminals
(34) Furniture Packing and Crating
(35) Garment Manufacturing
(36) Ice Manufacturing
(37) Laundry Service (Non-personal goods)
(38) Machine Shop
(39) Mattress and Bedding Renovator
(40) Mattress Manufacturing
(41) Motor Freight Depot/Terminal
(42) Motion Picture Production
(43) Musical Instruments and Parts - Manufacturing
(44) Office, Computing and Accounting Machines - Manufacturing
(45) Paint and Other Solvent Use
(46) Pens, Pencils, and Other Office and Artist Materials - Manufacturing
(47) Pharmaceutical Manufacturing
(48) Pottery and Figurines or Other Similar Ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
(49) Printing, Publishing and Allied Industries
(50) Professional, Scientific and Controlling Instruments, Photographic and Optical
(51) Goods, Watches and Clocks - Manufacturing
(52) Produce Markets Wholesale
(53) Roasting Coffee and Coffee Products - Manufacturing
(54) Truck Freight Terminal (repair and storage of commercial contract carriers)

(55) Umbrellas, Parasols and Canes - Manufacturing
(56) Welding Equipment and Supply Manufacturing
(57) Welding Shop
(58) Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excludes salvaged or dismantled vehicles)

(b) Any use permitted in the IM Moderate Manufacturing and Industry district.

(1) Aircraft and Aerospace Parts Manufacturing and Remanufacturing
(2) Alcohol Manufacturing
(3) Aluminum, Brass, Copper Foundry
(4) Batch Plant
(5) Beverage Manufacturing
(6) Boiler or Forage Works
(7) Brewery
(8) Canning and Preserving of Fruits/Vegetables
(9) Cellophane Manufacturing
(10) Celluloid Manufacturing
(11) Cheese Manufacturing
(12) Chipping of Trees and Shrubs
(13) Chrome Plating
(14) Concrete Ready-Mix Plant
(15) Confectionery and Related Products - Manufacturing
(16) Cooperage Works
(17) Corrugated Metal Manufacturing
(18) Cotton Baling, Compressing and Ginning
(19) Cotton Storage, Open
(20) Cottonseed Oil Milling
(21) Cultured Marble Manufacturing
(22) Cutlery, Hand Tools, General Hardware - Manufacturing
(23) Dairy Products Manufacturing
(24) Die Casting Manufacturing
(25) Diesel Engine Repairs
(26) Dyestuff Manufacturing
(27) Electronic Components and Accessories - Manufacturing
(28) Electrical Lighting and Wiring Equipment - Manufacturing
(29) Electrical Machinery, Equipment and Supplies - Manufacturing
(30) Electroplating
(31) Fabricated Metal Products, NEC - Manufacturing
(32) Feed Grinding and Processing
(33) Fiberglass Products Manufacturing
(34) Flat Glass - Manufacturing
(35) Flavor Extracts and Flavoring Syrups Manufacturing, NEC
(36) Flour Mills
(37) Food Products, Manufacturing
(38) Foundry, Nonferrous Metals

(39) Fur Goods - Manufacturing
(40) Furniture and Fixtures - Manufacturing
(41) Galvanizing
(42) Gas (heating or illuminating) manufacturing or Storage, except where such gas is to be entirely consumed on the same premises
(43) Glass and Glassware (pressed and blown) manufacturing
(44) Grain Elevators
(45) Grain Mill Products - Manufacturing
(46) Heat Exchangers, Fabrication
(47) Household Appliance Manufacturing
(48) Ice Cream Manufacturing
(49) Indoor Recycling Center for Metal, paper, Glass and Plastic Products
(50) Industrial Spray Painting and Other Solvent Use
(51) Jewelry, Silverware and Plated Ware - Manufacturing
(52) Lamp Black Manufacturing
(53) Lamp Shades - Manufacturing
(54) Leather and Leather Products - Manufacturing
(55) Liquefied Petroleum Gas Sales and Service, Wholesale
(56) Livestock Auction Sales
(57) Lumber and Wood Products Manufacturing, NEC
(58) Machinery Manufacturing
(59) Moderate Manufacturing, NEC
(60) Meat Products - Manufacturing
(61) Milling, Custom
(62) Monument Manufacture
(63) Mortician Goods - Manufacturing
(64) Noodle Manufacturing
(65) Oilcloth Manufacturing
(66) Oil Compounding and Barreling
(67) Oil Well Equipment Storage
(68) Other Fabricated Metals Products - Manufacturing
(69) Paper Products - Manufacturing, Not Using Sulphide Processes
(70) Pickle, Sausage, Sauerkraut or Vinegar Manufacturing
(71) Pickling, Fruits and Vegetables; Salad Dressings - Manufacturing
(72) Planing Mill
(73) Plastics, Blow Molding and Injection Molding
(74) Pottery and Related Products - Manufacturing
(75) Prefabricated House Manufacturing
(76) Prestressed and Pretensioned Concrete Products
(77) Printing Ink Manufacturing
(78) Radioactive Service Company
(79) Rayon or Cellophane Manufacturing
(80) Ready Built House Manufacturing
(81) Refrigerator Manufacturing
(82) Sandblasting (indoor)
(83) Sash and Door Manufacturing
(84) Sausage Manufacturing
(85) Shoddy Manufacturing (low grade cotton or wool)

(86) Shoe Polish Manufacturing
(87) Sighting and Fire Control Equipment - Manufacturing
(88) Signs and Advertising Displays - Manufacturing
(89) Small Arms Manufacturing
(90) Soybean Oil Milling
(91) Space Vehicle Manufacturing
(92) Starch, Glucose, Dextrin Manufacturing
(93) Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less (excludes salvaged or dismantled vehicles)
(94) Store Fixture Manufacturing
(95) Tank and Tank Components - Manufacturing
(96) Textile Mill - Manufacturing
(97) Tire Recapping
(98) Tobacco - Manufacturing
(99) Toy, Amusement, Sporting and Athletic Goods - Manufacturing Transportation
(100) Equipment Manufacturing
(101) Vegetable Oil Milling
(102) Vinegar Manufacturing
(103) Waste Paper Salvage and Reclamation
(104) Wool Scouring, Hair Manufacturing
(105) Yeast Manufacturing

(c) Wholesaling, warehousing, storage, supply and distribution.

(d) Truck terminals, freight terminals and passenger terminals.

(e) Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.

(f) Radio and television stations.

(g) Utilities substations.

(h) Signs subject to the provisions of Chapter 18.

Use Conditions

1. The uses included when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

2. Wrecker Service and Storage of Abandoned or Inoperative Vehicles reclaimed from Highway/Streets for 60 days or less, Vehicles shall have a screening wall or fence with a minimum of eight (8) feet in height.

3. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.

SECTION 1520 PERMITTED ACCESSORY USES AND STRUCTURES

(a) Dwelling units in connection with permitted or permissible uses or structures provided that:

(1) The residential occupation of the premises is specifically required because of the nature of the operations being conducted thereon or for the safekeeping thereof.
(2) The dwelling unit is located on the same premises with the use for which it is required.

(b) Other structures and uses which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;

(2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;

(3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

(d) Signs subject to the provisions of Chapter 18.

SECTION 1530 USES PERMITTED BY SPECIAL EXCEPTIONS

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

Included Uses

(a) Temporary borrow pits for fill dirt and top soil.

SECTION 1540 USES PERMITTED BY SPECIFIC USE PERMIT

The following uses may be permitted as Specific Use Permit by the Planning Commission and City Council in accordance with the provisions contained in Chapter 26.

Included Uses

(a) Manufacturing, Heavy

(1) Abattoir (slaughter house)
(2) Acetylene Gas Manufacturing in Excess of 15 Pounds Pressure Per Square Inch
(3) Acid Manufacturing

(4) Agricultural Chemicals – Manufacturing
(5) Ammonia, Bleaching Powder or Chlorine Manufacturing
(6) Animal Rendering
(7) Arsenals
(8) Asphalt Manufacturing or Refining
(9) Blast Furnace
(10) Bleaching Powder Manufacturing
(11) Brick, Tile or Terra Cotta Manufacturing
(12) Butane and Propane Manufacturing/Storage
(13) Cement, Lime, Gypsum, Plaster of Paris Manufacturing
(13) Chlorine or Hydrochloric, Nitric, Picric, Sulphurous or
(15) Sulfuric Acid Manufacturing
(16) Coal Yard
(17) Coke Manufacturing
(18) Compost Yard
(19) Concrete Brick and Block – Manufacturing
(20) Creosote Manufacturing or Treatment
(21) Disinfectant or Insecticide Manufacturing
(22) Distillation of Bones, Coal, Tar or Wood
(23) Emery Cloth and Sandpaper Manufacturing
(24) Explosive Manufacturing or Storage
(26) Fat Rendering
(26) Fertilizer Manufacturing From Mineral or Organic Materials
(27) Fireworks Manufacturing or Storage
(28) Garbage Dump
(29) Garbage, Offal, or Dead Animal Reduction or Dumping
(30) Glue, Gelatin or Size Manufacturing
(31) Guided Missile Manufacturing
(32) Gum and Wood Chemicals – Manufacturing
(33) Guns, Howitzers, Mortars, and Related Equipment - Manufacturing
(34) Incineration, Reduction of Dead Animals, Garbage or Refuse, Offal
(35) Insecticide Manufacturing
(36) Iron or Steel Foundry
(37) Lime, Cement, Plaster of Paris Manufacturing
(38) Linoleum, Asphalted-felt Base, and Other Hard Surface Floor Cover-Manufacturing
(39) Lubricating Oils and Grease Manufacturing
(40) Match Manufacturing
(41) Oil Reclamation Plants
(42) Oil Refinery
(43) Paint, Oil, Varnish or Turpentine Manufacturing
(44) Paper or Pulp Manufacturing by Sulfide Processes Emitting Noxious Gases or Odors
(45) Paving Plants
(46) Petroleum Bulk Storage for Wholesale
(47) Plastics/Rubber Manufacturing

(48) Primary Metal Industries, NEC
(49) Radioactive Service Company
(50) Railroad Freight Terminal
(51) Railroad Roundhouse or Shop
(52) Railroad Yard
(53) Refining of Petroleum or Other Crude Materials
(54) Refuse Dump
(55) Refuse or Trash Transfer Station, All processing and storage shall be within a building or container
(56) Rendering Plant
(57) Resource Recovery Facility (all storage and processing within building)
(58) Rolling/Steel Mill
(59) Rubber Manufacturing from Crude Materials
(60) Salt Works
(61) Sandblasting (outdoor)
(62) Sawmill
(63) Slaughtering of Animals
(64) Smelting
(65) Soap Manufacturing
(66) Soda Ash, Caustic Soda and Washing Compound Manufacturing
(67) Steel Works or Fabrication Plant
(68) Stockyard
(69) Stone Cutting and Stone Products Manufacturing
(70) Structural Clay Products, Manufacturing
(71) Structural Steel Plants
(72) Sugar Refining
(73) Tallow, Grease or Lard Manufacturing or Refining
(74) Tank Farm, Petroleum
(75) Tanning, Curing or Storing of Leather and Rawhides or Skins
(76) Tar Roofing or Tar Waterproofing Manufacturing
(77) Tar Distillation or Manufacturing
(78) Tile Roofing Manufacturing
(79) Trades, Industries, or Uses that have Heavily Objectionable Environmental Influences by Reason of the Emission of Odor, Heat, Smoke, Noise, or Vibration.
(80) Trash or Refuse Transfer Station, All processing and storage within building or containers
(81) Turpentine Manufacturing
(82 Varnish Manufacturing
(83) Washing Compound Manufacturing
(84) Wood Preserving

Use Conditions

1. The uses included when located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District

2. All uses require approval of a Specific Use Permit (see also Chapter 26), and are subject to the following requirements:

   a. The permitted uses shall not interfere with or detrimentally affect any adjoining or nearby residential properties.

   b. Traffic circulation shall be reviewed and approved by the City Engineer, including the location of ingress and egress points.

   c. The subject tract of land (proposed development site) shall have either a minimum of 150 feet of frontage on a designated major arterial street or a minimum of 50 feet of frontage on a non-arterial street.

(b) Junk and salvage yards

Establishments primarily providing an open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, crushed or handled. Materials shall include but are not limited to scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, vehicular parts, wrecked vehicles, bottles and cans.

Use Conditions

1. All uses require approval of a Specific Use Permit (see also Chapter 26).

2. The use included, when located on a lot abutting any AG, R, 0, CG, IL or IM District shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.

3. The use included, when located on a lot abutting a street, highway or thoroughfare, shall be screened by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the district to be screened.

4. The piling of junk or salvage materials shall not exceed the height of the required screening wall or fence within 150 feet of the boundary required to be screened.

5. Storage racks which are designed for the stacking of materials, including but not limited to automotive front ends, hoods, doors, quarter panels, etc., which exceed the height of the screening fence, shall be setback a minimum of 25 feet from another abutting zoning district, with the exception of the IH district and from a street, highway or thoroughfare along the lot line or lines in common with another district other than the IH district, street, highway or thoroughfare, plus two (2) additional feet of setback for every one (1) foot of rack height above 15 feet.

6. Wrecked or damaged vehicles stored in an Auto Pool facility until insurance or other settlements are made shall not be parted or salvaged; however, may be sold or offered for sale on the premises within the screened areas - no display of such vehicles is permitted along street frontages. All parking areas and drives shall be paved with an All Weather Surface as otherwise required by this Code.

(c) Extraction Operations, Mining and Mineral Processing

Description

Use requires approval of a Specific Use Permit in accordance with Chapter 26 of this Code. Extractive operations, mineral processing operations and manufacturing operations which directly utilize minerals at or near the source, includes:

1. Mining and Quarrying: Mining, quarrying or extraction of coal, ores, stone, sand or gravel.

2. Processing of Mineral Products: Crushing, washing, and grading of coal, ore, stone, sand or gravel; manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel, for utilization off the premises.

Use Conditions

In granting approval of a Specific Use Permit in accordance with Chapter 26 of this Code for extraction operations, mining and mineral processing uses, the Planning Commission and City Council shall consider potential environmental influences, such as dust and vibration, and shall establish in the particular instance, appropriate protective conditions such as setbacks, screening, and method of operation, as will mitigate the adverse affect on proximate land uses.

SECTION 1550 MINIMUM YARD REQUIREMENTS

(a) Front yard - The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated on the Coweta Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) Side yard:

(1) On the side of an interior lot or the interior side of a corner lot, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width is required.

(2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add 1/2 of the right-of-way designated in the Coweta Major Street and Highway Plan, or 25 feet if not designated on the Street Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets.

(c) Rear yard - No rear yard is required if buildings are built to the rear lot line, otherwise at least 3 feet of rear yard depth is required.

(d) Building Adjacent to Residential Districts - The side and rear yard requirements in (b) and (c) do not apply when the building is adjacent to a residential district. In this case all buildings constructed in an IH zone shall be at least 50 feet from the boundary of any residential district.

SECTION 1560 MINIMUM LOT AREA

No minimum lot area required except as needed to meet other requirements herein.

SECTION 1570 MINIMUM LOT WIDTH

No minimum lot width required except as needed to meet other requirements herein.

SECTION 1580 MAXIMUM INTENSITY OF USE

No limitation except as needed to meet other requirements herein.

SECTION 1590 MAXIMUM HEIGHT OF STRUCTURES

(a) Buildings up to 40 feet in height are permitted outright.

(b) Buildings in excess of 40 feet in height, provided there is an increase of one foot inside, front and rear yards over the minimum front, rear and side yard requirements for each additional three (3) feet of height.

CHAPTER 16

PUD - PLANNED UNIT DEVELOPMENT

1600 General Description and Purpose
1610 Types of Planned Unit Developments
1620 Uses Permitted Generally
1630 Uses Permitted by Special Exception
1640 Prohibited Uses
1650 Area Regulations and Setbacks
1660 Intensity of Use
1670 Maximum Area of Commercial Uses in PUD-R Districts
1680 Off-Street Parking and Loading Requirements
1690 Administrative Application and Review Process

SECTION 1600 GENERAL DESCRIPTION AND PURPOSE

The intent of the Planned Unit Development district is to derive the benefits of efficiency, economy and flexibility by encouraging unified developments of a site, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. It is the intent of this Ordinance to allow development of sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height in so far as the City Council shall deem appropriate to fulfill the intent of this Ordinance and the Comprehensive Plan.

SECTION 1610 TYPES OF PLANNED UNIT DEVELOPMENTS

Two types of Planned Unit Developments accommodating primarily residential or non-residential uses are allowed as follows:

(a) PUD-R Planned Unit Development - Residential.

The PUD-R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as secondary uses.

(b) PUD-C Planned Unit Development - Commercial.
The PUD-C district is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as secondary uses.

SECTION 1620 USES PERMITTED GENERALLY

The types of residential dwelling units, and the types of non-residential uses allowed to be established in these districts increase with increasing site size, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments, separating uses with potentially incompatible characteristics of use, design of access pattern:, and relationship of uses within such planned unit developments with uses in adjacent districts. It is the intent of this Ordinance that such design and planning features be incorporated properly into any

PUD district hereafter created, and that the Planning Commission and City Council may consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such a district. The permitted principal uses for various site sizes and types of PUD districts are the uses enumerated for the zoning districts listed below.

Site Size in Acres	PUD-R	PUD-C
Less than 20	RM-l	CG
20 to less than 50	RM-l, CN	CG
50 to less than 80	RM-l, CG	CG, IL
80 or more	RM-l, CG	CG, IH

When uses for more than one district are permitted, the uses of the less restrictive district be permitted.

Accessory uses and structures may be permitted as for the least restrictive districts indicated in above for any specific site size.

SECTION 1630 USES PERMITTED BY SPECIAL EXCEPTION

No special exception actions are required to establish any specific use. Uses normally by special exception in the least restrictive districts indicated in Section 1620 above. For any specific site size may be permitted, provided however, that the Planning Commission and City Council shall ascertain that the affects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the terms of the proposed planned unit development.

SECTION 1640 PROHIBITED USES

All uses not specifically permitted as principal or accessory uses or special exceptions for the least restrictive districts indicated in Section 1620 above for any specific site size are prohibited in a PUD district.

SECTION 1650 AREA REGULATIONS AND SETBACKS

No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be erected within twenty-five (25) feet of any external lot line of any planned unit development, except for PUD of one or less where a ten (10) feet setback from external lot lines shall be observed. Minimum lot width, yard sizes, floor area ratio, and maximum height are not otherwise regulated within PUD districts, provided however, that the Planning Commission and City Council ascertain that the characteristics of the building sites shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this Ordinance and the Comprehensive Plan.

SECTION 1660 INTENSITY OF USE

All PUDs should be of an intensity of development which does not exceed that set forth for the site in the city's Comprehensive Plan.

SECTION 1670 MAXIMUM AREA OF COMMERCIAL USES IN PUD-R DISTRICTS

The PUD-R districts in which commercial uses are permitted, the site area and total gross area of such commercial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time.

Total PUD Site Size in Acres	Maximum Percentage of Site Area for Commercial and Office Structures or Uses	Maximum Allowable Gross Floor Area for Commercial and Office Structures or Uses
Less than 20	0	0
20 but less than 50	20%	50%
50 but less than 80	30%	50%
80 or more	40%	50%

SECTION 1680 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-Street Parking and Loading spaces for any specific use shall be provided in conformance with the requirements of Chapter 17 Off-Street Parking and Loading Requirements. Required spaces may be provided on the lot containing the dwelling units or other uses for which it is designed and located so as to be accessible to the use it is intended to serve. Provisions for the ownership and maintenance of common parking areas as will insure its continuity and conservation, shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1690.3 (e) below.

SECTION 1690 ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES

1690.1 General

The establishment of a PUD district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this Ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PUD district shall be subject to the provisions of Chapter 22 "Amendments", and in addition, the procedures described below shall apply. It is the intent of this Ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned unit development upon the community at large. The provisions of the PUD district represent an option for appropriate quality design, and in return for a degree of design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the City Council in establishing such developments. To that end the regulations set forth herein are minimum requirements and it is the intend of this Ordinance that the City Council may impose conditions and safeguards in excess of or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

1690.2 Pre-application Conference

The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the Planning Commission and its staff prior to initiating an application for amendment in order to avoid undue delay in the review process after initiating such an application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in pre-application of materials in final form which may later be found to be unacceptable or incomplete.

1690.3 Site Development Plan

The applicant shall submit a site development plan to the Planning Commission and its staff for review which shall be similar in content and format to a preliminary plat required for review by the Subdivision Regulations of the City of Coweta, Oklahoma. In addition, the site development plan shall provide the following graphic and written information:

(a) The Site Plan shall show

1. Proposed location of uses, including off-street parking, open spaces and public uses;

2. Public and private vehicular and pedestrian circulation;

3. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of non-residential uses expressed in floor area, allocated to each identifiable segment of the Planned Unit Development;

4. Proposed screening and landscaping;

5. Proposed location, height and size of any ground sign;

6. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;

7. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

(b) Written information shall include

1. An explanation of the character of the PUD;

2. The expected schedule of development, including all phasing;

3. In a proposed PUD-R the number of acres devoted to residential, commercial, industrial and other non-residential uses to assure compliance with Section 1670 above;

4. If applicable, an indication of how a homeowner's association or other group maintenance or group ownership arrangement will operate;

5. Development standards for the location, height, setback and size of buildings and other structures;
6. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

(c) Planning Commission Action

After the public hearing as provided for in Chapter 22, the Planning Commission shall make its recommendation to the City Council. In making this recommendation the Planning Commission shall consider at least the following factors:

1. Whether the PUD is consistent with the Comprehensive Plan;

2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;

3. Whether the PUD is a unified treatment of the development possibilities of the project site;

4. Whether the PUD is consistent with the stated purposes and standards of this Section.

(d) City Council Action

Upon receipt of the application, the site development plan with specific information as required under Section 1690.3 (c) above, and Planning Commission recommendation, the City Council shall hold a hearing and review the proposal according to the procedures outlined. Upon approval of the application by the City Council, the zoning map shall be amended to reflect the zoning designation PUD-R as appropriate, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the approved specific site development plan.

(e) Planned Unit Development Plat

A planned unit development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations shall include:

1. Details as to the location of uses and street arrangement.

2. Provisions for the ownership and maintenance of the common open space as will reasonably insure is continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council after the recommendation of the Planning Commission.

3. Such covenants as will reasonably insure that continued compliance with the approved site development plan. The Planning Commission and the City Council may require covenants which provide for detailed site plan review and approval by said Council prior to the issuance of any building permits within the PUD. In order that the public interest may be protected, the City of Coweta shall be made beneficiary of covenants pertaining to such matters as location of uses, height of

structures, setbacks, screening and access. Such covenants shall provide that the City of Coweta may enforce compliance therewith, and shall further provide the amendment of such covenants shall require the filing of a record of written amendment to the covenants approved by the Planning Commission and the City Council.

(f) Issuance of Building Permits

After the filing of an approved PUD subdivision plat and the submittal of a detailed development schedule including specifics about the phasing of development and the percentage of construction to be completed before the platting of a particular phase, to be at the discretion of the City Council, and notice to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat and development schedule.

(g) Amendments of a PUD

Minor changes in the PUD may be authorized by the Planning Commission and the City Council which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the site development plan and the progress and standards of the PUD provisions hereof. Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development. It shall be the duty of the City Manager to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by the Planning Commission and the City Council. If it is determined that a major change is requested then a new application will be processed in accordance with the provisions of Chapter 22 of this Ordinance.

(h) Failure to Begin, Complete or Make Adequate Progress

If there is failure to begin, complete, or make adequate progress as agreed upon in the approved site development plan, detailed development schedule and subdivision plat, after the recommendation of the Planning Commission, the City Council may change the zoning classification of the planning unit development in accordance with the provisions of Chapter 22, and thus terminating the right of the applicant to continue development or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth or any appropriate combination of the above.

(i) Abandonment

Abandonment of a Planned Unit Development shall require the City Council approval, after recommendation by the Planning Commission, of an application for amendment to the zoning map repealing the zoning designation of a PUD-R or PUD-C, as appropriate. At the same time the City Council, after recommendation by the Planning Commission and appropriate public notice and hearing shall design a new zoning district designation to the land previously in the PUD.

(j) Fee

At the time application is made to the Zoning Administrator of the Planning Commission such application will be accompanied by a fee of $250.00.

CHAPTER 17

OFF -STREET PARKING AND LOADING REQUIREMENTS

1710 Applicability of Requirements
1720 General Requirements
1730 Setbacks
1740 Design Standards for Off-Street Parking
1750 Design Standards for Off-Street Loading
1760 Prohibited Off-Street Parking and Loading
1770 Off-Street Parking and Loading Requirements for Various Types of Uses

SECTION 1710 APPLICABILITY OF REQUIREMENTS

The off-street parking and off-street loading facilities whether they are principal uses, accessory uses, or a minimum requirement of the initiation, enlargement, or change of use, shall meet the requirements of this Chapter as follows:

(a) For all buildings and structures erected and all uses of land established after the effective date of this Code, parking and loading facilities shall be provided as required for the particular use by this Chapter.

(b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is nonconforming as to parking requirements, then parking requirements for a change in use shall be governed by Chapter 16 Parking and Loading Nonconformities.

(d) Accessory off-street parking and loading facilities in existence on the effective date of this Code and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code.

SECTION 1720 GENERAL REQUIREMENTS

(a) Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities.

(b) Within the front and exterior side yards in the RM districts, not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.

(c) Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials, or supplies.

(d) Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided.

(e) Required enclosed off-street parking and loading areas shall meet the minimum yard requirements of the zoning district in which located, except that enclosed off-street parking and loading areas which are required, shall not be included in the computation of permitted floor area.

(f) The capacity of an off-street parking area shall be the number of parking spaces, having minimum required dimensions, that are located thereon in such a manner that each space can be entered without passing through another space, except in the RS, RD, RMHS and AG districts, where access may be obtained through another parking space.

(g) Required off-street parking surfacing shall be completed prior to the initiation of the use.

SECTION 1730 SETBACKS

(a) Off-street loading areas shall not be located within 50 feet of any abutting property which is within an R district unless it's wholly within an enclosed building or screened on all sides abutting the R district by a screening wall or fence.

(b) Unenclosed off-street parking and loading areas shall be set back from abutting streets as see forth in Table 1 below.

Table 1

Off -Street Parking and Loading Area Setbacks From Center line of Abutting Streets*

	Parking Area 1 to 5 Spaces 5 Spaces	Parking Area 6 or more Spaces	Loading Area
In an R district			
Accessory to a dwelling	28 ft.	35 ft.	NA
Accessory to another use	40 ft.	50 ft.	50 ft.
Not in an R district, but within 50 feet of an R district	40 f t.	50 ft.	50 ft.

*If the right-of-way width designated on the Major Street Plan exceeds 50 feet, add 1/2 of the amount by which the designated right-of-way exceeds 50 feet.

SECTION 1740 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

(a) A required off-street parking space shall be at least 9 feet in width and at least 20 feet in length exclusive of access drives or aisles. Such space shall have a vertical clearance of at least 6 feet 6 inches.

(b) Each required parking space shall be accessible from a public street without passing through another required space and no maneuvering incidental to parking shall be on any public street, except the RS, RD and AG districts.

(c) Lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from properties within an R district which do not contain uses for which the parking is being provided.

(d) Unenclosed off-street parking areas shall be surfaced with an all weather asphalt or concrete material or its equivalent material designed to carry the maximum load normally expected on that surface.

(e) Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an R district. Unenclosed off-street parking areas, containing 6 or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an RS district, provided that if the parking area is located more than 50 feet from the RS lot line or lines, the screening requirement shall not apply.

SECTION 1750 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS

(a) Unless otherwise specified, a required off-street loading berth shall be at least 10 feet in width, 30 feet in length, exclusive of aisles, and shall have a vertical clearance of at least 14 feet.

(b) Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least 12 feet in width designed to permit convenient access by semi-trailer trucks.

(c) Unenclosed off-street loading areas shall be surfaced with an all weather material.

(d) Unenclosed off-street loading berths shall not be located within 50 feet of any property in an R district unless it is screened on all sides abutting the R district by a screening wall or fence.

(e) Lighting used to illuminate an off-street loading area shall be so arranged as to direct the light away from the properties within an R district which do not contain uses for which the loading area is being provided.

SECTION 1760 PROHIBITED OFF-STREET PARKING AND LOADING

Off-Street Parking and-Loading is prohibited except in properly prepared off-street parking and loading spaces meeting the requirements of this Chapter.

SECTION 1770 OFF-STREET PARKING AND LOADING REQUIREMENTS FOR VARIOUS TYPES OF USES

Uses	Parking Spaces	Loading Berths
Airport	1 per each 500 sq. ft. of enclosed passenger terminal area.	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per each additional 100,000 sq. ft.
Public Protection and Utility Facilities	None	None
Aquarium, art gallery, museum planetarium, and cultural facility NEC	1 per 800 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each 200,000 sq. ft. of floor area.
Children's Nursery	1 per 1,000 sq. ft. of floor area.	None
Church	1 per 40 sq. ft. of chapel or sanctuary floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
College, University	1 per 600 sq. ft. of class-room floor area plus 1 per 4 dormitory beds plus 1 per 4 stadium seats.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Community Center	1 per 500 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.
Emergency and Protective Shelter	1 per 1,000 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Golf Course	5 per green plus 1 per 400 sq. ft. of club house floor area.	1 per 10,000 to 100,000 plus 1 per each additional 100,000 sq. ft. of floor area.
Hospital	1 per bed.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.

Uses	Parking Spaces	Loading Berths
Library	1 per 500 sq. ft. of floor area.	1 per 10,000 to 200,00 sq. ft. plus 1 per each additional200,000 sq. ft. of floor area.
Private Club	1 per 400 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.
Public Park	1 per 4 stadium seats plus 1 per 500 sq. ft. of community center or recreation building plus 1 per 300 sq. ft. of pool area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.
Public Tennis Court	2 per court, plus 1 per 400 sq. ft. of club house area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.
Residential Treatment Center and Transitional Living Center	1 per each 1,000 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional100,000 sq. ft. of floor area.
Schools Elementary & Junior High	1 per 1,200 sq. ft. of floor area.	1 per 10,000 to 200,0 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Senior High	1 per 800 sq. ft. of floor area plus 1 per 4 stadium seats.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Single-family detached dwelling, neighborhood group home and foster home	2 per dwelling unit.	None
Duplex dwelling	2 per dwelling unit.	None
Convent, Monastery and Novitiate	1 per 1,000 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. plus 1 per each additional 200,000 sq. ft. of floor area.
Elderly/Retirement	.75 per dwelling unit.	None

Uses	Parking Spaces	Loading Berths
Community Group Home	1 per 900 sq. ft. of floor area.	None
Fraternity or Sorority House	1 per 2 beds.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Life Care Retirement Center	.75 per dwelling unit and .35 per nursing center bed.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Mobile Home	2 per each mobile home dwelling unit.	None
Multi-family Dwelling	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling unit.	None
Nursing Home	.35 per nursing center bed.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Rooming/ Boarding House	1 per 2 beds.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft.
Townhouses	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling unit.	None
Funeral Home	1 per 40 sq. ft. of assembly floor area plus 1 per 300 sq. ft. of non-assembly floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Office NEC	1 per 300 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Medical & Dental Offices, Clinics & Laboratories	1 per 250 sq. ft. of floor area.	Same as above

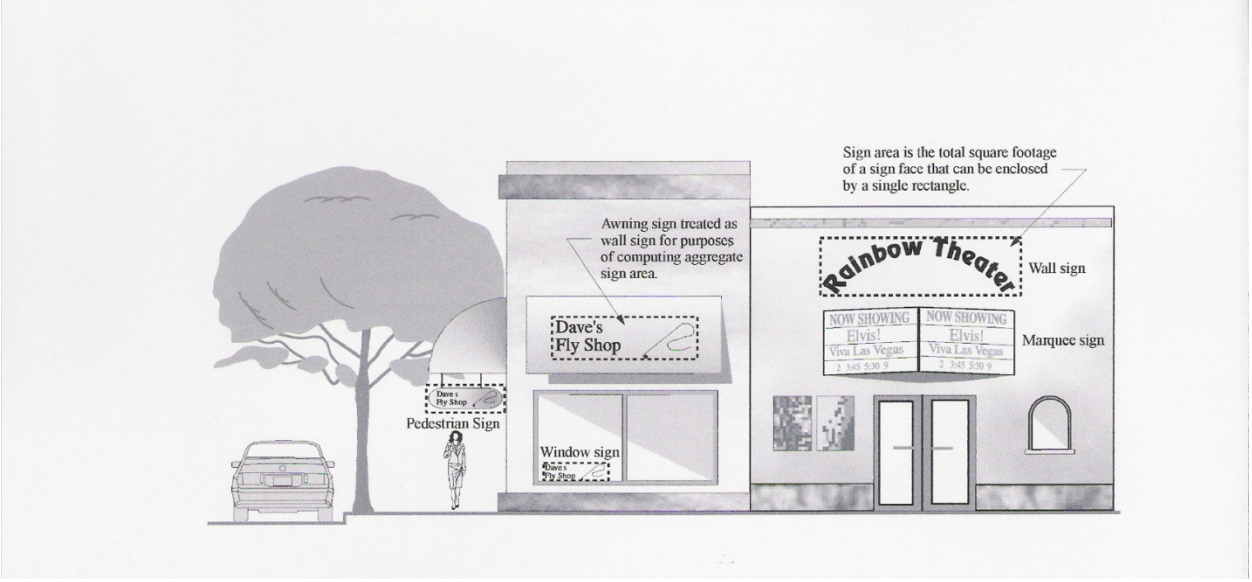
Uses	Parking Spaces	Loading Berths
Entertainment and/ or Drinking Establishments Other than theater	1 per 75 sq. ft. of floor area.	1 per 5,000 to 10,000 sq. ft., plus 1 per each additional sq. ft. of floor area.
Eating Establishments	1 per 100 sq. ft. of floor area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Motion Picture Theater	1 per 4 seats.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Retail Trade and Service Establishments	1 per 225 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft., plus 1 per each additional 25,000 sq. ft. of floor area.
Antique and Furniture Stores	1 per 300 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Trade or Service Establishments	1 per 400 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Gasoline Service Station	None	None
Agriculture Implements, Automotive, Camper, Mobile home, Motorcycle & Truck Sales	1 per 600 sq. ft. of floor area plus 1 per 1,000 sq. ft. of open air display or service area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Automobile Rental and Vehicle Repair	1 per 600 sq. ft. of floor area.	None
Auto Wash	None	None
Mini-Storage	1 per 5,000 sq. ft. of floor area.	None
Drive-in Restaurants	None	1 per 5,000 to 25,000 sq. ft. of floor area plus 1 per each additional 25,000 sq. ft. of floor area.

Uses	Parking Spaces	Loading
Berths		
Hotel, Motel	1 per sleeping room plus 1 per 225 sq. ft. of accessory facilities such as card shop, flower shop, barber and beauty shops, etc., and 1 per 100 sq. ft. for accessory facilities such as restaurants and taverns.	1 per 40,000 to 150,000 sq. ft. plus 1 per each additional 150,000 sq. ft. floor area, plus 1 per 5,000 to 25,000 sq. ft., plus 1 per each 25,000 sq. ft. of accessory facilities.
Billiard Parlor, Bowling Alley, Gymnasium, Health	1 per 225 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Club, Racquetball Club, Rifle Range (enclosed), Skating Rink, Slot Car Track, Swimming Pool (enclosed)		
Tennis Club, Video Games, Enclosed Commercial Recreation Establishments, NEC		
Golf Driving Range	1 per tee.	None
Drive- in Theater	None	None
Uses providing spectator seating such as stadiums, arenas, rodeo grounds	1 per 4 seats.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Other Uses	1 per 800 sq. ft. of site area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Warehousing, NEC Wholesale Establishments NEC, Trucking Establishments, Truck Rentals	1 per 5,000 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 5,000 sq. ft. of floor area.

Uses	Parking Spaces	Loading Berths
Mining and Quarrying, Processing of Mineral Products i.e., washing, crushing, grading or manufacture of Portland Cement, concrete or asphaltic concrete	1 per 1,000 sq. ft. of floor area.	None
Manufacturing and Industry, NEC	1 per 1,000 sq. ft. of floor area.	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per 40,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.

CHAPTER 18

SIGN CODE



18.1 PURPOSE
18.2 GENERAL LOCATION REQUIREMENTS
18.3 GENERAL USE CONDITIONS
18.4 AGRICULTURE DISTRICT USE CONDITIONS
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18.15 VARIANCES

18.1 PURPOSE

This Code, together with future amendments thereof, shall be known and may be cited as the "City of Coweta Sign Code".

The purpose and general intent of the City of Coweta Sign Code is as follows:

1. To provide for the appropriate use and location of signs in a manner that will not adversely affect or impact property values, compatibility of land use, community appearance and identity, and to otherwise promote the general welfare, public safety, convenience and order to the City of Coweta.

2. To establish standards and guidelines for the design, erection and installation of signs and other visual communication devices so that the City of Coweta may appear orderly and to prevent the needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination.

3. To provide for the issuance, revocation, inspection and identification of signs within the City.

4. To provide for the removal of any sign that is in violation of or nonconformance with the intent and purpose of this Code

18.2 GENERAL LOCATION REQUIREMENTS

1. Street Setback – No sign or portion thereof shall be permitted in the right-of-way of any street or area designated in the most recently adopted Coweta Major Street and Highway Plan as a future street under any circumstances except authorized traffic signals, signs or devices.

2. Intersection Setback – No sign shall be located less than thirty-five (35) feet from the intersection of the pavement of two (2) streets or from the intersection of street pavement and a railroad track. The point of intersection shall be measured from the edge of the paving.

3. Traffic Signal Clearance – No sign shall be located in such a manner as to obstruct or obscure or in any manner interfere with any traffic signal light or public warning sign.

4. Obstruction of View – Signs when located in such a manner so as to prevent any motorists from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along any public right-of-way are prohibited.

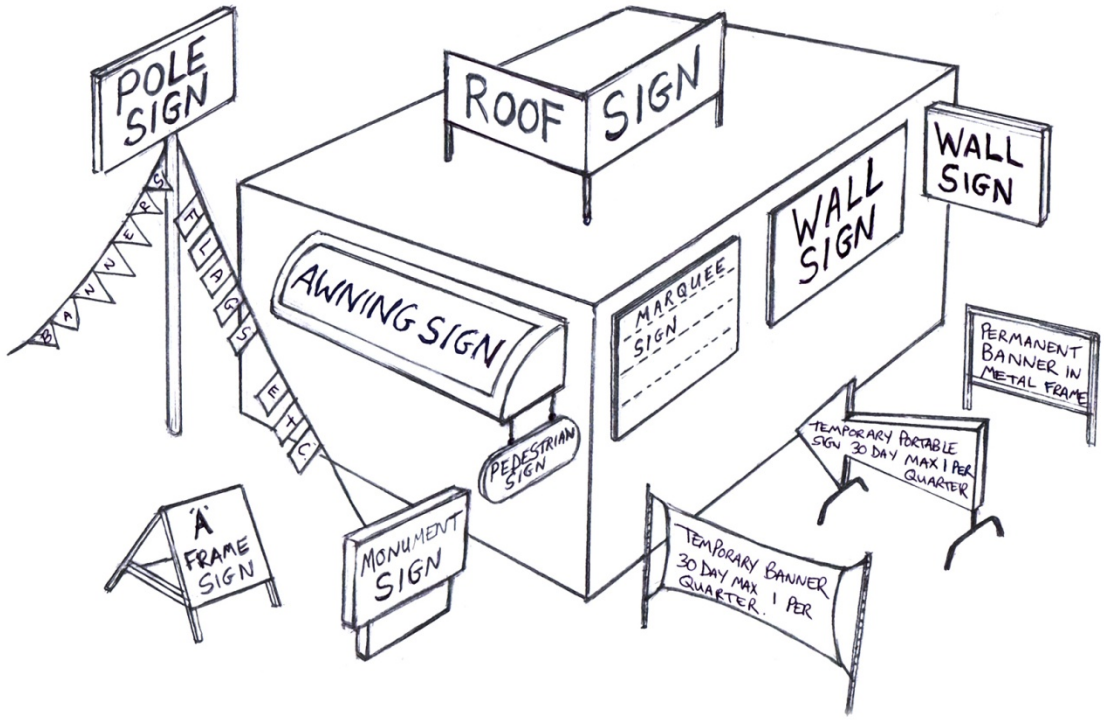
5. No business sign shall be located within fifty (50) feet of an R district or City of Coweta Park if visible from such district.

6. All permanent ground signs shall maintain separation of fifty (50) feet from any other ground sign.

7. All permanent ground signs and shall install a landscaped area at the base of the sign equal to the area of the sign, if located outside the Downtown Historical District.

8. No signage of any kind shall be affixed to any type of Utility Pole, Line, Fence, Tree, Wire, Transformer, Mailbox or similar device or structure.

SIGN TYPES



18.3 GENERAL USE CONDITIONS

1. For the purpose of display surface area calculations, where a lot abuts more than one public street, that street frontage which is the larger shall be used.

2. Only one side of a double-faced sign shall be included in the computation of display surface area. Double-sided signs may be separated, as long as the interior angle formed by the intersection of the two display surfaces does not exceed thirty (30) degrees.

3. Illumination, if any shall be by constant light. No signs with flashing lights/strobes or similar feature are permitted.

4. The following signs shall not be prohibited by this ordinance if located outside the right of way, and further will not be included in the computation of display surface area for other permitted signs:

   a. Nameplates, attached to the face of the wall and not exceeding two (2) square feet in surface area.

   b. On-Site Temporary real estate signs on said property, indicating that said property is for sale or rent.

   c. On-Site Temporary construction signs, which are faced to display along arterial street frontages, and not exceeding one-half square foot per linear foot of arterial

street frontage; however, such temporary construction signs shall be restricted to thirty-two (32) square feet of display area.

d. Signs, which are not visible from a public street.

e. Tablets built into the wall of a building or other structure being used for inscriptions, memorials, or similar historic or dedicatory purposes.

f. Non-Commercial Signs of warning, directive, or instructional nature erected by a public agency, franchised transportation, utility company, or governmental agency.

g. Legal notices required by law to be posted.

h. Election campaign signs, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following the election and not exceeding sixteen (16) square feet of display surface area

i. Signs, which are attached by the manufacturer and function as labels.

j. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen (15) square inches or less for each piece of equipment or structure. By way of example, such equipment may include, but not be limited to, satellite dishes, air conditioners, fence components and similar items.

k. Street address numbers painted on the structure or curb at the property owners' discretion approximately 3" tall and readable from the abutting street.

l. Sign(s) painted or posted on the glass surface of windows or doors and pertaining to the business conducted therein.

m. Signs that have not been issued a sign permit by the City of Coweta shall not be located in any zoning district of the City of Coweta, provided that signs which were legally permitted by the previous sign regulations prior to the adoption of this ordinance, or signs which were permitted by the County under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value, at which time such sign must fully comply with the requirements of this ordinance. Banners, Portable and Promotional signs are covered in Section 18.9.

n. Permanent use of a Temporary Portable Signs shall not be allowed in any zoning district.

o. No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred (100) feet of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light

p. Signs in planned unit developments (PUD) shall be governed by this Ordinance, but may be modified by the express terms of the PUD.

q. INSPECTIONS: As part of the sign permit process, the permittee shall notify the Code Enforcement Office with the Community Development Department who shall inspect such signs and approve the same is it is in compliance with the provisions of this ordinance

r. ALTERATIONS: A lawful sign that was erected with a sign permit before the adoption of this ordinance shall not be rebuilt, refurbished, revised or relocated without conforming to the requirements set forth herein.

s. MAINTENANCE: All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this ordinance.

t. REMOVAL OF CERTAIN SIGNS: Any unlawful sign (without a sign permit) in the City of Coweta and those signs which no longer advertises a bona fide business being conducted, or a product being sold, shall within thirty (30) days after written notification from the Code Enforcement Officer be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. See section 18.3 (v).

u. OBSCENE MATTER: It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

v. ENFORCEMENT OF UNLAWFUL OR UNSAFE SIGNS: The violation of any provision of this Ordinance shall be a municipal offense and shall be subject to a minimum $500.00 fine. Every day of violation shall be a separate and distinct offense. If a City of Coweta Code Enforcement Officer, or other employee designated by the City Manager to enforce provisions of the Ordinance, shall find that any sign or other advertising structure regulated by this Ordinance is unsafe or insecure, or is a nuisance to the public or has been constructed or erected or is being maintained in violation of this Ordinance, he or she shall have the authority to issue a Notice to Appear citation. In addition to the issuance of a Notice to Appear citation, the City shall have the authority to cause the removal of the unlawful sign and to have the reasonable costs of such removal, and related administrative cost, assessed against the property where the unlawful sign was located.

w. For unlawful signs located on City property, the right-of- way shown on the City of Coweta Major Street and Highway Plan and/or City easements, including signs in violation of this Ordinance, the City Code Enforcement Officer, or other employee designated by the City Manager, shall have the authority to immediately

remove such signs. In addition to the penalty provisions set for the above, any person seeking to retain custody of an unlawful sign removed from City property, City right-of-way, or City easements, shall pay to the City an administrative storage fee per fee schedule. After at least ten (10) days of storage the City shall have sign either recycled or otherwise properly disposed.

x. No placards, leaflets, handbills or other similar signs shall be placed on the exterior wall or window of any building or public property in any district. All persons placing such materials, and all occupants and owners of buildings upon which such materials are placed shall be responsible for violation of this ordinance and punishable as per section 18.11.

18.4 AGRICULTURE DISTRICT USE CONDITIONS

1. Signs as a Principal Use are not allowed in the Agricultural District.

2. Signs as Accessory Use are subject to the following conditions:

   a. Business signs may only be erected on a lot upon which a business is located, advertising products or services available on the property where the sign is located. All signs erected on such lots shall be oriented to be read from such highways and meet all state and federal regulations.

   b. The maximum display surface of ground signs shall be limited to an aggregate of one (1) square foot of display area per each lineal foot of street frontage, provided that no single sign shall exceed three hundred (300) square feet.

   c. A minimum five hundred (500) feet spacing shall be maintained between signs except in the case of back-to-back signs, v-shaped signs subject to section 18.3(2), or signs separated by a building or other obstruction.

   d. A ground sign shall not exceed thirty (30) feet in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setbacks prescribed in Section 17.2 General Location Requirements, the sign is setback one (1) foot for each foot of height exceeding thirty (30) feet provided the sign shall not exceed fifty (50) feet regardless of setback. Within one hundred (100) feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height fifteen (15) feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed sixty (60) feet.

   e. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twenty (20) square feet in area or ten (10) feet in height.

f. One identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, or fifteen (15) feet in height.

g. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the premises. The sign shall not exceed eighty (80) square feet in surface area, or fifteen (15) feet in height.

18.5 RESIDENTIAL DISTRICT USE CONDITIONS

1. Signs as Principal Uses are not allowed in residential districts.

2. Signs as Accessory Uses are subject to the following conditions:

   a. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in area or ten (10) feet in height.

   b. One subdivision identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, or ten (10) feet in height.

   c. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be erected on each perimeter street frontage of the development. The sign shall not exceed sixty-four (64) square feet in surface area, or fifteen (15) feet in height, and illumination, if any, shall be by constant light. All such signs must be removed upon completion of construction or revocation of the building permits being issued on more than seventy-five percent (75%) of the lots in the subdivision.

   d. A temporary real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed six (6) square feet in surface area, in an R district. and shall not be illuminated in any way.

   e. No signs are permitted in residential districts for Home Occupations per section 208 (h) or Neighborhood Group Homes per section 209 (3).

Temporary Directional Real Estate Signs in Residential Districts.

1. No signage shall be placed or maintained on public right-of-way or easements. In addition to other allowed signage, one (1) temporary direction sign may be placed on private property in residentially zoned districts, with the consent of the property owner, provided that:

    a. Such sign shall not exceed four square feet in area per side and forty-two (42) inches in height;

    b. Such sign shall remain in place only from 9 a.m. Friday until 9 a.m. Monday:

    c. Such sign directs traffic to property in the residentially zoned district

Garage/Yard Sale Signs: Garage/yard sale signs shall be exempt, provided that:

1. The sign shall not exceed 4 square feet in surface area if the signs single-faced or 8 square feet in surface area if the sign is double-faced.

2. Only 1 sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that 1 sign shall be permitted along each side of a lot abutting a public street up to a maximum of 2 signs per lot.

3. The sign shall not exceed 5 feet in height from grade.

4. The sign shall be placed on private property on the premises of the sale and setback from any public right-of-way.

5. Any Garage Sale sign not picked up by the operator of the garage sale, the Code Enforcement Officer from the City of Coweta will consider it a nuisance and will follow that procedure.

6. Two (2) Temporary Off-Site Garage Sale signs are permitted at the closest major intersections to the site of the Garage Sale, provided the follow conditions are met: (1) A sign permit application is submitted and approved by the Community Development Department. (2) Written permission is obtained and submitted with the sign application to the Community Development Department from the landowner, which the off-site sign is placed.

18.6 OFFICE DISTRICT USE CONDITIONS

1. Signs as a Principal Use are not allowed in the Office District.

2. Signs as Accessory Uses are subject to the following conditions:

A. In the Office district, one business sign not exceeding thirty-two (32) square feet in surface area may be erected on each street frontage of a lot. Ground signs shall not exceed the height if the building in which the principal use is located or nor fifteen (10) feet in height, whichever is lower.

B. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed thirty-two (32) square feet in surface area nor fifteen (10) feet in height.

C. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed thirty-two (32) square feet in surface area nor ten (10) feet in height.

18.7 COMMERCIAL AND INDUSTRIAL DISTRICT USE CONDITIONS

1. Signs as a Principal use are not allowed in the Commercial and Industrial Districts.

2. Signs as Accessory Uses are subject to the following conditions:

A. Height Requirements:

1. A ground sign shall not exceed twenty (20) feet in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setback prescribed in Section 17.2, the sign is setback one (1) foot for each foot of height exceeding twenty (20) feet provided the sign shall not exceed fifty (50) feet regardless of setback. Within one hundred (100) feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height fifteen (15) feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed sixty (60) feet.

2. A roof sign shall not extend more than twelve (12) feet above the mean roof level of the structure to which it is affixed.

3. A projecting sign shall not extend more than nine (9) feet above the mean roof level of the structure to which it is affixed.

B. Display Surface Area Requirements:

1. The maximum display surface area of ground signs in a commercial or industrial district shall be limited to an aggregate of one (1) square foot of display area per each lineal foot of street frontage.

2.

2. The maximum display surface area for wall, canopy, roof and projecting signs in commercial and industrial districts shall be limited to one (1) square feet per each lineal foot of building wall to which the sign or signs are attached.

3. Signs are permitted as accessory uses in the CN- Neighborhood Commercial District subject to the following conditions:

   A) All business signs shall not exceed an aggregate display surface area of one (1) square foot of display area per each lineal foot of street frontage.

   B) A ground sign shall not exceed twenty (20) feet in height, measured from the mean curb level of the lot upon which erected.

4. During the period of subdivision construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed thirty-two (32) square feet in surface area nor ten (10) feet in height.

5. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed thirty- two (32) square feet in surface nor ten (10) feet in height.

18.8 POLITICAL SIGNS

Political campaign signs are allowed in any zoning district. No political campaign sign shall be erected more than forty-five (45) days prior to any election, nor shall any sign be permitted to remain on any property more than seven (7) days following an election; no political campaign signs shall be permitted on public property and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign signs located in R or O zoning districts shall not exceed sixteen (16) square feet in surface area; only one side of a double faced sign shall be computed in the computation of display area. These signs are not to be located in any public park or city owned property.

18.9 BANNERS, PORTABLE AND PROMOTIONAL SIGNS

1. A banner, portable or promotional sign shall be permitted only as provided herein, and such permits will be limited to no more than four (4) per year for any single business. Such banners, portable or promotional signs shall be used for a period of no more than thirty (30) days on any one occasion. Permits issued under this ordinance must be used within twelve (12) months from the date the first permit is issued; are not transferable, and may not be renewed by the permit holder or by others for that location within (one) 1 year.

2. Signs previously permitted or allowed shall not be exempt from this amendment to the sign code.

3. All banners, portable or promotional signs shall conform to the zoning requirements for the location in which they are used, as well as those in section 18.2, General Location Requirements and section 18.3, General Use Conditions.

4. Banners, portable and promotional signs shall be located only on privately owned or leased property, advertising products or services available on the property where the sign is located.

5. The banner, portable or promotional sign designation does not apply to business identification signs on company vehicles used in the daily operation of the business.

6. Vehicles with signage may not be parked Off-site or On-Site for the principal use of advertising.

7. No portable sign shall be placed unless such sign is anchored at each support by a steel rod driven at least eighteen (18) inches into the ground, or unless said sign is attached by a steel chain having at least three-quarters (3/4) inch links or by a steel cable of at least one-half (1/2) inch diameter to a building or to a permanent ground sign, or similar upright supporting structure. Regardless of any other provisions to the contrary, all signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.

8. Real estate signs are regulated in the usage guidelines for the zoning district in which they are located.

9. The permit fee for banners, portable and promotional signs shall be per fee schedule per thirty (30) day permitted time period, plus an additional fee per fee schedule if the sign requires an electrical connection. If electricity is required, the installation shall conform to the current Building and Electrical codes and be

installed by a licensed electrical contractor who holds a current City of Coweta contractor's license.

10. Signs for Temporary Fireworks stands must follow the same permit procedure as a permanent sign.

11. Permanent banner signs are permitted in non-residential zoning. One sign is permitted per street frontage, per lot of record.

18.10 PERMIT PROCESS

1. No signs, except for temporary real estate signs located on and offering property for sale or for rent, having six (6) square feet or less of display surface, may be constructed or erected within the City, without first receiving a sign permit.

2. All permanent signs, which are permitted under this ordinance, or any future amendments thereto shall be installed by licensed sign contractors in accord with the locations and plans approved at the time of application for a sign permit.

3. Regarding permits for banners, portable and promotional signs, see Section 18.10 (5).

4. A sign permitted for use shall not be changed at a later time to a different use without receipt of a permit for the new intended use.

5. Applications for sign permits must include but are not limited to the following information:

    a. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.

    b. A detailed site plan of the property showing the proposed sign location and all structures and easements and driveways.

    c. The proposed dimensions of the sign and a description of the method of supporting the sign.

    d. The measurement of distances from the proposed signs to the designated state or federal highway, turnpike, street or relevant boundary of different zoning districts from the district in which the proposed sign is to be located.

    e. The name and business address of the licensed sign contractor and the licensed electrical contractor or licensed electrical sign contractor if the sign is electrically powered.

    f. The name and contact information of the sign owner.

g. Type of sign requested: Ground/Wall/Projecting etc. Permanent or temporary, illuminated or not illuminated.

h. Sign permit fees are as per the fee schedule as approved by the Coweta City Council.

* Included in the permit fee is an inspection that is required by the City of Coweta. It is the responsibility of the Owner/Erector of the sign to contact the Community Development Department for an inspection upon completion of the installation of the sign.

18.11 PENALTIES

1. The installation of any sign without obtaining the required permit is punishable under Section 1-108 General Penalty of the City of Coweta Code of Ordinances and shall be subject to double the permit fees as per fee schedule.

SECTION 1-108 GENERAL PENALTY.

a. Except as otherwise provided by state law, whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine per the City of Coweta City Council. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

b. Any person who shall aid, abet or assist in the violation of any provision of this code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section."

2. In addition to available penalties, violation of any portion of the Zoning Code may be abated as a public nuisance upon the order of the City Manager or his designee's. However, the City Manager shall provide an appropriate hearing after contacting the sign owner no later than fourteen days following the abatement, and the sign shall be preserved by the City until after said hearing. In the event the abatement of a sign is determined to be proper at such hearing, or if the hearing is waived, the costs of abatement may be assessed in accordance with state law.

3. Based upon the determination of the Community Development Department, any sign that was erected inside the City Limits of the City of Coweta without a sign permit after the effective date of this ordinance, the owner shall pay twice the normal sign permit fee.

18.12 DEFINITIONS

1 **Abandoned Sign**. Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

2. **Advertising Devices.** Banners, streamers, wires, rope, wind operated devices, flashing lights or other similar contrivances affixed to poles to highlight a sign.

3. **A-Frame Sign**: Any Sign of a structural framework with steeply angled sides meeting at the top like the sides of the letter A. Such signs may also be know as sandwich board signs. One time permit fee per fee schedule.

4. **Area Marker:** A sign that designates or identifies a subdivision or development.

5. **Awnings**. Any structure made of cloth or metal with a metal frame attached to a building and not projecting over public right of way when so constructed to permit its being lowered to a position not over the public right of way and to permit its being raised to a position flat against a building when not in use.

6. **Billboard**: A sign that is designed for changeable messages which advertise or direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises upon which the sign is located or to impart a public service message. The billboard sign is usually larger than eight feet by four feet (8' x 4') in dimensions and may be owned by a commercial company that leases or rents the billboard space for advertising purposes.

7. **Business Sign**. Any display, device, figure, plaque, poster or sign maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon.

8. **Changeable Copy Sign**. A sign designed to allow changing of copy manually.

9. **Contractor Sign** Signs that denote the architect, engineer, contractor, lending institution or other related business when placed upon work under construction.

10. **Copy**. Words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

11. **Double Face Sign**. An advertising structure with faces in opposing directions and using the same supports, hardware and frame.

12. **Face of Building**. The total area of the main wall of a building, including windows, doors and openings, that abuts the front yard of a building or walls that are located on the front property line. On corner lots the face of the building shall

include main walls facing the front yard and side yard or main walls fronting on all front and side property lines.

13. **Face.** That area of a business sign containing the advertising information, painting, drawing or message intended or used to advice or informs, and excludes trim and supports.

14. **Flashing Signs**. Any sign, the illumination of which is not constant in intensity when in use except illuminated signs, which indicate the date, time or temperature, or other public service information shall not be considered a flashing sign. Flashing signs are not permitted inside the City Limits of Coweta.

15. **Garage Sale Sign**. Signs advertising garage sales, or the sale of tangible personal property and include lawn sales, attic sales, flea market sales and similar sales of personal property are allowed on-site only.

16. **Ground Sign.** Any business sign which is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building support.

17. **Height of Sign.** The vertical distance from ground level to uppermost point of sign.

18. **Illegal Sign.** Any of the following:
    a. A sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;

    b. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises.

    c. A nonconforming sign for which the amortization period has expired.

    d. A sign that was legally erected which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value;

    e. A sign that is a danger to the public or is unsafe; or

    f. A sign that pertains to a specific event that has not been removed within five days after the occurrence of the event is subject to a fine per fee schedule.

19. **Inflatable:** Any sign or inflatable device of more than 2 cubic feet in capacity designed to be filled with air or a gas lighter than air, used singly or in cluster, displayed to attract the attention of the public. This definition shall include balloons and balloon signs.

20. **Marquee**: A roof-like structure of a permanent nature that projects from the wall of a building and may overhang public way. Changeable lettering may be a part thereof.

21. **Maximum Display Surface**. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the face of the sign. The area of any double-sided or V shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

22. **Menu Board Sign**: Any sign, which directs attention to a restaurant menu as an accessory structure to the restaurant with drive-through facilities. Such as a sign may be illuminated and freestanding, and contain a two-way communication system for the purpose of food ordering only.

23. **Monument Sign**. A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

24. **Moving Sign**. Any sign which moves or has moving parts other than parts which indicate time, temperature; or other moving devices which provide needed public service information.

25. **Nonconforming Sign**. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Zoning Ordinance, and which has subsequently come under the requirements of this Zoning Ordinance but does not now completely comply.

26. **Off-Site Advertising Sign** Any sign which directs the attention of the public, the business or activity conducted or product or service sold or offered at a location not on the same premises where such outdoor advertising sign is located.

27. **Pole Sign**. A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.

28. **Premises.** An area under a single ownership or a single lease, no part of which is separated from the other by any land under a different ownership or lease agreement.

29. **Projecting Sign**. Any sign, which is firmly attached to a building and extends outward there from.

30. **Right of Way.** Defined by the Coweta Major Street and Highway Plan. The actual street pavement plus the defined distance for future expansion of individual streets and highways located within the City of Coweta corporate limits.

31. **Roof Sign.** Any sign erected, constructed, or maintained upon the roof of any building.

32. **Sign Area.** The entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display. On all signs, all faces shall be counted in computing the sign area.

33. **Sign**. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

34. **Special Event:** An event, activity, sale or service or other occasion that is temporary or seasonal in nature, is limited in duration and is not regularly repeated within the same calendar year. For the purposes of this definition, a Special Promotion or other similar occasion shall be deemed to by synonymous. A slogan e.g. (the store with the best bargains) shall not be deemed a special event. This shall be defined as, once a year for less than 30 days at a time.

35. **Street or Highway Frontage.** The distance along any one side or any public street or highway, street or alley, measured along the right of way line or parallel to the normal right of way line where the right of way line is not affixed.

36. **Temporary Signs**. Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right of way, parking area or neighboring property. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure are considered temporary signs. **30 days or less**.

37. **Vehicle Sign**. A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

38. **Wall Sign.** Any sign which is painted on or firmly attached to a wall of any building and which does not extend beyond the building more than twelve (12) inches.

39. **Window Sign**. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is also considered a window sign.

18.13 PROHIBITED SIGNS

1. Off-Site Advertising Signs
2. Billboard Signs regulated by other Sections of this Code. Ordinance 561.
3. Signs erected in violation of the City's building, electrical or sign codes, or other applicable local regulations.
4. Illuminated signs being powered by extension cords.
5. Signs erected in violation of federal or state law.
6. Portable signs and plastic arrow signs, except as allowed as temporary signage or in the Central Business District (CBD).
7. Animated flashing, rotating or revolving signs. Nothing contained herein shall be constructed to prohibit time and temperature or other public interest electronic message signs which otherwise conform to the provisions of the Sign Code.
8. Signs on vehicles used or intended to be used as an on-premise sign. It shall be prima facie evidence that a sign is used as an on-premise sign if a vehicle is parked on site for a continuous period exceeding 48 hours.
9. Temporary Off-Site Signs including portable, portable flashing arrow signs and banners.
10. Any inflatable sign.
11. Any advertising flag, except as provide for special events.
12. Any Obsolete sign, if not deemed Historical by the City of Coweta City Council.

18.14 EXEMPT SIGNS

The following signs shall be exempt from the provisions of this chapter.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or informational signs authorized by federal, state, or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.

6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed (4) square feet in area.

18.15 SIGN VARIANCES

The City of Coweta Board of Adjustment may grant a variance to the requirements of this Code only if the applicant demonstrates compliance with the following criteria:

1. That the variance is necessary due to extraordinary or peculiar circumstances related to the size, shape, topography, or location of the subject property.
2. That the extraordinary or exceptional conditions of the subject property are not a direct result of the actions of the applicant.
3. That the variance as granted represents the least deviation from the prescribed regulations necessary to accomplish the purpose for which the variance is sought and which is consistent with the stated intent of this Code.
4. That the granting of the variance shall result in greater convenience to the public in identifying the business location for which a sign code variance is sought.
5. That the granting of the variance will not be detrimental to the public welfare will not constitute a public nuisance or adversely affect public safety.
6. That the granting of the variance will not interfere with the location and identification of adjacent businesses. Buildings or activities.

18.16 Variance for Off-Site Advertising

The City of Coweta Board of Adjustment may grant a variance to the requirements of this Code only if the applicant demonstrates complete compliance with the following criteria:

All requests for off-site advertising will be required to submit a request to the Board of Adjustment for approval. The request must contain a detailed drawing of the sign, the requested location for said sign and a statement of hardship as to why off-site signage is a must for said business. Any sign approved for off-site advertising must meet the following requirements:

1. No off-site advertisement will be allowed that is not approved by the Board of Adjustments of the City of Coweta. Any sign that is constructed off site from said business, without prior approval granted by the Board of Adjustment, will be assessed a $200.00 fine.
2. There will be a minimum separation of 400 feet between all off-site signs.
3. No sign will be placed closer than 65 feet from centerline of the roadway and no closer than 25 feet from any railroad tracks and not within the public right of way.
4. No sign shall be placed closer than 125 feet from the corner of any intersection.

5. Any sign to be placed on private property must have a lease agreement, from the property owner, submitted with request package.
6. All signs will be permitted for 12 months, and at the end of the permit period will require reapplication and issuance of a permit, without costs, to insure compliance. Any sign that is deemed out of compliance will be given 14 business days to fix any and all problems or sign will be removed. Any sign that is removed by the City for failure of compliance will be assessed a $50.00 fine for removal.

A. Design and construction requirements are as follows:

1. Signs shall be professionally designed and constructed to compliment the community.
2. Signs placed near intersection will be no larger than 8 feet by 8 feet.
3. Signs placed in between intersections will be one of 3 sizes, but no larger than 4 feet by 8 feet, 4 feet by 6 feet and no smaller than 4 feet by 4 feet.
4. All signs may be 2-sided advertising and may be shared by separate businesses. If not, then the backside must be encased with MDO board white in color; no other color will be allowed.
5. All signs must be built to withstand wind loads and cannot have any braces placed to support the sign other than the poles used to place the sign in the ground.
6. No sign will have metal poles to support sign in order to prevent breakaway ability.
7. All signs shall be made of ½-inch, pre-finished MDO board and framed with 4” by 4”, 5” by 5” or 6” by 6” treated lumber, which must be encased with finished white MDO board; no other color for encasement will be allowed.
8. The bottom of all signs will be no higher than 24” and no lower than 12” from the ground surface.

B. Side Street Directional Offsite signs

1. Any side street business may request directional signs by submitting a request through the Board of Adjustment and must follow the same requirements as outlined above.
2. Directional signs, placed on buildings, at the alley or intersection, to direct traffic to businesses down a side street and/or alleys, may be permitted if permission is granted by the building owner. This permission must be in writing and submitted with the request.
3. All signs shall be 2 feet by 3 feet and shall be professionally designed and constructed, and must compliment the colors and material of the building in which it is applied to.

CHAPTER 19

NONCONFORMITIES

1900 General
1910 Nonconforming Uses of Unimproved Land
1920 Nonconforming Uses of Buildings
1930 Nonconforming Signs
1940 Nonconforming Lots
1950 Structural Nonconformities
1960 Repairs
1970 Parking, Loading and Screening Nonconformities

SECTION 1900 GENERAL

Within the districts established by this Code or amendments that may later be adopted there exists uses, structures, and lots which were lawful before this Code was adopted or amended, but which would be prohibited under the terms of this Code or future amendment to this Code. These uses, structures, and lots, herein referred to as "nonconformities" may continue as regulated by this chapter. A use lawfully existing prior to the effective date of this Code, or amendment thereto, which does not comply with a parking, loading, screening, bulk and area, sign, or enclosure requirement or requirements, but which is otherwise lawful shall be deemed nonconforming and may continue as regulated by this chapter.

SECTION 1910 NONCONFORMING USES OF UNIMPROVED LAND

When at the effective date of this Code or amendment thereto a lawful use of land exists, which would not be permitted by the terms of this Code or amendments thereto, and the only structures employed in connection with such uses are all accessory or incidental to such use and in the aggregate do not cover more than 10% of the lot area devoted to the nonconforming use, such use shall be deemed a nonconforming use of unimproved land and shall terminate as follows:

(a) If the replacement cost of the accessory structures (other than fences) is less than $1,000.00, the nonconforming use shall terminate within 5 years from the effective date of this Code or from the date the use became nonconforming, whichever is later.

(b) If the replacement cost of the structures (other than fences) is $1,000.00 or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the accessory structures at a rate of $200.00 per year from the effective date of this Code or from the date the use became nonconforming, whichever is later.

Pending termination, the nonconforming use of land may be continued provided:

(a) No such nonconforming use shall be changed to another nonconforming use, nor enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Code or amendment thereof.

(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Code or amendment thereof.

(c) No additional structure (other than fences) shall be erected in connection with such nonconforming use of land.

(d) If any such nonconforming use of land ceases for any reason for a period of more than 90 days, (except when government action impedes access to or use of the premises) any subsequent use of such land shall conform in all respects to the regulations of the district in which located.

SECTION 1920 NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION

When at the effective date of this Code or amendment thereto, there exists a lawful use of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than 10% of the lot area, and such use would not be permitted by right under the terms of this Code or amendment thereto, such use shall be deemed nonconforming and may continue subject to the following provisions:

(a) No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.

(b) A nonconforming use of a portion of a building may be extended to the remaining portions of the building if such portions were manifestly arranged and designed for such use, but such use shall not be extended to occupy any land outside the building.

(c) A nonconforming use of a building, or building and land in combination, if superseded by a permitted use, shall not thereafter be resumed.

(d) A nonconforming use of a building, or building and land in combination, if discontinued for 24 consecutive months or for 24 months during any three year period, (except when governmental action impedes access to or the use of the premises) shall not thereafter be resumed.

(e) Where nonconforming use status applies to a building and land in combination, termination of use of the building within the meaning of 1920 (d) shall eliminate the nonconforming status of the use of the land.

(f) A nonconforming use of a building or of a building and land in combination; when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building or of a building and land in combination; when located within a district other than a Residential district, may, as a Special Exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

(g) Should the structure containing a nonconforming use be damaged or partially destroyed to the extent of more than 50%, but less than 75% of its current replacement cost at time of damage, the restoration of the structure shall be subject to the Board of Adjustment's finding after adherence to the procedural requirements for a Special Exception, that the contemplated restoration is necessary for the continuance of the nonconforming use, and will not result in any increase of incompatibility with the present or future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of more than 75% of its replacement cost at time of damage, the nonconforming use shall not thereafter continue or be resumed.

SECTION 1930 NONCONFORMING SIGNS

1930.1 Outdoor Advertising Signs

(a) Outdoor advertising signs lawfully existing on the effective date of this ordinance but which would be prohibited by its terms, shall be removed, or made to conform if possible, on or before January 1, 1997. In addition, said sign shall be subject to the following regulations:

1. The sign shall be maintained in good repair and visual appearance.

2. Should the sign be damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of damage, the sign shall be removed, or made to conform if possible.

3. If the sign is not used for advertising purposes for a period of 180 consecutive days, the sign shall be deemed abandoned and shall be removed.

1930.2 Business Signs

(a) Business signs lawfully existing on the effective date of this ordinance, or amendment thereto, but which would be prohibited by its terms shall be removed, or made to conform if possible, on or before January 1, 1997.

(b) Signs with flashing lights lawfully existing on the effective date of this ordinance or amendment thereto, but which would be prohibited by its terms shall be removed, or made to conform to the provisions of this chapter, within one year from the effective date of this amendment provided, however, that promotional business signs shall comply with this ordinance immediately, from and after its effective date.

SECTION 1940 NONCONFORMING LOTS

(a) In residential districts, on any lot or subdivision of record on or before a single-family detached dwelling may be erected without complying with the required area or width of the required side yard which abuts a public street, provided that no side yard shall be less than five (5) feet and all other requirements of the district are complied with.

(b) In nonresidential districts, on any lot or subdivision filed of record on or before the permitted use may be located on such lot irrespective of its area or width provided that other requirements of the district are complied with.

SECTION 1950 STRUCTURAL NONCONFORMITIES

A structure, lawfully existing at the effective date of the adoption or amendment of this Code, but which would be prohibited by the terms of this Code by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be deemed nonconforming and may continue, subject to the following provisions:

(a) No such nonconforming structure may be enlarged or altered in any manner which increases its nonconformity, provided that the addition of a mezzanine or similar alteration which does not increase the cubic content of the structure shall not constitute an "increase in nonconformity".

(b) Should such structure be damaged or partially destroyed by any means to the extent of more than 50% of its current replacement cost at time of damage, the restoration as a nonconforming structure shall be subject to the Board of Adjustment's finding, after adherence to the procedural requirements for a Special Exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.

(c) Should such structure be moved for any distance whatever, it shall thereafter conform to the provisions of the district in which located.

(d) A mobile home or a mobile home park which lawfully existed at the effective date of the Code, but which would be prohibited by the terms of this Code is classified as a structural nonconformity and may continue, except for the following conditions and the other provisions of Section 1950:

1. A nonconforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of 12 months during any 18 month period, the mobile home shall be removed from the site at the owner's expense.

2. If a nonconforming mobile home park discontinues operations for 12 months during any 18 month period, the mobile home park shall not thereafter resume operations.

SECTION 1960 REPAIRS

(a) On any building containing a nonconforming use or any nonconforming structure, ordinary repairs and maintenance may be made provided that the cubic content of the building is not increased, and structural nonconformity is not increased.

(b) If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it shall not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the district in which located.

SECTION 1970 PARKING, LOADING AND SCREENING NONCONFORMITIES

A use lawfully existing at the effective date of this Code, or amendment thereto, but which does not comply with a parking, loading or screening requirement or requirements of this Code, shall be deemed nonconforming and may continue, subject to the following provisions:

(a) No such use may be enlarged or extended unless parking and loading is provided as required for the enlargement or extension.

(b) No such use may be enlarged or extended unless screening is provided as required for the use.

(c) No such use may be changed unless parking, loading and screening is provided as required for such use; provided however, that the Board of Adjustment may modify such parking and loading requirements as a special exception after finding that the proposed use meets the standards contained in Section 2180.3, and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

CHAPTER 20

ENFORCEMENT

2000 Duty of City Manager or his Designee
2010 Zoning Clearance Permit
2020 Penalties for Violation
2030 Construction and Use to be as Provided in Applications, Plans and Permits

SECTION 2000 DUTY OF CITY MANAGER OR HIS DESIGNEE AND OTHER OFFICIALS

It shall be the duty of the City Manager or designee to enforce this Code. If the City Manager or designee shall find that any of the provisions of this Code are being violated, they shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials, and employees of the City of Coweta vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Code, and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this Code.

SECTION 2010 ZONING CLEARANCE PERMIT

2010.1 Zoning Clearance Permit Required

It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Clearance Permit has been issued by the City Manager or his designee.

2010.2 Application for Zoning Clearance Permit

Application for a Zoning Clearance Permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimension of the lot; the location and dimensions of all easements; the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of each building or structure and portion of the lot; the number of dwellings and buildings it intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Code.

2010.3 Response to Application for Zoning Clearance Permit

After an application for a Zoning Clearance Permit is filed in compliance with the provisions herein, the City Manager or his designee shall issue a Zoning Clearance Permit, and copy of submitted plans or shall notify the applicant, in writing, of his refusal to issue a permit setting forth the reasons therefore.

2010.4 Fees for Zoning Clearance Permits

No Zoning Clearance Permit shall be issued until a fee shall have been paid in accordance with the schedule of fees adopted by resolution of the City Council of the City of Coweta. A group Zoning Clearance Permit may be issued covering five (5) or more residential lots in the same subdivision upon payment of a fee in accordance with the adopted schedule of fees.

SECTION 2020 PENALTIES FOR VIOLATION

Any person, firm or corporation violating any provisions of this Code or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, shall be deemed guilty of a misdemeanor punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Nothing herein contained shall prevent the City of Coweta or its authorized officials from taking other action, authorized by law, to remedy violation.

SECTION 2030 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS AND PERMITS

Zoning permits, variances, or special exception uses issued on the basis of approved plans and applications authorize only the uses, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 2020.

CHAPTER 21

BOARD OF ADJUSTMENT

2100 Establishment of the Board
2110 Powers of the Board
2120 Proceedings of the Board
2130 Notice of Public Hearing
2140 Fees
2150 Appeals from the City Manager or his Designee
2160 Interpretation
2170 Variances
2180 Special Exception
2190 Appeals to the District Court

SECTION 2100 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

There is hereby established a Board of Adjustment of the City of Coweta with the powers and duties hereinafter set forth. The Board of Adjustment shall consist of five members, who shall be nominated by the Mayor and confirmed by the City Council and shall serve without pay for a term of three years. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A Board member may be removed for cause, by the appointing authority after notice, written charges and public hearing. The Board shall organize, elect its chairman, and appoint a secretary and adopt rules necessary to the conduct of its affairs.

SECTION 2110 POWERS OF THE BOARD

The Board shall have the power to hear appeals from the determinations of the City Manager or his designee in enforcing this Code, to grant special exceptions, to grant variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth.

SECTION 2120 PROCEEDINGS OF THE BOARD

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings, deliberations, and voting of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. In all matters, the Board shall decide within 90 days after the filing of an application for relief. The quorum, notice, filing and substantive requirements of the Board shall be set forth in the following sections concerning the Board's exercise of a particular power.

SECTION 2130 NOTICE OF PUBLIC HEARINGS

The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the City Manager or his designee, or before granting any Special Exception, or Variance, or Minor Variance, or Exception. The Board shall set forth in an adopted statement of policy a list of Variances and Exceptions which constitute Minor Variances or Exceptions and such statement of policy shall be approved by the City Council of the City of Coweta.

Ten (10) days notice of public hearing shall be given as follows:

(a) For Special Exception, Variance or Appeal from a determination of the City Manager or his designee:

1. By publication in a newspaper of general circulation; and
2. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property, (where applicable).

(b) For Minor Variance or Exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300 foot radius of the exterior boundary of the subject property for consideration of a Minor Variance or Exception.

The notice shall contain:

(a) The legal description of the property and the street address or approximate location of the property.

(b) The present zoning classification of the property and the nature of the relief sought.

(c) The date, time and place of the hearing.

The applicant shall furnish the names and mailing addresses of all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property, or in the case of a Minor Variance or Exception, the owners of abutting property of the subject property: Costs of publication shall be billed to the applicant.

SECTION 2140 FEES

An application for an appeal from the Building Inspector, City Manager or his designee, or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the City Council of the City of Coweta.

SECTION 2150 APPEALS FROM THE CITY MANAGER OR HIS DESIGNEE

2150.1 General

An appeal to the Board of Adjustment may be filed by any person aggrieved or by any officer, department, board or bureau of the city affected, where it is alleged there is error in any order, requirement, decision or determination of the City Manager or his designee in the enforcement of this Code.

2150.2 Notice of Appeal

An appeal shall be filed within ten (10) days from the determination by filing with the City Clerk, a notice of appeal, specifying the grounds thereof. The City Manager or his designee, upon receipt of notice from the City Clerk, shall forthwith transmit to the Secretary of the Board, copies of all the papers constituting the record of said matter. Upon receipt of the record the Secretary shall set the matter for public hearing.

2150.3 Board of Adjustment Action

The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or his designee.

2150.4 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the City Manager or his designee, from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown.

SECTION 2160 INTERPRETATION

(a) The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of the City Manager or his designee after compliance with the procedural standards of Section 2150.

(b) Where a question arises as to the zoning district classification of a particular use, the Board of Adjustment, upon written request of the City Manager or his designee may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing.

SECTION 2170 VARIANCES

2170.l General

The Board of Adjustment upon application, and after hearing, and subject to the procedural and substantive standards hereinafter set forth, may grant such variance from the terms of this Code as will not cause substantial detriment to the public good or impair the spirit, purposes and intent of this Code, or the Comprehensive Plan, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the Code will result in unnecessary hardship. The Board shall not vary any jurisdictional requirement, such as notice.

2170.2 Application

A request for a variance shall be initiated by the filing of an application with the City Manager or his designee and shall be set for public hearing in accordance with the rules established by the Board. The application for a principal use variance shall include information necessary to evaluate such request as the Board of Adjustment may adopt as rules of procedure for granting principal use variances.

2170.3 Board of Adjustment Action

The Board shall hold the hearing and upon the concurring vote of three members may grant a variance after finding:

(a) That by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship.

(b) That such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district,

(c) That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

Provided that the Board in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

2170.4 Time Limitation on Variances

A variance which has not been utilized within one year from date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

SECTION 2180 SPECIAL EXCEPTION

2180.1 General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

(a) Special Exception Uses as designated and regulated within the zoning district's "USES PERMITTED BY SPECIAL EXCEPTION" Section.

(b) The change of a nonconforming use as provided in Section 1920 (f), Chapter 19, Nonconformities.

(c) The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1920 (g), Chapter 19, Nonconformities.

(d) The restoration of a partially destroyed nonconforming structure as provided in Section 1950, Chapter 19, Nonconformities.

(e) The modification of a screening requirement, as provided in Section 240.2 and Section 250, Chapter 2, General Provisions.

(f) The modification of the parking and loading requirements as provided in Section 1970 (c), Chapter 19, Nonconformities.

(g) Satellite antennas which do not meet all of the standards as set forth in Section 291 of this Code.

2180.2 Application

A request for a Special Exception shall be initiated by the filing of an application with the City Manager or his designee and shall be set for public hearing in accordance with the rules established by the Board.

2180.3 Board of Adjustment Action

The Board of Adjustment shall hold the hearing, and upon the concurring vote of three members may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting Special Exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

2180.4 Time Limitation on Special Exceptions

A Special Exception which has not been utilized within one year from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

SECTION 2190 APPEALS TO THE DISTRICT COURT

2190.1 Procedure

An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the District Court by filing with the City Clerk within ten (10) days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. No bond or deposit for costs shall be required for such appeal. Upon filing of the notice of appeal, the City Clerk shall forthwith transmit to the Court Clerk of the County, the original or certified copies of all the papers constituting the record in the case, together with the order, decision or ruling of the Board. Said case shall be heard and tried de novo in the District Court of Wagoner County, Oklahoma. An appeal shall lie from the action of the District Court as in all other civil actions. All issues in any proceedings under this Section shall have preference over all other civil actions and proceedings. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision being appealed.

2190.2 Stay of Proceedings

An appeal to the District Court stays all proceedings in furtherance of the action appealed from unless the Chairman of the Board certifies to the Court Clerk, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the District Court.

CHAPTER 22

AMENDMENTS

2200 General
2210 Policy on Zoning Map Amendments
2220 Zoning Text Amendments
2230 Zoning Map Amendments

SECTION 2200 GENERAL

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

SECTION 2210 POLICY ON ZONING MAP AMENDMENTS

It is the policy of the City of Coweta that in the consideration of proposed amendments to this Code that:

> Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

SECTION 2220 ZONING TEXT AMENDMENTS

The Planning Commission upon its own motion may, or at the direction of the City Council of Coweta shall hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within 30 days transmit its report and recommendation to the City Council of Coweta.

SECTION 2230 ZONING MAP AMENDMENTS

2230.1 Initiated by Application

(a) Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the City Manager or his designee shall be in such form and content as the Planning Commission may by resolution establish, and shall be accompanied by payment of a fee, the amount of which shall be established by resolution adopted by the City Council. Cost of notice and posting of signs shall be billed to the applicant.

(b) An application shall be filed with the City Manager or his designee at least 30 days prior to the date of public hearing and shall be set for public hearing.

2230.2 Initiated by Planning Commission

In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the City Council shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within 15 days transmit its report and recommendation to the City Council.

2230.3 Notice Required

(a) The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:

1. At least fifteen (15) days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Coweta. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.

2. By posting of the affected property at least twenty (20) days before the date of the hearing. The notice shall state:

   a. The date, time, and place of public hearing; and

   b. Who will conduct the public hearing; and

   c. The present and desired zoning classifications; and

   d. The proposed use of the property; and

   e. Other information as may be necessary to provide adequate and timely public notice.

3. Twenty (20) days notice by mailing written notice to all owners of real property included in the proposed change and all owners of real property within a three hundred (300) foot radius of the exterior boundary of the property included in the proposed change. The notice shall contain:

   a. The legal description of the property and the street address or approximate location in the City of Coweta and

   b. The present zoning of the property and the zoning sought by the applicant; and

   c. The date, time and place of the public hearing.

Provided that, if the City of Coweta proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography or other distinguishing features, including but

not limited to floodplain, drainage, historic preservation and blighted areas, mailing or posting of notice as above provided shall not be required and notice shall be given at least fifteen (15) days before the date of the hearing by publication as above provided.

(b) Notice of rezoning shall confer jurisdiction:

1. Notice of the proposed RM-l rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon RM-l, RD, RS-3, RS-2 and RS-l, or combination thereof in the disposition of the application, and in like manner, notice of any R district, including RMHS, and RMHP shall confer jurisdiction to consider any less dense R district, except RMHS and RMHP. However, notice of a RMHP shall confer jurisdiction to consider the RMHS district.

2. Notice of a proposed CH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon CH, CG, CN, and O, or combination thereof in the disposition of the application, and in like manner, notice of any C district, shall confer jurisdiction to consider any less intense C or O district.

3. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon IH, IM, IL, and combinations thereof in the disposition of the application.

4. Specific notice of a proposed AG, PUD or RMHS district shall be required to confer jurisdiction on the Planning Commission and City Council to consider such AG, PUD or RMHS district.

2230.4 Planning Commission Action on Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

(a) Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or;

(b) Recommend to the City Council that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.

An application recommended for denial from the Planning Commission, shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a fee as set by resolution. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within 15 days from the date of Planning Commission action.

2230.5 City Council Action on Zoning Map Amendments

The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 2230.2. The City Council shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the City Clerk the application fee as set by resolution. In case of a protest against such zoning change filed at least three (3) days prior to the public hearing before the Planning Commission by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the City Council.

2230.6 Time Limit for Resubmittal of Denied Applications

When the City Council of Coweta has denied an application to amend the zoning classification of a particular tract of land, or when the Planning Commission has denied such application and no appeal was made to the City Council of Coweta, no subsequent application on such tract or portion thereof, shall be set for public hearing by the Planning Commission until 180 days have elapsed from the date of the Planning Commission action on the original application.

CHAPTER 23

DEFINITIONS

SECTION 2300 DEFINITIONS

Abutting: In the context of notice, or of a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a non arterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

Accessory Use Bar: A commercial establishment open to the public which sells and serves intoxicating or low-point beer, (as defined herein) for consumption on the premises, but which is incidental and subordinate to a principal use restaurant, hotel or motel, and bars which are accessory to not for profit, bona fide lodges, posts, clubs, fraternal, benevolent or charitable organizations.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

All-Weather Material: A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather, dust-free material.

Alley: A permanent public way providing a secondary means of access for service or emergency vehicles.

Anchoring Systems: A combination of ties, anchoring equipment and/or anchoring devices that are designed to resist overturning, uplift and lateral movement of the manufactured home from wind and water forces.

Antenna: A transmitting and/or receiving device used in telecommunications that radiates or captures a signal. As used in this Code, references to antennas shall also include Antenna Supporting Structures.

Antenna Supporting Structure: A telecommunications facility that consists of a stand-alone support structure which has as its principal use the support of antenna(s) and associated equipment and improvements. As used in this Code, references to Antenna Supporting Structures shall also include Antennas.

Anticipated Development: Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

Arterial: A street designated on the Major Street Plan as a primary arterial or secondary arterial.

Assisted Living Center: A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living centers provide personal care for persons with needs for assistance in the activities of daily living, and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation and activities. Assisted living centers also typically provide features that enhance the resident's autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

Average Ground Elevation: The mid point between the highest and lowest ground elevations at the building wall.

Bar/Tavern: A commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises.

Beer Bar: A commercial establishment open to the general public which sells and serves low-point beer for consumption on the premises.

Billiard Center, Family: A principal use billiard facility which caters to families and which excludes the sale and consumption of intoxicating and low-point beer on the premises.

Billiard Hall/Pool Hall: A principal use billiard facility, open to the general public, and which sells and serves intoxicating and/or low-point beer on the premises.

Board of Adjustment (BOA): The Board of Adjustment of the City of Coweta.

Building: A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

Building Code: Those codes and regulations adopted by the City of Coweta pertaining to requirements for construction of buildings and structures.

Building Setback: The horizontal distance, from the point of measurement, such as the centerline of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

Caliper: The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

Care Home: Premises used for the housing and caring for the aged or infirmed, and includes convalescent homes, homes for the aged, and nursing homes.

Character: Any letter of the alphabet or numeral.

City Council: The City Council of the City of Coweta.

Code Enforcement Officer/Building Inspector: The enforcement officer designated by the City Manager the City of Coweta to enforce the Zoning Code and related ordinances.

Commercial Mixed Use Development: Any development containing a combination of uses permitted by Right, Special Exception, Planned Unit Development (PUD) or Specific Use Permit.

Community Group Home: A community based residential facility for independent living that provides room and board, personal care, and rehabilitation services in a family environment as a single-housekeeping unit to 6-12 resident mentally retarded and/or physically limited persons with at least 1 but not more than 3 resident staff persons. Personal care and rehabilitation services excludes on-site institutional type educational training, medical or nursing care.

Comprehensive Plan: The official plan for the physical development of the City of Coweta as originally adopted in 1994 and as amended thereafter.

Copy Area: The net geometric area enclosed by the smallest rectangles encompassing the outer extremities of all letters, figures, characters and delineations contained in the sign.

Curb Level: The mean level of the established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this Code.

Customary Residential Exterior Finishing Materials: Roof and siding materials traditionally used to provide the finished exterior of single-family dwellings. Customary roofing materials include composition shingles, fiberglass shingles, wood shingles (shakes), and clay tile applied according to the manufacturer's specifications. Customary siding materials include aluminum lap or vinyl lap siding, cedar or other wood siding, masonry (stucco, brick, stone, block, tilt-up panel) and woodgrain weather resistant pressboard siding.

Dance Hall: A commercial establishment open to the general public which provides a dance area of 1,000 square feet or more.

Designated Residential Development Area: An area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD) Supplemental District.

Day Nursery: Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days one or more children not related to the persons providing such temporary custodial care, and which comply with the licensing requirements of the Oklahoma State Health Department, but excluding Family Day Care Homes.

Detention/Correctional Facility: A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail and prison.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Display Surface: The surface of a sign upon, against, or through which the message is displayed or illustrated.

Display Surface Area: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters, and delineations, but not including the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign provided, that as applied to wall or canopy signs having a non illuminated background, display surface area shall mean copy area.

Dripline: The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

Dwelling: A building or structure used in whole or in part for human habitation.

Dwelling, Duplex: A building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Manufactured Home: A residential manufactured dwelling, built in accordance with the Federal Manufactured Home Construction and Safety Standards which is either:

A. Fully assembled into one unit or one expandable/telescoping unit of more than 35 feet in length and is fully habitable upon arrival at a site except for minor and incidental installation activities and utility connections and is installed on either temporary or permanent foundations; or

B. A dwelling manufactured in two (2) or more units, but either fails to utilize customary siding materials, or retains chassis or other equipment related to being towed, or is not placed on a permanent foundation; or

C. Any combination of A or B above which does not meet all of the local Building Codes as adopted by the City of Coweta.

Dwelling, Modular: A manufactured dwelling partially preassembled into two or more sections, none of which are habitable individually, permanently joined together and utilize customary residential siding and roofing materials, built to Building Code standards as adopted by the City of Coweta, Oklahoma, and are either:

A. Units designed to be transported and installed on permanent foundations; or

B. Chassis/under-carriage units designed to be towed or structurally capable of being towed on wheels and installed on permanent foundations after all hitches, running gear and chassis have been removed.

Dwelling, Mobile Home: See Dwelling, Manufactured.

Dwelling, Multifamily: A building containing three or more dwelling units.

Dwelling, Rowhouse: One of a row of houses having uniform, or nearly uniform, plans and fenestration and usually having a uniform architectural treatment, as in certain housing developments. A house having at least one side wall in common with a neighboring dwelling.

Dwelling, Single-Family: A building, other than a mobile/manufactured home dwelling, containing one dwelling unit designed for occupancy by not more than one family.

Dwelling, Townhouse: A building containing two (2) or more attached dwelling units with no unit above another unit and each unit located on a separate lot within a townhouse development.

Dwelling Unit: A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

Elderly/Retirement Housing: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

Emergency and Protective Shelter: A residential facility which provides room and board for a temporary (30 days or less) period, protection counseling, and pre-placement screening for abused, displaced, or transient children or adults.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over six (6) persons, but further provided that domestic servants may be housed on the premises without being designated as a family.

Family Day Care Home: A dwelling used to house and provide supervision and care for five children, said total to include those preschool children under five (5) years of age who reside in the residence.

Flashing Illumination: A light source or other image which in whole or in part physically changes in light intensity or gives the appearance of such change.

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Regulatory: A flood having a one (1) percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the Comprehensive Plan, adopted Floodplain Management Policies and the watershed Master Drainage Plan where adopted.

Floodway: The channel of a river or other watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regulatory flood.

Floor Area: The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included.

Floor Area Ratio: The floor area of a building or buildings on a lot divided by the lot area.

Foster Home: A dwelling used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but, are under their supervision. Further, provided that a maximum of 5 children are allowed to reside in the home including any natural children living in the home, if any children in the home are age 2 or younger. If no children are under 2 years, the maximum number of children residing in the home is 6.

Freeway: A street designated as a freeway on the Major Street Plan.

Freeway Sign Corridor: An area 400 feet in width on each side of and adjacent to the publicly acquired right-of-way of a freeway.

Frontage: The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved non arterial street or cul-de-sac.

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor".

Halfway House: A building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage who are undergoing care or rehabilitation for alcoholism or other forms of drug abuse.

Height, Building: The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under Section 220 shall apply.
Height, Sign - The vertical distance measured from the curb level to the highest point of the sign.

Home Occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that no trading in merchandise is carried on and in conjunction with which there is no advertising or display of merchandise. There shall be no mechanical equipment used or activity conducted which creates any noise, dust, or odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

Homeowners or Property Owners Association: An incorporated nonprofit organization, to include non-residential property owners, operating under recorded land agreements through which:

A. Each lot and/or homeowner in a planned unit development or other described land area is automatically a member, and

B. Each lot is automatically subject to a charge for a proportionate share of the organization's activities, such as maintaining a common property, and

C. The charge, if unpaid, becomes a lien against the property.

Intoxicating Beverages: All beverages as so defined in Title 37, Oklahoma Statutes.

Junk and Salvage Yards: Open areas, lots, land, parcels, buildings or structures, or parts thereof where wastes or used or secondhand materials are bought, collected, abandoned, sold, exchanged, stored, processed, crushed or handled. Materials shall include but are not limited to the following materials: used lumber, scrap iron and other metals, paper, plastic, rags, rubber tires, salvaged or dismantled vehicles, machinery, vehicular parts, bottles and cans and discarded goods.

Kennel: The use of land or buildings for the purpose of selling, breeding, boarding or training cats or dogs, or both.

Land Area: The area of a lot plus one-half or 30 feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

Land Coverage: The land area of a lot covered by building or buildings, except structural parking.

Landscaped Area: The unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

Life Care Retirement Center: A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

Livability Space: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street or loading area.

Loading Berth, Off-Street: A space of at least 10 feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot: A lot of record.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot of which at least two (2) adjacent sides abut for their full lengths on a street.

Lot, Depth: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

Lot, Double Frontage: A lot other than a corner lot with frontage on more than one street other than an alley.

Lot, Interior: A lot other than a corner lot, with only one frontage on a street.

Lot Line: Any boundary of a lot.

Lot Line, Front: The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

Lot Line, Rear: The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Clerk of the County in which the parcel is located.

Lot Width: The average horizontal distance between the side lot lines.

Low-Point Beer: All beverages as so defined in Title 37, Oklahoma Statutes, including beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

Major Street Plan: The City of Coweta Major Street and Highway Plan, as adopted by the City Council of the City of Coweta, or as it may hereafter be amended by ordinance.

Manufactured Home: See Dwelling, Manufactured Home.

Manufactured Home Park: Land or property which is used or intended to be used or rented for occupancy by one or more manufactured homes or movable sleeping quarters of any kind.

Massage Parlor, Non-therapeutic: Any place where for any form of consideration or gratuity, non-therapeutic massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Massage, Therapeutic: Systems of activity applied to the soft tissue of the body for therapeutic, educational, or relaxation purposes. Any person or persons administering such systems shall be certified as having successfully completed the National Board of Massage Therapists and Body Work program, or in the alternative, certified as having completed such a program as offered by a school licensed by the Oklahoma Board of Private Vocational Schools.

Mini-Storage: A building containing small partitioned storage spaces, which are separately and individually rented or leased, for the storage of personal goods or merchandise, but excluding commercial warehousing.

Mobile Home: See Dwelling, Mobile Home.

Modular Home: See Dwelling, Modular.

NA: Not applicable.

Nameplate: A sign, attached flush against a building identifying the name of the building or the name of an occupant thereof.

NEC: Not elsewhere classified.

Neighborhood Group Home: A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than 5 resident mentally retarded and/or physically limited persons with at least 1 but nor more than 2 resident staff persons. Personal care and habilitation services excludes on-site institutional type educational training, medical or nursing care.

Night Club: A commercial establishment open to the general public, usually serving intoxicating and/or low-point beer, usually having a floor show, and usually providing music and a space for dancing.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming Use: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Nursing Home: A residential health care facility licensed and regulated by the State of Oklahoma which provides lodging personal care and supervision for aged, chronically ill, physically infirm or convalescent patients.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

One-Hundred Year Frequency Flood: A flood having an average frequency of occurrence once in 100 years although the flood may occur in any year, based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and run-off characteristics in the general region of the watershed, as predicted by the City Engineer, or as predicted by the U.S. Army Corps of Engineers and confirmed by the City Engineer.

Parking Space, Off-Street: A space on a lot intended and reserved for the parking of an automobile. Such space shall be at least 9 feet in width and at least 20 feet in length exclusive of access drives or aisles. Such space shall have a vertical clearance of at least 6 feet 6 inches.

Parking Space, Required Off-Street: A space on a lot reserved for parking required by this Code.

Permanent Foundation: A foundation which meets the Building Codes of the City of Coweta.

Personal Care: Assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person, who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

Planning Commission: The Coweta City Planning Commission.

Planned Unit Development PUD: A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.

Pole Barn: An accessory agricultural building which may be enclosed on not more than three (3) sides used for the storage of farm machinery and implements, feed or such agricultural materials and supplies.

Principal Use Restaurant: An eating establishment which employs at least one fulltime cook, has a menu, a fully equipped kitchen for cooking and preparation of meals and which eating establishment, including the kitchen area but excluding the bar area, occupies at least 75% of the total floor area of the business.

Private Club: A private commercial establishment open to members and their guests only and not open to the general public which is operated for profit and which sells and serves intoxicating and/or low-point beer for consumption on the premises. Reference is hereby made to that section of the Municipal Code of the City of Sand Springs defining "Private Club".

Recreational Vehicle (RV): A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells which are attached to a pickup truck are not considered a recreational vehicle.

Residential Treatment Center: A facility providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for substance abuse or dependency, or behavioral disorders.

Rest Home: See Care Home.

Rooming and Boarding House: A facility wherein congregate meals and lodging are provided for its residents limited to a maximum of six (6) or fewer guests are provided overnight accommodations and meals excluding such supervised living or residential care facilities as elsewhere defined (e.g. Nursing Homes, Group Homes, Transitional Living Center, Residential Treatment Center, etc.), and exclusive of a hotel or motel.

Sanitarium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

Service Organizations, Clubs or Lodges: Organizations, clubs or lodges wherein the chief activity is providing a service and which is not operated as a business for profit, and which holds and maintains an income tax exempt status.

Setback: A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words such as "parking area", the setback shall in its application include, but not be limited to, buildings.

Sexually Oriented Business: Amusement or entertainment which is distinguished or characterized by an emphasis on acts depicting, describing or relating to sexual conduct or specified anatomical areas, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment; or on display or for sale any materials, devices, novelties, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices.

Sign: Any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organizations;

one corporate flag; works of art which in no way identify a product; temporary holiday decorations; or landscape features which display no words or symbols.

Signs, Business: A sign which directs attention to a business, commodity, service, or entertainment conducted on the premises.
Sign, Canopy: A sign wholly supported by a canopy as defined in Title 51 Coweta Revised Ordinances.

Sign, Construction: A temporary sign erected during the period of construction advertising the construction of improvements on the property.

Sign, Ground: A sign which is attached to or is a part of a self-supporting structure, other than a building or portion of a building.

Sign Illuminated: Any sign which is directly lighted by any electrical light source, internal or external, excluding signs illuminated by light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, Nameplate: A sign, not exceeding four (4) square feet, attached flush against a building identifying the name of the building or the name of an occupant thereof.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than the premises and only incidentally on the premises, if at all.

Sign, Portable: A sign which is not permanently affixed to the ground or a building and easily moved from one location on the lot to another.

Sign, Projecting: A sign affixed to a building and which extends horizontally more than 12" from the sign supporting portion of the building.

Sign, Promotional Business: A sign, temporary in nature, consisting of tinsel, advertising flags, searchlights, balloons, tethered balloons, or banners.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the premises.

Sign, Revolving or Rotating: A sign or sign part which rotates or revolves.

Sign, Roof: A sign other than a promotional business sign which is affixed to a roof, extended roof, pitched roof, or canopy, and which extends above the building wall or parapet wall.

Sign, Wall: A sign affixed to a building wall or parapet which does not extend horizontally more than 15 inches from the wall nor extend above the height of the wall or parapet.

Site Development Plan: A plan drawn at a scale of not less than one inch equals 100 feet which shows the topographic characteristics of the site; the location and dimensions of buildings, yards,

courts, parking spaces and other features; the use of each building and area; adjacent streets, alleys, utility drainage and other easements; and the relationship of the development of adjacent areas which it may affect.

Special Exception: A use or a design element of a use which is not permitted by right in a particular district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the Code, and in accordance with the substantive and procedural standards of the Code.

Specific Use Permit: A Specific Use Permit (SUP) is a classification assigned to a particular use that requires such use to be subject to a public hearing and review by the Planning Commission. Final approval is required by the City Council as specified in Chapter 26 of this Zoning Code. Specific Use Permit uses are not permitted by Right or Special Exception in any Zoning District because of the potential adverse effects. However, if such adverse effects are controlled in that particular instance as to its relationship to the surrounding area and to the general welfare, a Specific Use Permit may be permitted in accordance with the substantive and procedural standards of the Zoning Code and Chapters.

Story: A room or set of rooms on one floor level of a building.

Street: A public thoroughfare designed to provide the principle means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

Street Wall: The wall or part of the building nearest to the street line.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs. Provided that, for the purposes of Chapter 10, Floodway Zoning District "structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Supplemental District: A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development or flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

Top Plate: The horizontal timber directly carrying the trusses of a roof or the rafters.

Townhouse: See Dwelling, Townhouse.

Townhouse Development: A row of at least 3 attached dwelling units each separated by a party wall on individual lots and designed for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit; provided that in a development of 6 or more units, a row of 2 attached dwelling units may be constructed thereon.

Transitional Living Center: A non-institutional neighborhood based residential facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism or substance abuse.

Tree: A woody plant as set forth within a list of trees adopted by resolution and as included in Chapter 11, Landscape Requirements of this Zoning Code.

Variance: A relaxation of a restriction of the Code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship.

Veterinarian Clinic: A building used exclusively for the care and treatment of small animals, including incidental boarding of animals within the enclosed building, but excluding outside animal runs.

Veterinarian Hospital: A building or portion of a building used for the care and treatment of animals, primarily in the livestock classification, which may include outside animal runs and boarding services.

Yard: An open unoccupied space on a lot between a building and a lot line.

Yard, Exterior Side - The side yard of a corner lot which abuts a street.

Yard, Interior Side - The side yard of a lot which does not abut a street.

Yard, Front - A yard extending along the full length of the front lot lines between the side lot lines.

Yard, Required - The minimum permitted distance of open unoccupied space between a building and a lot line.

Yard, Rear - A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side - A yard extending along a side lot line between the front yard and the rear yard.

Zoning Code: The Zoning Code of the City of Coweta, and referred to herein as the "Code" unless the text clearly indicates otherwise.

CHAPTER 24

LANDSCAPE REQUIREMENTS

Section 2400	Purpose
Section 2410	Applicability and Exemptions
Section 2420	Landscape Requirements
Section 2430	Administration
Section 2440	Enforcement

Section 2400 Purpose

The landscaping, screening requirements specified herein are intended to foster aesthetically pleasing and functional development. The regulations are intended to increase the compatibility between adjacent land uses and accessory structures and uses within and between developments. It is also the intent of this Section to establish regulations limiting the removal and ensuring the replacement of trees within the City to safeguard the ecological and aesthetic environment of the community.

The requirements serve to minimize impacts from noise, dust, debris and motor vehicle emissions to surrounding land uses, therefore, preserving property values and the character of neighborhoods.

Section 2410 Applicability and Exemptions

The landscape requirements herein established shall be effective beginning September 6, 2002 and upon approval by the Coweta City Council and shall be applicable to all land for which a building permit is sought, including new development and expansion of existing uses described as:

A. New Development: The provisions of this Chapter apply to all new tentative plans and development plans submitted after the effective date of this Chapter.

B. Expansion of Existing Uses: Approved plans and development existing prior to the effective date of this Chapter shall comply with the regulations under which approval was given, and shall be subject to the provisions of this Chapter if proposed expansion will exceed twenty-five percent of the gross floor or lot area of the existing development. The area and type of landscaping required shall be determined relative to the entire area of the development.

However, the landscape requirements shall not be applicable to the following:

A. Land used for single family or duplex dwellings where only one such structure is to be constructed on the lot;

B. Restoration of a building constructed prior to September 6, 2002, which is

damaged by fire, explosion, floor or other catastrophe:

C. Interior remodeling;

D. Land for which a detailed landscape plan has been approved by the Planning Commission prior to date of approval by the Coweta City Council, pursuant to its review of a Planned Unit Development, provided, however, that landscaping is installed in accordance with the approved detailed landscape plan prior to adoption of this Ordinance by the Coweta City Council;

E. Construction of a structure, other than a building, which does not increase the developed area of a lot more than 30 square feet;

F. Barns and similar types of structures on AG (Agriculture) zoned property.

Section 2420 Landscape Requirements

A. Frontage and Perimeter Requirements

1. Not less than 15% of the street yard shall be established and maintained as landscaped area.

2. Within the lot, a landscaped area shall be established and maintained Which is not less than ten feet in width and which extends along the entirety of abutting street right-of-way, except at points of vehicular access.

3. Within the lot, off-street parking areas shall be separated from an abutting residential district or residential development area in a PUD, by a landscaped area which is not less than ten feet in width.

4. In computing the landscaped area required in number 1 above, landscaped areas established as required by number 2 and 3 above, if located within the street yard, shall be included in the computation.

5. The requirements set forth in Section 2320.A shall not be applicable to properties where no street yard exists or is required.

B. Parking Area Requirements
Within surface off-street parking areas, landscaped areas shall be established and maintained as follows:

1. For lots 2.5 acres or less in size, no parking space shall be located more than 50 feet from a landscaped area containing at least 30 square feet, with a minimum width or diameter of three feet;

2. For lots greater than 2.5 acres in size, no parking space shall be located more than 75 feet from a landscaped area containing at least 100 square feet, with a minimum width or diameter of seven feet.

C. Tree Requirements

1. Within the street yard, trees shall be preserved or planted and maintained or replaced as follows:

   One tree for each 1,500 square feet, or fraction thereof, of street yard.

2. For surface parking areas located outside the street yard, one tree for each 10 parking spaces, with at least one tree in each required landscaped area, shall be preserved or planted and maintained or replaced.

3. An existing or planted tree which is at least six inches in caliper shall be considered as two trees for the purpose of determining compliance with the requirement of Subsection 2320.C.1, provided there is no alteration of the soil grade under an existing tree's dripline.

4. Planted trees shall be planted in a pervious area not less than three feet in diameter.

5. Minimum tree sizes at time of planting shall be as follows:

   a. Ornamental trees shall be not less than six feet in height and one inch in caliper:
   b. Conifers and evergreen trees, such as pine, spruce or cedar, shall be not less than five feet in height; and
   c. Canopy trees shall not be less than eight feet in height and 1 ½ inch in caliper.

6. Incentive Credits:

   To encourage preservation of existing mature trees and/or the planting of larger trees, for each tree on site prior to new construction which is retained and/or the planting of a 6 inch caliper tree or greater within the front or side yard building setback will count towards 2.5 trees for each 1,500 square feet of street yard required in Section 2320 C.1. In addition, for each tree preserved on site twelve inches in caliper or greater, shall constitute 1.5 square feet of landscaped area for the purpose of meeting the requirement of 15% street yard landscaping and/or parking area landscaping.

7. Parking Credits:

   In order to encourage the preservation of trees that are already established and growing, an additional credit for existing trees that are preserved rather than

planted, will reduce the required number of off-street parking spaces by one space for each tree in good condition which is greater than twelve inches in caliper and is located within the front or side yard setback of the site.

D. Outdoor Storage Areas

Outdoor storage is used for the storage of garbage, equipment and other materials. The screening of outdoor storage shall consist of a decorative sight-obscuring, or screening fence and/or a solid planting screen predominantly of evergreens. To be no less than 5 feet in height at maturity.

E. Miscellaneous Requirements

1. Required landscaping shall not include artificial plants, trees or other artificial vegetation.

2. Required landscaping shall be irrigated by one of the following methods:

    a. An underground sprinkling system;
    b. A drip system; or
    c. A hose attachment within 100 feet of all landscaped areas.

3. All landscaped areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.

4. Landscaping areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.

5. Required landscaping shall be maintained in a live and healthy condition and shall be replaced as necessary to comply therewith.

6. Required landscaped areas shall be maintained free of debris and litter.

7. Required landscaping shall be installed in accordance with an approved landscape plan.

Section 2430 Administration

A. Landscape Plan: An application for a building permit for uses requiring landscaping, as set forth in Section 2310 shall include a landscape plan which provides the following:

1. Ten (10) copies of all full sized documents and drawings folded not rolled For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet (1” = 100’) shall be used.

2. The date, scale, north arrow, project name and name of the owner;

3. The locations and dimensions of all existing and/or proposed parking lots, drives, roadways, and rights of way, sidewalks, bicycle paths, free-standing signs, refuse disposal areas, free-standing electrical equipment, building mounted, heating, ventilating and air circulation equipment, and all fences;

4. The location of property lines and dimensions of the tract;

5. The approximate location of significant drainage features, the location and size of existing and proposed utility easements, overhead utility lines on or adjacent to the lot;

6. Species, planting size and location of proposed plant material required under this chapter and location and size of the proposed landscaped areas;

7. Planting details and/or specifications:

8. Method of protecting the existing trees which are to be retained from damage during construction;

9. Location of hose connections and other water system sources or devices, the location and placement of all proposed waterlines and sprinkler heads of irrigation systems proposed;

10. The following calculations, in square feet, displayed on the landscape plan:

    i. Total site area
    ii. Total area devoted to off-street parking (including access drives)
    iii. Total area devoted to impervious surfaces
    iv. Total landscaped area
    v. Total parking lot landscaped area
    vi. Total internal landscaping

11. The delineation of the sight distance triangle where applicable;

12. The schedule of installation of required landscaping and appurtenances, which shall satisfy installation of all required landscaping and appurtenances, except trees, prior to the issuance of a certificate of occupancy and further specify installation of required trees within the landscape plan within 120 days after issuance of the occupancy permit.

B. Certification of Installation: Prior to the issuance of a certificate of occupancy, written certification shall be submitted to the City by an architect, landscape architect or engineer authorized to do business in the State of Oklahoma that the installation of the landscaping and appurtenances, except trees, are in accordance

with the approved landscape plan. Prior to or within 120 days of the issuance of the occupancy permit, written certification of an architect, landscape architect or engineer authorized for business in the State of Oklahoma that all trees have been installed in accordance with the approved landscape plan shall be submitted to the City.

C. Administrative Review: After receipt of a landscape plan, the designated administrative official shall:

1. Approve the landscape plan as complying with the requirements of this chapter;

2. Approve the landscape plan with conditions which bring it into compliance with the requirements of this chapter; or

3. Reject the landscape plan as failing to comply with the requirements of this chapter.

D. Appeal Process: In accordance with the provisions of Chapter 21 of the Coweta Zoning Code, an appeal to the Board of Adjustment may be taken by any person aggrieved by a determination.

E. Definitions: For purposes of this chapter, the following definitions shall apply:

"Caliper" shall mean the diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

"Dripline" shall mean the periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

"Landscaped Area" shall mean the unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.

"Street Yard" shall mean the minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (non-residential) and an abutting public street.

"Tree" shall mean a woody plant having one or more defined stems or trunks and having a defined crown and customarily attained a mature height of 8' or greater or a woody plant set forth within a list of trees as defined on the attached list of recommended deciduous and evergreen and broadleaf evergreen trees.

Section 2440 Enforcement

A. Any person, firm, or corporation violating any provisions of this chapter shall be punished in accordance with Chapter 20 Section 2020 of the City of Coweta Zoning Code.

B. For a filing fee of $75.00, an applicant may present to the Coweta Board of Adjustment an alternate landscape plan with a narrative explaining the reasons for proposing the alternative plan. Submittal requirements of Section 2430 A.1 will still apply to any alternate landscape plan submitted. Items not in compliance with this Ordinance must clearly be marked on the plan and discussed in the narrative. The Board of Adjustment will act accordingly under Chapter 21 of the Coweta Zoning Code and hardship must be proven in order to approve the alternative plan, financial reasons is not a valid hardship. Appeals to any ruling by the Board of Adjustment can be filed in District Court according to Chapter 21 of the Zoning Code.

Board of Adjustment filing procedures and property owner notification shall be complied with according to Chapter 21 of the Coweta Zoning Code.

CHAPTER 25
SITE PLAN REVIEW

The petitioner or developer shall submit to the Community Development Department or its designated authority, a site plan for any building to be constructed in the CN, CG, CH, IL, IH, RD or RM-1 district showing a unified and organized arrangement of the building and/or buildings, off-street parking, points of egress or ingress, internal traffic circulation, advertising signs, service facilities, utility locations, curb lines, neighboring curb cuts, and utility poles (if any) which are feasible with the property on which the building or buildings are proposed and which planned development shall minimize any adverse effect of the development on the property surrounding development. The plan must contain information showing compliance with requirements of this section and all other applicable City codes and ordinances. The Community Development Director may delegate and assign the review and approval of said site plan to Staff, with an appeal from denial by Staff to be made to the City Manager and thence to the City Council.

Section 2510 Authority

The Community Development Director of the City of Coweta has the authority to approve, approve with conditions, or deny site plans required to be submitted for approval under this section. A denial of a site plan can be appealed to the Coweta City Council upon written letter of appeal filed with the City Manager's Office within 10 days of the decision of denial.

Section 2515 Purpose

Plan review and approval is required to ensure that the use and development of land as authorized under this ordinance is undertaken in an orderly and proper manner that furthers the public health, safety and welfare and makes adequate provision for assuring the availability of appropriate public and private services and amenities and for minimizing the adverse effects of such development.

The design, orientation and location of open spaces, buildings, structures and signs visible from public streets, places and ways has a material and substantial relationship to property values and the taxable values of property in the City and the cost of the municipal services provided thereto. Further, the lack of planning, neglect of proper maintenance standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood or area results in the deterioration of property values.

Therefore, it is the policy of the City of Coweta that these regulations be adopted to avoid and prevent deterioration of the function, character and appearance of the City and provide a favorable environment for residents and businesses, and to preserve and enhance the property values and the general public welfare.

Section 2520 Approved Plan

Site Plan approval shall be required for multiple family and nonresidential development under the following intended situations:

A. Any new principal structure intended and designed for nonresidential or multi-family occupancy (or complete redevelopment of any site for nonresidential or multiple family uses) or the use of land for non-residential purposes.

B. Where an existing principal structure erected prior to the date of adoption of this ordinance is proposed to be expanded, for which the sum total of gross floor area expansion(s) since the date of this ordinance are equal to or greater than twenty five (25) percent of the total gross floor area of said structure.

C. Any new or modified building and/or site improvements for a zoning lot that has previously received site plan approval under this ordinance, re-approval of the plan is required for components of the plan which depart from the approved site plan. The extent of changes to be incorporated in the submittal for re-approval shall be determined by the Director of Community Development.

D. A site plan shall not be required exclusively as a change of use except where such change of use results in increased off-street parking requirements which cannot currently be met on the site.

E. These requirements exclude the legal reconstruction of legally non-conforming buildings, when such buildings and related improvements are substantially restored to their prior condition.

Site Plan review is not required as part of a planned unit development approval but may apply to development of individual sites within the planned unit development if the lot has been sold to another owner for development, as controlled by the ordinance granting planned unit development approval.

Section 2525 Initiation

Plan approval shall be initiated by the owner of the property, or the owner's agent, for which plan approval is sought.

Section 2530 Procedure for Initiation

A. The owner of the property for which a zoning amendment or special exception permit is sought (requiring site plan approval above) shall file an application for site plan approval along with such application along with such application for a zoning amendment or special exception permit.

B. The owner of the property for which a building permit is sought (requiring site plan approval above) and which development has not been approved under the requirements of this section, shall file an application for site plan approval along with an application for zoning approval or building permit.

C. The owner of the property, or a duly authorized representative of the owner, shall file an application for site plan approval with the Community Development Department. It shall be accompanied by a nonrefundable fee established from time to time by the City Council and shall contain the following information.

1. A completed application form provided by the Community Development Department.

2. Three (3) copies of all full sized documents and drawings. For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet (1" = 100') shall be used. In no event shall individual sheets or drawings exceed thirty (30) inches by forty two (42) inches. In addition, Twenty (20) sets of reduced copies sized eleven inches (11") by seventeen inches (17") shall be submitted. All sets of drawings submitted shall be folded.

3. The names and addresses of the persons responsible for preparing the plan.

4. The present zoning of the site and abutting property.

5. An existing conditions map shall show the location, dimensions, size and height of the following, as applicable:

    a. Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.

    b. Buildings and Structures

    c. Septic fields, wells and public sewer and water systems.

    d. Slopes, particularly slopes in excess of 15% and terraces and retaining walls.

    e. Driveways, entrances, exits, parking areas and sidewalks.

    f. Fire Hydrants.

    g. Recreation areas and public use space.

    h. Natural and artificial watercourses and bodies of water and wetlands.

    i. Limits of flood plains.

    j. Significant geological features.

    k. Underground Storage Tanks

l. Oil Wells: active or abandoned

m. General alignment and lengths of all streets and all property lines.

n. All building restrictions: highway setback lines, easements, covenants, reservations and right of ways.

o. Date, scale and north arrow.

p. Existing development on the site including off-street parking and loading areas and other improvements, as applicable.

q. Distances between buildings.

r. Calculations of the following: number of dwelling units or square footage of non-residential uses; number and location of parking spaces; number and location of loading spaces; total land area; total landscaped area; total open space; total impervious surface.

s. Plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses.

t. Indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations and structures. Filing of an Earth Change Permit required prior to engaging in earth moving activities.

u. A landscape plan showing the location, names and area coverage of trees, shrubs and ground cover to be planted and the areas to be retained in natural vegetation, in accordance with Chapter 24 of the Coweta Zoning Code.

v. Any locations intended for the outdoor display or storage of goods and merchandise.

w. A lighting plan indicating all exterior building mounted and free standing lights and structures including overall height, type of lamp, and luminaries.

x. Elevations and compliance with Chapter 18 of the Coweta Zoning Code regarding signage.

y. Architectural elevations of all buildings proposed for the site demonstrating building material and color scheme.

Section 2535 Agreement of Owner

All documents and information submitted as part of an application for site plan approval constitute a statement by the applicant that he/she intends and agrees to be bound to develop in accord with such information upon approval.

Section 2540 Notice Requirements

Site plans do not require any form of public notice, however a site plan application concurrently filed with an application for a zoning amendment or an application for a Board of Adjustment public hearing shall state that site plan approval is sought as part of the public notice of the zoning amendment and/or special exception/variance amendments.

Section 2545 Procedure for Decision

Plans which are filed with an application for zoning amendment or with an application to the Board of Adjustment shall be processed as a part of the zoning amendment or Board of Adjustment application. All other site plans shall be approved under the following procedure.

A. Community Development Director Recommendation

   Within sixty days of the date the site Plan is first filed at the Community Development office for action, the Community Development Director may recommend approval, approval with conditions, or denial of the site plan. If the Community Development Director fails to approve the site plan within ninety (90) days after the site plan is first filed at the Community Development office, the Community Development Director shall be deemed to have recommended denial, unless such date is extended as mutually agreed upon by the applicant and the Community Development Director.

B. City Council Action

   Recommendations of denial by the Community Development Director may be appealed by the applicant to the City Council within 10 days of the denial recommendation. A written letter of appeal shall be filed with the City Manager of the City of Coweta. The appeal will be placed on the next available City Council agenda for discussion.

Section 2550 Standards for Plans

In reviewing and determining whether to approve or disapprove a plan, the Community Development Department, City Manager and City Council if necessary shall consider those factors listed below which it determines to be applicable to a given plan.

A. The application shall comply with the provisions of this ordinance and other ordinances of the City and of any other applicable laws.

B. The plan shall be in reasonable conformity with the Comprehensive Plan.

C. Reasonable provision shall be made to ensure that development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers.

D. Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.

E. Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding property and the neighborhood, including:

1. Relationships of Buildings to Sites

a. The site shall be planned to achieve a desirable transition to the street, provide for adequate planting, safe pedestrian movement, and off-street parking areas.

b. Parking areas should include innovative ways to significantly screen the parking areas from views from public right of ways.

c. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

2. Building Design

a. Structures shall be in scale and harmonious with adjoining buildings.

b. Materials shall be selected for their harmony of the building and adjoining buildings. Materials shall also be selected for suitability to the type buildings and the design in which they are used.

c. Materials shall be of durable quality.

d. Exterior lighting shall be part of the architectural concept and fixtures, standards and exposed accessories shall be harmonious with the building design.

3. Signs

a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

b. The colors, material and illumination of every sign shall be compatible and harmonious with the building and site to which it principally relates.

c. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

d. All signs shall comply with Chapter 18 of the Coweta Zoning Code.

F. Open Space provided is configured to make that open space usable, functional and appropriate to the development proposed.

G. Streets and sidewalks shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets and sidewalks.

H. Provision shall be made to ensure that adequate access roads or entrance or exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets. Curb cut permits are required as additional approval processes.

I. Adequate provision shall be made to ensure that the vehicular circulation elements of the plan are feasible.

Section 2555 Conditions on Plans

The Community Development Director or City Council if necessary in consideration of any site plan may impose certain conditions in granting plan approval to minimize any negative impacts or minimize any adverse impacts due to the development.

Section 2560 Modifications of Plans

Changes to site plans require reconsideration and re-approval by the Community Development Director as provided in this section.

Section 2565 City's Authority to Retain Outside Professional Services

In accordance with applicable state and local law, the City may retain professional assistance from outside the City staff in the review of information submitted pursuant to this Section, or as otherwise required by the Director of Community Development to carry out the purpose of the same. All reasonable costs incurred as a result of such professional assistance shall be borne by the applicant.

CHAPTER 26

SPECIFIC USE PERMITS

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SECTION 2601 PURPOSES

The City Council may, after a public hearing and recommendation by the Planning Commission and after conducting a public hearing as is required in accordance with the provisions of this section, authorize for specific parcels of land, the issuance of a Specific Use Permit.

The uses listed in the Specific Use list are so clarified because of the size of the land they require or the specialized nature of the use, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

The designation of a Specific Use Permit as possible on the Specific Use List does not constitute an authorization or an assurance that such use will be permitted. Rather, each Specific Use Permit application shall be valued as to its probable effect on the adjacent property and community welfare and may be approved or denied as the findings indicate appropriate.

SECTION 2602 CONDITIONS FOR APPROVAL

A. Plans and Data to be Submitted

Prior to submission of a request for a Specific Use Permit, the City Planner may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission **will establish the requirements necessary for consideration of the application. The Commission shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the Planning Commission as necessary during the application process. The Planning Commission may require that the applicant furnish preliminary site** plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. For uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use.

B. Planning Commission Requirements

The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning **bonding, insurance,** setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 45 days from the date the application is accepted for processing, the City Council can take action on the application.

C. City Council Requirements

The City Council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance and the Coweta Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The City Council may impose conditions including, but not limited to, **bonding, insurance,** permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

D. Site Plans

A site Plan (plot plan) setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map

A Specific Use Permit approved under the provisions of this ordinance shall not be considered as an amendment to the zoning ordinance; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP - (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a building permit for the specific use provided for.

F. Time Limits for Implementation

If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance, including non-conforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

SECTION 2603 SPECIFIC USE LIST

The following uses are allowed in all zoning districts by Specific Use permit as granted by the City Council:

Adult Detention Center/Correctional Facility
Adult Novelty Shop
Adult Entertainment Establishments
Antenna and Antenna Supporting Structure
Airport - Heliport
Auto Pool
Bar/Tavern
Bed and Breakfast
Billiard Parlor/Pool Hall
Cemetery
Cement, Portland Manufacture
Churches
College or University Hospital
Commercial Resort Facilities when located on a 40-acre or larger tract
Commercial Recreation, Intensive
Commercial Theme Parks
Convalescent Homes
Convict Pre-release Center
Correctional Community Treatment Center
Crematory
Detention Center Juvenile-Adult
Electric Generation Plant and/or Sub-Station
Electric Regulating Station, Excluding Storage or Service Yards or Service Garages and Yards
Emergency Protective Shelter
Extraction Operations, Mining and Mineral Processing
Garbage Dump
Garbage, Offal, or Dead Animal Reduction or Dumping
Gravel Operations
Golf Course
Golf Driving Range
Gun Club
Halfway House
Homeless Center
Industrial Uses – Use when located on a 40-acre or larger tract
Jail
Junk or Salvage Yards
Juvenile Delinquency Center
Kennel
Mini-Storage
Mining and Quarrying, Mineral Products Processing, as defined in the Zoning Code

Mixed Use
Museum
Night Club
Nursing Homes
Offices – Use when located on a 40-acre or larger tract
Prisons
Private Club
Public or Private Attractions
Public or Private Schools with a compulsory education curriculum
Refuse Dump,
Refuse Transfer Station
Recycling Center
Rehabilitation Centers
Residential Treatment Center
Rifle and Skeet Range
Sand Operations
Sanitary Landfill
Sewage Disposal Facility
Sexually Oriented Business
Tavern
Trade Schools
Trash or Refuse Transfer Station, All Processing and Storage within Building or Containers
Transitional Living Center
Transmitting Tower (excluding amateur radio tower)
Water Storage Facility
Water Treatment Facility

SECTION 2604 USE CONDITIONS

Compliance with District and Use Unit Requirements

Specific uses permitted shall comply with the most restrictive yard and height requirements of the district in which located and in addition shall comply with the requirements, especially for parking and loading, as required per the related use unit in the Coweta Zoning Code, except as may be modified by City Council as provided in Section 1704.022.

SECTION 2605 ADMINISTRATION

A. Filing of a Petition for Specific Use Permit

A petition for a Specific Use Permit may be filed with the Planning Commission by the owner(s) of the property concerned, by the duly authorized representative thereof, by the holder of an option to purchase the affected real estate or by the purchaser in a contract to purchase realty. Such petition shall be on a standard form furnished by the Planning Department of the City. All

petitions for a Specific Use Permit shall be accompanied by a site plan of the proposed area showing the location of buildings, parking, and other pertinent data concerning the operation of the proposed use.

B. Fee for Petition

A one-hundred dollar ($100.00) fee shall be required with the Specific Use Permit application, and such other fee as the City Council may from time to time specify by resolution.

C. Notice of Hearing

Notice of the public hearing to consider a Specific Use Permit shall be mailed at least twenty (20) days before the public hearing held by the Planning Commission by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred (300') radius of the exterior boundary of the subject property, or such additional notice deemed necessary by the Planning Commission.

The notice shall contain:

1. The date, time and place of the public hearing.
2. The present zoning classification of the property and the nature of the Specific Use Permit.
3. The legal description of the property and street address or approximate location in the municipality.

D. Appeals and Confirmation by City Council

An applicant, or any adversely affected person, may appeal a recommendation of denial by the Planning Commission to the City Council, within 10 days of the Planning Commission decision, by (a) completing a Notice of Appeal form that shall be available from the City Planner; and (b) paying an appeal fee in the amount of $100.00, or such fee as set by council resolution.

If an appeal is not timely filed, the recommendation of the Planning Commission shall be included on a council consent agenda for consideration, and may be removed from the consent agenda by council pursuant to council rules, whereupon the council may either accept the recommendation of the Planning Commission, reverse the recommendation of the Planning Commission, modify the decision of the Planning Commission, or remand the matter for further consideration by the Planning Commission.

If an appeal is timely filed, the City Council shall establish a date specific for its decision and may affirm, reverse or remand the decision of the Planning Commission.

E. Reapplication or Reconsideration of Mining and Quarrying, Mineral Products Processing

The City is not required to reconsider requests denied by the municipality related to mining and quarrying, or mineral products processing for the same site unless the municipality determines there has been a material change in the application. A mining

application for any portion of a site previously denied by the City Council will be reviewed by the City Planner first to determine if there has been a material change in the application. A material change is a substantial change in the application as compared with prior applications such that it warrants consideration as a new application. The City Planner will establish the requirements necessary for consideration of the application. The City Planner shall also set a deposit amount from the applicant sufficient for payment of the application and permit expenses. The requirements and amount of deposit may be adjusted by the City Planner as necessary during the application process. The City Planner will notify the applicant of the decision. The determination of the City Planner may be appealed to the City Manager within fifteen (15) days of the rendering of the decision.