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EXHIBIT
1

ZONING CODE



CITY

OF

SHAWNEE, OKLAHOMA

Adopted: June 2, 2014
Effective: July 2, 2014
Ordinance #2545NS

INDEX

ZONING CODE OF THE CITY OF SHAWNEE

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GENERAL PROVISIONS

SECTION 22-140

SECTIONS:

- 22-140.1 **SHORT TITLE**
- 22-140.2 **PURPOSE**
- 22-140.3 **APPLICATION**
- 22-140.4 **REGULATIONS OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES**
- 22-140.5 **FINAL PLATS AND DEVELOPMENT PLANS PREVIOUSLY APPROVED**
- 22-140.6 **COMPLETION OF APPROVED BUILDINGS**

SECTION 22-140.1 SHORT TITLE. This code, in pursuance of the authority granted by the Legislature of the State in Title II, Chapter 7, Sections 401-410 of the Oklahoma Statutes, is known as the Zoning Code of the City of Shawnee and may be cited as such.

SECTION 22-140.2 PURPOSE. The regulations contained in this code are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public facilities, and other facilities. In interpreting and applying the provisions of this code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 22-140.3 APPLICATION. This code classifies and regulates the land, buildings, and structures within the City Limits set forth in this code. The regulations contained in this code are necessary to promote health, safety, convenience, and welfare to the inhabitants by dividing the City into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

SECTION 22-140.4 REGULATIONS OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES. Except as otherwise provided in this code, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located in this code relating to any or all districts.

SECTION 22-140.5 FINAL PLATS AND DEVELOPMENT PLANS PREVIOUSLY APPROVED. All final subdivision plats and, site development plans, conditional use permits and planned unit developments submitted prior to the effective date of this code shall remain valid and intact subject to those provisions in effect at the time of its approval.

SECTION 22-140.6 COMPLETION OF APPROVED BUILDINGS. Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of this code or an amendment to this code, provided that actual construction of such building or structure commences in accordance with these provisions in effect at that time of the permit issuance and provided further that such construction and proposed use of such building or structure is not in violation of any other ordinance or law on the effective date of this code.

DEFINITIONS

SECTION 22-145

SECTIONS:

- 22-145.1 **GENERAL PROVISIONS**
- 22-145.2 **CLARIFICATION AND RELATIONSHIP OF TERMS**
- 22-145.3 **WORDS AND TERMS DEFINED**

SECTION 22-145.1 GENERAL PROVISIONS.

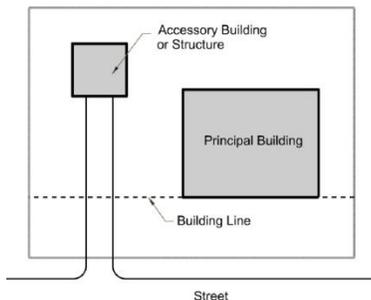
For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this chapter.

SECTION 22-145.2 CLARIFICATION AND RELATIONSHIPS OF TERMS.

1. For the purpose of these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural and words in the plural shall include the singular, except where the natural construction of the writing indicates otherwise. The word “shall” is mandatory and not directory, the word “should” is that which ought to occur, but is not mandatory. The word “should” allows for interpretation.
2. “Person” includes a corporation, a partnership, and an incorporated association of persons, such as a club; a “building” includes a part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”.
3. Words not herein defined shall conform to standard American-English usage.
4. Examples and lists shall not be considered to be all inclusive unless the content clearly states to the contrary.

SECTION 22-145.3 WORDS AND TERMS DEFINED.

1. **Accessory Building or Structure** - A subordinate structure detached from but located on the same lot as a principle building. The use of an accessory structure must be similar and accessory to the use of the principal building. Accessory structures include garages.

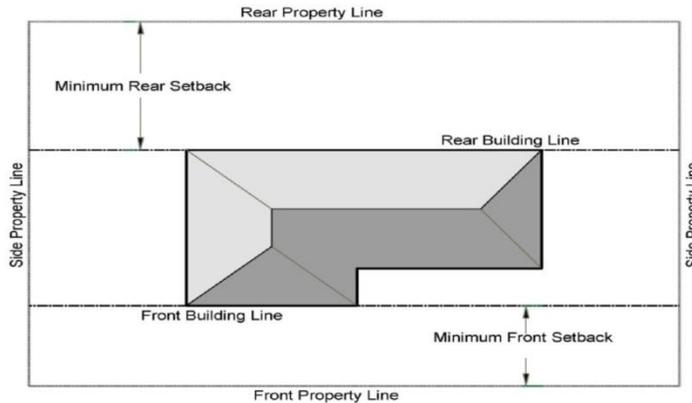


2. **Accessory Dwelling Unit** - A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

3. **Accessory Use** - A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.
4. **Administrative and Professional Office** - -- Generally typified by uses that have very minimal impact to surrounding properties or the general public, which usually have low traffic volume and common business hours (if open to the public), such as 8:00AM-6:00PM. Examples include, but are not limited to banks, general business offices, accounting and tax preparation, law offices, etc. The office may or may not be open to the general public.
5. **Adult Companion Home** - means any home or establishment, funded and certified by the Department of Human Services, which provides homelike residential accommodations and supportive assistance to three or fewer developmentally disabled adults.
6. **Adult Novelty Store** – A commercial establishment that displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices.
7. **Agriculture** - The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing produce; providing, however, that the operation, of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.
8. **Agricultural Animals** - Animals considered accessory to an agricultural use, whether for personal enjoyment or commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, duck, geese, pigs, goats, ostrich or emus.
9. **Alcohol Mixed Beverage Establishment** - A business which sells alcohol beverages by the individual drink for on-premises consumption who's alcohol sales make up more than fifty (50%) percent of sales. Typical uses might be a bar or night club.
10. **Alley** - A minor right-of-way dedicated to the public use not more than thirty (30') feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
11. **Animals: Grooming and Sales** - Grooming of dogs, cats, and other small animals. Typical uses include dog bathing and clipping salons, pet grooming shops or pet shops. No medical, training, or boarding services are permitted.
12. **Auctioning** - Auctioning of livestock on a wholesale or retail basis with incidental on-site storage of animals on a temporary basis not to exceed forty-eight (48) hour periods. Typical uses include animal auctions, livestock auctions or livestock auction yards.
13. **Assisted Living Facility** - A special combination of housing, supportive services, personalized assistance and health care designed to respond to individual needs of those who need help with activities of daily living. Interpreted definition shall be consistent with Oklahoma Continuum of Care and Assisted Living Act.
14. **Automobile Car Wash** - A building or structure designed primarily for washing automobiles using production line methods with a chain conveyor, blowers, steam cleaners, high pressure spray, or other mechanical devices. A self-service system may also be available for manual washing of vehicles.

15. **Automobile Wrecking or Salvage Yard** - An area outside of a building where motor vehicles are disassembled, dismantled, junked, or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.
16. **Basement** - A story partly or wholly underground. For purposes of height measurements, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than by a janitor employed on the premises.
17. **Bed and Breakfast** - A dwelling or area containing one or more structures occupied by the owner, where for compensation, lodging and breakfast are provided for up to a maximum of six (6) guest rooms per building; and the owner thereof intends that the same guest occupy the bed and breakfast facility for less than thirty (30) days.
18. **Billboard (including poster and panel types)** - Shall mean a non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.
19. **Block** - In describing the boundaries of a district, the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersection street and a railroad right-of-way or between an intersecting street and a railroad right-of-way or between an intersecting street and a water course.
20. **Boarding House and Rooming House** - Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.
21. **Board of Adjustment** - The Board of Adjustment of the City of Shawnee, Oklahoma.
22. **Building** - Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.
23. **Building Coverage (Lot Coverage)** - The percentage of the lot area covered by the building. Overhanging roofs are not included in the area.
24. **Building Height** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the decline of a mansard roof or the average height of the highest gable of a pitch or hip roof.

25. **Building Line** - A line established beyond which no part of a building shall project, except as otherwise provided by this code.



26. **Building Site** - A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as required by this land use code.
27. **Cellar** - An underground structure separate from the foundation of the main building.
28. **Cemetery** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, excluding columbarium, crematories, mausoleums, and mortuaries.
29. **Child Care Center** – Facilities which provide care and supervision of children and which operate more than thirty (30) hours per week.
30. **Clinic** - A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises. The term “clinic” includes immediate care facilities, where emergency treatment is the dominate form of care provided at the facility.
31. **Club** - A non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized for some common purpose, but not including a group organized solely and primarily to render a service customarily carried on as a commercial enterprise.
32. **Community Development Director** – Also known as the Planning Director. Hereinafter referred to as, the “Director.”
33. **Comprehensive Plan** - The official plan of the City of Shawnee, Oklahoma, as adopted by the City Commission.
34. **Continuum of Care Facility** – means a home, establishment or institution providing nursing facility services as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes.
35. **Convenience Goods and Personal Services** - Establishments or places primarily engaged in the provision of frequently needed, day to day retail commercial goods and services. Such uses are designed and intended to serve a limited local market, and to be generally within walking or short driving distance of a residential area.
36. **Court** - An open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.

37. **Coverage** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs. Paved areas are not considered improvements within the meaning of this provision.
38. **Drinking Establishment Sitdown, Alcohol Permitted** – Establishments or places of business where customers are seated and served and which are primarily engaged in the sale, mixing or dispensing of beverages containing more than five-tenths (0.5%) percent alcohol by volume for consumption on the premises. Typical uses include a tavern, bar, nightclub, or private club with minimal or no kitchen facilities and little or no food items served.
39. **Dry Cleaning or Laundry, Self-service** - Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.
40. **Dwelling Unit** - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Not including a tent, cabin, travel trailer, boarding or rooming house, hotel or motel.
41. **Dwelling, Attached** - A dwelling having a portion of each of two (2) walls in common with adjoining dwellings.
42. **Dwelling, Four-plex** – A single structure containing four (4) dwelling units.
43. **Dwelling, Modular** - A relocatable living unit manufactured off-site and transported on an independent carrier unit, to a permanent site which has been constructed in accordance with the adopted building code.
44. **Dwelling, Multi-Family** - A building containing four or more individual dwelling units with independent living facilities, containing separate or joint entrances, including apartments and condominiums.
45. **Dwelling, Single Family** - A building containing one (1) dwelling unit and designed for or used exclusively by one (1) family.
46. **Dwelling, Townhouse** - A building on its own separate lot containing one (1) dwelling unit, with a private entrance, that occupies space from the ground to the roof and is attached to one or more other townhouse dwelling units by an approved wall.
47. **Dwelling, Triplex** – A building containing three individual dwelling units.
48. **Dwelling, Two-Family** - A building containing two (2) dwellings and designed for or used exclusively by two (2) families; also includes the word “duplex”.
49. **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 (1) family living independent of any other family.
50. **Eating Establishments, Sitdown with no or incidental consumption of alcohol** - Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale, mixing or dispensing of beverages containing more than 0.5 percent alcohol by volume for on premise consumption as accessory to a restaurant operation. Annual receipts from the sale of permitted beverages containing alcohol may not exceed fifty (50%) percent of the

combined total receipts from food and beverages. All requirements of Title 37 of the Oklahoma Statutes shall apply.

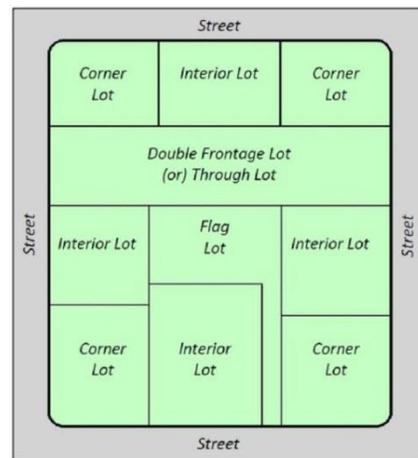
51. **Eating Establishment: drive-in, drive-through restaurant (fast food)** – Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.
52. **Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal or other government agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
53. **Family** - One (1) or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding house or lodging house, hotel, club, or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.
54. **Family Child Care Home** - Offers care and supervision for up to seven (7) children in a family home for part of a 24-hour day. A **Large Family Child Care Home** means a residential family home that provides care and supervision for 8-12 children for part of a 24-hour day.
55. **Farmers Market** - The seasonal selling or offering for sale a retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sales.
56. **Fence, Sight-proof** - An opaque screen of earth, fencing or vegetation which conceals a required part of a parcel from view of an adjoining parcel or public way.
57. **Flood - One Hundred (100) Year Frequency** - 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 the rainfall and run-off characteristics in the general region of the watershed, as determined by the City Engineer, or as determined by the U. S. Corps of Engineers and confirmed by the City Engineer or as determined by a registered professional engineer and certified by the City Engineer.
58. **Floodway** - The channel of a watercourse or drain way and those portion of the adjoining lands which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood.
59. **Flood Hazard Area** - The land areas adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater of the 100-year frequency flood based on full urbanization of the watershed.
60. **Floor Area** - The sum of the gross horizontal areas of the combined floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings.
61. **Garage Apartment** - A Dwelling for one (1) family erected as a part of a private garage.

62. **Garage, Parking** - Any building or portion thereof used for storage of four (4) or more automobiles in which any services which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
63. **Garage, Private** - A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles, boats or trailers but not commercial vehicles on residential lots.
64. **Garage, Public** - The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.
65. **Garage, Repair** - A building in which are provided facilities for the care, servicing repair or equipping of automobiles.
66. **Gasoline Service Station** - Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.
67. **Group Home** - means any establishment for not more than twelve (12) residents who are eighteen (18) years of age or older and who have developmental or physical disabilities, which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and which offers or provides supportive assistance to any of its residents requiring supportive assistance.
68. **Health Spa** - Means and includes any person, firm, corporation, organization, club or association engaged in a program of physical exercise, which includes the use of one or more of a sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or exercise rooms. Any interpretation of this definition shall be consistent with Oklahoma Statute, Title 59, Chapter 46.
69. **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 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.
70. **Homeowners Association** - An incorporated non-profit organization operating under recorded land agreements through which each lot and/or homeowner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the charge if unpaid becomes a lien against the property.
71. **Hospital** - An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
72. **Hotel, Motel, or Inn** - A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied, intended, or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including a sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.
73. **Incidental Repair-Automobile** - Accessory use of repairing automobiles which is incidental to main use of the building or structure.

74. **Industry** - The manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yard, warehouses, wholesale storage, and other similar types or enterprises.
75. **Institutional Uses** - Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non-profit basis.
76. **Junk or Salvage Yard** - A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house-wrecking yards, used-lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments.
77. **Kenel** - Establishment where three (3) or more dogs over four (4) months of age are boarded, trained, raised or bred for show or profit.
78. **Kennels and Veterinary, General** - Kennel and veterinary services for domestic animals, with incidental outdoor storage and runs permitted.
79. **Kennels and Veterinary, Restricted** - Kennel and veterinary services for small domestic animals, such as dogs, cats, or other household pets, with all operations and storage conducted within an enclosed building.
80. **Loading Space** - A space on the same lot as the principal use of at least ten (10') feet in width and thirty (30') feet in length and having a vertical clearance of at least fourteen (14') feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
81. **Long-Range Plan/Comprehensive Plan** - The Long-Range Comprehensive physical development plan for the City of Shawnee which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation, and community facilities.

82. **Lots** - For the purpose of this code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on at least one (1) approved street built according to the subdivision design standards. specified in the Subdivision and Development Standards and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record and a parcel of land described by metes and bounds;
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this code.



83. **Lot, Corner** - A lot located at the intersection of an abutting two (2) or more streets.

84. **Lot, Depth** - The average distance from the street line of the lot to its rearline, measured in the general direction of the sidelines of a lot.
85. **Lot, Double Frontage** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
86. **Lot, Frontage** - The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yard shall be provided as indicated under YARDS in this section.
87. **Lot Measurements** -
- a. **Depth** - Depth of a lot shall be considered to be the distance between the midpoints of the side lot lines in front with the rear most point of the side lot lines in the rear.
 - b. **Width** - Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirement shall not apply.
88. **Lot-of-Record** - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
89. **Manufactured Home** – A single-family dwelling built according to the United States Department of Housing and Urban Development manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also: (1) includes plumbing, heating, air conditioning, and electrical systems; (2) is built on a permanent chassis; and (3) can be transported in one or more sections with each section at least eight (8') feet wide and forty (40') feet long when transported, or when installed on the site is 320 square feet or greater. Homes built prior to June 15, 1976, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code.
90. **Medical Facilities** -
- a. Nursing home, rest or convalescent homes.
 - b. Dental or Medical Clinic- A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions.
 - c. Dental or Doctor's Office- The same as dental or medical clinic, including the various dental or medical specialties.
 - d. Hospital- An institution provided physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff office which are an integral part of the facilities.
 - e. Public Health Center- A facility primarily utilized by a health unit for providing public health services, including related facilities.
91. **Mobile Home** – A factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.
92. **Mobile / Manufactured Home Park** - Any plot of land upon which one (1) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

93. **Mobile Home Space** - A plot of land within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.
94. **Night Club** - An establishment which regularly provides facilities for dancing and/or live entertainment, either alone or in conjunction with a restaurant or bar.
95. **Nonconformance** - A conditional that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development or use is located.
96. **Nursery, Plan** - an area where plants (as trees and shrubs) are grown for transplanting, for use as stocks for budding and grafting, or for sale.
97. **Nursing Facility** - An establishment or an institution, a distinct part of which is primarily engaged in providing:
- a. Skilled nursing care and related services for residents who require medical or nursing care,
 - b. Rehabilitation services for the rehabilitation of injured, disabled, or sick persons, or
 - c. On a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services beyond the level of care provided by a residential care home and which can be made available to them only through a nursing facility.
98. **Off-Street Parking** - A type of parking wherein the maneuvering of the vehicle while parking and un-parking, as well as parking itself, is done entirely off of the street right-of-way, and where access to the area is by means of driveway approach built to the standards of the City of Shawnee.
99. **Open-Space** - Open space areas within a development which are designated or intended for the use and enjoyment of the residents and their guests.
100. **Overlay District** – An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.
101. **Parking Space** - A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.
102. **Personal Storage** - Buildings containing enclosed individual rental storage facilities not exceeding eight hundred (800') square feet per unit. These facilities are not used for sales purposes or storage of highly combustible materials. Typical uses include mini-warehouses or mini-storage and storage for recreational vehicles, boats, or trailers. This category does not allow any outdoor storage.
103. **Personal Services** – Establishments providing non-medically related services, including beauty and barber shops; clothing rental, dry cleaning pick-up stores, nail salon, shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.
104. **Planned Unit Development** - A form of development characterized by a unified site design which may include provided common open space, density averaging and mixing of building types and land uses.

105. **Planning Commission** - The Shawnee Planning Commission, as established by the statutes hereinabove cited. The Shawnee Planning Commission shall also be the Zoning Commission for the City of Shawnee.

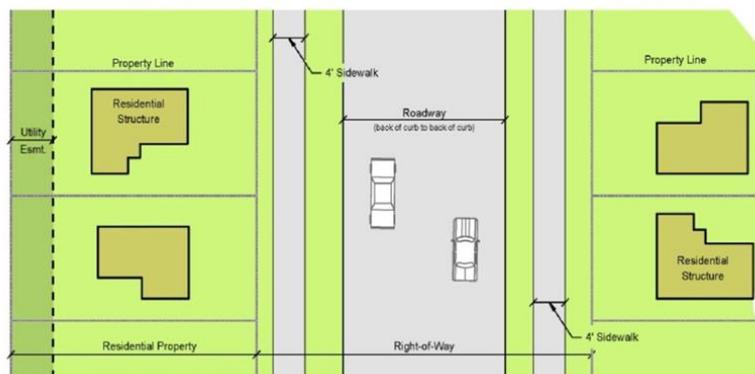
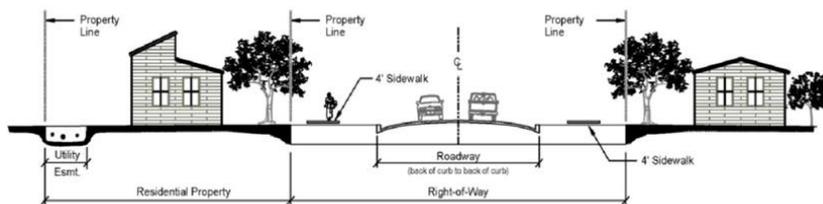
106. **Religious Facility** - A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

107. **Residential Care Home** - Any home, establishment, or institution licensed pursuant to the provisions of the Oklahoma Residential Care Act other than a hotel, motel, fraternity or sorority house, or college or university dormitory, which offers or provides residential accommodations, food service, and supportive assistance to any of its residents or houses any resident requiring supportive assistance. The residents shall be persons who are ambulatory and essentially capable of managing their own affairs, but who do not routinely require nursing care; provided, the term "residential care home" shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory, if the facility operates in a manner customary to its description and does not house any person who requires supportive assistance from the facility in order to meet an adequate level of daily living.

108. **Residential Child Care Facility** - Means a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

109. **Retail Sales and Services** - Establishments engaged in the sale or rental of goods and services, both retail and wholesale of commonly used goods, merchandise, and services.

110. **Right-of-Way** - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, sidewalk, railroad, electric transmission line, oil or gas pipeline, water line, wastewater line, storm water line, other public utilities or facilities, or other similar use.



111. **Setback** - The distance between the lot lines and the building line on which it is located.

112. **Signs** – Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.
113. **Special Use Permit-Exception** - A use of a design element of a use which is not permitted by right in a particular district because of potential adverse effect, but which is controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustments, where specifically authorized by this Code, and in accordance with the substantive and procedural standards of this code.
114. **Site Plan** - A plan showing location and size of water and sewer lines and storm sewers, paving, contours at two (2') foot intervals, building pad elevations, spot elevations at each lot corner for all lots in the subdivision, lot and street drainage arrows, street light locations, water and sewer service connections, top of curb elevations, lot dimensions, fire hydrants, manhole locations, right-of-way widths and utility easements.
115. **Story** - That portion of a building including between the surface of any floor and the surface of the next floor above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.
116. **Street** - A public right-of-way more than thirty (30') feet in width which provides the primary means of access to abutting property and used primarily for vehicular circulation.
117. **Street, Arterial** - Any street designated on the Comprehensive Plan as an arterial, primary arterial, secondary arterial, major street, etc.
118. **Structure** - Anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location to the ground (not including sidewalks, driveways and similar improvement areas).
119. **Structural Alteration** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the room or in the exterior walls.
120. **Subdivision** – The division or re-division of land as further specified in the Shawnee Subdivision Standards and Oklahoma State Statutes.
121. **Thoroughfare Plan** - The part of the Comprehensive Plan referring to transportation development goals, principles, and standards; also includes use of the words “major street plan” and “trafficway plan.”
122. **Trailer, Hauling** - A vehicles to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods, or commodities, including boats.
123. **Trailer, Travel or Camping** - All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use, this is meant to include tent trailers and motor-driving travel vehicles, not included in the definition of “independent mobile homes”. For the purpose of these regulations, a dependent mobile home is considered the same as a travel trailer, unless otherwise specified.
124. **Treatment Facility** - Any facility that offers either inpatient, intermediate or outpatient treatment to any person suffering from alcohol or drug abuse, or alcohol or drug related problems, and is certified by the Board of Mental Health and Substance Abuse Services. Interpretation of a “treatment facility” and “treatment” shall be consistent with Title 43A, Section 3-403 of Oklahoma Statutes.

125. **Use** - The legal enjoyment of property that consists of its employment, occupation, exercise or practice.

126. **Variance** - A modification of a restriction of the Zoning District Regulations granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstances of a particular property, the literal enforcement of the restriction would result in unnecessary hardship.

127. **Yard** - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30") inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

128. **Yard, Front** – A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

129. **Yard, Depth** - The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot lines, in the case of rounded property corners as street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

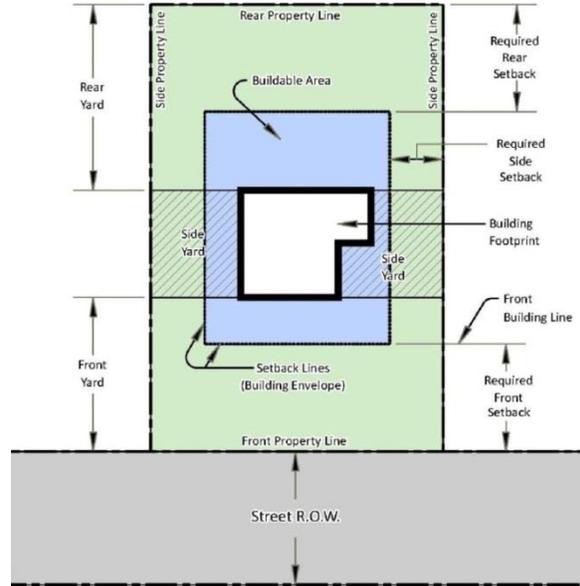
130. **Yard, Interior-Side** - Any side yard that does not abut a street.

131. **Yard, Rear** - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

132. **Yard, Side** - A yard extending from the rear lines of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yard required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall considered side yards.

133. **Yard, Width** - The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

134. **Zoning District** - Any section or sections of the City for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.



ESTABLISHMENT OF DISTRICTS

SECTION 22-150

SECTIONS:

- 22-150.1 ZONING DISTRICTS ESTABLISHED**
- 22-150.2 ZONING MAP INCORPORATED**
- 22-150.3 MAINTENANCE OF OFFICIAL ZONING MAP**
- 22-150.4 INTERPRETATION OF DISTRICT BOUNDARIES**
- 22-150.5 VACATION OF PUBLIC EASEMENT**

SECTION 22-150.1 ZONING DISTRICTS ESTABLISHED

A. For the purpose of this code and the promotion of public health, peace, safety and general welfare of the community, the City of Shawnee is divided into Zoning Districts as shown on the Zoning Map and filed with the City Clerk.

B. Zoning Districts shall be designated as follows:

Agriculture

A-1 Rural Agricultural District

Residential

RE Residential Estates District

R-1 Single Family Residential District

R-2 Combined Residential District

R-3 Multi-Family Residential District

Commercial

C-1 Neighborhood Commercial District

C-2 Suburban Office Commercial District

C-3 Restricted Automotive and Commercial Recreation District

C-4 Central Business District

C-5 General Commercial District

CP Planned Shopping Center District

Industrial

I-1 Restricted Light Industrial District

I-2 Light Industrial District

I-3 Heavy Industrial District

Overlay / Floating Zones

TN Traditional Neighborhood

AP Airport

LPZ Lake Protection Zone

SECTION 22-150.2 ZONING MAP INCORPORATED

The location and boundaries of the Zoning Districts shall be established by ordinance and shall be delineated and shown on a map entitled "Official Zoning Map of the City of Shawnee, Oklahoma," and the Zoning Map is hereby incorporated as a part of this code.

SECTION 22-150.3 MAINTENANCE OF OFFICIAL ZONING MAP

It shall be the duty of the Director to maintain an up-to-date “Official Zoning Map of the City of Shawnee, Oklahoma”, including all amendments directly adopted by the City Commission.

SECTION 22-150.4 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the Zoning Districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center line;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line, boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsection A through E, above, shall be so construed. Distances not specifically indicated on the Official Zoning Map, shall be determined by the scale of the Map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in the other circumstances not covered by subsection A through F above, the Board of Adjustment shall interpret the district boundaries; and
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this code, the Board of Adjustment may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50’) feet beyond the district line into the remaining portion of the lot.

SECTION 22-150.5 VACATION OF PUBLIC EASEMENT

- A. Whenever any street, alley or other public easement is vacated, the district classifications of the property to which vacated portions of land accrue shall become the classifications of the vacated land.
- B. No vacation of any plat or public way, or part thereof, shall operate or invalidate or impair the right-of-way municipal utility or regulated transmission company to continue to possess, occupy, and use that part of the public way, utility easements, or rights-of-way existing within the affected area and occupied and used by any municipal utility or regulated transmission company for the performance of its public service undertaking. Said easements shall be defined in any decree of vacation. The municipal utility or regulated transmission company may maintain, replace, repair, and operate its facilities, have unrestricted ingress and egress to said locations, and remove its facilities without impairment by reason of the vacation or partial vacation of any plat or public way.

AGRICULTURAL USES

SECTION 22-155

SECTIONS:

- 22-155.1 PURPOSE**
- 22-155.2 USES**
- 22-155.3 CLASSIFICATION OF ZONES**
- 22-155.4 DIMENSIONAL STANDARDS**
- 22-155.5 AREA REGULATIONS**

SECTION 22-155.1 PURPOSE

The regulations for the Agricultural Zoning District are designed to protect undeveloped areas from intensive uses until a use pattern is approved.

SECTION 22-155.2 USES

The permitted uses in the agricultural district are set forth in the table below. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears instead of the letter “X”, this use is permitted subject to a Conditional Use Permit as set forth in Section 22-205.7

For a complete list of additional requirements, please refer to Section 22-175.

Table 22-155.2.1. Permitted Uses in Agricultural Districts

| TABLE OF PERMITTED USES IN AGRICULTURAL DISTRICTS | ZONING DISTRICT |
|---|------------------------|
| Permitted Uses | A-1 |
| Accessory identification signs | X |
| Agricultural land uses, buildings, and activities | X |
| Aircraft transportation (conditional use requirement shall apply only to establishing and enlarging of airports, flying fields and heliports and to establishing, relocating and lengthening of runways | P |
| Airway beacon or marker | X |
| Animal hospital (with or without outside runs) | X |
| Apiary | X |
| Arboretum or botanical garden | X |
| Boarding or training animals | X |
| Carnival, circus, tent revival or similar temporary open air enterprise | P |
| Cemetery | P |
| Communication towers/cell phone towers | P |
| Community center: public | P |
| Construction facilities, accessory | P |
| Drilling, operating, equipping, and maintaining of wells for oil and gas | P |
| Earth moving, excavating or depositing gravel, minerals, rock, sand or stone on the ground | P |

| | |
|---|---|
| Electric regulating substation | X |
| Family child care home | X |
| Farm for raising dogs, cattle, goats, horses, sheep, rabbits, poultry, or other farm animals | X |
| Field crop farm (Farming, grazing, fishery, livestock, poultry) | X |
| Fire protection and related activities facility | X |
| Flood control works | P |
| Golf course; public or private | X |
| Home occupation (shall comply with Home Occupation provisions) | X |
| Horticultural specialty farm | X |
| Large family child care home | P |
| Library: private or public | P |
| Manufactured home | P |
| Mental institution | P |
| Mining, quarrying or earth extractions | P |
| Monastery, convent or novitiate | P |
| Motion picture theater; drive-in | P |
| Museum or art gallery | P |
| Nursery (trees and shrubs) | X |
| Parish house, parsonage or rectory | X |
| Public buildings and facilities | X |
| Radio transmitting station or tower, other than amateur | P |
| Ranching | X |
| Religious retreat facility | P |
| Religious Facilities | X |
| Retail sale of farm products sold on premises | X |
| Riding Arena or Stable | X |
| Rodeo grounds | P |
| Sanitary Landfill | P |
| School, elementary & secondary: public or equivalent private | X |
| Single-family detached dwelling | X |
| Skeet and/or trap shooting range | P |
| Veterinarian facilities | P |
| Wildlife area (public) | X |
| In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted. | |

SECTION 22-155.3 CLASSIFICATION OF ZONES

A-1, RURAL AGRICULTURAL DISTRICT

The A-1 Rural Agricultural District is intended to provide an area primarily for agricultural uses or extraction of the various products such as oil, minerals, rock and gravel from the earth and/or to prevent such land from being prematurely developed for urban purposes. The rural nature and low density of population in this district requires only that buildings and facilities related to the uses of this district have a reasonable setback from streets and highways. It is the purpose of this district to protect such agricultural or extractive uses from unplanned urbanization so long as the land is not programmed for essential municipal services.

SECTION 22-155.4 DIMENSIONAL STANDARDS

Table 22.155.4.1 provides the density and dimensional standards for each zone. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-155.4.1. Agricultural Dimensional Standards

| Standard | Agricultural Zoning Districts |
|--|--------------------------------------|
| Minimum lot size | Five (5) Acres |
| Minimum lot width (all lots of 10 acres or less) (feet) | 330' |
| Minimum street frontage (feet) | None |
| Front yard setback (feet) | 50' |
| Side yard setback (feet) | 30' |
| Side yard setback – Accessory Building (feet) | 10' |
| Rear yard setback (feet) | 50' |
| Maximum site coverage (Interior lot) | 30% |
| Maximum site coverage (Corner lot) | 35% |
| Maximum site coverage (Accessory buildings) | 20% of rear yard |
| Maximum building height (feet) | 35' |
| *See each classification of zones for additional regulations that may apply to specific zonings. | |

SECTION 22-155.5 AREA REGULATIONS

- A. There shall be a lot area of not less than five (5) acres including street dedications, and not more than one (1) principal building shall be permitted on any one (1) lot.
- B. Where a lot has less area than required in this chapter and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations codified in this Code. That lot may be used for any of the uses permitted by this section.
- C. The raising of animals or poultry in accordance with the ordinances of the City of Shawnee and in accordance with the following provisions:
 - 1. There shall be provided a fenced area of not less than twenty thousand (20,000') square feet exclusive of the area covered by main buildings and required front and side yards, for each large animal, including horses, cattle, sheep and all structures and buildings for the care and protection of animals shall be located not closer than twenty (20') feet to a side or rear lot line.
 - 2. Animals and poultry may not be kept on any lot of less than two (2) acres which does not contain an occupied dwelling.
 - 3. The raising of hogs shall be prohibited on all tracts of less than forty (40) acres. The number of hogs over two (2) months of age shall not exceed twenty (20) grain-fed or five (5) garbage-fed hogs. Hogs shall not be located closer than one hundred (100') feet to the property line of the tract on which they are located.
- D. If twenty-five (25%) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than fifty (50') feet, and no building varies more than five (5') feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than sixty-five (65') feet.

RESIDENTIAL USES

SECTION 22-160

SECTIONS:

| | |
|-----------------|--|
| 22-160.1 | PURPOSE |
| 22-160.2 | USES |
| 22-160.3 | CLASSIFICATION OF ZONES |
| 22-160.4 | DIMENSIONAL STANDARDS |
| 22-160.5 | TOWNHOUSE DEVELOPMENT STANDARDS |
| 22-160.6 | TRADITIONAL NEIGHBORHOOD INFILL STANDARDS |
| 22-160.7 | MULTIFAMILY DEVELOPMENT STANDARDS |
| 22-160.8 | OTHER RESIDENTIAL STANDARDS |
| 22-160.9 | LARGE FAMILY CHILD CARE HOME |

SECTION 22-160.1 PURPOSE

It is the City of Shawnee’s intent that residential neighborhoods and uses be developed and preserved against intrusions by incongruous land uses. These zone classifications are established, in order to permit a variety of housing and population densities with minimal conflict. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in these districts.

There are four primary residential zoning districts established for the city, including one rural residential designation (RE), one low density designation (R-1), one medium density designation (R-2) and one high density zone (R-3). In addition, a Traditional Neighborhood (TN) Floating Zone is also established to address infill development on lots legally existing prior to 1960. More limited (secondary) residential development is allowed in some commercial zone designations as provided for in other sections.

SECTION 22-160.2 USES

The permitted uses in the residential districts are set forth in Table 22-160.2.1. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears, the use is permitted subject to acquiring a Conditional Use Permit as set forth in Section 22.205.7.

Table 22-160.2.1. Permitted Uses in Residential Districts

| TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS | RE | R-1 | R-2 | R-3 | TN |
|--|-----------|------------|------------|------------|-----------|
| Accessory Dwelling Unit (ADU) to single family residential | — | — | P | P | P |
| Accessory structure and/or use, not including dwelling unit | X | X | X | X | X |
| Apartments, multi-family dwellings (high density) | — | — | — | X | — |
| Duplex or triplex | — | — | X | X | — |
| Home occupation (shall comply with the home occupation provisions set forth Section 22-175.18) | X | X | X | X | X |
| Mobile and/or manufactured home parks | — | — | — | P | — |
| Single family detached dwelling (on individual lots) | X | X | X | X | X |

| | | | | | |
|---|---|---|---|---|---|
| Townhouse (single family attached on individual lots) | — | — | X | P | — |
| Institutional and/or Nonresidential Uses | | | | | |
| Adult companion home | X | X | X | X | — |
| Assisted living, nursing, continuum of care facility | — | — | — | P | — |
| Bed and breakfast | P | P | P | P | — |
| Boarding or rooming house | — | — | — | P | — |
| Cemetery or memorial garden | P | P | P | P | — |
| Communication towers/cell phone towers | — | P | P | P | — |
| Community uses (swimming pools, community centers) | P | P | P | P | — |
| Family child care home | X | X | X | X | — |
| Golf course | P | P | P | P | — |
| Group home | X | X | X | X | — |
| Hospital, outpatient medical facilities | — | — | — | P | — |
| Large family child care home | P | P | P | P | — |
| Privately owned primary and secondary educational facilities | P | P | P | P | — |
| Public buildings and facilities, including schools | X | X | X | X | — |
| Religious facilities | X | X | X | X | — |
| Residential care home | — | — | P | P | — |
| Residential child care facility | — | — | P | P | — |
| Agricultural Uses | | | | | |
| Agricultural land uses, buildings and activities on tracts over 2 acres | X | — | — | — | — |
| Apiary | X | — | — | — | — |
| Community garden | X | X | X | X | X |
| Greenhouses/nursery- no products sold on the premises | X | X | X | X | — |
| In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted. | | | | | |

SECTION 22-160.3 CLASSIFICATION OF ZONES

A. RE, Residential Estates District

This Residential Estates District is intended to provide for very low density single family housing with rural amenities, where partial urban services are provided by the municipality and health and safety standards may be otherwise insured by the individual on large lots. It is anticipated that the tracts in this district will be in close proximity to residential and commercial uses and be adequately served by police and fire protection and all City services when available.

B. R-1, Single Family Residential District

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 appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each element.

C. R-2, Medium Density Residential District

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of land is for medium density and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through the consideration of the proper functional relationship and arrangement of each element.

D. R-3, Multi-family Residential District

This R-3 Multi-family Residential District is intended to provide for multiple family developments which have a concentration of dwelling units served by open spaces including common areas and facilities. The principal use of land is for townhouses and multiple family dwellings and recreational, religious, and educational uses normally located to serve the basic elements of convenient, balanced, and attractive living areas.

SECTION 22-160.4 DIMENSIONAL STANDARDS

Table 22-160.4.1 provides the density and dimensional standards for each zone. Note that other dimensional standards may be approved as part of an approved PUD. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-160.4.1. Density and Dimensional Standards by Zone.

| STANDARD | RESIDENTIAL ZONING DISTRICTS | | | | |
|--------------------------------|---|------------------|---|--|---|
| | RE | R-1 | R-2 | R-3 | TN |
| Minimum lot size (square feet) | One acre or larger if required by Health Department or Oklahoma DEQ | 6,000' | 1,800 (townhouse) 6,000 (one unit) 10,000 (2-3 units) *maximum density for townhouse development is 3 units per 10,000 square feet | 1,800' (townhouse) 6,000' (one unit) 10,000' (2-3 units) 10,000' + 2,000' per unit over three (multifamily) | As established per legal lot of record (see Section 22-160.6) |
| Minimum lot width (feet) | 120' | 60' | 20' (townhouse) 60' (one unit) 80' (2-3 units) | 20' (townhouse) 60' (one unit) 80' (2-3 units) 100' (more than 3 units) | As established per legal lot of record (see Section 22-160.6) |
| Minimum street frontage (feet) | 75' | 35' | 20' (townhouse) 35' (one unit) 50' (2-3 units) | 20' (townhouse) 35' (one unit) 50' (2-3 units) 80' (over 3 units) | As established per legal lot of record (see Section 22-160.6) |
| Front yard setback (feet) | 40' | 25' 20' (cul- | 25' | 25' | See Section 22-160.6 |

| | | | | | |
|--|-----|-------------|-----|-----------------------------------|----------------------|
| | | de-sac lot) | | | |
| Front yard setback – rear loading or front recessed loading garage (feet) ¹ | N/A | 15' | 15' | Only approved through PUD process | N/A |
| Side yard setback (feet) | 10' | 5' | 5' | 5' | 5' |
| Side yard setback – corner lot (feet) | 15' | 15' | 15' | 10' | See Section 22-160.6 |
| Rear yard setback (feet) | 40' | 20' | 10' | 10' | 10' |
| Setback, side and rear for unattached accessory structures (feet) | 10' | 10' | 10' | 10' | 5' |
| Maximum site coverage (building footprint) | 15% | 35% | 35% | 50% | 60% |
| Maximum building height – residential (feet) | 35' | 35' | 35' | 45' | 35' |
| Maximum building height – accessory structure (feet) | 20' | 20' | 20' | 35' | 20' |

¹Applicable only to residences with attached or detached garages located in the rear of the yard and accessed from an alleyway or if accessed from the front yard, the garage shall be setback five (5') feet from the front building line of house.

SECTION 22-160.5 TOWNHOUSE DEVELOPMENT STANDARDS

Townhouse development on new or existing lots shall adhere to the following standards:

- A. Each townhouse shall be located on its own legal lot of record.
- B. Townhouse buildings shall include no more than eight (8) townhouse units and shall be separated by not less than fifteen (15') feet, inclusive of setback areas.
- C. Townhouse development shall be designed so that garage doors do not dominate the ground level street-facing facade and do not project beyond the front plane of the residence. This can be accomplished by incorporating alley access into site design and locating garage and parking areas to the rear. Garage doors shall not comprise more than fifty (50%) percent of the front yard facing

facade of a townhouse and shall not extend beyond the front building elevation (plane of the structure).

- D. Townhouses with street-facing garages may have one driveway access located between the street and the primary building entrance for every two (2) dwelling units, provided they meet the following criteria:
 - 1. Where two abutting townhouses have street-facing garages, they shall share one driveway access that does not exceed twenty (20') feet in width where it intersects the street;
 - 2. All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three feet wide;
 - 3. The maximum number of consecutively attached townhouses with garages facing the same street is six (three shared driveways).
- E. Building facade modulation or appropriate architectural treatment shall occur at least every thirty (30') feet along the length of facades facing adjacent properties or a public street. Minimum modulation depth shall be two (2') feet. The use of covered front porches, end wall windows, building offsets/modulation, dormers and other design techniques shall be included in the design, although there is not a specific architectural requirement.
- F. Additional conditions for townhouse developments including provisions for landscaping, architectural design, recreation and open space, stormwater management, street and infrastructure improvements and other topic, may be required by the city as part of the platting, PUD and development process in accordance with applicable rules.

SECTION 22-160.6 TRADITIONAL NEIGHBORHOOD INFILL STANDARDS

The Traditional Neighborhood (TN) floating zone is applied to legally created lots that are located in plats or replats recorded prior to 1960. The underlying base zoning of the lot does not change, but rather additional zoning standards are applied (as an overlay) to the base zoning to ensure that construction is compatible with the neighborhood. Nothing in this section shall be interpreted as limiting the re-platting of existing lots.

- A. Build-to line. The intent of a build-to line is to ensure that new residences constructed in established neighborhoods are placed in a manner that is compatible and consistent with the placement characteristics of existing neighborhoods, and to maintain a consistent building line. If existing residences are close to the street with shallow front yards, so too should be the residential infill development.
- B. Requirement. The build-to line in an established neighborhood shall be as determined by the Director pursuant to this intent. In the case of residential infill development on a corner lot, the prevailing principal building setbacks along the side street shall establish the build-to line along the side street.
- C. Setback Averaging. The front-yard setback shall be as required by the build-to-line as established by the Director, unless the adjacent residential setbacks vary in distance. In this case, the setback is based on the average of the respective as-built setbacks on the two adjoining lots. See Figure 22-160.6.1 for an example of setback averaging. The resulting average setback shall be the minimum setback. The maximum setback shall not exceed the adjacent residence with the greatest setback. If the undeveloped lot is a corner lot, the build-to-line shall be consistent with the residential structures on either side. Figure 22-160.6.2 illustrates such a scenario.
- D. Setback Variance. The Zoning Board of Adjustment may grant a variance to any build-to line established by the Director, in cases where site constraints (e.g., protection of existing trees, topographic limitations, etc.) or other practical difficulty would warrant such a variance.

Figure 22-160.6.1. Setback averaging for interior lots.

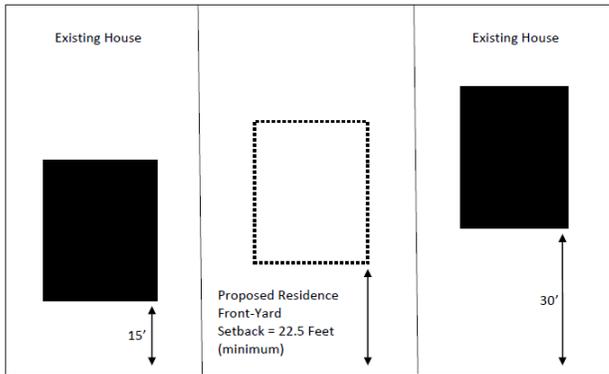
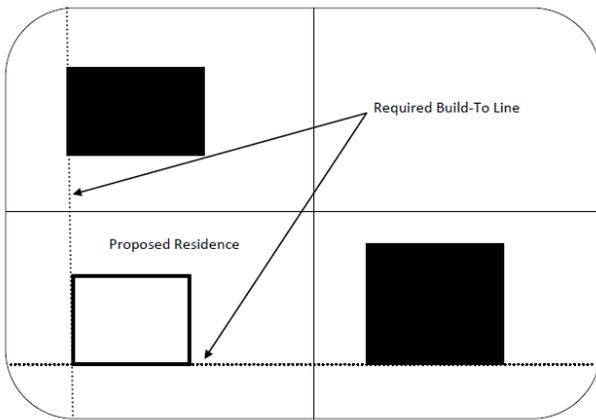


Figure 22-160.6.2. Setback averaging for corner lots.



SECTION 22-160.7 MULTIFAMILY DEVELOPMENT STANDARDS

Multifamily housing (more than three units) developments shall be constructed in accordance with the following standards:

- A. Parking lots shall be located to the side and/or behind buildings and shall not dominate the front yard area. A five foot landscape buffer shall rim the perimeter of the parking lot and planting islands shall be included in accordance with the established landscaping requirements.
- B. Units adjacent to public or private streets shall have the primary building entrances located on the façade facing the street.
- C. Pedestrian access routes shall be provided from the public or private street(s) to all primary building entrances in the form of a continuous separated pathway of at least five feet in width.
- D. Building facade modulation or appropriate architectural treatment shall occur at least every thirty (30') feet along the length of facades facing adjacent properties or a public street. Minimum modulation depth shall be two (2') feet. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls).
- E. Developments with multiple buildings shall use appropriate architectural variations and use of colors to differentiate buildings within the development.

- F. Large multifamily complexes that have more than 25 units shall include an open space and recreational component into the site design, which comprises at least fifteen (15%) percent of the gross site area. This requirement can be accomplished through the use of landscaping, play areas and common open space.
- G. Lighting shall be directed downward, inward and away from public rights-of-way and adjoining uses. All lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source.
- H. The Director reserves the right to approve an alternative design that does not meet the above standards when unique site conditions make strict adherence to the standards of this section impractical; provided, that in doing so, the Director may levy additional conditions as mitigation.

SECTION 22-160.8 OTHER RESIDENTIAL STANDARDS

The following supplemental standards apply to all zoning districts in the City, but are located in this Section because they are most often applied to residentially-zoned property. The regulations set forth in this section qualify or supplement, as the case may be, the specific zoning district regulations appearing in Section 22-160.4.

- A. Street access for dwellings. The following standards apply:
 - 1. No dwelling shall be erected on a lot which does not abut on an approved street built according to the subdivision and development standards specified in the adopted Shawnee Subdivision and Development Standards. This abutment shall be at in accordance with the dimensional standards in Section 22-160.4. A street shall form the direct and primary means of ingress and egress of all dwelling units. Alleyways are a permitted as a means of providing access to parking locations and ease of access to main structure. The front façade of the structure shall generally face the public right of way, even if the street is not the main point of access to the residence.
 - 2. Provided however, the provisions herein relating to streets built according to said the Subdivision and Development Standards shall not apply to dwellings built on dedicated streets constructed prior to the adoption of said standards and accepted by the City for maintenance, or to dwellings built on streets constructed prior to their being annexed to the Corporate Limits of the City, if such streets were part of the county road system prior to annexation.
- B. Sight line at intersections. On all corner lots on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3') feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of the intersection of the front and exterior side lot lines a distance of thirty (30') feet along said front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.
- C. Adjoining property. Where a lot has less area than required and all the boundary lines of that lot abut land under other ownership on the effective date of these regulations, the lot may be used for any of the uses permitted.
- D. Accessory building construction. Except in the A-1 Zone, no accessory building shall be constructed upon a lot until the construction of the main building has been commenced and no accessory building shall be used unless the main building on the lot is also being used. Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use. The accessory building and use must be clearly incidental to and customarily found in connection with the principal use or building.
- E. Institutional and nonresidential development standards. In order to address impacts and compatibility issues between residential and nonresidential development, nonresidential uses and

institutional uses not addressed elsewhere in this chapter shall comply with the following provisions:

1. The multifamily design standards set forth in Section 22-160.7 shall apply to new institutional and nonresidential buildings.
 2. For the purposes of this section, institutional and nonresidential development shall include hospitals, medical clinics, congregates/elder care facilities, office buildings, hotels, motels, churches, community centers, fraternal lodges, schools and similar nonresidential/institutional uses.
 3. Those uses that require a Conditional Use Permit are also required to meet all applicable criteria set forth in this Section.
- F. Area requirements for dwellings not served by sanitary sewer system. Sites for dwellings which are not served by a sanitary sewer system shall conform to the requirements of the Oklahoma State Department of Health.
- G. Trailer and boat parking. No trailer used for hauling or boat shall be stored or parked in any residential front yard or unscreened side yard or public utility easement; nor shall such trailer or boat project beyond the front of any building in a residential district. However, any boat that is tagged for the current year and is in working condition may be parked on a trailer in a residential, hard-surfaced (asphalt/concrete) driveway providing the boat is covered with a tarpaulin.
- H. Accessory Dwelling Units (ADUs). Accessory dwelling units are designed to allow for a secondary residence which is attached to the main structure or over a current detached garage. The intent of this regulation is to allow additional options for homeowners in relation to allowing family members or renters housing while still maintaining a neighborhood feel. In addition to a Conditional Use Permit, accessory dwelling units must also meet the following criteria:
- General Requirements:
1. The property owner must reside in either the principal structure or the ADU.
 2. Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplexes, triplexes or multi-family dwelling units.
 3. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
 4. The ADU may only be located in the established rear yard.
 5. The living space of the ADU shall not exceed 900 square feet.
 6. The footprint of a single story detached accessory dwelling shall not exceed 50% of the first floor area of the principal structure.
 7. The footprint of a two-story detached accessory dwelling shall not exceed 40% of the first floor of the principal structure.
 8. ADUs with a second story dwelling unit shall enclose the stairs interior to the structure.
 9. The ADU shall be of similar style, design and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
 10. A home occupation shall not be based out of the ADU.
 11. The ADU must provide, at minimum, one off-street parking space.
 12. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances exist which requires approval from the Director.
 13. The lot area shall be larger than 10,000 square feet.
- I. In all residential districts, churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35') feet.

SECTION 22-160.9 LARGE FAMILY CHILD CARE HOME

Large Family Child Care Homes may be permitted as an accessory use to a permitted residential use within a Single Family Residential Zoning Districts provided that such use shall:

- A. Be permitted only with a Conditional Use Permit;
- B. Comply with all rules, regulations, and licensing requirements adopted by the State of Oklahoma through its Department of Human Services;
- C. Provide off street (on-site) loading areas convenient to customers;
- D. Provide adequate off-street (on-site) parking for employees, volunteers, and visitors;
- E. Shall limit the operation and provision of services thereof to the hours between 6:00 am and 9:00 pm daily;
- F. Be designed such that there is no play equipment or care of children in the front or exterior side yard, and such that all outdoor facilities shall be enclosed by a fence with an automatically closing and latching gate;
- G. Be developed, maintained and operated so that the building and yards have the appearance and character of a single family dwelling, and do not detract from abutting single family dwelling properties;
 - 1. Meet the distance separation requirements
 - 2. Have a capacity not exceeding twelve (12) children who are not related to the owner or operator thereof.

COMMERCIAL USES

SECTION 22-165

SECTIONS:

- 22-165.1 PURPOSE**
- 22-165.2 USES**
- 22-165.3 CLASSIFICATION OF ZONES**
- 22-165.4 DIMENSIONAL STANDARDS**
- 22-165.5 COMMERCIAL BUILDING DESIGN STANDARDS**
- 22-165.6 MAJOR NONRESIDENTIAL OFFICE OR RETAIL BUILDING STRUCTURE DESIGN STANDARDS**
- 22-165.7 RESIDENTIAL STANDARDS IN C-4 ZONE**
- 22-165.8 OUTDOOR STORAGE**

SECTION 22-165.1 PURPOSE

It is the City of Shawnee’s intent that commercial districts and uses be developed with minimal intrusion on incongruous land uses. These zone classifications are established, in order to permit a range of commercial uses and varying levels of intensity. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy.

There are six (6) primary commercial zoning districts established for the city, including one neighborhood commercial district (C-1), one suburban office commercial district (C-2), one automotive and commercial recreation district (C-3), one central business district (C-4), one general commercial district (C-5), and one planned shopping center district (CP).

SECTION 22-165.2 USES

The permitted uses in the commercial districts are set forth in Table 22-165.2.1. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears, the use is permitted subject to acquiring a Conditional Use Permit (CUP) as set forth in Section 22-205.7. If the box is blank or the use is not listed, it is not permitted outright or conditionally.

Table 22-165.2.1. Permitted uses in Commercial Zoning Districts

| USES | ZONING DISTRICTS | | | | | |
|--|------------------|-----|-----|-----|-----|----|
| | C-1 | C-2 | C-3 | C-4 | C-5 | CP |
| Accessory uses commonly secondary and accessory to a permitted use | X | X | X | X | X | X |
| Accessory uses that require parking, but utilize a very small footprint such as ice-vending machines, snow cone stands, and similar-type businesses/uses | P | — | X | — | — | — |
| Administrative and professional office (with drive-through facility) | P | — | X | X | X | X |
| Administrative and professional office, stand-alone (without drive-through facility) | X | X | X | X | X | X |
| Animal boarding, kennel | — | — | P | P | P | P |
| Animal sales, pet store, grooming, incidental use of kennel | X | — | X | X | X | X |
| Automotive repair, tires and service, towing and other road services | — | — | X | X | X | X |
| Automotive sales and service | — | — | X | X | X | — |
| Bakery, food manufacturing and preparation, catering business (not associated with another permitted use) | X | — | X | X | — | — |
| Drinking Establishments: Sitdown, Alcohol Permitted | — | — | P | P | P | P |

| | | | | | | |
|--|---|---|---|---|---|---|
| Bed and breakfast inn | X | — | — | X | — | — |
| Beer, wine, or liquor store (off-premise consumption of alcohol) | — | — | P | P | P | P |
| Bus, motorcycle, all-terrain vehicle dealers, truck, or large vehicle dealers | — | — | X | — | X | X |
| Car washes or car care centers | P | — | X | — | X | X |
| Car, truck, trailer or recreational vehicle rental and leasing | — | — | X | X | X | — |
| Communication towers/cell phone towers | — | — | P | P | P | — |
| Eating establishment: drive-in, drive-through restaurant (fast food) | — | — | X | P | X | X |
| Eating establishment: sit-down, with no or incidental consumption of alcoholic beverages | P | — | X | X | X | X |
| Farm equipment sales and service, including feed store, nursery | — | — | X | X | X | X |
| Department store / superstore building | — | — | X | X | X | X |
| Gasoline service station | — | — | X | X | X | — |
| Grocery stores, food markets | X | — | X | X | X | X |
| Hotel, motel, inn | — | — | X | X | P | X |
| Laundry service, dry cleaning | — | — | X | X | X | X |
| Light automobile dealer | — | — | X | — | P | P |
| Lumberyard, building materials, hardware store | — | — | X | X | X | X |
| Outdoor sales and storage of materials | — | — | X | X | — | — |
| Pawnshops | — | — | X | — | X | — |
| Personal services | X | X | X | X | X | X |
| Retail sale of low-point beer for off-premise consumption | — | — | X | X | X | X |
| Retail sales and service | X | — | X | X | X | X |
| Sales and service for mobile homes, travel trailers, campers, trailers, large trucks and equipment | — | — | X | — | P | P |
| Scrap operators, automobile towing with storage, and salvage | — | — | P | — | — | — |
| Sidewalk dining, seating within public right-of-way | — | — | — | X | — | — |
| Personal storage (mini-storage) | — | — | X | — | — | — |
| Tattoo parlors | — | — | X | X | X | X |
| Veterinary clinic, including: pet services and grooming, incidental boarding | — | — | X | X | — | — |
| Warehousing, light industrial assembly, manufacturing | — | — | — | X | — | — |
| Wholesaling, storage and distribution | — | — | X | X | — | — |
| Residential Uses | | | | | | |
| Home occupation | X | — | X | X | — | — |
| Multifamily dwellings | P | — | P | X | — | — |
| Residential uses within existing buildings, subject to Section 22-165.7 | — | — | — | X | — | — |
| Townhouses | X | — | — | X | — | — |
| Public Assembly Uses | | | | | | |
| Active open space/athletic fields / golf courses, except City parks | P | P | P | P | P | P |
| Amusement, sports, or recreation establishment (not specifically enumerated) | — | — | P | P | P | P |
| Bowling, billiards, pool etc. | — | — | P | P | P | P |
| Fitness, recreational sports, gym, health spa or athletic club | X | — | X | X | P | P |
| Outdoor miniature golf establishment | — | — | P | P | P | P |
| Performance or movie theater | — | — | X | X | X | X |

| | | | | | | |
|---|---|---|---|---|---|---|
| Indoor recreation, amusement activities (mini-golf, arcade, bowling, etc.) | — | — | X | X | X | X |
| Religious facilities | X | X | X | X | X | X |
| Community or Institutional Use | | | | | | |
| Assisted living, nursing, continuum of care facility | — | — | X | X | — | — |
| Cemetery, monument, tombstone or mausoleum | — | — | X | — | — | — |
| Child and youth services | P | — | X | X | X | X |
| City, County or Federal facilities | X | X | X | X | X | X |
| Clubs or lodges | P | — | X | X | — | — |
| Communication facilities, towers, except public emergency communication facilities | P | P | X | X | X | X |
| Community centers, library services | X | X | X | X | X | X |
| Community gardens | X | X | X | X | X | X |
| Cremation facilities | — | — | P | P | — | — |
| Child care center | P | P | X | X | X | X |
| Funeral homes | — | — | X | X | — | — |
| Hospital building, medical clinic over 15,000 square feet | P | — | X | P | P | X |
| Medical clinic building, hospital, under 15,000 square feet | P | — | X | X | X | X |
| Museum, exhibition, or similar structure | P | — | X | X | X | X |
| Public safety-related or public administration facility, including ambulance service | X | X | X | X | X | X |
| Public services or utilities | X | X | X | X | X | X |
| Residential care home | — | — | — | P | — | — |
| Residential child care facility | — | — | — | X | — | — |
| School or university buildings (privately owned) | — | — | X | X | X | X |
| Services for elderly and disabled | P | — | X | X | X | X |
| Social assistance, welfare, and charitable services (not otherwise enumerated) | P | — | X | X | X | X |
| Treatment facility | — | — | P | P | — | — |
| Transportation-Related Facilities | | | | | | |
| Automobile parking facilities | X | X | X | X | X | X |
| Bus stop shelter | X | X | X | X | X | X |
| Bus terminal | — | — | X | X | X | P |
| Bus or truck maintenance facility | — | — | X | — | X | — |
| School and employee bus transportation | X | X | X | X | X | X |
| In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted. | | | | | | |

SECTION 22-165.3 CLASSIFICATION OF ZONES

A. C-1, Neighborhood Commercial District

This C-1, Neighborhood Commercial District is intended for a unified grouping in one or more buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the citizens residing in the adjacent residential neighborhood where retail shops and personal services are not otherwise readily available. Because these shops and offices are lower intensity uses, they may be designed to be located along arterial streets in close proximity to housing areas or as limited service facilities in larger planned high density housing areas. This district is limited to the types of uses that will not cause an adverse impact (i.e. noise, lighting traffic) upon the surrounding areas. This district is

also intended to reduce auto trips by permitting a limited group of commercial uses to be located in close proximity to residential areas. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate screening and landscaping.

B. C-2, Limited Office District

This commercial district is intended primarily for business and professional offices that are compatible with residential use. The district is suitable for business, consulting, executive or administrative offices which can occupy low rise structures in a low density landscaped setting. This district is designed to serve as a transition zone between commercial and residential districts, and to provide a district for office space without the more intensive retail uses of the commercial zone.

C. C-3, Highway Commercial District

This C-3, Automotive and Commercial Recreation District is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not, and should not necessarily, locate in more restrictive commercial districts.

All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

D. C-4, Central Business District

This C-4 Central Business District is designed for the conduct of the personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the Central Business District or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

Direct Location Restriction

Request for C-4 CBD zoning district shall only be granted as an extension of an existing CBD zoning district. To be eligible for rezoning to this district, a parcel shall abut or be adjacent across from a street or alley from the existing CBD district. The C-4 zoning district is a limited geography associated with the historic downtown.

E. C-5, General Commercial District

The C-5, General Commercial District is intended to provide a place for those types of commercial activities that require separate buildings and building groups surrounded by landscaped yards, open space and adequate parking with major access available. This district should be utilized at points of direct access from freeways and arterial intersections or in areas identified for heavy commercial activity that will be well separated from nearby residential areas. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

F. CP, Planned Shopping Center District

This CP, Planned Shopping Center District is established as a district intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. Because of the varied uses permitted, it is important to be separated as much as possible visually and physically from any nearby residential areas and to limit the harmful effects of increased

traffic, noise, and general nonresidential activity which will be generated. It is intended that the neighborhood shopping center be developed as a unit, with adequate off-street parking spaces for customers and employees, and with appropriate landscaping and screening materials.

1. Area Regulations

The following shall apply to all uses permitted in this CP District:

Gross Floor Area: There shall be more than one (1) shop or store in the CP, Planned Shopping Center and the combined total gross floor area shall be a minimum of seven thousand (7,000) square feet.

2. Common Parking Facilities

Off-Street parking requirements set forth in Section 22-185, may be complied with by providing a permanent common off-street parking facility for all of the uses within a permanent common off-street parking facility for all of the uses within the planned shopping center, provided that the lot of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in no case shall the amount of off-street parking area, including driveways required for ingress and egress and circulation, be less than two and one-half (2-1/2) times the gross floor area of the shopping center.

SECTION 22-165.4 DIMENSIONAL STANDARDS

Table 22-165.4.1 provides the density and dimensional standards for each zone. Note that other dimensional standards may be approved as part of an approved PUD. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-165.4.1. Density and Dimensional Standards by Zone.

| STANDARD | COMMERCIAL ZONING DISTRICTS* | | | | | |
|--|--|--|--|-----------------------|--|---|
| | C-1 | C-2 | C-3 | C-4 | C-5 | CP |
| Minimum lot size (square feet) | 5,000' | 5,000' | 10,000' | 2,500' | 10,000' | 200,000' |
| Minimum lot width (feet) | 50' | 50' | 100' | 25' | 100' | 300' |
| Minimum street frontage (feet)** | 50' | 50' | 100' | 25' | 100' | 300' |
| Front yard setback (feet) | 25' | 25' | 25' | 0' | 25' | 25' |
| Front yard setback – with parking in rear. (feet) | 15' | 15' | 25' | 0' | 25' | 25' |
| Side yard setback (feet) | 0 | 0 | 0 | 0' | 0 | 0 |
| Side yard setback – abutting a residential district (feet) | 2' for every 1' of building height. | 2' for every 1' of building height. | 2' for every 1' of building height. | 0' | 2' for every 1' of building height. | 2' for every 1' of building height. |
| Side yard setback-abutting a public right of way (feet) | 15' | 15' | 15' | 0' | 15' | 15' |
| Rear yard setback-business serviced from rear (feet) | 30'-Does not include parking spaces | 30'-Does not include parking spaces | 30'-Does not include parking spaces | 0' | 30'-Does not include parking spaces | 30'-Does not include parking spaces |
| Rear yard setback-business not serviced from rear (feet) | 15' | 15' | 15' | 0' | 15' | 15' |
| Accessory structure | Rear Yard only- must meet all setbacks | Rear Yard only- must meet all setbacks | Rear Yard only- must meet all setbacks | NONE | Rear Yard only- must meet all setbacks | Rear Yard only- must meet all setbacks |
| Maximum site coverage (building footprint) | No more than 40% | No more than 40% | 30%- The gross floor area of main building shall not exceed area coverage. | NONE | No more than 40% | 25%-The gross floor area of main building shall not exceed area coverage. |
| Maximum building height – Commercial (feet) | 35' 45' (with CUP) | 35' 45' (with CUP) | 45' | 35' 45' (with CUP) | 35' 45' (with CUP) | 35' 45' (with CUP) |

*See each classification of zones for additional regulations that may apply to specific zoning districts.

** An access agreement may be approved by the Director in lieu of public street frontage in the C-3, C-5 and C-P zones to allow for outlot development that utilizes an internal roadway network that is privately maintained. Such allowance shall not require a variance.

SECTION 22-165.5 COMMERCIAL BUILDING DESIGN STANDARDS

A. Purpose

This section is intended to promote architectural design standards and aid in the creation of structures that are visually interesting and an asset to the Community. With building design standards, the image residents hold of the Community are reflected in the style of construction and enhance the attractiveness of streetscapes and reflect the community as a whole. With the use of design standards the Community can insure variety and create a positive Community image that can improve the quality of life for all residents.

B. General Requirements

The provisions of this subsection shall apply to all commercial, nonresidential structures, including development, renovation or redevelopment. This includes major nonresidential office or retail building structure.

1. Metal Construction

All metal construction must include masonry facades as outlined below. These requirements shall apply to all principal structures and accessory buildings larger than 200 square feet. For purposes of this section of the ordinance, *masonry materials* shall mean and include brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect.

- a. Masonry requirements on building sides: All metal buildings constructed on non-residential property, or residential property whose use is non-residential, zoned RE, R-1, R-2, R-3, C-1, C-2, C-3, C-4, C-5 or CP, according to the City of Shawnee's official Zoning Map, shall have exterior walls constructed using masonry material covering at least sixty (60%) percent of the façade, except in the C-4 Zone, which shall require eighty (80%) percent coverage. Windows and standard doors shall be included in the coverage total, but garage doors shall not.
- b. Façade shall mean any exterior wall or face of a building that fronts on a dedicated public street.
- c. Metal roofs are permitted and coated aluminum siding may be used to cover clapboards on existing buildings.
- d. Additions to existing buildings shall be deemed new construction under these provisions and the façade requirements shall apply to the new portion.

2. New Infill Construction

The construction of new buildings on vacant lots downtown should be encouraged. Buildings should be designed to look appropriate and compatible with surrounding buildings. The central idea behind good infill construction is to be consistent with the design around it. These design guidelines shall be adhered to:

- a. Height. Infill construction should share a similar height to surrounding buildings. It shall, at the least, be the average height of the adjacent buildings.
- b. Width. The infill building shall reflect the style of the facades on either side along the street. If the site is large, the mass of the façade can be divided into a number of small bays.
- c. Proportion. The relationship between height and width of existing facades shall be respected.
- d. Consistent Setback. The new building shall have consistent front setback with that of its neighboring building.
- e. Composition. The composition of infill façade should be similar to that of surrounding facades.

3. Refuse Facilities

A concrete approach loading pad shall be constructed in front of all refuse enclosures. Such pad shall be at least twelve (12') feet wide by twelve (12) feet long, and a minimum of six inches thickness of concrete at a standard of 3500 PSI.

- a. All refuse shall be enclosed and screened on all four sides so that they are not visible from adjacent public right-of-way.
- b. Required enclosures shall have a minimum inside dimension of twelve (12') feet by twelve (12') feet with an enclosure gate opening of not less than twelve (12') feet in width. The height of any such enclosure shall be that necessary to prevent refuse material from protruding above the enclosure.
- c. Waste container enclosures shall have steel framed grates with spring-loaded hinges and fasteners. Keeper latches shall be required to hold gates in the fully opened position while refuse containers are being serviced. Four-inch diameter pipe bollards shall be required inside each enclosure to protect the enclosure from truck operation.
- d. All required enclosures shall be at a minimum a combination of brick columns matching the building and sight-proof wood fencing.
- e. An unobstructed approach path of not less than fifty (50') feet in length shall be required for a 35-foot long collection truck to access the refuse facility. A turn-around area shall be provided of sufficient length to allow the collection truck to exit without backing onto a public right-of-way.

SECTION 22-165.6 MAJOR NONRESIDENTIAL OFFICE OR RETAIL BUILDING DESIGN STANDARDS

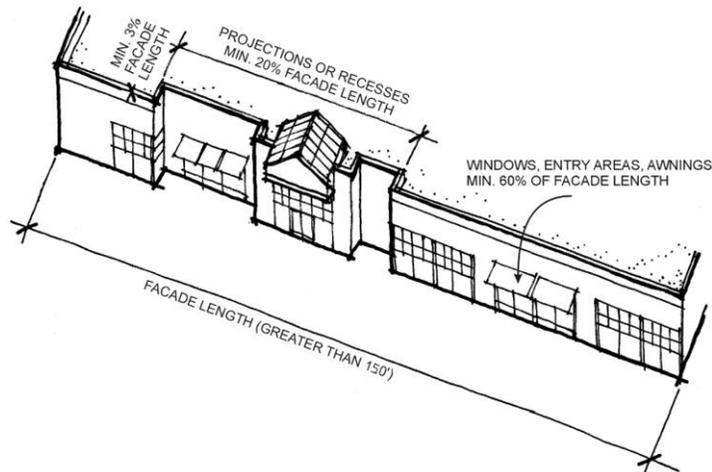
A. Applicability

1. This subsection shall apply to new development, with a gross floor area of more than 40,000 square feet and/or when a building wall length is 150 feet or greater along a public right of way.
2. These standards shall be in addition to the general requirements of the building design standards. In case of conflict, the standards in this section shall overrule general requirements.

B. Facades and Exterior Walls

1. Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recessed having a depth of at least three (3%) percent of the length of the façade and extending at least twenty (20%) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100') horizontal feet.
2. Ground floor facades that face public right-of-way shall have arcades, display windows, entry areas, awnings or other such features a long no less than sixty (60%) percent of their horizontal length.
 - a. Building structure façades shall include a repeating pattern that includes no less than three of the following elements:
 - i. Color changes
 - ii. Texture change
 - iii. Material module change; or
 - iv. An expression of architectural or structural bays though a change in plane no less than twelve (12'') inches in width, such as an offset, reveal or project rib.

Figure 22-165.6.1. Facades and Exterior Walls



C. Roofs

Roofs shall have no less than two of the following features:

1. Overhanging eaves, extending no less than three (3') feet past supporting walls.
2. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three (3') feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run, or
3. Three or more roof slope planes

D. Materials and Colors

1. Predominant exterior buildings materials shall be high quality materials, including but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
2. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
3. Building trim and accent areas shall be no more than 15% of the exterior finish and may features EIFS, brighter colors, including primary colors, but neon tubing, fiber optic or similar lighting shall not be an acceptable feature for building trim or accent areas.

E. Entryways

1. Each applicable establishment shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - a. Canopies or porticos
 - b. Overhangs
 - c. Recessed/projections
 - d. Arcades
 - e. Raised corniced parapets over the door
 - f. Peaked roof forms
 - g. Arches
 - h. Outdoor patios
 - i. Display windows
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design; or
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

2. Where additional stores are located in the applicable establishment, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

F. Sidewalks and Walkways

1. Perimeter sidewalks shall at a minimum meet the City Standards and be provided where required along all public rights-of-way.
2. Walkways of not less than five (5') feet in width should be provided along the length of any building façade with a customer entrance, and along any façade abutting a parking area.
3. Internal pedestrian walkways should provide weather protection features such as awnings and arcades within thirty (30) feet of all customer entrances.
4. All internal pedestrian walkways should be distinguished from driving surfaces.

G. Central Features and Community Space

Each structure subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following features. Any such feature shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

1. Patio / seating area
2. Pedestrian plaza with benches
3. Transportation center
4. Window shopping walkway
5. Outdoor playground area
6. Kiosk area
7. Water feature
8. Clock tower
9. Public art or
10. Other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Planning Commission adequately enhances such community and public space.

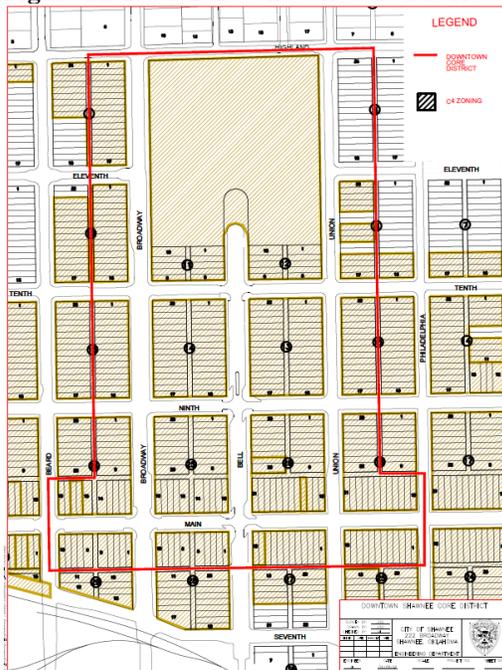
SECTION 22-165.7 RESIDENTIAL STANDARDS IN C-4 ZONE

All residential construction in the C-4 Zoning District shall adhere to the following standards:

- A. For the purposes of implementing this Section, “existing” shall mean structures that were in existence at the time of original adoption of this ordinance.
- B. For the purposes of implementing this Section, “ground floor” shall mean the first floor of a building other than a cellar or basement.
- C. Permitted residential uses shall be allowed on the ground floor level, only on properties located outside of the Downtown Core area as shown in Figure 22-165.7.1.
- D. Residential uses are permitted on upper floors of all buildings, existing or new, within the Downtown Core as shown in Figure 22-165.7.1.
- E. New multi-family or townhouse development not within existing structures shall be constructed in accordance with the following standards within the C-4 Zone:
 1. Parking lots shall be located to the side and/or back of buildings and shall not front upon Main Street.
 2. Units adjacent to public streets shall have the primary building entrances located on the façade facing the street.

3. All building elevations facing a public street right-of-way shall provide clearly marked and prominent primary entrances, and a combination of windows, porches, and/or balconies. A minimum of thirty-five (35%) percent of front (i.e., street-facing) elevations and a minimum of twenty-five (25%) percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
4. Townhouse and multi-family development shall be designed so that garage doors do not dominate the ground level street-facing façade and do not project beyond the front plane of the residence. This can be accomplished by incorporating alley access into site design and locating garage and parking areas to the rear or by limiting and including design elements. Garage doors shall not comprise more than 40% of the front yard facing façade of a townhouse and shall not extend beyond the front building elevation (plane of the structure). There shall be no garage doors along Main Street.
5. Sidewalks are required along any public street that fronts a multi-family or townhouse development in the C-4 Zone and shall be installed by the developer. The minimum width shall be eight (8') feet.

Figure 22-165.7.1. Downtown Core District



SECTION 22-165.8 OUTDOOR STORAGE

- A. With the exception of permanent outside sales and display areas for retail stores, such as garden centers, no article or material shall be kept, stored or displayed outside the confines of the building unless it is so screened by fences, walls, or planting so that it is substantially screened from all public streets.
- B. If sight-proof screening is required, no outdoor sales and displays, and outdoor storage shall be stacked or extended above the required sight-proof screening.
- C. Special sales merchandise may be temporarily displayed outdoors for up to three times per year and for no longer than thirty (30) consecutive days. An extension may be permitted for up to thirty (30) days, at the discretion of the Director.

- D. No required parking lot area shall be used as a display or sales area.
- E. With the exception of the C-4 designation, no public sidewalk or street right-of-way shall be used for outside sales or display, except for an approved temporary special merchant promotion authorized by City regulation.
- F. Outside sales and display shall be only material or products actively offered for sale and may remain outside only during the normal working hours of the business.

INDUSTRIAL USES

SECTION 22-170

SECTIONS:

| | |
|-----------------|---|
| 22-170.1 | PURPOSE |
| 22-170.2 | USES |
| 22-170.3 | INDUSTRIAL PERFORMANCE STANDARDS |
| 22-170.4 | CLASSIFICATION OF ZONES |
| 22-170.5 | DIMENSIONAL STANDARDS |

SECTION 22-170.1 PURPOSE

It is the City of Shawnee’s intent that industrial districts and uses be developed with minimal intrusion on incongruous land uses. These zone classifications are established, in order to permit a range of industrial uses and varying levels of intensity. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy.

There are three (3) primary industrial zoning districts established for the city, including one restricted light-industrial designation (I-1), one light industrial (I-2) designation, and one heavy industrial (I-3) designation. More limited commercial activity is designated. The intent is to preserve this land for industry in a location beneficial to industries and to limit non- industrial uses.

SECTION 22-170.2 USES

The permitted uses in the Industrial Districts are set forth in the table below. Where the letter “X” appears on the line of permitted uses and in the column of a district, the listed uses are permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears instead of the letter “X”, this use is permitted subjected to acquiring a Conditional Use Permit as set forth in Section 22.205.7.

For a complete list of additional requirements, please refer to Section 22-170.3.

TABLE 22-170.2.1: PERMITTED USES IN INDUSTRIAL DISTRICTS

| Permitted Uses | Zoning District | | | Permitted Uses | Zoning District | | |
|---|-----------------|-----|-----|---|-----------------|-----|-----|
| | I-1 | I-2 | I-3 | | I-1 | I-2 | I-3 |
| Accessories for vehicles or equipment whose sale is permitted, but not including the rebuilding or recapping of tires | — | X | X | Carpentry, woodworking or furniture works | X | X | X |
| Acid Manufacturer | — | — | P | Ceramic or glass products | X | X | X |
| Adult Novelty Store | P | P | P | Chemicals, compounding or packaging | — | — | X |
| Advertising agency | X | X | X | City, county, school district, state or federal facilities | X | X | X |
| Aerosol containers: filling on contract basis | — | X | X | Communication towers/cell phone towers | P | P | P |
| Agricultural services and sales | — | X | X | Compounding or cosmetics, toiletries, drugs and pharmaceutical products | — | X | X |
| Air conditioning and heating equipment | — | X | X | Construction equipment repair, sales or storage | X | X | X |
| Aircraft parts: sales, services, rental or repair, including airframes and engines | — | X | X | Contract sorting, grading and packing of fruits and vegetables for grower | — | — | X |
| Aircraft transportation | — | P | P | Contractor (general or heavy construction) facilities | — | X | X |
| Animal bones, offal or waste: assembly incinerator, processing or utilization | — | — | P | Disinfecting, deodorizing or exterminator service | X | X | X |
| Animal and poultry slaughter and processing | — | — | P | Drug and pharmaceutical products manufacturing | — | X | X |
| Apparel and other textile products or manufacturing | X | X | X | Dry cleaning and dyeing plant | — | X | X |
| Armored car service | X | X | X | Electric generating plant | P | P | X |
| Auction barn, excluding sale or trade of livestock | X | X | X | Electric utility maintenance facility | — | X | X |
| Automobile body shop or accessory, tire or battery stores, and wash services, including self-service | X | X | X | Electronic equipment assembly and manufacture and electrical appliance, equipment and supplies. | P | X | X |
| Automobile, bus, truck dismantling, salvaging, assembly, wrecking and repair | — | — | P | Extraction of sand, gravel, clay and quarrying of rock | — | — | P |
| Automobile parking or storage, as a principal use | X | X | X | Farm equipment: sales, services, rental, repair and supplies | X | X | X |
| Automobile sales, new or used | X | X | X | Farm products, wholesaling or public warehousing | — | X | X |
| Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster | — | P | P | Feed and fertilizer sales | X | X | X |
| Battery manufacturing | — | — | P | Fertilizer mixing | — | — | P |
| Blacksmiths, tinmiths, and sheet metal shop | — | X | X | Food products, including bakery products, candy, fruit and vegetable processing and canning, bottling, packing and processing of meats, poultry, and grains, but not including slaughtering of animals or poultry | P | X | X |
| Blueprinting, photocopying and similar reproduction services | X | X | X | Foundry, lightweight non-ferrous metal | — | — | P |
| Boarding or training of animals | X | X | — | Freight depot, railroad or truck | X | X | X |
| Boat rental, storage, or accessory storage | X | X | X | Furniture manufacturing and upholstery | X | X | X |
| Bottling gas | X | X | X | Gas pressure control station | P | P | X |
| Brick, tile or clay manufacturing | — | — | X | Gas utility maintenance facility | — | P | X |
| Buildings materials sales maintained inside building | X | X | X | Gases or liquids, flammable, storage | — | — | P |
| Building materials or lumber: outside building | — | X | X | Gasoline service station | X | X | X |

TABLE OF PERMITTED USES IN INDUSTRIAL DISTRICTS

| Permitted Uses | Zoning District | | | Permitted Uses | Zoning District | | |
|--|-----------------|-----|-----|---|-----------------|-----|-----|
| | I-1 | I-2 | I-3 | | I-1 | I-2 | I-3 |
| Hair, felt, feather or leather products | — | P | X | Radio transmitting station or tower | X | X | X |
| Hardware, industrial sales | — | X | X | Railroad equipment storage or maintenance | — | — | X |
| Hay, grain or feed store | X | X | X | Railroad freight terminal | X | X | X |
| Heating, air conditioning or plumbing sales or service | X | X | X | Railroad yard | — | P | X |
| Laundry (except self-service) and laundry services | X | X | X | Repair, renting and servicing of commodities | — | — | X |
| Leather goods fabrication | X | X | X | Retail sales on premise as an accessory use, but in relation to the current industrial use. | P | X | X |
| Linen supply or industrial laundry | — | X | X | Rubber products, natural or synthetic manufacturing | — | — | P |
| Livestock feeding, sales, shipment, auction sales barn and pens | — | — | P | Rug cleaning or repairing | X | X | X |
| Lumberyards | X | X | X | School, commercial or trade | X | X | X |
| Machine shop | X | X | X | Scraps and waste materials handling, including building and vehicles wrecking establishments and junkyard | — | — | P |
| Medical supplies, manufacturing and sales | X | X | X | Scrap steel cutting on control basis | — | — | X |
| Metals or minerals (except petroleum products or scrap) sales | — | X | X | Sporting or athletic equipment manufacturing | X | X | X |
| Mini-storage warehouse | X | X | X | Steel products, fabrication and assembly | — | X | X |
| Mobile homes, travel trailers – or campers – sales and services | X | X | X | Tar or tar products | — | — | X |
| Monument works and engraving | — | X | X | Textile production and distribution | — | X | X |
| Motion picture theater – drive-in | X | X | X | Transfer station (trash-garage) | — | P | P |
| Musical instruments production and distribution | — | X | X | Truck, bus, train terminals | — | X | X |
| Nonmetallic mineral preparation | — | — | X | Truck sales, service, rental or repair | X | X | X |
| Office: professional, business | X | X | X | Vending machines: sales, service, rental or repair | X | X | X |
| Oil field equipment and supplies: sales, service, rental or repair | X | X | X | Warehousing, other than warehousing | X | X | X |
| Optical goods manufacturing | X | X | X | Water treatment plant, storage facility or pressure control station | P | P | X |
| Packing and crating service | X | X | X | Welding Shop | X | X | X |
| Paint, enamel, lacquer, turpentine, varnish manufacturing | — | — | P | Wood or lumber processing | — | — | X |
| Paper manufacturing or processing, paper products including envelopes, stationery, wallpaper manufacturing | — | P | X | | | | |
| Petroleum pipeline or pressure control station | P | P | X | | | | |
| Petroleum products, storage | — | — | X | | | | |
| Petroleum or its products, refining of | — | — | P | | | | |
| Photo finishing service | X | X | X | | | | |
| Pipeline pressure control station | P | P | X | | | | |
| Poultry and small game dressing and packing | — | — | X | | | | |
| Production of crude petroleum, natural gas and natural gas liquids | — | — | P | | | | |
| Propane gas, sales and storage | — | P | P | | | | |
| Public buildings and facilities | X | X | X | | | | |
| Quarrying of stone | — | — | P | | | | |

SECTION 22-170.3 INDUSTRIAL PERFORMANCE STANDARDS

Any use constructed, established, altered or enlarged in any Industrial District after the effective date of the code, shall be operated so as to comply with the following standards. No use already established on the effective date of said code shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for any Industrial District:

- A. No building shall be used for residential purposes, except that a watchman may reside on the premises.
- B. No retail sales or services shall be permitted except those listed in Table 22-170.2.1.
- C. All operations, activities and storage (but not to include off-street parking and loading of motor vehicles in operating condition) shall be conducted and maintained wholly inside buildings, except that storage may be maintained outside a building if no part is less than fifteen (15') feet from any lot line of the tract on which the use is located, and provided any such storage area is screened from other property with a decorative sightproof fence or planting.
- D. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the district.
- E. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, wares and merchandising shall be carried on in such a manner so as not to be injurious or offensive by reasons of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odor, glare or heat, fire, or explosive hazards.
- F. No fuel or energy with the exception of electricity, natural and/or liquefied petroleum, and solar, should be used.
- G. All buildings shall be furnished with all-weather hard-surfaced sidewalks, and the grounds shall be planted and landscaped.
- H. The manufacture, or the use, of any materials which produce explosive vapors or gases is prohibited.
- I. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- J. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
- K. No vibration shall be detectable beyond the lot lines of the lot on which the use is located.

The following shall apply only to I-3: Heavy Industrial District:

- A. No building shall be used for residential purposes, except that a watchman may reside on the premise.

- B. No retail sales or services shall be permitted except those listed in Table 22-170.2.1 for I-3 District.
- C. No storage, manufacturing, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than three hundred (300') feet from the boundary of any residential zoning district.
- D. Exterior lighting fixtures shall be shaded wherever necessary to avoid direct light upon property located in any residential district.
- E. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, wares and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reasons of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odor, glare or heat, fire or explosive hazards.
- F. No activities involving storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted.

SECTION 22-170.4 CLASSIFICATION OF ZONES

A. I-1, Restricted Light Industrial District

This I-1 Restricted light Industrial District is intended primarily for production and assembly plants that are conducted so as the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Building in this district should be architecturally attractive and surrounded by landscaped yards.

B. I-2, Light Industrial District

The purpose of the I-2 Light Industrial District is to provide a location for industry which may generate low levels of noise, odor, smoke, dust or glare which shall be contained within an enclosed building, and is not a hazard to the surrounding areas. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses.

C. I-3, Heavy Industrial District

The purpose of I-3 Heavy industrial District is to provide a location for industries which may by their very nature create nuisances, but which do not create noxious nuisances or a hazard to surrounding areas. The intent is to preserve this land especially for industry in locations with access to primary major arterials and rail service. Even though this district caters to industries which may create a substantial nuisance, it does not permit industries which by the nature of their operation emit odors, gases, dust, noise, smoke, heat, glare or vibrations in sufficient quantities so as to constitute a hazard to the public health, safety and general welfare.

SECTION 22-170.5 DIMENSIONAL STANDARDS

Table 22-170.5.1 Density and Dimensional Standards by Zone.

| STANDARD | INDUSTRIAL ZONING DISTRICTS | | |
|--|---|---|---|
| | I-1 | I-2 | I-3 |
| Minimum lot size (square feet) | 10,000' | 20,000' | 20,000' |
| Minimum lot width (feet) | 100' | 150' | 150' |
| Minimum street frontage (feet) | 60' | 60' | 60' |
| Front yard setback (feet) | 35' | 35' | 35' |
| Side yard setback within district (feet) | 0' | 0' | 0' |
| Side yard setback – abutting a residential district (feet) | 2' with every 5' of height with minimum 15' | 2' with every 5' of height with minimum 15' | 2' with every 5' of height with minimum 50' |
| Side yard setback-abutting secondary street (feet) | 15' | 15' | 15' |
| Side yard setback- abutting a federal, state or county highway public right of way (feet) | 50' | 50' | 50' |
| Rear yard setback (feet) | 30' | 30' | 30' |
| Rear yard setback- abutting a residential district (feet) | 50' | 50' | 50' |
| Maximum site coverage (building footprint) | No more than 35% | 45% | 60% |
| Maximum building height – (feet) | 35' | 45' | No limit- defer to fire and building code |
| *See Industrial Use Unit Classification and Classification of Zones for additional regulations that may apply to specific zonings. | | | |

GENERAL USE RESTRICTIONS

SECTION 22-175

SECTIONS:

- 22-175.1 OPEN SPACE TO SERVE ONE BUILDING
- 22-175.2 PROJECTIONS INTO YARDS
- 22-175.3 FENCES AND WALLS
- 22-175.4 LIGHTING
- 22-175.5 STREET RIGHT-OF-WAY WIDTH
- 22-175.6 STREET ACCESS FOR DWELLINGS
- 22-175.7 SIGHT LINES AT INTERSECTIONS
- 22-175.8 LOCATION OF PRIVATE GARAGES
- 22-175.9 ACCESSORY BUILDING CONSTRUCTION
- 22-175.10 SITE PLANNING REQUIREMENTS
- 22-175.11 AREA REQUIREMENTS FOR DWELLINGS NOT SERVED BY SANITARY SEWER SYSTEM
- 22-175.12 HEIGHT REQUIREMENTS
- 22-175.13 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES
- 22-175.14 STORAGE OF LIQUIFIED PETROLEUM GASES
- 22-175.15 SIGHTPROOF SCREENING
- 22-175.16 SERVICE STATION REQUIREMENTS
- 22-175.17 HOME OCCUPATIONS
- 22-175.18 BOARDING/ROOMING HOUSE/OVERNIGHT SHELTER
- 22-175.19 ADULT NOVELTY STORES
- 22-175.20 COMMUNICATION TOWERS/CELL PHONE TOWERS

SECTION 22-175.1 OPEN SPACE TO SERVE ONE BUILDING

No open space or lot area for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

SECTION 22-175.2 PROJECTIONS INTO YARDS

Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two (2') feet. Open porches may project into a front or rear yard a distance not to exceed five (5') feet.

SECTION 22-175.3 FENCES AND WALLS

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard; provided, that no fence, wall or hedge located in front of the front building line shall exceed three (3') feet in height. On corner lots, with the condition that appropriate sight-line restrictions provided in Section 22-175.7 are adhered to, fencing along the secondary frontage shall not exceed six (6') feet in height.

Fences shall be constructed with customarily used fencing materials, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation. Fences shall be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner. Any required fence or screening which are damaged shall be repaired.

| | |
|-------------|--|
| Residential | An opaque, ornamental fence, wall or dense evergreen hedge not less than six (6') feet high shall be constructed and maintained in good condition alongside rear lot lines up to, but not beyond, the abutting building setback line, except where front yard is used for off-street parking, then the provisions of Section 22-185, pertaining to off-street parking lots shall apply. Fences, walls and hedges in residential districts may be permitted in any required |
|-------------|--|

| | |
|------------|---|
| | yard or along the edge of any yard; provided that no fence, wall or hedge located in front of the front building line shall exceed three (3') feet in height, and no other wall or fence shall exceed six (6') feet in height. On corner lots, fencing shall not obstruct established building lines. |
| Commercial | Whenever any commercial district or parking or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or dense evergreen hedge of not less than six (6') feet high and no greater than eight (8') feet high shall be constructed and maintained in good condition alongside rear lot line up to, but not beyond, the abutting building setback line, except where the front yard is used for off-street parking, then the provisions of Section 22-185, pertaining to off-street parking lots shall apply. |
| Industrial | Whenever any industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in any other zoning district, an opaque, ornamental fence, wall or dense evergreen hedge not less than six (6') feet high shall be constructed and maintained in good condition and rear lot lines up to, but not beyond, the abutting building setback line, except where front yard is used for off-street parking, then the provision of Section 22-185, pertaining to off-street parking lots shall apply. |

SECTION 22-175.4 LIGHTING

Lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

SECTION 22-175.5 STREET RIGHT-OF-WAY WIDTH

Where the dedicated right-of-way is less than fifty (50') feet, the depth of the front yard setback shall be measured at a starting point twenty-five (25') feet from the existing street easement unless otherwise approved by the Director.

SECTION 22-175.6 STREET ACCESS FOR DWELLINGS

No dwelling shall be erected on a lot which does not abut on at least one paved and approved street. This abutment shall be at least thirty-five (35') feet in length and the lot shall have a width of at least sixty (60') feet at the building line. A street shall form the direct and primary means of ingress and egress of all dwelling units. Alleys, where they exist, shall form only as a secondary means of ingress and egress.

Provided however, the provisions herein relating to streets built according to said Subdivision and Development Standards shall not apply to dwellings built on dedicated streets constructed prior to the adoption of said standards and accepted by the City for maintenance, or to dwellings built on streets constructed prior to their being annexed to the Corporate Limits of the City, if such streets were part of the county road system prior to annexation.

SECTION 22-175.7 SIGHT LINE AT INTERSECTIONS

On all corner lots on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3') feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30') feet along said front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

SECTION 22-175.8 LOCATION OF PRIVATE GARAGES

An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25') feet to the street right-of-way line, unless in a cul-du-sac where the setback shall be twenty (20') feet. If specific zoning districts require a greater setback, then the greater shall be observed.

SECTION 22-175.9 ACCESSORY BUILDING CONSTRUCTION

Except in the A-1 Rural Agricultural District, no accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced and no accessory building shall be used unless the main building on the lot is also being used.

SECTION 22-175.10 SITE PLANNING REQUIREMENTS

Whenever one or more residential, institutional, commercial, or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or innovative site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the Planning Commission.

SECTION 22-175.11 AREA REQUIREMENTS FOR DWELLINGS NOT SERVED BY SANITARY SEWER SYSTEM

Sites for dwellings which are not served by a sanitary sewer system shall conform to the requirements of the Oklahoma State Department of Health.

SECTION 22-175.12 HEIGHT REQUIREMENTS

The regulations set forth in this section qualify or supplement, as the case may be, the specific zoning district regulations appearing in Section 22-155 through Section 22-170.

- A. In measuring height, a habitable basement or attic shall be counted as a story; provided, that a story in a sloping roof, the area of which story at a height of four (4') feet above the floor does not exceed two-thirds (2/3) of the floor area of the floor immediately below it and which does not contain an independent apartment, shall be counted as a half (1/2) story.
- B. Chimneys, elevators, poles, spires, tanks, towers, and other projects not used for human occupancy may extend above the height limit.
- C. Churches, schools, hospitals, sanatoriums and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the rear yards and the minimum width of the side yards required in the district are increased one (1') foot for each two (2') feet by which the height of such public or semi-public structure exceed the prescribed height limit.

SECTION 22-175.13 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

The parking and/or storage of trailers and commercial vehicles in residential districts are restricted by the regulations set out in Section 19-487 of the Code of the City of Shawnee.

SECTION 22-175.14 STORAGE OF LIQUEFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the Code of the City of Shawnee and regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma.

SECTION 22-175.15 SIGHTPROOF SCREENING

Sightproof fencing and/or landscaping, as herein defined, composed of decorative fencing, evergreen vegetation or landscaping earth berms maintained for the purpose of concealing from view the property or

structure behind such fence, evergreen vegetation, or berms which is sought to be screened from the abutting property.

When the provisions of this code require the construction of a sightproof screen as a condition for the initiation and subsequent continuance of a use, the screening shall meet the following standards:

A. Sightproof Fence:

1. A minimum of six (6') feet but not more than eight (8') feet in height; and
2. Attractive; and
3. Made of wood, masonry, decorative metal, stockade poles, or other suitable materials; and
4. Stable and able to withstand wind forces of fifteen (15') pounds of pressure per square foot; and
5. Permanently anchored to the ground by a base which is wholly upon its owner's property; and
6. Sufficient to screen from view the property or structure sought to be screened from the abutting properties; and
7. Kept in an attractive state and in good repair at all times by the property owner.

B. Sightproof Landscaping:

1. Consisting of evergreen vegetation or landscaped earth berms; and
2. A minimum of six (6') feet in height; and
3. Sufficient to screen from view the property or structure sought to be screened from the abutting properties; and
4. Kept in an attractive state and in good repair at all times by the property owner.

SECTION 22-175.16 SERVICE STATION (GAS STATION) REQUIREMENTS

1. Motor vehicle fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least fifteen (15') feet from all property lines. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least (6") inches in height extending a minimum of twelve (12") inches beyond the dispenser in all directions. When adequate protection is not provided by the concrete platform alone, additional safeguards shall be provided by a pipe bollard or guard rails.
2. Underground tanks for the storage of flammable or combustible liquids shall be located at least five (5') feet from any wall, foundation or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within twenty (20') feet of said tanks.
3. All service station, gas station canopies constructed as an accessory building to any said building or any commercial establishment dispensing flammable liquids shall be constructed at a minimum vertical clearance of fifteen (15') feet. All canopies shall be set back fifteen (15') feet from all property lines.

SECTION 22-175.17 HOME OCCUPATIONS

Home occupations shall be subject to the following regulations:

- A. No exterior alterations of the structure shall be made which are of a nonresidential nature, and shall change the character of the residence.
- B. Except for one (1) non-illuminated name plate attached to the building entrance which is not more than two (2) square feet in area, no evidence of any home occupation shall be perceptible to an observer in the street or on any other property in the Agricultural or Residential District.

- C. No trading in merchandise shall be carried on and in connection with which there shall be no display of merchandise.
- D. No mechanical equipment shall be used or activity conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.
- E. Outside storage or display of materials or items associated with the home occupation shall be prohibited.
- F. No person shall be employed at any time, other than a member of the immediate family residing on the premises.
- G. Home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- H. The use shall be conducted entirely within the main or accessory building.
- I. No home occupation shall cause excessive traffic. Excessive traffic shall be considered more than twenty (20) vehicle trips per day in accordance with the most current addition of the Trip Generation Manual, published by the Institute of Traffic Engineers.
- J. All associated parking shall be accommodated on the property upon which the home occupation is conducted. All parking areas shall be hard surfaced as either concrete or asphalt.
- K. The total square footage of the home occupation shall not occupy more than thirty (30%) percent of the structure within which it is conducted.
- L. Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles and their parts is prohibited.
- M. A home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

SECTION 22-175.18 BOARDING/ROOMING HOUSE/OVERNIGHT SHELTER

The purpose of this section is to authorize the operation of shelters for homeless persons in the community under circumstances which protect and enhance the health, safety and welfare of city residents, while ensuring that adequate support services exist for shelter occupants. In addition to filing for a Conditional Use Permit, a Homeless Shelter must also meet the following requirements in addition to any other conditions the City Commission may require.

- A. The shelter shall be fully contained within a building owned and/or operated by a governmental agency or nonprofit organization.
- B. A homeless shelter shall not be located within one thousand (1,000') feet of a city park, public school, or residential property.
- C. The operator of a shelter for the homeless shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation. Fulltime security may be required as a condition of approval.
- D. Any organization proposing to establish a homeless shelter shall provide a detailed operations plan specifying their target clientele, proposed operation expenses, funding and staffing levels.
- E. No retail sales shall take place on the property of shelter for the homeless.

- F. Maximum occupancy. The City may set a maximum occupancy load for the shelter based on documented need.
- G. The Fire Marshal shall inspect the site before occupation and provide a letter noting the number of residents to be permitted.
- H. There shall be a permit from the Health Department on file at all times as applicable by Oklahoma Statute. In addition, the applicant is strongly encouraged to consult the health department and other pertinent health providers about measures that may be taken to prevent the spread of diseases like tuberculosis and other communicable diseases.
- I. All homeless shelters shall create and adopt a Code of Conduct that shall be enforced at all times. The Code of Conduct shall include at a minimum the following language:
 - 1. Possession or use of illegal drugs is not permitted on the premises.
 - 2. Alcohol is not permitted on the premises.
 - 3. Weapons are not permitted on the premises.
 - 4. Violence is not permitted on the premises.
 - 5. Fires are not permitted on the premises.
 - 6. Loitering in the surrounding neighborhood is not permitted.
 - 7. Littering on the premises or surrounding neighborhood is not permitted.
- J. A copy of this Code of Conduct shall be provided to the Planning Commission at the time of the Conditional Use Permit request.
- K. Lighting. Adequate external lighting shall be provided for security purpose. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
- L. Laundry facilities. The development shall provide laundry facilities or laundry services adequate for the number of residents.
- M. Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff.
 - 1. Central cooking and dining room(s).
 - 2. Recreation room.
 - 3. Counseling center.
 - 4. Childcare facilities.
 - 5. Other support services.
- N. Outdoor activity. For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.
- O. Staff and services shall be available to assist residents in obtaining permanent shelter and income.
- P. The operator of a shelter for the homeless shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- Q. Revocation. The City Commission may revoke a permit issued under this section if it determines that the shelter is not operating in accordance with the terms of the permit.
- R. Exception. This chapter does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the city commission. A temporary emergency homeless shelter may operate for a maximum of forty-five

(45) days. The city manager may extend that period for additional periods of forty-five (45) days each upon approval of the City Commission.

SECTION 22-175.19 ADULT NOVELTY STORES

Requirements for adult novelty establishments. The location of an adult novelty shop shall be specifically prohibited within one thousand (1,000') feet of:

- A. Any building primarily and regularly used for worship services and religious activities;
- B. Any public or private school;
- C. Any public park or playground;
- D. Any public library; or
- E. Any land zoned or used for residential purposes.

Provided, that if any such building used for worship and religious activities, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty store 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 church or school shall be considered as if it were located on the same side of the street with such church or school.

Any interpretation of this Section shall be consistent with Section 22-109.1 of Title 11 of Oklahoma Statutes.

SECTION 22-175.20 COMMUNICATION TOWERS/CELL PHONE TOWERS

A radio, television or microwave communication tower, either commercial or amateur, as defined herein is allowed within the city limits of the City of Shawnee pursuant to site restrictions, appropriate permitted use tables and the following conditions:

- A. Definitions:
 - 1. **Monopole** – A self-supporting pole type structure with no guy-wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
 - 2. **Lattice tower** – A steel lattice, self-supporting structure with no guy-wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
 - 3. **Guyed tower** – A steel lattice supported by guy wires, so designed to support the tower which holds one or more antennas and related equipment for wireless communication.
- B. Conditions for approval:
 - 1. Maximum height of all towers shall not exceed one hundred ninety-nine (199') feet.

2. All monopole towers shall maintain a setback one hundred twenty (120%) percent of the tower height from the property line. All sectional towers shall maintain a setback of eighty (80%) percent of the tower height from the property line.
3. Any unmanned equipment building shall not contain more than seven hundred fifty (750') square feet of gross floor area and shall not be more than twelve (12') feet in height.
4. Satellite and microwave dishes attach to a monopole shall not exceed one (1) meter in diameter or two (2) meters in diameter if attached to a lattice tower.
5. A sight-proof fence not less than seven (7) feet in height from finished grade shall be installed around a transmission tower or monopole and equipment building with access through a locked gate.
6. No excess equipment or parts shall be stored within the site.
7. Lights for illumination shall be determined by the Federal Aviation Administration (FAA) and the City of Shawnee on all tower locations.
8. No commercial advertising or signage shall be allowed on any tower.
9. All towers shall meet the minimum construction and structural load standards specified in the adopted building code.
10. All towers must setback its height distance from any structure that is being occupied.
11. Monopole and lattice towers are allowed to affix themselves to existing city or private structures as long as they meet all other requirements. These towers are not to exceed twenty (20') feet above the roofline of the existing structure. In no case shall the height of the tower be located to fall beyond the edge of the roof line.
12. Any tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City of Shawnee notifying the owner of such abandonment. If not removed within ninety (90) days, the City may remove said tower at owner's expense.
13. A site plan shall be submitted which shows parking spaces and access easement to the property line/tower site.
14. The application should look at co-location on an existing tower, and if not feasible, indicate why it is not feasible.
15. Must show written approval from property owner as to placement of the tower.
16. After installation of the tower, the owner must submit as-built plans to be kept on file.
17. The applicant must provide a certificate of design by the design engineer as to compliance with the City Code upon completion of the tower.
18. As part of the approval process the owner must submit annually to the Shawnee City Inspection Department an inspection report on each tower as to compliance with Federal Communications Commission (FCC) and FAA standards.
19. An appeal to any interpretation of this ordinance must be appealed to the Shawnee Board of Adjustment.

LANDSCAPING

SECTION 22.180

SECTIONS:

| | |
|-----------------|-----------------------------------|
| 22-180.1 | PURPOSE |
| 22-180.2 | LANDSCAPING PLAN |
| 22-180.3 | LANDSCAPING SPECIFICATIONS |
| 22-180.4 | LANDSCAPING MAINTENANCE |

SECTION 22-180.1 PURPOSE

The purpose of these regulations is to use landscaping elements in proposed developments with the intent to enhance, protect and promote the economic, ecological and aesthetic environment of the City of Shawnee for the safety, comfort and enjoyment of its citizens. The City recognizes the value of landscaping in achieving the following goals:

- A. Preserving the existing native trees and other physical site values where possible;
- B. Screen and buffer undesirable views;
- C. Reduce soil erosion and reduce storm water runoff;
- D. Aid in energy conservation for structures;
- E. Soften the visual impact of paved areas, parking lots and adjoining right of way;
- F. Complement the building on the property; and
- G. Mitigate the impact of site lighting.

SECTION 22-180.2 LANDSCAPING PLAN

A landscaping plan shall be submitted concurrent with building permit submittal and be made part of the file. The plan shall be its own document. No landscaping plans are required for single family, two family and three family residential lots or for agricultural uses. Commercial, multi-family and non-residential development within residential zones, shall be subject to these rules. All landscaping plans shall include the following information:

- A. North arrow
- B. The location of existing property lines and dimensions of the tract accurately drawn to scale.
- C. Exact locations and outline of all rights-of-way.
- D. Location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided.
- E. The location and size of any permanent fixtures or structures including, but not limited to, sidewalks, fences, trash, enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscaping plan.

- F. The location, size and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided.
- G. The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced on the plan by a common name and/or scientific name, or an appropriate key of all plant species.
- H. All screening required by these regulations.
- I. A table listing the square footage of the developed area, number of proposed parking spaces, and all plant materials by scientific and common name, size, type, quantity, point value and totals.

SECTION 22-180.3 LANDSCAPING SPECIFICATIONS

All new development and redevelopment areas shall be landscaped to provide visual buffering, enhance the beautification of the City, and protect the public health, safety and general welfare of the citizens of Shawnee. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the curb-line and property line and other utility easements. Landscaping within this area shall not count towards required landscaping. This area shall not be hard surface other than permitted drives, parking, or sidewalk. The following landscaping standards apply to all new non-residential development and to the expansion by more than twenty-five (25%) percent of an existing building mass or site in any zone:

- A. Required landscaping. The applicant shall professionally landscape the lot, according to an approved landscape plan as a condition precedent to receiving a certificate of occupancy for all commercial uses. Landscape plans shall meet the standards set forth in Table 22-180.3.1. The Director or their designee shall evaluate landscape plans for all uses. Landscape plan approval is a condition precedent to issuance of a building permit for the parcel. All landscaping shall be in place prior to issuance of a certificate of occupancy, unless seasonal conditions make installation unfeasible, in which case the improvements shall be bonded. A minimum of ten (10%) percent of any site shall be landscaped.
- B. Landscape materials and plant selection. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, the selection of which shall be based on local climate, exposure, water availability, potential allergens and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth. In general, planting should consist primarily of native plantings and noninvasive species in accordance with any approved planting/species list maintained by the city. Trees and shrubs shall meet the minimum size and spacing standards set forth in Table 22-180.3.1.
- C. Existing vegetation. Existing noninvasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision-making body may reduce the number of new trees required by a ratio of one-inch caliper of new tree(s) for every one-inch caliper of existing tree(s) protected.
- D. Non-plant ground covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than sixty (60%) percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- E. Species and irrigation. The use of drought-tolerant native plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. Table 22-180.3.1 provides a list of recommend species.

- F. Parking areas. Parking areas shall be landscaped in accordance with Table 22-180.3.1. Landscaping shall consist of evenly distributed shade trees with shrubs and/or ground cover plants that conform to the criteria in this section. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking area landscapes shall have dimensions of not less than twenty-four (24) square feet of area, or not less than four (4’) feet in width by six (6’) feet in length, to ensure adequate soil, water, and space for healthy plant growth.
- G. Front yards and frontage landscaping improvements. Front yards, excluding ingress and egress points, shall be landscaped to include landscaping that enhances the property, softens the building and parking areas and provides an aesthetically pleasing streetscape. Landscaping shall be located within the front yard setback area in accordance with the criteria of this section and Table 22-180.3.1. while providing reasonable opportunity for signage, entrance features, parking and ingress/egress areas. Street trees planted within city right-of-way shall not count towards required landscaping. Adequate sight distance as determined by the city engineer shall be maintained.
- H. Deviations. Whenever there are practical difficulties in meeting these standards that result from variations of specific property characteristics, a deviation from this section may be approved by the reviewing authority during the review process. This deviation shall not require a variance. Any such deviation so granted shall be specifically identified in the approval authority decision of a development application. Approved deviations shall not be used to grant a special privilege that is inconsistent with the limitations placed on other properties with similar circumstances.
- I. Any development that utilizes zero-lot line setbacks as permitted by applicable zoning specifications shall be exempt from landscaping requirements for each applicable yard area.

Table 22-180.3.1. Landscaping Requirements by Area for Commercial and Non-Residential Uses

| AREA | REQUIREMENT | SPECIFICATIONS |
|--------------|--|--|
| Front Yard | 10' landscaped setback | • 1 tree per 35' (linear) of frontage |
| | | • Trees may be clustered as approved by the city |
| | | • Deciduous trees, 2" caliper min. |
| | | • Evergreen trees, 6' min. height |
| Side Yard | 5' landscaped setback, unless greater landscaped area required for residential buffer | • 1 tree per 400 s.f. |
| | | • Deciduous trees, 2" caliper min. |
| | | • Ornamental trees, 1.5" caliper min. |
| | | • Evergreen trees, 6' min. height |
| Rear Yard | 10' landscaped setback, unless greater landscaped area required for residential buffer | • 1 tree per 400 s.f. |
| | | • Deciduous trees, 2" caliper min. |
| | | • Ornamental trees, 1.5" caliper min. |
| | | • Evergreen trees, 6' min. height |
| Parking Lots | Perimeter landscaping of at least 5' in width on at least three sides, or perimeter landscaping of | For all parking areas: |
| | | • One tree and three shrubs per 6 spaces (average) |

| | | |
|--------------|--|---|
| | at least 10' on two sides. In addition, one landscaped island for every 12 spaces. | <ul style="list-style-type: none"> • Deciduous trees, 2" caliper min. • Ornamental trees, 1.5" caliper • Evergreen trees, 6' min. height |
| Overall Site | 10% of overall site to be landscaped, where yard areas are legally not required and not provided by the applicant, above standards do not apply, but overall 10% standard shall be met | <ul style="list-style-type: none"> • 50% of landscaping must be evergreen • All irrigation shall be automatic |

SECTION 22-180.4 LANDSCAPING MAINTENANCE

The following landscape maintenance standards shall apply:

- A. All landscaping improvements shall be maintained in a live and healthy condition. It shall be the continuing duty of the property owner, its successors, or anyone having beneficial use of the property, to maintain landscaping in a live and healthy condition and, if necessary, to replace any dead, diseased or damaged plants as soon as natural conditions allow.
- B. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted in the zoning regulations. Plantings within the sight triangle shall not exceed a mature height of 24 inches.
- C. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the curb-line and property line and other utility easements. Landscaping within this area shall not count towards required landscaping.
- D. The type and location of vegetation shall not interfere with utilities or the safe and efficient flow of street traffic. Approval by the appropriate City Departments responsible for street and utilities shall be required.
- E. Trees that reach a mature height of more than fifteen (15') feet shall not be planted within ten (10') feet of an overhead utility line. This requirement may be waived by the Director providing that the applicant submits a letter stating no objection from the utility company.
- F. Vegetation, other than groundcover or turf grass shall not be planted with three (3') feet of a fire hydrant or above-ground traffic control box.
- G. It shall be the responsibility of the property owner to maintain in good condition all the improvements required by this section. Any required fence or screening which are damaged shall be repaired, and any vegetation which dies shall be replaced no later than the following planting season (spring or fall).
- H. Failure to provide the improvements required by this code or failure to maintain required improvements in the manner prescribed by this code shall constitute an offense and violation of this code.

Table 22-180.4.1. Recommended Tree Species

| Common Name | Note | Botanical Name | Recommendations and Cultivars |
|---|------|-------------------|-------------------------------|
| <i>Large Trees: Trees that mature over 60 feet in height. These trees need spacing of at least 35 feet.</i> | | | |
| Cypress, Bald | ** | Taxodium disticum | |
| Ginko (male) | ** | Ginko Biloba | Princeton Gold, Autumn |

| | | | |
|--|----|----------------------------|--|
| | | | Gold, Pendula |
| Hackberry, Common | | Celtis occidentalis | Chicagoland, Dleta, Windy City |
| Oak, Black | | Quercus veluntia | |
| Oak, Burr | | Quercus macrocarpa | |
| Oak, Northern Red | | Quercus rubra | |
| Oak, Pin | | Quercus palustris | Plant only in bottomlands |
| Oak, Shumard | ** | Quercus shumardi | |
| Oak, Southern Red | | Quercus falcate | |
| Oak, Water | | Quercus bicolor | |
| Oak, White | | Quercus nigra | |
| Oak, Willow | | Quercus phellos | |
| Pine, Limber | | Fleclis | |
| Pine, Loblolly | | Pinus taeda | |
| Pine, Shortleaf | | Pinus echinata | |
| Planetree, London | | Platanus X acerifolia | Bloodgood, Columbia, Liberty, Yarwood |
| Tulip Tree | | Platanus x acerifolia | |
| Medium Trees: Trees with mature size from 30 feet to 60 feet. These trees need a spacing of at least 25 feet. | | | |
| Ash, Green* (improved cultivars) | ** | Fraxinus pennsylvanica | “Urbanite” |
| Cedar, Atlas | | Cedrus atlantica | |
| Chittamwood | | Bumelia lanuginosa | |
| Coffeetree, Kentucky (male) | | Gymnocladus dioica | Espresso, Prairie Titan, Stately Manor |
| Cypress, Arizona | | Cupressus arizonica | |
| Cypress, Leyland | | Cupressocyparis leylandii | |
| Birch, River | | Betula nigra | |
| Dogwood, Kouse | | Cornus kousa | |
| Elm, Lacebark | ** | Ulmus parvifolia | Allen, Athena, True Green and others with approval |
| Elm, Chinese | | Ulmus crassifolia | |
| Goldenrain Tree* (improved cultivars) | ** | Koelreuteria paniculata | Fastigiata, September, Stadher’s Hill, Paniced |
| Hackberry, Sugar | | Celtis, laevigata | |
| Hophornbeam, Eastern | | Ostrya virginiana | |
| Hornbeam, European | | Carpinus betulas | |
| Japanese Pagoda Tree | | Sophora japonica | |
| Juniper, Rocky Mountain | | Juniperus scopulorum | |
| Linden, Greenspire* (improved cultivars) | ** | Tilia cordata “Greenspire” | Bicentennial, Bhjlie, Shamrock, Turesi |
| Magnolia, Sweetbay | | Magnolia virginiana | |
| Maple, Norway* (improved cultivars) | | Acer platanoides | |
| Maple, Red* (improved cultivars) | | Acer rubrum | |
| Maple, Shantung | | Acer truncatum | Norwegian Sunset, Pacific Sunset |
| Mulberry, White (male) | | Morus alba “Fruitless” | Caddo, Legacy, Green Mountain |
| Oak, Blackjack | | Quercus marilandica | |

| | | | |
|---|----|-------------------------|---|
| Oak, Chinquapin | ** | Quercus muehlenbergi | |
| Oak, English | ** | Quercus robur | |
| Oak, Live | | Quercus virginiana | |
| Oak, Post | | Quercus stellata | |
| Oak, Sawtooth | ** | Quercus acutissima | |
| Pear, Callary* “improved cultivars” | ** | Pyrus calleryana var. | Aristocrat, Autumn Blaze, Callary, Cleveland Select, Chanticleer, Trinity, Capitol |
| Pine, Austrian | | Pinus nigra | |
| Pine, Japanese Black | | Pinus thunbergiana | |
| Pistache, Chinese | ** | Pistacia chinensis | |
| Western Soapberry | | Sapindus drummondii | |
| Zelkova, Japanese | | Zelkova serrate | Aurea, Autumn Glow, Spring Grove |
| <i>Small Trees: Trees with a mature size of less than 30 feet. These trees need a spacing of at least 15 feet.</i> | | | |
| Cherry, Japanese | | Prunus serrulata | |
| Chokecherry | | Prunus virginiana | |
| Crabapple, Flowering* (improved cultivars) | ** | Malus spp. | 20-30 Crabapple species |
| Crapemyrtle* (improved cultivars) | | Lagerstromia indica | Many Various Species |
| Hawthorn, Washington* (improved cultivar) | | Crataegus phaenopyrum | |
| Holly, Deciduous | | Ilex deciduas | Warren’s Red |
| Foster Holly | | Ilex x attenuate | |
| Holly, American | | Ilex opaca | |
| Holly, Yaupon | | Ilex vomitoria | |
| Hornbeam, American | | Carpinus caroliniana | |
| Lilac, Japanese | | Syringa reticulate | |
| Magnolia, Saucer | | Magnolia aoulangiana | |
| Maple, Amur | | Acer ginnala | |
| Mockorange, Sweet | | Philadelphus coronaries | |
| Ninebark, Purple “Diabolo” | | Physocarpus opulifolius | |
| Redbud, Eastern | ** | Cercis Canadensis | |
| Redbud, Oklahoma* (improved cultivar) | ** | Cercis reniformis | |
| Russian Olive | ** | Elaeagnus angustifolia | |
| Serviceberry, Downy | | Amelanchier arborea | |
| Smoketree | ** | Ctinus coggygia | |
| Whitebud, Eastern | | Cercis Canadensis, alba | |
| Notes: * Improved cultivars available ** Best trees for parking lot application | | | |

OFF-STREET PARKING AND UNLOADING

SECTION 22-185

SECTIONS:

- 22-185.1 PURPOSE**
- 22-185.2 OFF-STREET PARKING AND LOADING REQUIRED**
- 22-185.3 USE OF PUBLIC RIGHT-OF-WAY PROHIBITED**
- 22-185.4 LOCATION**
- 22-185.5 JOINT PARKING FACILITIES**
- 22-185.6 OWNERSHIP OR CONTROL OF PARKING LOT**
- 22-185.7 DESIGN AND PAVEMENT REQUIREMENTS OF PARKING SPACE**
- 22-185.8 SIGHT TRIANGLE PARKING PROHIBITED**
- 22-185.9 ACCESSIBLE PARKING SPACES**
- 22-185.10 AMOUNT OF PARKING SPACES REQUIRED**
- 22-185.11 PARKING LOT CONSTRUCTION AND MAINTENANCE**
- 22-185.12 OFF-STREET LOADING SPACE REQUIRED**
- 22-185.13 SIZE OF OFF-STREET LOADING SPACES**
- 22-185.14 NUMBER OF OFF-STREET LOADING SPACES REQUIRED**
- 22-185.15 DESIGN OF LOADING SPACES**

SECTION 22-185.1 PURPOSE

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land covered by these zoning regulations. Requirements are intended to be based on the demand created by each use. Unless otherwise stated, these requirements shall apply to all uses in all districts.

SECTION 22-185.2 OFF-STREET PARKING AND LOADING REQUIRED

Permanent off-street parking and area in the amount specified by this section for each use shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased, in the amount required for the enlargement or increase in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another. No such parking requirements shall apply to the C-4 (Central Business District).

SECTION 22-185.3 USE OF RIGHT-OF-WAY PROHIBITED

No portion of any required off-street space shall occupy or use any public street, right-of-way, alley, or other public property.

Parking spaces which use any street, or public right-of-way as a direct means of access without the intermediate use of service aisles and entrances of at least the minimum standards specified by this section shall be prohibited. A public alley shall not be the only public right-of-way area permitted for maneuvering space to reach a required parking stall.

SECTION 22-185.4 LOCATION

The off-street parking lot shall be located within three hundred (300') feet, exclusive of street and alley widths, of the principal use.

SECTION 22-185.5 JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent

common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers and service.

SECTION 22-185.6 OWNERSHIP OR CONTROL OF LOT

The land upon which the off-street parking is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

SECTION 22-185.7 DESIGN REQUIREMENTS FOR OFF-STREET PARKING

Size and Access:

- A. Standard Car Parking Space shall be 9' x 20'.
Compact Car Parking Space shall be 8.5' x 16'.
- B. All maneuvering, except parallel parking, shall be designed so that a vehicle may enter an off-street parking space in one (1) forward motion and may exit in one (1) reverse and one (1) forward motion.
- C. Circulation within a parking area shall be designed so that a car entering the parking area need not enter a street to reach another aisle.
- D. All required parking spaces shall be clearly outlined on the surface of the lot with paint or other easily distinguishable material.
- E. Handicapped parking shall be per Section 22-185.9 of the Zoning Code and the A.N.S.I. Code.
- F. Minimum one way service aisles shall be 14'-0".
Minimum two way service aisles shall be 24'-0".
- G. The off-street parking spaces required may be satisfied with compact or small car spaces, not exceeding twenty-five (25%) percent of the required total.

SECTION 22-185.8 SIGHT TRIANGLE PROHIBITED

On any corner lot formed by two (2) intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth shall have a height in excess of three (3') feet above the elevation of the crown of the adjacent roadway. Surface shall be maintained in a triangle formed by measuring a distance of thirty (30') feet along the said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

SECTION 22-185.9 ACCESSIBLE PARKING SPACES

Parking lots shall meet the Americans with Disabilities Act standards for accessible design and all applicable building code requirements.

SECTION 22-185.10 AMOUNT OF SPACE REQUIRED

Off-street parking facilities shall be provided in all districts in accordance with the schedule found in table 22-185.10.1. For uses not specifically covered in Table 22-185.10.1, the Director shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirements for the permitted use. This decision can be appealed to the Board of Adjustments.

Table 22-185.10.1. Parking Space Requirements

| | | |
|---|-------------------|--|
| Residential Uses | | |
| Residential | | 2 spaces per DU up to 4 DU's; 1.5 spaces per DU after 4 DU's |
| Assisted living, nursing home, continuum of care facility | | 0.5 spaces per DU |
| Rooming or boarding home | | 0.5 spaces per DU |
| Daycare | | 1 per 6 children, plus 1 per employee |
| Public and Civic Uses | | |
| Places for Public Assembly | | 1 space per each 3 persons at max occupancy |
| Religious Institution | | 1 space per each 4 seats (Bench seating equals 1 space per 24 lineal inches) |
| School | Elementary/Middle | 2 spaces per classroom |
| | High School | 6 spaces per classroom |
| | College | 6 spaces per classroom; plus requirements for auditorium, arena, and stadium |
| Hospital | | 2 per bed + 1 per 500 SF of emergency room and outpatient care |
| Commercial Uses | | |
| Service establishment | | 1 space per 400 SF |
| Restaurant | | 1 space per 150 SF |
| Retail | | 1 per 250 SF |
| Hotel/motel | | 2 spaces per 3 guest rooms plus 1 per 200 SF of GFA in all accessory uses including restaurant and meeting rooms |
| Office | | 1 space per 300 SF |
| Medical | | 1 space per 250 SF |
| Wholesaling | | 1 space per 2 employees |
| Industrial Uses | | |
| Industrial | | 1 space for each 2 employees at maximum shift |
| Unlisted | | 1 space per 250 SF, or as established by the Director. |

SECTION 22-185.11 PARKING LOT CONSTRUCTION AND MAINTENANCE

Off-street parking lots for commercial, industrial, or multiple family complexes of more than two (2) parking spaces shall comply with the following provisions:

- A. All sides of a lot abutting a residential use shall be enclosed with an opaque, ornamental fence, wall or dense evergreen hedge having a height of not less than six (6') feet. Such fence, wall, or hedge shall be maintained in good condition.

- B. No parking shall be permitted within a front yard setback line established ten (10') feet back to the property line of the interior and corner lots whenever the parking lot is located in a residential district or immediately abuts the front of a residential unit. In all other cases no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets, no parking shall be permitted, within the thirty (30') foot sight triangle.
- C. All parking areas shall be landscaped with grass, shrubs, trees and evergreen ground cover, and maintained in good condition the year round as required by Section 22-180 of this code.
- D. Driveways used for ingress and egress shall be confined to and shall not exceed thirty (30') feet in width, exclusive of curb returns.
- E. All of the lot used for parking and driveway purposes shall be paved as follows in a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use. Minimum pavement requirements shall be as follows:
 - 1. 1-1/2" Asphaltic concrete hot mix with 5" compacted base; or
 - 2. A double surface treatment with 5" compacted base; or
 - 3. 4" concrete slab.

Also provided appropriate bumper guards where needed as required by the Director.

- F. The intensity of light and arrangement of reflectors shall be such as not interfere with residential district use.
- G. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent incandescent lighting of signs shall be permitted.

SECTION 22-185.12 OFF-STREET LOADING SPACE REQUIRED

Every industrial, commercial, and civic building hereafter erected or expanded shall provide space, as indicated herein, for loading and unloading of vehicles. The number of off-street loading spaces required by this section shall be considered as the absolute minimum, and the owner/applicant shall evaluate his own needs to determine if they are greater than the minimum specified by this section.

SECTION 22-185.13 SIZE OF OFF-STREET LOADING SPACES

Unless otherwise specified, all off-street loading spaces shall have a minimum dimension of twelve (12') feet by fifty (50') feet and an overhead clearance of fifteen (15') feet. In no case shall required off-street loading spaces encroach upon off-street parking spaces required by this section, or on public right-of-way.

SECTION 22-185.14 NUMBER OF OFF-STREET LOADING SPACES REQUIRED

Table 22-185.15.1 illustrates the number of required loading spaces required by use category according to floor area.

SECTION 22-185.15 DESIGN OF LOADING SPACES

The following requirements shall apply to all loading spaces:

- A. Off-street loading spaces shall be designed so that vehicles shall maneuver entirely within the property lines of the premises and not on public right-of-way. Unenclosed off-street loading areas shall be permanently paved with hard surfaced pavement. A six (6") inch header curb must also be constructed to separate a loading area from public right-of-way.

- B.** All motor vehicle loading spaces which abut or are adjacent to a residential district shall be completely screened therefrom by building walls, or a uniformly solid fence, wall or door, or any combination thereof, not less than six (6') feet in height. No permitted or required loading space or berth shall be located within forty (40') feet of the nearest point of intersection on any two (2) streets or highway. No loading space or berth shall be located in a required front or side yard, and any loading space or berth located shall be open to the sky.

Table 22-185.15.1. Truck Berth

| COMMERCIAL LAND USE | |
|-----------------------------------|--------------|
| Floor Area (sq. ft) | Truck Berths |
| 0 – 5,000 | 0 |
| 5,001 – 50,000 | 1 |
| 50,001 – 250,000 | 2 |
| Each Additional 100,000 | 1 |
| INDUSTRIAL USE | |
| Floor Area (sq. ft) | Truck Berths |
| 0 – 10,000 | 1 |
| 10,001 – 40,000 | 2 |
| 40,001 – 60,000 | 3 |
| 60,001 – 100,000 | 4 |
| Each Additional 80,000 sq. ft | 1 |
| WHOLESALE, STORAGE & DISTRIBUTION | |
| Floor Area (sq. ft.) | Truck Berths |
| 0 – 2,000 | 0 |
| 2,001 – 10,000 | 1 |
| 10,001 – 25,000 | 2 |
| 25,001 – 40,000 | 3 |
| 40,001 – 60,000 | 4 |
| 60,001 – 100,000 | 5 |
| Each Additional 80,000 sq. ft. | 1 |
| CIVIC USE | |
| Floor Area (sq. ft.) | Truck Berths |
| 0 – 15,000 | 0 |
| 15,001 – 75,000 | 1 |
| 75,001 and above | 2 |

GENERAL PROVISIONS OF PLANNED UNIT DEVELOPMENT (PUD)

SECTION 22-190

SECTIONS:

- 22-190.1 GENERAL**
- 22-190.2 INTENT AND PURPOSE**
- 22-190.3 PLANNED UNIT DEVELOPMENT AUTHORIZED**
- 22-190.4 EFFECT OF PLANNED UNIT DEVELOPMENT APPROVAL**
- 22-190.5 CRITERIA FOR PLANNED UNIT DEVELOPEMNT REVIEW AND APPROVAL**
- 22-190.6 PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURES**
- 22-190.7 PRE-APPLICATION REVIEW OF PUD**
- 22-190.8 APPLICATION FOR REZONING AND PUD MASTER PLAN SUBMISSION REQUIREMENT**
- 22-190.9 PRELIMINARY PLAT**
- 22-190.10 FINAL PLAT**
- 22-190.11 PLOT PLAN**
- 22-190.12 PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL**
- 22-190.13 MODIFICATION AND MINOR AMENDMENTS**
- 22-190.14 REVERSION**

SECTION 22-190.1 GENERAL

A Planned Unit Development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls. The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a Master Development Plan. Approval of a PUD is not a substitute for platting property, when required.

The PUD is subject to special review procedures. Once approved by the City Commission, it becomes a special zoning classification for the property it represents.

SECTION 22-190.2 INTENT AND PURPOSE

- A. It is the intent of this section to encourage unified design of residential, commercial, industrial or institutional areas and facilities, or combinations thereof, and to provide for integrated development having harmony of design and variety of function. It is also the intent of this section to encourage the development of planned commercial and industrial sites to eliminate the adverse impacts of traditional strip zoning.
- B. The purpose of the PUD provision is to:
 - 1. Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the Comprehensive Plan;
 - 2. Permit flexibility within the development to maximize the unique physical features of the particular site;
 - 3. Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses;
 - 4. Achieve a continuity of function, and design within the development;
 - 5. To encourage innovative development of smaller parcels of land that have been passed over; and
 - 6. Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

SECTION 22-190.3 PLANNED UNIT DEVELOPMENT AUTHORIZED

A PUD may be authorized by an amendment to the Official Zoning Districts map after public hearing by the Planning Commission and City Commission. A PUD shall be considered a special zoning district; and it may be authorized for any use or a combination of uses permitted in this zoning code. A PUD must comply with the following requirements:

- A. A PUD master plan is required as the basis for review and approval of a PUD application. The PUD Master Plan shall be adopted as a part of the ordinance of rezoning and shall be in conformance with the requirements of these regulations and the following:
 - 1. The PUD Master Plan shall consist of two (2) elements, the Design Statement and the Master Development Plan Map;
 - 2. The PUD Master Plan shall establish residential densities, as well as amounts, type, and general location of all land uses; and
 - 3. The PUD Master Plan shall serve as the basis for review approval of all subdivision plats and building permits within the PUD.

SECTION 22-190.4 EFFECT OF PLANNED UNIT DEVELOPMENT APPROVAL

- A. Approval of a zoning change to PUD adopts the Master Plan prepared by the applicant and reviewed as part of the application. The Master Plan establishes new and specific requirements for amount and type of land use, residential densities, development regulations and location of specific elements of the development, such as open space, landscaping and screening.
- B. The PUD classification replaces any previous zoning district classification on a parcel.
- C. Where there is no provision in the PUD Master Plan for special development regulations, the requirements of the most restrictive conventional zoning district in which a proposed use or a structure is permitted, shall be applied to the development.

SECTION 22-190.5 CRITERIA FOR PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL

Because the PUD provides the opportunity for higher densities, greater design flexibility, mixed land uses, and improved marketability; the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development. Review and approval of a PUD is, therefore, a process of negotiation between the City government and the applicant to achieve the intents and purposes of these regulations and the Comprehensive Plan. The following factors should be specifically included as review criteria for the evaluation of a PUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals.

- A. The following design standards shall be specifically included as review criteria for the evaluation of a PUD application.
 - 1. The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the Comprehensive Plan and the land use and zoning districts adjacent to it.
 - 2. Design of the PUD may provide for modifications of any conventional zoning, subdivision, or other development standard requirements set forth in City code. In addition, a unified/master signage plan may be approved which modifies advertising and sign allowances, provided that in no case, shall the overall signage of a development exceed what would have been permissible under the standard code provisions if the development was not part of a PUD.
 - 3. Density, land use, and intensity of use requirements shall be based on the PUD Master Plan and shall be reviewed carefully for conformance to the Comprehensive Plan.
 - 4. Building Code requirements shall not be reduced or modified in the design of a PUD.

5. The maximum number of dwelling units with a PUD shall be based on calculation of gross density. Gross density shall be established in the PUD Master Plan and shall be calculated by dividing the total land area to be developed for residential uses (exclusive of arterial streets) by the number of dwelling units.
6. Location and type of housing shall be established in a general pattern and shown on the Master Development Plan Map.
7. Open space and landscaping requirements shall not be reduced in the design of a PUD.
8. Amenities: Amenities should be considered as an important justification for development and City approval of a PUD. Where gross or net densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed, useable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways shall be planned where it is necessary to provide for amenity and public safety.
9. Minimum Land Area and Frontage: The minimum area and frontage for a PUD request involving office, commercial and industrial land uses should generally be at least the minimum required by the conventional zoning associated with the proposal, provided that a private street network may also be authorized as a substitute for public street frontage.
10. Streets: The following are general design standards for streets:
 - a. Street design should be innovative and should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac.
 - c. Development of a private street system should be considered appropriate under certain conditions subject to approval of the City Engineer. However a private street system shall not serve as a reason for reduction in minimum design and paving standards in urban areas.
 - d. On-street parking bays or other similar areas shall not be approved.
11. Adjacent Land Uses: The following general guidelines shall be used to establish the relationship of the PUD to abutting land uses:
 - a. The Master Development Plan Map shall show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, or similar techniques.
 - b. It is appropriate to specifically establish area with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.
12. Mixed Land Use Developments: Where a PUD proposes a mix of uses which would generally be incompatible with a conventional development, the PUD Master Plan should specifically establish appropriate guidelines to assure a harmonious development.
13. Common Access: In commercial or industrial developments, the PUD Master Plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets.

- B. Streets and alleys for PUDs shall be designed and constructed in accordance with City Standards and Specifications for right-of-way width and paving cross sections.

SECTION 22-190.6 PLANNED UNIT DEVELOPMENT APPLICATION

- A. The developer and/or builder of a PUD shall follow a five (5) step application and review procedure:
 1. Pre-Application Review.
 2. Application for rezoning if required, submission of PUD Master Plan, including the Design Statement and Master Development Plan.
 3. Preliminary Plat, where required by the Subdivision and Development Standards.
 4. Final Plat, where required by the Subdivision and Development Standards.
 5. Application for building permit and site plan review.

- B. Each required step shall be completed and approved before the following step is reviewed, provide that the Director may waive the pre-application review. Where appropriate, other methods authorized in the Subdivision and Development Standards may be substituted in Steps 3 and 4 above. The Planning Commission and City Commission may, however, review more than one step at the same public meeting.
- C. Public Hearing shall be required as follows:
 - 1. Public Hearing shall be held on the application for rezoning and/or the PUD Master Plan in accordance with regular procedures for zoning applications.
 - 2. Public Hearing on required plats shall be held in accordance with regular procedures established in the Subdivision and Development Standards.

SECTION 22-190.7 PRE-APPLICATION REVIEW OF PUD

Prior to submission of an application for rezoning to a Planned Unit Development (PUD), the applicant shall submit to the Director a draft plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The applicant should discuss with the Director the procedure for adopting a PUD and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters. The intent of the Pre-Application review is to ascertain whether the development is feasible as proposed and to expedite and facilitate the approval of a PUD Master Plan.

SECTION 22-190.8 APPLICATION FOR REZONING AND/OR PUD MASTER PLAN – SUBMISSION REQUIREMENTS

The PUD Application for rezoning shall be filed in accordance with regular procedures and on the application forms of the City of Shawnee. Ten (10) copies of the PUD Master Plan, shall be submitted with the application for rezoning and shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this code. The application shall be accompanied by the payment of a five hundred fifty (\$550.00) dollar fee for a single phase project and an additional fee of one hundred fifty (\$150.00) dollars for each additional phase of a multiple phase project.

- A. The Master Development Plan Map shall be a graphic representation of the Development Plan for the area, prepared at a scale appropriate for the size of the project but not less than the minimum required for preliminary plats in the Subdivision and Development Standards. It shall show the following:
 - 1. Location of proposed land uses, residential densities, structures, and facilities;
 - 2. Location of collector streets within the PUD and adjacent arterial streets, in addition to a general circulation plan for the development, including all proposed private streets and drives;
 - 3. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
 - 4. Location and approximate size of proposed open space, landscaping, and public or private recreation areas;
 - 5. Areas where access to streets will be limited and location of driveways where appropriate;
 - 6. Design of all off-street parking facilities with design of ingress and egress; and
 - 7. Any other pertinent information necessary for review, approval, and administration of the PUD as determined by the Director. This could include but is not limited to showing the location of oil wells, towers, or private utilities.
- B. The PUD Design Statement shall be a written report submitted as a part of the PUD Master Plan containing a minimum of the following elements:

1. Title of PUD;
2. List of owners and developers;
3. Statement of the general location and relationship to adjoining land uses; both existing and proposed;
4. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description of proposed building use types, proposed restrictions and typical site layouts;
5. The existing PUD zoning districts in the development area and surrounding it.
6. A list of all special development regulations or the conventional zoning district regulations which will be applicable;
7. A statement on the existing and proposed streets, including right-of-way standards and street design concept;
8. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
9. A topographical map with minimum two (2') foot contour intervals;
10. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
11. A statement of utility lines and services to be installed, including which lines will be dedicated to the City and which will be private;
12. The proposed densities, and the use types and sizes of structures;
13. A description of the proposed sequence of development; and
14. If there is no plat required or if other methods authorized in the Subdivision and Development Standards are appropriate, then paragraphs (1) and (2) of Section 22-190.10(A) shall be submitted and approved as part of the PUD Master Plan at the time of rezoning.

SECTION 22-190.9 PRELIMINARY PLAT

Upon approval of the PUD Master Plan and the Ordinance of rezoning, the developer shall prepare a preliminary plat for the entire development area. Where there is a recorded plat and where there will be no extensive easements, no property owner's association, no plat restrictions, and no sales of lots which do not conform to the platted lot lines, the Planning Commission may waive the Platting Requirements.

SECTION 22-190.10 FINAL PLAT

- A. Where a subdivision plat has been required, the developer shall prepare a final plat for review, approval, and filing of record according to procedures established by the Subdivision and Development Standards. In addition to these procedures, the final plat shall include:
1. Provisions for the ownership and maintenance of common space. Said open space may be dedicated to a private association or to the public provided that dedication to the public shall not be accepted without the approval of the City Commission;
 2. A homeowner or property owner association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, service and parking areas, and recreation areas; and
 3. Covenants shall be submitted to reasonably insure the continued compliance with the approved PUD Master Plan, unless not required by the City.

SECTION 22-190.11 PLOT PLAN

A plot plan or site plan shall be submitted upon the application for a building permit and reviewed in accordance with applicable rules. The plot plan shall provide enough detail to ensure full compliance with any approved PUD. The Building Permit may be conditioned to ensure compliance.

SECTION 22-190.12 PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL

A. Design Review

1. All Planned Unit Development applications shall be reviewed through the internal design review process. Upon receipt of a completed application and application fee for PUD Master Plan review, the Director shall transmit the application and all supporting materials to the various City departments involved with the design review process and to appropriate officials or agencies of other official bodies as deemed necessary or as mandated by law. Each participant shall consider all pertinent information, and shall provide the Director with a report of their findings, comments, and recommendations.
2. After receiving all comments, the Director shall advise the applicant whether or not significant changes or modifications should be made to the PUD Master Plan application prior to the proposal's consideration by the Planning Commission. The applicant may choose to present the application to the Planning Commission without modification.
3. This process shall conform to the design review process in the Subdivision and Development Standards. Where a preliminary plat and a PUD Master Plan are submitted together, they may be reviewed concurrently.

B. Approval

1. Upon final approval by the City Commission of the PUD Master Plan and the appropriate ordinance of rezoning, these elements shall become a part of the Official Zoning District Map. The ordinance of rezoning shall adopt the PUD Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City of Shawnee.
2. The PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said Plan until it is otherwise amended by the City Commission. The developer shall furnish a reproducible copy of the approved Master Development Plan Map for signature by the Chairman of the Planning Commission, the Mayor and attested by the City Clerk. The PUD Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the Planning Department.
3. Public Hearing. Public hearings shall be required prior to approval of the PUD Master Plan. Notice shall be provided in accordance with regular procedures established by these regulations.

SECTION 22-190.13 MODIFICATIONS AND MINOR AMENDMENTS

- A. The Director shall be permitted to approve minor amendments and adjustments to the PUD Master Plan provided the following conditions are satisfied:
1. The project boundaries are not altered by more than five (5%) percent.
 2. Uses other than those specifically approved in the PUD Master Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered.
 3. The allocation of land to particular uses or the relationship of uses within the project are not altered by more than fifteen (15%) percent.
 4. The density of housing is not increased by more than ten (10%) percent or decreased by more than thirty (30%) percent.
 5. The land area allocated to non-residential uses is not increased or decreased by more than ten (10%) percent.
 6. Floor area, if prescribed, is not increased or decreased by more than ten (10%) percent.
 7. Floor area ratios, if prescribed, are not increased.
 8. Open space ratios, if prescribed, are not decreased.

9. Height restrictions, yard requirements, parking standards, signage allowances, lot coverage restrictions and other areas, height, and bulk requirements prescribed in the PUD Master Plan are not substantially altered.
 10. The circulation system is not substantially altered in design, configuration, or location.
 11. The design and location of access points to the project are not altered either in design or capacity, unless otherwise approved by the City Engineer.
- B. The Director shall determine if proposed amendments to an approved Master Development Plan satisfy the above criteria. If the Director finds that these criteria are not satisfied, an amended PUD Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

SECTION 22-190.14 REVERSION

- A. Property owner request: If the property owner decides to revert the PUD concept and nullify the PUD Master Plan, he shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the Planning Commission and City Commission.
- B. Continuing review by City: If development of the PUD has not been started within three (3) years of the date of approval of the PUD Master Plan it shall be deemed expired and the area contained within the PUD boundaries shall revert to the previous zoning designation. The Planning Commission may allow a one-time extension of up to two years from the original approval date, subject to approval by the City Commission, after a public hearing is held. The fee for an extension request shall be five hundred (\$500) dollars.

NONCONFORMING BUILDINGS, STRUCTURES AND USE OF LAND

SECTION 22-195

SECTIONS:

- 22-195.1 INTENT**
- 22-195.2 NONCONFORMING LOTS OF RECORD**
- 22-195.3 NONCONFORMING STRUCTURES**
- 22-195.4 NONCONFORMING USES OF STRUCTURES**
- 22-195.5 NONCONFORMING USE OF LAND**
- 22-195.6 CHANGES IN NONCONFORMITY**
- 22-195.7 RESTORATION OF DAMAGED USE**
- 22-195.8 REMODELING**
- 22-195.9 NONCONFORMING BUILDINGS AND STRUCTURES THAT HAVE CONFORMING USES**
- 22-195.10 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES**
- 22-195.11 VIOLATION NOT AUTHORIZED**

SECTION 22-195.1 INTENT

If within the Districts established by this Code or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Code was passed or amended but which would be prohibited, regulated, or restricted under the terms of this code or future amendments, it is the intent of this Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Code to be incompatible with permitted uses in the district involved. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses, except as specified in the following sections.

SECTION 22-195.2 NONCONFORMING LOTS OF RECORD

In any District in which a lot exists of record at the effective date of adoption or amendment of this Code which does not conform in size or area to the provisions of this Code, buildings for the use permitted in such District may be erected on such lot, notwithstanding limitations imposed by other provisions of this Code, provided that all applicable building code rules apply.

SECTION 22-195.3 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendments of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure can be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

SECTION 22-195.4 NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the District under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the District in which it is located shall be, enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which where manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 22-195.5 NONCONFORMING USE OF LAND

Where, at the effective date of adoption of amendment of this Code, lawful uses of land exist that are no longer permissible under the terms of this Code as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Code.
- B. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
- C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Code for the District in which such land is located.

SECTION 22-195.6 CHANGE IN NONCONFORMITY

The use of nonconforming building or structure may be changed to a use of the same or a more restricted District classification, but, where the use of a nonconforming building or structure is changed to a use of a more restrictive district classification, it shall not thereafter be changed to a use of a less restricted district classification.

SECTION 22-195.7 RESTORATION OF DAMAGED USE

When a nonconforming use of a building is damaged by fire, explosion, natural cause, or public enemy, by more than fifty (50%) percent of its true value, said building shall only be restored when it conforms with the district regulation on which it is located. However, should such damage occur as a result of a Federally-declared or State-declared disaster (e.g., flood, tornado, or similar-type event), rebuilding may occur if it is commenced within twelve-months of the actual disaster event. All building code standards and floodplain regulations apply.

SECTION 22-195.8 REMODELING

Improvements or remodeling which do not increase the building size or intensity of use shall be permitted.

SECTION 22-195.9 NONCONFORMING BUILDINGS AND STRUCTURES THAT HAVE CONFORMING USES

Although a structure or building does not conform to the district regulations of this Code for a minimum lot size, lot width, yard requirement, height, lot coverage, parking, other characteristics of the structure, or its location on the lot, the lawful existence of a structure or building at the effective date of adoption of this Code may continue, subject to the provisions in the following sections.

SECTION 22-195.10 ALTERATION OR ENLARGEMENT OF BUILDING AND STRUCTURES

A nonconforming building or structure shall not be enlarged in any manner unless said building or structure, including additions and enlargements, are made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height, or off-street parking space, the building or structure may be enlarged or added to provide that the enlargement or addition complies with the yard or height requirements and the existing building and the addition complies with the off-street parking requirements of the District in which said building or structure is located.

SECTION 22-195.11 VIOLATIONS NOT AUTHORIZED

Nothing in this Section shall be interpreted as authorizing approval of a building or premises in violation of zoning regulations in effect at the time of the effective date of this Section.

BOARD OF ADJUSTMENT

SECTION 22-200

SECTIONS:

- 22-200.1 ESTABLISHED**
- 22-200.2 MEMBERSHIP**
- 22-200.3 MEETINGS AND RULES**
- 22-200.4 POWERS**
- 22-200.5 EXTENT OF RELIEF**
- 22-200.6 SPECIAL EXCEPTIONS GRANTED BY BOARD**
- 22-200.7 VARIANCES**
- 22-200.8 BURDEN OF PROOF**
- 22-200.9 NOTICE OF HEARING – CONTENTS OF NOTICE – MINOR VARIANCES OR EXCEPTIONS**
- 22-200.10 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT**
- 22-200.11 APPEALS FROM THE BOARD OF ADJUSTMENT**

SECTION 22-200.1 ESTABLISHED

There is hereby created within and for the City of Shawnee a Board of Adjustment with the powers and duties as set forth in this Section.

SECTION 22-200.2 MEMBERSHIP

The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the City Commission, upon written charges and after a public hearing. Vacancies shall be for the unexpired term of any member whose term becomes vacant. Members appointed shall be citizens of Shawnee, each appointed by the Mayor and confirmed by the City Commission.

SECTION 22-200.3 MEETINGS AND RULES

The Zoning Board of Adjustment shall elect one (1) of its members as Chairman to serve for a term of two (2) years. The Board shall adopt rules in accordance with the provisions of this Code. Meetings of the Board 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 the attendance of witnesses. The Board of Adjustment shall be subject to the open meeting laws of the State and all meetings, deliberations, and voting of the Board shall be open to the public. The board shall keep the 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 all official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

SECTION 22-200.4 POWERS

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of any zoning code;
- B. To hear and decide special exceptions to the terms of the code upon which the Board of Adjustment is required to pass under such codes;
- C. To authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use within a zoning district as authorized by the zoning ordinance when such cases are

shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship and so that the spirit of the Code will be observed and substantially justice done; and

- D. Exceptions and/or variance may be allowed by the Board of Adjustment only after notice and hearing as provided in this Section.

SECTION 22-200.5 EXTENT OF RELIEF

- A. In exercising the previous mentioned powers, the Board of Adjustment may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- B. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement and decision or determination of any such administrative officer, or to decide in favor of the applicant, or to decide any matter upon which it is required to pass under the Code or to effect any variation in such Code.
- C. The Board of Adjustment shall have no power to authorize variances as to use excepting Special Exceptions noted herein.

SECTION 22-200.6 SPECIAL EXCEPTIONS GRANTED BY BOARD

Upon appeal, the Board of Adjustment is empowered to permit the following exceptions:

- A. To authorize, upon application in specific cases such exceptions as hereinafter provided for, provided such exception together with such conditions as may be imposed by the Board of Adjustment is determined to be; (a) consistent with purpose and intent of the district within which the property is located; (b) if granted would not tend to encourage further exceptions of a similar nature in the neighborhood which, when taken together, would be inconsistent with the purposes and intent of the district; and (c) that the exception is necessary to render appropriate relief to the applicant for a fair and reasonable use of this property:
 - 1. Within the "A-1" District, the Board of Adjustment may permit not to exceed one auxiliary single family structure on a lot for the purpose of housing a relative of the owner when it can be shown that such residence is necessary for the health, safety and/or care of the parties involved.

SECTION 22-200.7 VARIANCES

A variance from the terms of the Code may be granted, as provided in this Section, only upon finding by the Board of Adjustment that:

- A. The application of the Code to the particular piece of property would create an unnecessary hardship;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Code or the Comprehensive Plan; and
- D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

SECTION 22-200.8 BURDEN OF PROOF

Applicant for variance has the burden of showing that granting of a variance will not be contrary to public interest, that literal enforcement of the Zoning Code will result in unnecessary hardship, that by granting the variance the spirit of the Code will be observed, and that by granting the variance, substantial justice will be done. The Board of Adjustment shall have the right to establish conditions on any granted variance.

SECTION 22-200.9 NOTICE AND HEARING – CONTENTS OF NOTICE – MINOR VARIANCE OR EXCEPTION

- A. Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the Board of Adjustment hearing to all owners of property within a three hundred (300') foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.
- B. The notice, whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:
 - 1. Legal description of the property and the street address or approximate location in the municipality;
 - 2. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
 - 3. Date, time and place of the hearing.
- C. On hearings involving minor variances or exceptions, notice shall be given by the clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in item "B" above. The Board of Adjustment shall have the powers to grant minor variances or exceptions as set forth in the Board of Adjustment Resolution #1-81, subject to the approval or amendment by the City Commission.

SECTION 22-200.10 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT

The City Commission shall provide by ordinance for appeals from any action or decisions of an Administrative Officer acting pursuant to any Zoning Code to the Board of Adjustment in the following manner:

- A. Appeals from the action of any Administrative Officer to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Administrative Officer;
- B. An appeal shall be taken within thirty (30) days from the date of the decision by filing with the City Clerk and filing with the Board of Adjustment a notice of appeal specifying the grounds therefore, and by paying a filing fee of ninety (\$90.00) dollars at the office of the City Clerk at the time the notice is filed. The applicant shall provide at the time of application a certified list of property owners within three hundred (300') feet in question prepared by a bonded abstract company. Newspaper publication shall also include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal

has 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 the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken on due cause shown; and

- D. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 22-200.11 APPEALS FROM THE BOARD OF ADJUSTMENT

- A. An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the municipality to the District Court in the county in which the sites of the municipality is located.
- B. The appeal shall be taken by filing a notice of appeal with the City Clerk and with the Clerk of the Board of Adjustment within ten (10) days of the decision by the Board. Day one begins the first day following the Board's decision. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.
- C. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the Court Clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or filing of the Board.
- D. The appeal shall be heard and tried de novo (without jury) in the District Court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.
- E. An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Chairman of the Board, from which the appeal is taken, certified to the Court Clerk, after the notice of appeal has been filed, that by reasons of facts stated in the certificate a stay in his opinion cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by District Court upon application or notice to the Administrative Officer in charge of the enforcement of the terms and provisions of the Code, and upon notice to the Chairman of the Board from which appeal is taken, and upon due cause being shown.
- F. The District Court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the District Court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the District Court as in all other civil actions.

ADMINISTRATION

SECTION 22-205

SECTIONS:

- 22-205.1 DUTY OF THE COMMUNITY DEVELOPMENT DIRECTOR**
- 22-205.2 ZONING CLEARANCE PERMIT REQUIREMENTS**
- 22-205.3 NEW CONSTRUCTION**
- 22-205.4 APPLICATION – ZONING CLEARANCE**
- 22-205.5 ACCOMPANYING MATERIAL**
- 22-205.6 ZONING CLEARANCE FEE**
- 22-205.7 CONDITIONAL USE PERMIT**
- 22-205.8 PLATTING REQUIREMENTS**
- 22-205.9 VIOLATION AND PENALTIES**
- 22-205.10 EXCEPTIONS**
- 22-205.11 REQUIRED INFORMATION ON SITE PLANS**
- 22-205.12 PROCEDURE FOR PROCESSING**
- 22-205.13 APPROVAL, EXTENSION AND REVISION**
- 22-205.14 APPEALS**

SECTION 22-205.1 DUTY OF THE COMMUNITY DEVELOPMENT DIRECTOR

- A. Unless specifically qualified otherwise, the provisions of this Code shall be enforced by the Community Development Director or their designee, hereinafter referred to as the “Director”, and/or their designee(s).
- B. In the administration of this Code, the Director shall be assisted by the appropriate officers, departments, commissions, agencies and boards of the City of Shawnee and such additional officers, departments, agencies, committees, of the City, County, State and Federal governments as shall be specified and referred to under the various sections of this Code.
- C. The Director shall have all necessary authority on behalf of the City Commission to administer and enforce the provisions of this Code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring, in concert with the City Attorney, legal action to insure compliance with the provisions, including injunction, abatement or other appropriate action or proceeding.

SECTION 22-205.2 ZONING CLEARANCE PERMIT REQUIREMENTS

The Zoning Clearance Permit is a permit issued by the Director which states that a particular development meets all of the requirements of the Zoning Code. It is not a building permit and does not authorize construction; it certifies that the land and/or structure is in conformance with the terms of this Zoning Code. A Zoning Clearance Permit shall be required on all building permits, provided that such clearance is not required for single-family residential structures. The Zoning Clearance process can be reviewed concurrently with the building permit process and the City can establish and administrative review process.

SECTION 22-205.3 NEW CONSTRUCTION

No building or other structure shall be erected, constructed, enlarged, altered, nor shall the use of any land or building or other structure be changed without a Zoning Clearance Permit being issued authorizing such construction, alteration, or use changes as being in compliance with the provisions of this Code, unless otherwise exempted. No building or other permit shall be issued for any construction not conforming to a valid Zoning Clearance Permit.

SECTION 22-205.4 APPLICATION – ZONING CLEARANCE PERMIT

An application for a Zoning Clearance Permit shall be made to the Director by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within ten (10) business days, the Director shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Code.

SECTION 22-205.5 ACCOMPANYING MATERIAL

All applications for Zoning Clearance Permits shall be accompanied by a plot plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations.

SECTION 22-205.6 ZONING CLEARANCE FEE

Zoning Clearance Permit shall not be issued until a Fifty Dollar (\$50.00) fee has been paid. This fee shall also include the issuance of a Certificate of Occupancy at the completion of the building permit process.

SECTION 22-205.7 CONDITIONAL USE PERMIT

Where the letter “P” appears for certain uses in the tables of permitted uses, their use may be permitted if a conditional use permit is approved and attaches to the real property. For the purposes of interpreting the City’s Zoning Code and Development Regulations, the term “Conditional Use Permit” shall be seen as having the exact same meaning as the term “specific use permit” as cited in Oklahoma Statutes (11 O.S. § 43-113) and both terms are to be used interchangeably. The uses designated under the various districts herein as “conditional uses” are so classified because they could more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein under conditions. The following procedures are established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

- A. An application shall be filed with the Director for review. Such application shall show the location and intended use of the site. The applicant shall provide a certified property ownership list of all property owners within three hundred (300’) feet. The list shall be prepared by a bonded abstract company. Applicant shall provide the existing land uses adjacent to the site and any other material pertinent to the request which the Director may require. An application for a conditional use permit shall be accompanied by the payment of a fee of two hundred eighty dollars (\$280.00) to cover costs of notice and posting and administrative review.
- B. The Planning Commission shall hold one (1) or more public hearings thereon. Such notice shall follow the same public hearing procedures of this Chapter and State law. In the event any applicant files an application for an amendment concurrently with an application for a conditional use, the Planning Commission may, upon its option, consider both applications concurrently upon proper notice having been given.
- C. The Planning Commission shall within forty-five (45) days of the date of the application, transmit to the City Commission its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic congestion, public utilities and other matters pertaining to the general health, safety and welfare of the public, and the recommendation of the Planning Commission concerning the use thereon. Thereupon, the City Commission may authorize or deny the issuance of a building permit for the use of the land or buildings as requested.

- D. In conducting its review, the Planning Commission and City Commission may set conditions on the approval any Conditional Use Permit, including, but not limited to, conditions on: hours of operation, use restrictions, building design, parking, setbacks, lot sizes, density, landscaping, screening, site design elements, signage, lighting, noise and such other development standards and operational safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.
- E. If approved, the applicant and all successors shall remain in compliance with any specified conditions of the Conditional Use Permit. The City Commission shall have the authority to revoke any Conditional use Permit that is in violation of established conditions, upon public hearing and notice to the permit holder.

SECTION 22-205.8 PLATTING REQUIREMENTS

For the purpose of providing a proper arrangement of streets and assuring the adequacy of open space 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 City Commission and filed of record in the office of the Pottawatomie County Clerk. Provided, that the City Commission upon the recommendation of the Planning Commission, may waive the platting requirements 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 22-205.9 VIOLATION AND PENALTIES

A violation of this Code shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Code shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 22-205.10 SITE PLAN REVIEW

Site plans, prepared and approved in accordance with the provisions of this section, shall be required to assist City Administrative Officials in the review of certain applications for building permits, and to ensure compliance with all applicable requirements of this Code. All structures and their related accessory uses and structures shall trigger the need for a site plan.

SECTION 22-205.11 EXCEPTIONS

The Director may waive any requirements of this Section upon a finding that the waiver of said requirements will not adversely affect the adequacy of provisions set forth herein. The Director shall also have the right to establish and carry out administrative provisions that are designed to provide for the efficient review and processing of building permit and land use applications.

SECTION 22-205.12 REQUIRED INFORMATION ON SITE PLANS

- A. At least four (4) clearly legible blue or black line copies of all site plans shall be submitted to the Director along with a receipt indicating that all required site plan fees for processing and approval have been paid.
- B. All site plans contain the following information:
 - 1. North Arrow

2. Scale of the site plan is to be indicated with a preferred scale being 1" = 20'. However, in no case shall the scale of any site plan be less than 1" = 50'.
3. The legal description of the property is to be written on the site plan. Identify the location of tract, with regards to corner of the section, block and street corners. For all unplatted property of five (5) acres or less in area and for any property located within an approved subdivision which results from a change of the originally recorded plat, a copy of the first recorded deed to the property must accompany the permit application.
4. All property lines shall be accurately drawn to scale on the site plan with the dimensions of each line numerically illustrated in feet. Each property line shall be distinguished with the symbol "PL".
5. All adjacent street and alley rights-of-way are to be indicated, showing the center line of each, the width and length of each and any street names. Property lines shall be included as a part of these rights-of-way by showing dimensions from the center line.
6. The exact location, dimensions, and type of all easements that abut and are situated on the property shall be shown.
7. The location of driveway approaches, width and length, of every driveway shall be indicated.
8. Show existing and proposed paving. Specify the width and type of paving and whether there is curb and gutter.
9. Indicate the parking and maneuvering arrangement that is proposed. Each parking space and drive is to be indicated. All parking arrangements must comply with City parking standards.
10. Indicated the locations of all existing and/or proposed utility services included:
 - a. Indicate location and size of sanitary sewer facilities, or other sewer disposal system.
 - b. Indicate location and capacity of all drainage structures and pipes (existing and proposed), showing direction of flow of storm water, natural low areas existing on the property, and contour lines. If the location is within a flood prone area, the final elevation also shall be indicated.
11. Show the location of every existing and proposed building on the property:
 - a. Identify the building location by indicating the distance from each building to all rights-of-way and property lines, and between buildings.
 - b. Specify the dimensions and the total square footage in each floor of every existing and proposed building. Specify the square footage in each floor that is contained in areas designed for storage, utilities and building services.
 - c. State the use in detail of every existing and proposed building.
 - d. Indicate the number of dwelling units in each building.
12. Any additional information relating to the proposed improvements as requested by the Director.

SECTION 22-205.13 PROCEDURE FOR PROCESSING

- A. The Director shall check the site plan for general compliance and completeness with the provisions of this section and shall so certify the application.
- B. The Director shall see that all administration reviews are completed within fifteen (15) days. The Director may extend the review by one fifteen (15) day period, and thereafter, the site plan shall be automatically approved if administrative review is not completed.

SECTION 22-205.14 APPROVAL, EXTENSION AND REVISION

- A. Approval of a site plan submitted under the provisions of this Section shall expire one (1) year after the date of such approval unless a building permit(s) has been obtained and the work commenced.

- B. Such approval may be extended by the Director of Community Development for a single one (1) year period, upon his receipt of a written request for an extension not less than thirty (30) days before the expiration of the approved site plan.
- C. The Director shall not approve any site plan that is contrary to the provisions of this Code and other current ordinances or statutes. Neither shall the Director disapprove the site plan on grounds other than a documented deviation from this code or other current ordinances or statutes.

SECTION 22-205.15 APPEALS

Any person aggrieved by any decision of the Director may appeal the decision to the Board of Adjustment in accordance with the procedures set forth in this Chapter.

AMENDMENTS

PROCEDURES

SECTION 22-210

SECTIONS:

- 22-210.1 PLANNING COMMISSION RECOMMENDATION REQUIRED**
- 22-210.2 APPLICATION FOR AMENDMENT**
- 22-210.3 NOTICE AND PUBLIC HEARING**
- 22-210.4 ADDITIONAL NOTICE REQUIREMENTS FOR SPECIFIC USES**
- 22-210.5 PLANNING COMMISSION ACTION**
- 22-210.6 CITY COMMISSION ACTION**
- 22-210.7 PROTEST TO AMENDMENT**
- 22-210.8 MUNICIPALLY PROPOSED ZONING RECLASSIFICATION**
- 22-210.9 WAITING PERIOD REQUIRED**
- 22-210.10 CLASSIFICATION OF NEW ADDITIONS**

SECTION 22-210.1 PLANNING COMMISSION RECOMMENDATION REQUIRED

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 Commission a report and recommendation on the proposed change.

SECTION 22-210.2 APPLICATION FOR AMENDMENT

An owner, or his duly authorized representative, may make application for the amendment of the zoning restrictions applicable to his property by filing with the Planning Commission a written application in such form and content as the Planning Commission may, by resolution, establish. An application for amendment shall be accompanied by the payment of a fee of two hundred eighty dollars (\$280.00) to cover costs of notice and posting and administrative review. The applicant shall also furnish a list of all property owners within three hundred (300') feet of the rezoning applicant's property and shall be prepared and certified by an abstract company. This certified ownership list shall contain the legal description and the mailing addresses of the property owners.

SECTION 22-210.3 NOTICE OF PUBLIC HEARING

Upon receipt of a rezoning application, the Secretary for the Planning Commission shall set dates of the public hearings before the Planning Commission and City Commission. Parties in interest and citizens shall have an opportunity to be heard at both public hearings. At least fifteen (15) days' notice of the rezoning requested, date, time and place, each hearing shall be published in a newspaper of general circulation in the City of Shawnee. Said notice shall also include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the said area. In addition to the notice required above, notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the hearing by mailing written notice by the Secretary of the Planning Commission to all owners of real property within a three hundred (300') foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- A. Legal description of the property and the street address or approximate location;
- B. Present zoning and classification of the property and the classification sought by the applicant; and

- C. Date, time and place of the public hearing.

In addition to the notice provided above, notice of public hearing of any zoning change shall be given by a sign or signs as may be required, placed on the property affected by such proposed zoning reclassification. Said sign or signs shall be posted on the affected property at least twenty (20) days before the date of the hearing. Such sign or signs and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets which it faces. It shall contain as follows:

- A. The date, time and place of the public hearing;
- B. By whom the public hearing will be conducted;
- C. Existing and desired zoning classification; and
- D. Other information as deemed necessary to provide adequate and timely public notice.

SECTION 22-210.4 ADDITIONAL NOTICE REQUIREMENTS FOR SPECIFIC USES

- A. In accordance with State law, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes. Written notice shall be provided at least thirty (30) days before the hearing date to all property owners within one-quarter mile where the area to be affected is located. The applicant shall be responsible for costs associated with the notice and shall provide proof of compliance. The content of the notice shall meet the requirements of this Chapter and State law. The City will be responsible for posting the property and providing publication in the newspaper in accordance with the other provisions of the Chapter and State law.
- B. In accordance with State law (Title 60, Chapter 18, Section 863), a group home, although a permitted use, shall only be established after notice is given to all affected real property owners within three hundred (300') feet of the exterior boundaries of the property on which the group home is to be located. The notice shall contain a legal description of the property and the street address or approximate location of the group home. The applicant shall furnish to the City the mailing list prepared by a bonded abstractor.

SECTION 22-210.5 PLANNING COMMISSION ACTION

- A. After notice and public hearing, the Planning Commission shall vote to:
 - 1. Recommend to the City Commission that the application be approved as submitted, or as amended, or be approved subject to such modifications as the Planning Commission shall deem appropriate to carry out the Comprehensive Plan; or
 - 2. Recommend to the City Commission that the application be denied.
- B. An application recommended for approval, or approval subject to modification, shall be transmitted to the City Commission with the report and recommendation of the Planning Commission within fifteen (15) days from the date of Planning Commission action.
- C. In the event the applicant elects to withdraw his application from amendment to the Zoning Code after it has been acted upon by the Planning Commission, no refund shall be provided.

SECTION 22-210.6 CITY COMMISSION ACTION

At the time set for public hearing, the City Commission shall proceed to conduct the public hearing wherein all interested parties and citizens shall have an opportunity to be heard at such public hearing. At least fifteen (15) days notice of the rezoning requested, date, time and place of the hearing shall be

published in a newspaper of general circulation in the City of Shawnee. Said notice shall also include a map of the area to be affected, which indicates street names or numbers, streams, or other significant landmarks in said area. In addition to the notice required above, notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the public hearing by mailing written notice by the City Clerk to all owners of real property within a three hundred (300') foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- A. Legal description of the property and street address or approximate location in the City;
- B. Present zoning and classification of the property and the classification sought by the applicant; and
- C. Date, time and place of public hearing.
- D. Proposed use for the property.

In addition to such written notice, notice shall also be given by posting a sign or signs on the property affected by such proposed zoning reclassification. Said sign or signs shall be posted on the affected property at least twenty (20) days before the date of the hearing. Such sign (or signs) and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. It shall contain as follows:

- A. The date, time and place of the Public Hearing;
- B. By whom the public hearing will be conducted;
- C. The desired zoning classification and proposed use of property; and
- D. Other information as deemed necessary to provide adequate and timely public notice.

After conducting such public hearing, the City Commission may approve the application as submitted and recommended by the Planning Commission; or approve the application subject to modification; or deny the application; or return the application to the Planning Commission for further study; or approve the application modified to a classification more restrictive than that requested in such application, notwithstanding the fact that notice had been given of the public hearing to be held upon a requested classification which is less restrictive than that which is approved

SECTION 22-210.7 PROTEST TO AMENDMENT

All written protests against proposed changes shall be filed at least three (3) days before the date of the public hearing. If protests are filed by:

- A. The owner of twenty (20%) percent or more of the area of lots included in a proposed change; or
- B. The owners of fifty (50%) percent or more of the area of lots within a three hundred (300') feet radius of the exterior boundary of the territory included in a proposed change;

Then the proposed change or amendment shall not become effective except by a favorable vote of three-fifths (3/5) of all the members of the Board of commissioners of the City of Shawnee.

SECTION 22-210.8 MUNICIPALLY PROPOSED ZONING RECLASSIFICATIONS

Should the City of Shawnee propose a zoning reclassification in order to revise the Comprehensive Plan or the Official Zoning Map of the City, 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, it shall establish guidelines for publication notices for public hearing. The governing body may require, in addition, the notice requirements to abutting property owners where applicable as provided for in this Chapter, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street of streets toward which it faces. The notice shall state as follows:

- A. The date, time and place of the public hearing;
- B. Who will conduct the public hearing;
- C. The desired zoning classification;
- D. The proposed use of the property; and
- E. Other information as may be necessary to provide adequate and timely public notice.

SECTION 22-210.9 WAITING PERIOD REQUIRED

Applications to amend the Zoning Code heard and decided by the City Commission of the City of Shawnee will not again be set down for public hearing within six (6) months of the date of the decision by the City Commission. Applications may not be refiled with the Planning Commission within six (6) months after the date of such decision by the City Commission. Applications for rezoning of the same property in a different zoning classification may, however, be filed without limitation.

SECTION 22-210.10 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City shall be in an A-1 Rural Agricultural Zoning District unless otherwise classified by the City Commission for a period of time not to exceed one (1) year from the effective date of the ordinance annexing the property. Within this one (1) year period of time; the City Commission shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the Comprehensive Plan, and upon receipt of such recommendations, the City Commission shall, after public hearing as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Commission from holding public hearings prior to or at the same time as annexation and establishing the district classification at the time of annexation.

SHAWNEE MUNICIPAL AIRPORT OVERLAY DISTRICT

SECTION 22.215

SECTIONS:

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| 22-215.1 | SHORT TITLE |
| 22-215.2 | DEFINITIONS |
| 22-215.3 | AIRPORT ZONES |
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SECTION 22-215.1 SHORT TITLE

These Regulations shall be known and may be cited as Shawnee Regional Airport Zoning Regulations. These Regulations are subject to any rulings or changes made by the Oklahoma Aeronautics Commission, the Federal Aviation Administration, and the Aircraft Pilot and Passenger Protection Act.

SECTION 22-215.2 DEFINITIONS

As used herein, unless the context otherwise requires:

1. **Airport** – Means Shawnee Municipal Airport.
2. **Airport Elevation** – 1073 feet above mean seal level.
3. **Approach Surface** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 22.215.4 of these Regulations. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Approach, Transitional, Horizontal, and Conical Zones** – These zones are set forth in Section 22-215.3 of these Regulations.
5. **Commission** – Means the Oklahoma Aeronautics Commission or a successor agency
6. **Conical Surface** – Is an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **Hazard to Air Navigation** – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Height** – For the purpose of determining the height limits in all zones set forth in these Regulations and shown on the Airport Layout Plan, the datum shall be mean sea level elevation unless otherwise specified.

9. **Horizontal Surface** – Is an imaginary horizontal plane one hundred fifty (150') feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. **Larger than Utility Runway** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. **Nonconforming Use** – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of these Regulations or an amendment thereto.
12. **Nonprecision Instrument Runway** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
13. **Obstruction** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 22-215.4 of these Regulations.
14. **Person** – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. **Precision Instrument Runway** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. **Primary Surface** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200') feet beyond each end of that runway. The width of the primary surface is set forth in Section 22-215.3 of these Regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **Runway** – A defined area on an airport prepared for landing and take-off of aircraft along its length.
18. **Structure** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **Transitional Surface** – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000') feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extend runway centerline.

20. **Tree** – Any object of natural growth.
21. **Utility Runway** – A runway that is constructed for an intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
22. **Visual Runway** – A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 22-215.3 AIRPORT ZONES

In order to carry out the provisions of these Regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Shawnee Regional Airport Layout Plan consisting of one sheet, prepared by LBR, INC. dated May 2013, which is available upon request by the Shawnee Regional Airport Staff. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Precision Instrument Runway Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is one-thousand (1,000') feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Runway Larger Than Utility With A Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of ten thousand (10,000') feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

C. Utility Runway Visual Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

D. Transition Zones

Are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Airport Layout Plan.

E. Horizontal Zone for Instrument and Non-Instrument Runway

Is hereby established by swinging arcs of five thousand (5,000') feet radii for all non-instrument runways and 10,000 feet for all instrument runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

F. Conical Zone for Instrument and Non-Instrument Runway

Is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the instrument and non-instrument approach zones and transition zones and horizontal zone.

SECTION 22-215.4 AIRPORT ZONE HEIGHT LIMITATIONS

No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by these Regulations to a height in excess of the applicable height herein established for such zone unless permitted by the Commission. Such applicable height limitations are hereby established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Precision Instrument Runway Approach Zone

Sloped fifty (50') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward of forty (40') feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

B. Runway Larger than Utility With a Visibility Minimum Greater than ¾ Mile Non-Precision Instrument Approach Zone:

Slopes thirty-four (34') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

C. Utility Runway Visual Approach Zone

Slopes twenty (20') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

D. Transition Zone

Slopes seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150') feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000') feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

E. Horizontal Zone

Established at one hundred fifty (150') feet above the established airport elevation.

F. Conical Zone

Slopes twenty (20') feet outward for each foot upward beginning at the periphery of the horizontal and at one hundred fifty (150') feet above the airport elevation and extending to a height of three hundred fifty (350') feet above the airport elevation.

G. Excepted Height Limitation

Nothing in these Regulations shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50') feet above the surface of the land.

SECTION 22-215.5 USE RESTRICTIONS

Notwithstanding any other provisions of these Regulations, no use may be made of land or water within any zone established by these Regulations in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 22-215.6 NONCONFORMING USES

A. Regulations Not Retroactive

The regulations prescribed herein shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of these Regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these Regulations, and is diligently prosecuted.

B. Marking and Lighting

Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installations, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Shawnee Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Shawnee.

SECTION 22-215.7 PERMITS

A. Permits required:

A person shall obtain a permit from the Commission prior to the construction or installation of any of the following near the Shawnee Regional Airport:

1. Any proposed structure for an incompatible purpose in the primary surface or the runway protection zone.
2. Any structure, alteration or addition to a structure within three (3) statute miles from the airport reference point of a public-use airport, that would result in a total structure height in excess of one hundred fifty (150') feet above the airport elevation
3. Any structure, alteration or addition to a structure that would result in a total structure height greater than the horizontal, conical or approach surfaces, as defined in 25:30-1-2 of the Aircraft Pilot and Passenger Protection Act.

B. Future Uses:

Except as specifically provided in Subsection (1) a, b, c, d, e, and f hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planned in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of these Regulations shall be granted unless a variance has been approved in accordance with Section 22-215.7 (E).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. For mobile or temporary equipment used to construct or install a new structure to perform routine maintenance, repairs, or replace parts of an existing structure.
3. To repair, replace, or alter an existing structure that would not result in a total structure height greater than the horizontal, conical, or approach surfaces as defined in 22-215.4, or change the location of an existing structure.
4. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
5. In areas lying within the limits of the approach zones but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
6. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such a transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alterations of any structure, or growth of any tree in excess of any of the height limits established by these Regulations except as set forth in Section 22-215.4 (7).

C. Existing Uses:

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of these Regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

D. Nonconforming Uses Abandoned or Destroyed:

Whenever the Airport Authority determines that a nonconforming tree or structure has been abandoned or more than eighty (80%) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

E. Variances:

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in these Regulations may apply to the Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of these Regulations. Additionally, no application for variance to the requirements of these Regulations may be considered by the Commission unless a copy of the application has been furnished to the Airport Authority for advice as to the aeronautical effects of the variance.

F. Obstruction Marking and Lighting:

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these Regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Commission, this condition may be modified to require the owner to permit the City of Shawnee, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 22-215.8 ENFORCEMENT

It shall be the duty of the Shawnee Airport Authority to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Authority and the Commission upon a form published for that purpose. Applications required by these Regulations to be submitted to the Authority and Commission shall be promptly considered and granted or denied. Appeal of any decision by the Shawnee Airport Authority or its designee shall be made in accordance with Section 22-215.9 of these Regulations.

SECTION 22-215.9 APPEALS

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Authority made in the administration of these Regulations may appeal to the Shawnee Airport Authority and the Commission.
- B. All appeals hereunder must be taken within a reasonable time, but no later than thirty (30) days after the decision of the Commission or Authority by filing with the Authority or its designee a notice of appeal specifying the grounds thereof. The Authority or its designee shall forthwith transmit to the Commission the notice of appeal and all the papers constituting the record upon which the action appealed from was taken.

- C. The Authority shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney and may present evidence and testimony and cross examine adverse witnesses.
- D. The Authority may, in conforming with the provisions of these Regulations and the Commission may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION 22-215.10 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Authority and the Commission, may appeal to the District Court within thirty (30) days after such decision as provided by the rules of the Authority.

SECTION 22-215.11 PENALTIES

Each violation of these Regulations, the Aircraft Pilot and Passenger Protection Act, Commission rulings, or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than two hundred (\$200) dollars or misdemeanor and be punishable by a fine of not more than five hundred (\$500) dollars or imprisonment not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

LAKE PROTECTION ZONE (LPZ)

SECTION 22-220

The regulations governing the Lake Protection Zone overlay district are codified in Chapter 22, Article V of the Shawnee Municipal Code.