TUTTLE, OKLAHOMA

ZONING CODIFICATION
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ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE

SECTION 1. CITATION.

This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Chapter 7, Sections 401-425 of the Oklahoma Statues, shall be known as the Zoning Ordinance of Tuttle, Oklahoma, and may be cited as such.

SECTION 2. PURPOSE.

The regulations contained herein 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 utilities, and other facilities. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

SECTION 3. NATURE AND APPLICATION.

This Ordinance classifies and regulates the use of land, buildings, and structures within the city limits of the City of Tuttle, State of Oklahoma, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by revising and dividing the City into zones and regulating therein the use of the land and the 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 populations and location of buildings.

SECTION 4. REGULATIONS OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES.

Except as hereinafter otherwise provided, 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, and in accordance with the provisions of the articles contained herein relating to any or all districts.

SECTION 5. ZONING DISTRICTS.

A. The City of Tuttle is hereby divided into zones as shown on the Zoning Map, dated, filed with the City Clerk. The map as amended and all explanatory material thereon is hereby made a part of this ordinance.

B. Zones shall be designated as follows:

1. Agricultural

   A-1 General Agricultural District

2. Residential

   R-1 Single Family Residential District

   R-1A Urban Estates Residential District

   R-1B Residential Estates

   R-2 Two-Family Residential District

   R-3 Multiple Family Residential District

   R-M Mobile Home Park District

   OTR Original Town Residential District

3. Commercial

   O-1 Light Office District (Formerly C-1 Office District prior to September 12, 2016)

   C-2 Convenience Commercial District

   C-3 Planned Shopping Center District

   C-4 Restricted Commercial District

   C-5 General Employment District (Formerly C-5 Automotive and Commercial Recreation District prior to September 12, 2016)

   CBD Central Business District (Formerly C-6 General Commercial District prior to September 12, 2016)

4. Industrial

   I-1 Light Industrial District

   I-2 Heavy Industrial District

5. Special Districts

   F Flood Plain District

   PD Planned Development District

C. Specific district regulations are set forth in Article 2.

(Upd. Ord. 2016-25, 09/12/2016; Ord. 2017-07, 3/13/2017)

SECTION 6. DEFINITIONS.

A. For the purpose of these regulations words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word “Shall” is mandatory and not directory.

B. For the purpose of these regulations, certain terms are to be used and interpreted as defined hereinafter.

ACCESSORY BUILDING OR STRUCTURE. A building customarily incidental and appropriate and subordinate to the main building or use and located on the same lot with the main building.

ACCESSORY USE. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

ADVERTISING SIGN OR STRUCTURE. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of

any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

ALLEY. A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

ANIMAL. The word "animal" shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, fish, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys

ANIMAL, FARM. (See also ‘Livestock’)

ARCHITECTURAL ELEMENTS. The unique details and component parts that, together, form the architectural style of houses, buildings and structures. Copper roofing over bay windows is included in this definition.

ARTISAN SHOP. An establishment for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles and related handmade items, none of which shall create a nuisance to surrounding properties. Leathercraft shall not include the tanning or pickling of leather.

AUTOMOBILE. A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, light-duty vehicles, motor scooters, and motorcycles.

BASEMENT. A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

BED & BREAKFAST - One (1) or more buildings containing in the aggregate no more than eight (8) sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

BILLBOARD. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term “placed” shall include erecting, constructing, posting, painting printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or material being offered for sale shall be construed as advertising signs for the purpose of this definition.

BOARDING HOUSE. A dwelling other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons.

BUILDING. Any structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate structure.

BUILDING COVERAGE. The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

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 deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SITE. A single parcel of land occupied or intended to be occupied by a building or structure.

CALIPER. The diameter of a tree measured six (6) inches above the ground.

CARPORT. A permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by permitted automobiles, recreational vehicles, boats, trucks, and/or trailers.

CHILD CARE FACILITY - Any place or institution that receives thirteen (13) or more children under the age of 16 years for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated or approved under the laws of the state, custody of children fixed by a court, children related by blood, marriage, or adoption within the third degree to the custodial person, or to churches or other religious or public institutional buildings while their parents or legal guardians are attending services, meetings, or classes and other institutional activities. Accessory uses include offices, recreation areas, and parking. A child care facility may be an accessory use in connection with an employment use, shopping center, or other principle use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

CLINIC, DENTAL OR MEDICAL. A facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept

over night except under emergency conditions. including but not limited to dental and doctors' offices.

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 or more sides by such building or buildings.

COVERAGE. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

DISTRICT, ZONING. Any section or sections of Tuttle for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DRIVE-IN RESTAURANT. Any establishment where food, frozen dessert and/or beverage is sold to the consumer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in the motor vehicle parked upon the premises or anywhere on the premises outside of the building.

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 textures of any kind by means of a mechanical appliance which is operated primarily by the customer.

DWELLING. Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes or travel trailers.

DWELLING, ATTACHED. A dwelling having any portion of each of two walls in common with adjoining dwellings.

DWELLING, DETACHED. A dwelling having open space on all sides. Detached dwellings shall not have more than one adjoining wall or roof.

DWELLING, SINGLE-FAMILY. A detached dwelling designed to be occupied by one family.

DWELLING, TWO-FAMILY. A dwelling designed to be occupied by two families living independently of each other.

DWELLING, MULTIPLE FAMILY. A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.

DWELLING, ROW HOUSE OR TOWN HOUSE. Three or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

FAMILY. One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

FAMILY CHILD CARE HOME - State-licensed day care for children that takes place in the provider's home for seven (7) or fewer children, as defined by the Oklahoma Department of Human Services, and is primarily operated by the resident provider.

FAMILY CHILD CARE HOME LARGE - State-licensed day care for children that takes place in the provider's home for eight (8) to twelve (12) children, as defined by the Oklahoma Department of Human Services, and is primarily operated by the resident provider.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, and including but not limited to, the following spaces:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space for mechanical equipment with structural head room of seven (7) feet;
4. penthouses;
5. attic space providing head room of seven (7) feet or more;
6. interior balconies, mezzanines and enclosed covered porches and enclosed steps; and
7. accessory uses in enclosed covered space, but not including space used for off-street parking.

FLOOR AREA, NET. The total floor area within a building devoted or intended to be devoted to a particular use, whether above or below the finished lot grade, excluding (a) elevators, stairwells, hallways, walls and partitions, and (b) floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by persons while engaged in the use.

FLOOR AREA RATIO. A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located, as

Floor Area / Lot Area = Floor Area Ratio

HEAVY LOAD VEHICLE. A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

HOME ASSOCIATION. An incorporated non-profit organization operating under recorded land agreements through which (a) cacti lot and/or home owner in a planned unit or other described land area is automatically a member, and, (b) cacti 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 (c) the charge if unpaid becomes a lien against the property.

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.

HOTEL. A building or group of buildings under one 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 an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

LIGHT DUTY VEHICLES. A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

LIVESTOCK. (See also "Animal, Farm') The word "livestock" shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals

LOT. Any plot of land occupied or intended to be occupied by one building, or a group of buildings, and accessory buildings and uses, including such open spaces as required by this Ordinance and other laws or ordinances, and having its principal frontage on a street.

LOT AREA. The total horizontal area included within lot lines.

LOT, CORNER. A lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

LOT DEPTH. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, FRONTAGE. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

MOTORCYCLE. A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

NONCONFORMANCE. A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This may include but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.

NONCONFORMING USE. A structure of land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

OIL & GAS SITE shall mean the area used for drilling, development and production and all operational activities associated with oil & gas production.

OIL & GAS WELL SITE. A graded pad designed and constructed for the drilling of one or more oil & gas wells.

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. For purposes of this Ordinance, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

PRESCHOOL/NURSERY SCHOOL - A private establishment enrolling five or more children between two and five years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma. Accessory uses include offices, recreation areas, and parking.

RECREATIONAL VEHICLE (RV). A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

ROOMING HOUSE. A building where lodging only is provided for compensation to three (3) or more, but not exceeding, twelve, (12) persons; all in excess of this number shall be defined as a hotel under the terms of this Ordinance.

SETBACK. The distance between the lot line and the building line.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SANATORIUM. An institution providing health facilities for in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

SITE DEVELOPMENT PLAN. A plan drawn at a scale of not less than fifty (50) feet equals one (1) inch which shows the topographic characteristics of the site on a contour interval of not less than one (1) foot; the location and dimensions of buildings, yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts, and other features; the use of each building and area; the height of buildings; adjacent streets, alleys, utility drainage and

other easements; and the relationship of the development to adjacent areas which it may affect.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersections of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

STREET. Any public or private thoroughfare which affords the principal means of access to abutting property.

STREET, INTERSECTION. Any street which joins another street at an angle, whether or not it crosses the other.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

TOURIST COURT. An area containing one (1) or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

TOURIST HOME. A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

TRAILER, HAULING. A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

TRAILER, TRAVEL OR CAMPING. A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants designed to be towed behind another vehicle.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches, which normally grows to a minimum height of fifteen (15) feet in Grady County. May be classified as deciduous or evergreen.

TRUCK. A light or heavy load vehicle (see definition for light and heavy load vehicle).

WASTE. Waste and salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of byproducts.

YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth or a rear year, the least horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

YARD, REAR. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

(Upd. Ord. 2003-16, __/__/2003; Ord. 2005-20, __/__/2005; Ord. 2009-05, 2/9/2009; Ord. 2010-03, __/__/2010; Ord. 2013-06, 03/11/2013; Ord 2015-12, 7/13/2015; Ord. 2016-06, 4/11/2016, Ord. 2017-05, 3/13/2017, Ord. 2017-06, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord. 2018-20, 12/10/2018; Ord. 2018-23, 2/10/2018; Ord. 2019-05, 9/9/2019; Ord 2019-09, 5/13/2019; Ord. 2019-21, 1/13/2020; Ord. 2020-09, 09/14/2020; Ord. 2021-01, 3/8/2021; Ord 2024-04, 2/12/2024)

SECTION 7. INTERPRETATION OF DISTRICT BOUNDARIES.

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

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the Zoning Map.

D. Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless other-wise designated.

SECTION 8. VACATION OF PUBLIC EASEMENTS.

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which. the vacated port-tons of land accrue shall become the classification of the vacated land.

ARTICLE 2. SPECIFIC DISTRICT REGULATIONS

SECTION 9. A-1 GENERAL AGRICULTURAL DISTRICT.

A. *General Description*. This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses. Therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards.

1. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this ordinance that lot may be used for one single-family dwelling unit or for the uses set forth in sub-section B above, but not for the raising of animals.

(Updated Ord. 165, 3/8/1979; Ord. 171, 12/15/1980; Ord. 1985-02, __/__/1985; Ord. 2002-09, __/__/2002; Ord. 2005-07, __/__/2005, Ord. 2006-28, __/__/2006; Ord. 2010-03, __/__/2010; Ord. 2010-22, __/__/2010; Ord. 2017-06, 3/13/2017; Ord. 2018-04, 2/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 10. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

A. *General Description*. This is the most restrictive 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 necessary 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.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards.

(Updated Ord. 1995-2, __/__/1995, Ord. 1998-3, __/__/1998, Ord. 2005-7, __/__/2005; Ord. 2010-3, __/__/2010; Ord, 2010-22, __/__/2010; Ord. 2016-24, 9/12/2016, Ord. 2017-06, 3/13/2017; Ord. 2018-04, 2/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 11A. R-1A URBAN ESTATES RESIDENTIAL DISTRICT.

A. *General Description*. An Urban Estates District (or subdivision) may be defined as a natural or planned area within the City Limits which include many of the major daily activities of the families living in that area. These activities may center around a neighborhood school, church or other social activity. The Urban Estates subdivision is not intended to be wholly self-sufficient but does provide a common interest for its residents. It may be considered in size as a maximum of one square mile. It is further the intent to develop within its area a common social and recreational facility.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

(Amended by Ord. 2010-3, __/__/2010; Ord. 2017-6, 3.13.2017; Ord 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 11B. RESIDENTIAL ESTATES (R-1B) DISTRICT.

A. *General Description*. This District is intended to provide for large-lot, low-density, single-family attached residential development. Lot sizes in this District shall range from 80,000 square feet to five (5) acres. This development may occur in areas which can be efficiently served by a Municipal Sewage collection and Disposal System, or it may occur in areas which are beyond any proposed service area boundaries of a Municipal Sewage Collection and Disposal System. Additional provisions of this Zoning District are to control sprawling, "leapfrog" development, prevent the possible depletion of existing and potential Municipal ground water reserves through controlled use of any Municipal or Community Water System, ensure adequate fire protection, eliminate the health threat of unsafe septic systems, and provide adequate existing and future utility, trafficway and drainage easements and rights-of-way in the developing area. The unifying elements of this District should be natural area boundaries, neighborhood schools or other planned features for the residential development as a whole

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

(Amended by Ord. 2005-7, __/__/2005; Ord. 2010-3, __/__/2010; Ord. 2017-6, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 11C. OTR ORIGINAL TOWN RESIDENTIAL DISTRICT

A. *General Description*. The Original Town Residential District is designed specifically for the platted

neighborhoods established prior to 1970. The standards for this district will provide for a suitable residential environment for family life on smaller parcels of land. The lots in this district do not conform to the preferred lot standards in other residential districts established after the implementation of the original zoning ordinances in the late 1960's.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

(Added by Ord. 2017-07, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 12. R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

A. *General Description*. 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 single family and two-family dwellings and related recreational, religious and education 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 necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for l or dwellings and related facilities and through the consideration of the proper functional and relationship and arrangement of each element.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

(Updated Ord. 2005-7, __/__/2005; Ord. 2016-24, 9/12/2016; Ord. 2017-06, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 13. R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

A. *General Description*. This residential district is intended to provide for multiple family developments which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities, thereby resulting in low gross densities. The principal use of land may be for one or several dwelling types ranging from single family to low-rise multiple family dwellings, and including garden apartments, condominiums and townhouses.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards.

1. Townhouse Dwellings.

a. For townhouse dwellings there shall be a minimum lot width of twenty-two (22) feet at the front building line, and the front lot line shall abut a street for a distance of not less than twenty-two (22) feet.

b. In determining lot sizes for townhouse dwellings, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves.

c. Whenever a Specific Use Permit is required for a townhouse dwelling, the minimum lot size requirements may be reduced, taking into account the current and planned development surrounding the proposed site.

2. Multiple Family Dwellings.

a. For multiple family dwellings there shall be a minimum lot width of sixty (60) feet at the front building line and the width shall be increased by ten (10) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling; however, the lot width at the front building line shall not be required to exceed one hundred fifty (150) feet; and further provided that the front lot line shall abut a street for a distance of not less than fifty (50) feet.

b. In determining lot sizes for multiple family dwellings, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves.

c. Whenever a Specific Use Permit is required for a multi-family dwelling, the minimum lot size requirements may be reduced, taking into account the current and planned development surrounding the proposed site.

(Updated Ord. 2005-07, __/__/2005; Ord. 2016-24, 9/12/2016; Ord. 2016-28, 12/12/2016; Ord. 2017-06, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 14. R-M MOBILE HOME PARK DISTRICT.

A. *General Description*. The purpose of this district is to provide for the establishment of a higher density residential pattern within which the mobile home park will be compatible. The District is intended to provide for a permanently established residential environment. The Mobile Home parks permitted should be well designed and developed to provide a desirable living area. Recreational areas should also be incorporated into the development of uses in this district. Most of the standards for mobile home parks are contained in Article 3, Section 27 of this Ordinance.

B. Uses Permitted. See Use Chart in Section 15-8.

C. Development Standards. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards.

1. *Area Regulations*. Area Regulations shall conform to the area and setback regulations contained in Article 3, Section 27 of the Zoning Ordinance of the City of Tuttle, Oklahoma

2. *Height Regulations*. Height regulations shall be the same as the R-3 Multi-Family Residential District.

3. *Parking Requirements*. All Mobile Home Parks shall be designed with two (2) off-street parking spaces for each designed mobile home space.

(Updated by Ord. 2004-20, __/__/2004; Ord. 2005-7, __/__/2005; Ord. 2010-03. __/__/2010; Ord. 2018-04, 02/12/2018; Ord. 2021-01, 3/8/2021)

SECTION 15. COMMERCIAL DISTRICTS.

A. *General Description*. The regulations for the commercial districts are designed to: (1) encourage stable and efficient commercial areas to meet the needs for commercial goods and services of the trade area; (2) minimize the adverse effects of commercial uses on other land uses and (3) provide opportunities for investment with development of residential areas and thoroughfares.

B. *O-1, Light Office District*. This Commercial District is for the conduct of general and professional office and related activity to meet the needs of the community in such a manner as to not be offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this District be located so as not to introduce traffic onto solely residential streets or become an intrusion into a residential district, but to serve as a buffer between residential and more intensive commercial activities.

C. *C-2, Convenience Commercial District*. This 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 people residing in the adjacent residential neighborhoods where retail shops and personal services are not otherwise readily available. 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 landscaping and screening.

D. *C-3, Planned Shopping Center District*. This commercial district is intended for a unified grouping, in one 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 community. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

E. C-4, *Restricted Commercial District*. This commercial district is established for major retail and service activity removed from the central business district with major thoroughfare access and provided with adequate open space and parking.

F. C-5. *General Employment District*. This commercial 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.

G. CBD, Central Business District. This commercial district is designed for the conduct of 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.

1. It is the stated intent of the City of Tuttle that this zoning reclassification is to allow uses that could have existed within the central business district prior to the adoption of the new zoning ordinance and is not intended to expand the permitted uses within the central business district of the City of Tuttle.

2. That properties located in CBD zoning classifications, except those lots that front on Bond Street between 3rd Street and 4th Street, shall be primarily used for commercial purposes and that residences in CBD zoning classifications shall be prohibited, except that a single family may reside in the back of, or above a structure containing an active, qualified and permitted use so long as the residential use of such property does not exceed thirty percent (30%) of the total square footage of such property. The existing structures located on Bond Street between 3rd Street and 4th Street may be used for either CBD commercial purposes or residential purposes without limitation as to a percentage of use.

3. It is the stated intent and vision of the City of Tuttle to encourage the development of a walkable building environment in the CBD. No garage doors, yard storage areas, drives, or on-site parking lots shall front or be accessible from Main Street between NW/SW 1st Street and NW/SW 4th Street.

(Updated by Ord. 2003-13, __/__/2003; Ord. 2003-19, Ord. 2004-10, __/__/2004; Ord. 2020-10, 6/8/2020)

SECTION 15-8. USES PERMITTED AND USES PERMITTED ON REVIEW.

A. The permitted uses and uses permitted on review in the commercial districts 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 by right in that district, subject to the general provisions of the Tuttle Zoning Ordinance. Where the letter “R” appears on the line of a permitted use and in the column of a district, the listed use is a user permitted on review by the City Council, as provided by Article 7, Section 49, with the review process provided by Section 51, of this Zoning Ordinance.

ZONING DISTRICT PERMITTED USES	O-1	C-2	C-3	C-4	C-5	CBD
Advertising agency	x	x	x	x	x	x
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services	x	x	x	x	x	x
Aircraft parts, other than air-frames or engines; sales, service, rental or repair				R	R	
Amusement park, commercial				R	R	
Antique store			x	x	x	x
Apparel and accessories store		x	x	x	x	x
Artisan Shop		x	x	x	x	x
Artists or photographers studio not including the processing of film for others	x	x	x	x	x	x
Auctioneer office	x	x	x	x	x	x
Auditorium or arena		R	R	x	x	R
Automobile accessory and supply store		x	x	x	x	x
Armored car service					R	R
Bait shop				x	x	x
Bank	x	x	x	x	x	x
Bars & Taverns (Drinking Places)				x	x	
Bars & Taverns (Accessory use for restaurants only)		x	x	x	x	x
Barber or beauty shop	x	x	x	x	x	x
Bicycle store		x	x	x	x	x
Billiard or pool parlor			x	x	x	x
Blueprinting, photocopying and similar reproductive services	x	x	x	x	x	x
Boarding or rooming house	x	x	x	x	x	x
Bookstore		x	x	x	x	x
Bowling alley			x	x	x	
Broadcasting or recording studio		x	x	x	x	x
Building supplies, including sale of lumber			x	x	x	x
Bus station				R	R	
Cafeterias			x	x	x	x
Cafeterias (Accessory Use)		x	x	x	x	x
Carnival, circus or similar temporary amusement enterprise	x	x	x	x	x	x
Camera and photographic supply store		x	x	x	x	x
Caterers		x	x	x	x	
Child Care Center		x	x	x	x	x
Clinic, dental, medical or osteopathic, chiropodist, pharmacy		x	x	x	x	x
Clothing: custom dressmaking or altering for retail, including tailoring and millinery	x	x	x	x	x	x
Clothing, secondhand		x	x	x	x	x
Community center: public	x	x	x	x	x	x
Computing, data processing or similar service		x	x	x	x	x
Convalescent, maternity or nursing home			R	R	R	
Convenience Center (Municipal)	x	x	x	x	x	x
Custom ceramic products				R	R	R
Dance hall			R	R	R	R

ZONING DISTRICT PERMITTED USES	O-1	C-2	C-3	C-4	C-5	CBD
Dance Studio			x	x	x	x
Delivery service			x	x	x	x
Department store			x	x	x	x
Detective or protective service				x	x	x
Diaper service			x	x	x	
Direct selling organization			x	x	x	
Disinfecting, deodorizing or exterminating service				x	x	
Donation Drop-Off Box	x	x	x	x	x	x
Drafting service		x	x	x	x	x
Drive-in restaurant not serving beer			x	x	x	x
Drugstore or proprietary store		x	x	x	x	x
Dry cleaning and dyeing plant				R	R	
Dry cleaning, pickup or self service		x	x	x	x	x
Dry goods store		x	x	x	x	x
Electrical supplies			x	x	x	x
Employment service		x	x	x	x	x
Financial institution, other than pawnshop	x	x	x	x	x	x
Florist shop		x	x	x	x	x
Food store, including bakery (retail only)		x	x	x	x	x
Foodservice Contractors				x	x	
Funeral home, mortuary or undertaking establishment				x	x	x
Furniture and home furnishings, sales and repair			x	x	x	x
Gasoline service station		x	x	x	x	x
General store: general merchandise store		x	x	x	x	x
Gift, novelty or souvenir shop	x	x	x	x	x	x
Hardware store		x	x	x	x	x
Hospital, health center			x	x	x	x
Hospital restricted to mental, narcotics or alcoholic patients, sanitarium				R	R	
Hotel or motel				R	R	R
Household appliance store			x	x	x	x
Interior decorating shop	x	x	x	x	x	x
Jewelry sales and repair		x	x	x	x	x
Laboratory: research, development or testing			R	R	R	
Laundry, pickup station only		x	x	x	x	x
Laundry plant					R	
Laundry, self service		x	x	x	x	x
Leather goods or luggage store		x	x	x	x	x
Limited price variety store		x	x	x	x	x
Linen supply or industrial laundry				R	R	
Liquor store			x	x	x	x
Lumber		x	x	x	x	x
Mail order house: catalog office or retail store			x	x	x	x
Medical or dental clinic		x	x	x	x	x
Medical or dental laboratory		x	x	x	x	x
Motion picture distribution and services		x	x	x	x	x
Motion picture theater			x	x	x	x

ZONING DISTRICT PERMITTED USES	O-1	C-2	C-3	C-4	C-5	CBD
Motion picture theater, drive-in				R	R	
Museum or art gallery		x	x	x	x	x
Music, musical instruments or phonograph record store		x	x	x	x	x
Newspaper offices, print shop				x	x	x
News stand		x	x	x	x	x
Night Clubs				R	R	
Office equipment and supplies, retail sales, service, rental or repair			x	x	x	x
Office: general, nonprofit membership association, professional and governmental	x	x	x	x	x	x
Optician or optometrist		x	x	x	x	x
Outdoor advertising plant						R
Outdoor Restaurant Seating		x	x	x	x	x
Paint, glass or wallpaper store		x	x	x	x	x
Pawnshop				x	x	x
Photofinishing service		x	x	x	x	x
Picture framing	x	x	x	x	x	x
Postal service facilities	x	x	x	x	x	x
Radio, television, phonograph or other household electronics equipment store			x	x	x	x
Radio transmitting station or tower, other than amateur				R	R	
Railroad passenger terminal					R	R
Religious goods store		x	x	x	x	x
Restaurant, Full Service		x	x	x	x	x
Restaurant, Fast Food		x	x	x	x	x
Restaurant, Fast Food with Drive Through Window		x	x	x	x	x
Restaurant, Take Out		x	x	x	x	x
Restaurant, Entertainment		x	x	x	x	x
Restaurant, Micro-Brewery/Winery				x	x	R
Sales, service, repair or rental of business machines			x	x	x	x
Sewing machine store		x	x	x	x	x
Shoe sales and repair		x	x	x	x	x
Skating rink		R	R	R		
Sporting goods sales		x	x	x	x	x
Stadium, arena or similar facility			x	x	x	x
Stationery store		x	x	x	x	x
Snack & Nonalcoholic Beverages		x	x	x	x	x
Snack & Nonalcoholic Beverages Bars (Accessory Use)	x	x	x	x	x	x
Store selling architects', artists', or engineers' supplies and equipment or dental, medical or office supplies or equipment		x	x	x	x	x
Studio, photographic, musical, fine arts		x	x	x	x	x
Television transmitting station or relay tower			R	R	R	
Tobacco store		x	x	x	x	x
Toy store		x	x	x	x	x

ZONING DISTRICT PERMITTED USES	O-1	C-2	C-3	C-4	C-5	CBD
Transportation ticket service	x	x	x	x	x	x
Travel arranging service	x	x	x	x	x	x
Variety store		x	x	x	x	x

B. Permitted uses, uses requiring a Specific Use Permit, and uses requiring a Minor Exception from the Board of Adjustment are set forth on the Table below titled Use Table, along with the definition of the use.

1. Where the letter "P" appears on the line of a permitted use and in the column of the district, the listed use is permitted by right in that district, subject to the general provisions of the Tuttle Zoning Code and other applicable ordinances and regulations.

2. Where the letter "S" appears on the line of a permitted use and in the column of a district, the listed use requires a Specific Use Permit from the Planning Commission and City Council, as provided by Article 7, Section 51 and other sections, depending on the use, of this Zoning Code.

3. Where the letter "M" appears on the line of a permitted use and in the column of a district, the listed use requires a Minor Exception from the Board of Adjustment, as provided by Article 6, and other sections, depending on the use, of this Zoning Code.

USE TABLE

Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
RESIDENTIAL USES																			
	Single-Family Residential, Accessory										S	S	S	S	S				A residence located on a premises with a main nonresidential use and occupied only the premises owner, the business owner, an employee of the business, and their family.
	Single-Family Residential, Detached	P	P	P	P	P	P		P						S				A dwelling designed and constructed for occupancy by one (1) household and having no physical connection to a building located on any other separate lot or tract.
	Guest House/Family Apartment (accessory)	P	P	P	P	P	P		P						S				An accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.
	Caretakers/Guard's Apartments									P	P	P	P	P	P	P	P		A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.
	Duplexes/Two-Family Residential, Attached					P			S										A detached dwelling designed with a common vertical wall between units and to be occupied by two households living independently of each other.
	Multi-Family Residential						S	S							S			See Section 13	Attached dwelling units designed to be occupied by three or more households living independently of one another, exclusive of hotels, motels, or residence hotels.
	Mobile Home							P											Manufactured Housing as defined in Article 1, Section 16, Paragraph 71 of the Subdivision Regulations of the City of Tuttle, Oklahoma and designed for human occupancy on a permanent basis.
	Model Home	P	P	P	P	P	P	P											A single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.
	Mobile Home Park							P											Land or property which is developed in compliance with the regulations of the City of Tuttle and is designed to provide a permanently established residential environment wherein the individual lots are rented for the location of a tenant's mobile home or rented by owner of a mobile home park together with a mobile home located thereon and owned by the owner of the mobile home park.

USE TABLE																				
Use Category	**Use Type**	**A-1**	**R-1**	**R-1A**	**R-1B**	**R-2**	**R-3**	**R-M**	**OTR**	**O-1**	**C-2**	**C-3**	**C-4**	**C-5**	**CBD**	**I-1**	**I-2**	**Use Standards**	**Definition**
	Retirement Housing						S	S											Any age restricted development which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.
	Accessory Buildings, Residential	P	P	P	P	P	P	P	P										Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for all accessory structures. Also, referred to as accessory buildings.
	Home Occupation	P	P	P	P	P	P	P	P										Also referred to as a Home-Based Business. Any occupation or profession carried on by a member of a family residing on the premises, subject to the regulations of the Zoning Code, Tuttle Code of Ordinances, and other applicable regulations.
	Accessory Recreation, Recreation	P	P	P	P	P	P	P	P										Swimming pools, tennis courts, and other recreation facilities located on the same property of a residential property intended for the primary enjoyment of the residents. These facilities shall not be used for any commercial purpose. This does not include facilities for motorized vehicles or equipment.
	Townhouse						S	S							S			See Section 13	A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household and each unit attached to another by a common wall.
AGRICULTURAL USES																			
	Agricultural Crops	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		The use of land for agricultural purposes, including farming, agriculture, horticulture, floriculture, and viticulture and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. It is the policy of the City of Tuttle that the growing, processing, transport, and non-retail storage of all forms medical marijuana are industrial uses and not agricultural activities.
	Raising of Farm Animals	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section 25: Animals	The use of land for dairying, pasturage, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use. The raising of farm animals not in accordance with Section 25 shall only be permitted on agricultural or vacant parcels with a minimum parcel size of 5 acres or greater.
	Raising of Farm Animals (Accessory Use)	P	P	P	P	P	P	P	P									See Section 25: Animals	A residential use of a singular tract or parcel of land having an area of less than 5 acres, which primary use is for residential dwelling, whereas such accessory use are inherent to the enjoyment of the premises and not involving the conduct of business. This shall be in accordance with Section 25.
	Concentrated Animal Feeding Operations (CAFO)																		As defined by the "Oklahoma Concentrated Feeding Operation Act." CAFO's are prohibited within the City of Tuttle.
	Commercial Swine Operations	P																	An agricultural operation that raises swine to be sold or fed to someone other than the tenant or owner of the property upon which the operation is being conducted. Commercial Swine Operations are permitted within A-1 General Agricultural Districts provided the Commercial Swine Operation shall not be a CAFO and provided no enclosure housing swine shall be located nearer than 1000 feet from any residential dwelling or commercial structure located on adjacent property.

USE TABLE																			
Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
	Non-commercial Raising of Swine	P																	Non-commercial raising of swine including student owned FFA swine projects by the tenant or owner of the A-1 General Agricultural District property upon which the operation is located shall be permitted, provided no enclosure housing swine shall be located nearer than 150 feet from any residential dwelling or commercial structure located on property adjacent to the land upon which said swine are being raised.
	Nursery, Major	P	S			S					P	P	P	P	P				An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.
	Nursery, Minor	P	S			S					P	P	P	P	P				A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.
	Winery	P																	An agricultural operation which processes wine grapes, berries, or other fruit grown on the winery property or on other local agricultural lands. Accessory uses include retail sales of wine fruit products produced, vented, cellared or bottled by the winery operator or grown on the winery premises, and custom crushed at another facility for the winery operator. Accessory uses shall also include events such as weddings and banquets and public tasting.
	Kennel/Animal Boarding, Indoor	S										P	P	P	P				Any structure or place, not including outside pens/kennels or activity yards, where five (5) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of animals.
	Kennel/Animal Boarding, Outdoor	S												S	S			See Section 30H	Any structure or place with outdoor pens/kennels or activity yards where five (5) or more dogs, over six (6) months of age, are kept, bred or trained, at any single time, or any facility designed or built to accommodate the temporary (less than 60 days) boarding of animals.
	Animal/Pet Grooming and Sales	S									P	P	P	P	P				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 or livestock auctions or livestock auction yards.
	Stables, Public	S																See Section 30H	Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises. Typical uses include boarding stables or public stables.
	Home Gardens and Greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		The accessory use of land, typically associated with residential uses, for agricultural purposes, including farming, agriculture, horticulture, floriculture, and viticulture.
	Farming Equipment Rental & Sales												S	S	S				The display, storage, sale, leasing, or rental of new or used heavy farming equipment in operable condition.
	Farming Equipment Repair												S	S	S				An establishment providing major and minor repair services to light and heavy farming equipment.
	Feed Store												S	S	S				An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including fertilizer, other implements and goods related to agricultural processes, but not including small farm machinery.
	Veterinarian Clinic, Indoor										P	P	P	P					An establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where, as a part of a veterinarian clinic, domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.
	Veterinarian Clinic, Outdoor												S	S					An establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment,

USE TABLE																				
Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
																			or where, as a part of a veterinarian clinic, domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.
COMMERCIAL USES																			
Education, Civic, and Worship	Cemetery or Mausoleum	S																	Property used for the interring of the dead.
	Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority	S	S			S				P	P	P	P	P	P				An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.
	Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Commonly referred to as a Church, Temple, Synagogue, or Mosque. A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.
	College, University, or Private Boarding School										P	P	P	P	P				An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.
	Trade or Business School												P	P	P				An institution established for educational purposes offering courses for study including trade schools and commercial schools offering training or instruction in a trade, art, driving, or occupation. This does not include colleges, university, boarding schools, or any dormitory.
	School - Primary, Private	P	P	P		P				P	P	P	P	P	P				A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary school.
	School - Secondary, Private	P	P	P		P				P	P	P	P	P	P				A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public secondary school.
	School - Primary, Public	P	P	P		P				P	P	P	P	P	P				A school operated by an independent school district and providing elementary curriculum.
	School - Secondary, Public	P	P	P		P				P	P	P	P	P	P				A school operated by an independent school district and providing secondary curriculum.
	School District Bus Yard								P					P		P	P		Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.
Medical	Nursing/Convalescent Home						S	S		P	P	P	P	P	P				An institutional facility licensed by the State of Oklahoma providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.
Recreation, Amusement and	Golf Course and/or County Club	P	S	P	S	S								S	S				A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.
	Park or Playground, Accessory	S	S	S	S	S	S	S		P	P	P	P	P	P				A private, open recreation facility or park, including athletic practice or competition fields, that serves as an accessory

USE TABLE

Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
																			use, typically for the enjoyment of homeowners/property owners associations, commercial/residential tenants of a unified development, or other commercial developments. When approved as a part of Planned Unit Development, or otherwise required by the Tuttle Subdivision Regulations, a SUP is not required.
	Park or Playground,	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		An open recreation facility or park, including athletic practice or competition fields, owned and operated by a public agency such as the school board or property owners association, and available to the general public. Does not include facilities owned or operated by the City of Tuttle.
	Recreation Center, Accessory	S	S	S	S	S	S	S	S	P	P	P	P	P	P				A building, facility, or complex of buildings and facilities housing private recreation facilities that serves as an accessory use, typically for the enjoyment of homeowners/property owners associations, commercial/residential tenants of an unified development, or other commercial developments. Typical uses may include swimming pools, basketball courts, tennis courts, archery ranges, batting cages, miniature golf courses, “pitch and putt” facilities, and other indoor or outdoor athletic facilities. When approved as a part of Planned Unit Development, or otherwise required by the Tuttle Subdivision Regulations, a SUP is not required.
	Recreation Center, Private	S									S	S	P	P	S				A privately-owned building, facility, or complex of buildings and facilities housing private recreation facilities and may include swimming pools, basketball courts, tennis courts, archery ranges, batting cages, miniature golf courses, “pitch and putt” facilities, and other indoor or outdoor athletic facilities. This does not include temporary athletic practice fields. When approved as a part of Planned Unit Development, or otherwise required by the Tuttle Subdivision Regulations, a SUP is not required.
Retail Services &	Beauty Salon/Barber Shop	M	M	M	M	M	M	M	M	P	P	P	P	P	P				Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.
MEDICAL MARIJUANA USES																			
Medical Marijuana	Medical Marijuana Retail Dispensary										P	P	P	P	P	P	P		An individual or entity that purchases medical marijuana or medical marijuana products from a licensed processer, grower, or dispensary for the purposes of selling medical marijuana and medical marijuana products in accordance with Oklahoma law.
	Medical Marijuana Commercial/ Industrial Grower													S		S	S	See Section 30N	An individual or entity that grows, harvests, dries, cures, packages, sells, transfers, and transports or contracts with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law to a dispensary, processor, grower, research facility, education facility, or testing laboratory.
	Medical Marijuana Commercial/ Industrial Grower (Accessory Use)	S																See Section 30N	An individual or entity that grows, harvests, dries, cures, packages, sells, transfers, and transports or contracts with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law to a dispensary, processor, grower, research facility, education facility, or testing laboratory. Must be used as an accessory use with a primary residential use.
	Medical Marijuana Commercial/ Industrial Processor													S		S	S	See Section 30N	An individual or entity that purchases medical marijuana or medical marijuana products from a grower or processor; processes, packages, and sells, transfers, transports or contracts with a commercial transporter to transport medical marijuana or medical marijuana products that they processed to a licensed dispensary, processor, or testing laboratory in accordance with Oklahoma law; and processes medical marijuana received from a licensed patient into a medical marijuana concentrate, for a fee.

USE TABLE																				
Use Category	**Use Type**	**A-1**	**R-1**	**R-1A**	**R-1B**	**R-2**	**R-3**	**R-M**	**OTR**	**O-1**	**C-2**	**C-3**	**C-4**	**C-5**	**CBD**	**I-1**	**I-2**	**Use Standards**	**Definition**
	Medical Marijuana Commercial/ Industrial Processor (Accessory Use)	S																See Section 30N	An individual or entity that purchases medical marijuana or medical marijuana products from a grower or processor; processes, packages, and sells, transfers, transports or contracts with a commercial transporter to transport medical marijuana or medical marijuana products that they processed to a licensed dispensary, processor, or testing laboratory in accordance with Oklahoma law; and processes medical marijuana received from a licensed patient into a medical marijuana concentrate, for a fee. Must be used as an accessory use with a primary residential use.
TRANSPORTATION USES																			
	Airport/Heliport	S																	A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.
	Automobile Paid Parking Lot/ Garage									S	S	S	S	S	S	S	S	See Section 30L	An area or structure where a fee is charged for parking automobiles and which serves as the primary use on the lot. This use does not include the storage of gasoline.
	Automobile Parking Lot/ Garage									P	P	P	P	P	P	P	P		An area or structure where the parking of automobiles serves as the primary use on the lot. This use does not include the storage of gasoline.
	Automobile Repair, Major													S		P	P	See Section 30L	General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses. No materials may be stored outside at any time when located in a commercial district.
	Automobile Repair, Minor													P		P	P		An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; tire maintenance and replacement; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under "Automobile Repair, Major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days. No materials may be stored outside at any time.
	Automobile Sales, Used													S				See Section 30L	Sales of used automobiles or light load vehicles.
	Automobile Sales/Leasing, New													S				See Section 30L	Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.
	Automobile Storage													S		P	P	See Section 30L	The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.
	Car Wash, Full Service										P			P		P	P		A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.
	Car Wash, Self Service										P			P		P	P		A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.
	Motorcycle Sales/Service													S				See Section 30L	The display, sale, repair, and servicing of new or used motorcycles.
	Recreational Vehicle/Boat Sales and Service, New/Used													S		P	P	See Section 30L	Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.
	Recreational Vehicle/Boat Parking Lot or Garage													S		P	P	See Section 30L	An area or structure designed for the short or long-term parking or storage of recreational vehicles or boats.

USE TABLE

Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
	Trailer Rental															P	P		The display and offering for rent of trailers designed to be towed by light load vehicles.
	Trailer/Manufactured Home Display and Sales															P	P		The offering for sale, storage, or display of trailers or manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
	Truck Parking Lot or Garage															P	P		An area or structure designed for the short or long-term parking or storage of trucks or heavy load vehicles.
	Truck Rental & Sales, Heavy Trucks													P		P	P		The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.
	Truck/Bus Repair															P	P		An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.
INDUSTRIAL USES																			
Industrial Service, General	Construction Yard and/or Field Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.
	Contractor's Shop and/or Storage Yard													P	P	P	P	See Section 28; Section 30K	A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets unless otherwise specified in this code. This definition includes storage for electrical, plumbing, mechanical, fire prevention, monument, landscaping, oil field, and similar contractors. This definition does not include office space for a contractor where no material or equipment is stored outside except for two light-duty vehicles overnight.
	Contractor's Office										P	P	P	P	P	P	P		A building, part of a building, for office of a contractor (electrical, plumbing, mechanical, fire prevention, landscaping, etc), along with non-intrusive storage of incidental materials, tools, and equipment completely indoors. No more than two light-duty vehicles may be stored outside overnight.
	Equipment and Machinery Sales and Rental, Major													S		P	P	See Section 30K	A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.
	Equipment and Machinery Sales and Rental, Minor													P		P	P		A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, locksmith, tools, gunsmith, vending machines and other small machinery.
	Machine Shop													S		P	P	See Section 30K	A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.
	Outside Storage and Display (Incidental Use)													P		P	P		A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.
	Outside Storage and Display (Primary Use)													P		P	P		A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.
	Portable Building Sales													S		P	P	See Section 30K	An establishment that displays and sells structures which are capable of being carried and transported to another location, not including manufactured homes.

USE TABLE																			
Use Category	**Use Type**	**A-1**	**R-1**	**R-1A**	**R-1B**	**R-2**	**R-3**	**R-M**	**OTR**	**O-1**	**C-2**	**C-3**	**C-4**	**C-5**	**CBD**	**I-1**	**I-2**	**Use Standards**	**Definition**
	Small Engine Repair Shop													P		P	P		A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.
	Taxidermist													S		P	P	See Section 30K	An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.
Manufacturing and Production	Custom Manufacturing													P		P	P		Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or small mechanical equipment not exceeding five (5) horsepower or three (3) kiln not exceeding eight (8) kilowatts each and the incidental direct sale to consumers of only those goods produced on-site. Establishments are entirely within an enclosed structure. Typical uses include ceramic studios, candle making shops or custom jewelry manufacturers.
	Light Industrial: Restricted													P		P	P		Establishments engaged in the manufacture, assembly, research, or processing with all operations and processes entirely within an enclosed structure. There is no outdoor storage of raw materials and products. Establishments have no outdoor industrial wastewater treatment system and produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Typical uses include, but are not limited to, bakery employing more than five (5) full time employees; book binder; cabinet shop; clothing manufacturing; electronic equipment assembly and manufacturing; furniture upholstering; ice plant; laundry and dry cleaning plant employing more than five (5) full time people; printing plant; engraving plant; instrument and meter manufacture; mattress renovation; optical goods manufacture; photographic equipment manufacture.
	Light Industrial													S		P	P	See Section 30K	Establishments engaged in the manufacture, assembly, research, or processing with operations and processes entirely within an enclosed structure. Outdoor storage of raw materials and products is permitted with proper screening from the street and adjacent properties. Establishments have no outdoor industrial wastewater treatment system and produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke or dust associated with the industrial operation. Typical uses include, but are not limited to, bottling plant; candy manufacture; food storage locker; cosmetic manufacture; rubber stamp manufacture; pottery and figurine manufacturing; machine shop; and stone and monuments works.
	Moderate Industrial																P		Establishments engaged in the manufacture, assembly, research, or processing with outdoor of raw materials and products being permitted with proper screening from the street and adjacent properties. Establishments shall meet all applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the industrial operation and shall not produce any adverse effects beyond the property line. Typical uses include, but are not limited to, candle manufacture; cotton gin; cotton seed oil manufacture; dyestuff manufacture; soap manufacture other than liquid soap; soda and compounds manufacture; marijuana or tobacco manufacture (including enclosed grow facilities) or treatment; wool pulling or scouring; blacksmith's shop; dying or storage yard; emery cloth or sandpaper manufacture; fish smoking or curing operations; cold rolled steel mills; glass manufacture or processing; and planing mill.
	Heavy Industrial																S		Establishments engaged in the manufacture, assembly, research, or processing with outdoor of raw materials and products being permitted with proper screening. Establishments shall meet all applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the industrial operation and even though these standards are met, noise, vibrations, smoke, dust and odor may cause adverse impacts

USE TABLE																				
Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
																			to adjacent properties. Typical uses include, but are not limited to, slaughterhouse and packing plants; smelting of tin, copper foundries; boiler works; tire or rubber manufacture; paint manufacture; fat rendering; fertilizer mixing; glue manufacture; blast furnace; brick, tile, pottery or terra cotta manufacture other than manufacture of handcraft products only; celluloid manufacture or treatment; central mixing plant for concrete or cement mortar, plaster or paving materials; coke oven; creosote manufacture or treatment; distillation of bones, coal or wood; stove polish manufacture; tallow grease, or lard manufacture or refining from, or of animal fat; tanning, curing or storage of rawhides or skins; tar roofing or water proofing manufacture; vinegar manufacture; potash manufacture; automotive manufacture or assembly; lampblack manufacture; bag cleaning; match manufacture; oilcloth or linoleum manufacture; pickle manufacture; pyroxylin manufacture; rock crusher; sauerkraut manufacture; shoe polish manufacture.
	Hazardous Industrial																S	See Section 30K	Establishments engaged in operations, research, or processes involving explosives, radioactive materials, caustic or toxic substances, or other material posing a potential threat to public safety and health or to property. Outdoor storage of raw materials and products is permitted as long as appropriate state and federal health and safety standards are met. Typical uses include, but are not limited to, acetylene gas manufacture or storage; acid manufacture; alcohol manufacture; ammonia, bleaching powder or chlorine manufacture; cement, lime, gypsum or plaster of paris manufacture; fertilizer manufacture; gas manufacture; refining of petroleum or its products; asphaltic mixing plants and/or asphalt plants; disinfectant manufacture; pesticides, herbicides or poison manufacture and/or storage; explosives manufacture or storage; refining, recycling or processing of radioactive materials.
Mining and Processing	Injection Well															S	S	See Section 30J	A well used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.
	Natural Gas Compressor Station									S	S	S	S	S		P	P		A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
	Natural Gas Processing Plant																S		A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.
	Oil Well/Gas Well and Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Section 30J	Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas. Mineral extraction is the process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.
Warehouse & freight movement	Cargo Truck Terminal															P	P		An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.
	Mini-Warehouse/ Self-Storage													S		P	P	See Section 30K	A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

USE TABLE																				
Use Category	Use Type	A-1	R-1	R-1A	R-1B	R-2	R-3	R-M	OTR	O-1	C-2	C-3	C-4	C-5	CBD	I-1	I-2	Use Standards	Definition
	Office/Warehouse/ Distribution Center													S		P	P	See Section 30K	A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
	Storage or Wholesale Warehouse													S		P	P	See Section 30K	A building used primarily for the storage of goods and materials.
	Vehicle Impound Lot															P	P		A parcel of land used as temporary storage; maximum sixty (60) days for vehicles, including damaged vehicles. No dismantling or disassembling of vehicles is permitted.
	Wholesaling, Storage and Distribution: General															P	P		Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards; oil field pipe storage; grain elevators; and outdoor storage yards where activity may generate noise and dust.
	Wholesaling, Storage and Distribution: Restricted													S		P	P	See Section 30K	Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors; storage warehouses or moving and storage firms; and meat or food lockers.
	Wrecker Service (No Impound Yard)													P		P	P		An establishment for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle is inoperable or has been ordered to be impounded to a public or private impound lot.
Waste and Salvage	Donation Drop-Off Box									P	P	P	P	P	P	P	P	See Section 30B	Any container, storage unit or structure, other than an accessory building or shed, that can or is used for the holding of charitable or for-profit donated items by the general public, including but not limited to clothing, toys, books, and newspapers, with the collection of those donated items made at a later date or time and which is located for such purposes outside an enclosed building.
	Landfill																S		A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.
	Recycling Center															P	P	See Section 30B	A facility in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.
	Recycling Collection Point										P	P	P	P	P	P	P	See Section 30B	An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.
	Recycling Plant																P		A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.
	Scrap Operation																S	See Section 30C	Places of business primarily engaged in the storage, sale, dismantling or processing of used or waste materials that are not intended for reuse in their original form. Typical uses include automotive wrecking operations, scrap or junk yards, paper or material salvage yards.
Utilities	Electrical Power Generating Plant																S		All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.
	Office and Storage Area for Public/Private Utility															P	P		The pole yard, maintenance yard, or administrative office of public or private utilities.
	Sewage Treatment Plant/Pumping Station																S		A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

USE TABLE																				
Use Category	**Use Type**	**A-1**	**R-1**	**R-1A**	**R-1B**	**R-2**	**R-3**	**R-M**	**OTR**	**O-1**	**C-2**	**C-3**	**C-4**	**C-5**	**CBD**	**I-1**	**I-2**	**Use Standards**	**Definition**
	Telephone Exchange	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		A central switching hub servicing the public at large in which telephone lines are connected to permit communication.
	Utility Distribution/Transmission Facility	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.
	Water Treatment Plant																S		A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.
OTHER USES																			
	Municipal Uses Operated by the City	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Tuttle, Tuttle Development Authority, Tuttle Public Works Authority, or other trust or authority of the City of Tuttle, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

(Updated Ord. 2003-13, __/__/2003; Ord. 2005-7, __/__/2005; Ord. 2013-06, 03/11/2013; Ord. 2013-08, 04/08/2013; Ord. 2013-24, 12/09/2013; Ord 2014-13, 04/14/2014; Ord 2015-12, 07/13/2015; Ord 2016-25, 9/12/2016, Ord 2017-05, 3/13/2017; Ord. 2018-04, 02/12/2018; Ord 2018-20, 12/10/2018; Ord. 2019-14, 09/09/2020/; Ord. 2020-09, 09/14/2020; Ord 2020-10, 6/8/2020; Ord 2021-01, 3/8/2021; Ord 2024-04, 2/12/2024)

SECTION 15-9. SECTION REPEALED.

(Repealed by. Ord. 2017-06, 3/13/2017)

SECTION 15-10. SIGNS AND BILLBOARDS

No signs, billboards, posters, bulletin boards or other similar displays shall be permitted in the Commercial District except as follows:

A. Official public notices may be erected on affected property.

B. All signs in the Commercial Districts shall be erected upon private property and shall not encroach upon any public street or walks, except as provided herein. All commercial signs shall not exceed three hundred (300) square feet in size and shall not exceed thirty-five (35) feet in height. The use of red, green or amber illumination in connection with any sign shall not be permitted if it is deemed to create confusion with any traffic signal located within one hundred (100) feet of the sign.

C. In the Central Business District "CBD" signs erected on private buildings shall be allowed to overhang at a minimum height of nine (9) feet (to the bottom of the sign) and shall not have a maximum projection greater than seventy-two (72) inches. Any projecting sign in the "CBD" District shall not exceed fifty (50) square feet in size, nor will it exceed thirty-five (35) feet in height of the building. Flat signs erected on buildings shall not exceed three hundred (300) square feet in size."

SECTION 15-11. SECTION REPEALED.

(Upd. Ord 2013-23, 12/09/2013; Del. Ord 2019-05, 9/9/2019)

SECTION 15-12. SECTION REPEALED.

(Del. Ord 2019-05, 9/9/2019)

SECTION 16. PLANNED DEVELOPMENT DISTRICT REGULATIONS.

A. Planned Development District (PD).

1. Purpose. These regulations are adopted for the following purposes:

a. To protect and provide for the public health, safety, and general welfare of the city.

b. To guide the future development of the city in accordance with the Comprehensive Plan.

c. To accommodate innovation by modifying regulations to better accomplish the city's development goals.

d. To mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities, and adjacent and area land uses.

e. To protect and enhance the aesthetic and visual quality of development.

B. Establishment. The City Council may approve, approve with conditions, or deny the establishment or amendment of PD districts in accordance with the procedures contained within the Zoning Regulations and as further described within this section. The boundary of each PD district shall be defined on the zoning map and identified with the letters PD followed by a unique number referencing the adopting ordinance and regulations.

C. Standard of Approval. The approval, approval with conditions, or denial of PD districts shall be at the sole discretion of the City Council based upon its judgment of the merit of the proposed district as related to the stated purposes in Section 16, Paragraph A of the Zoning Code.

D. Minimum District Size. Following the effective date of this ordinance, no PD district may be established smaller than five acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study.

E. PD District Types. A PD district may be created as an overlay district or as a freestanding district as described below:

1. Overlay PD Districts. An overlay PD district superimposes regulations onto a standard zoning district(s) defined in the Zoning Regulations. A PD overlay may modify, supplement, and/or delete the regulations of a standard zoning district (referred to as the base district). Except as specified by the terms of the ordinance establishing a PD overlay, the regulations of the base district shall apply, and any subsequent general amendment to the base district shall apply. A PD district established as an overlay district shall be designated by letters PD followed by a unique number and the initials of the base district(s) (i.e., PD-000-R).

2. Freestanding PD Districts. A freestanding PD district is a unique zoning classification. The zoning regulations affecting development within the district are limited to those specifically defined within the ordinance establishing the district (which may include by reference other regulations) and may only be changed by amending the district. A freestanding PD district may only be established where the use of the overlay method cannot reasonably achieve the purposes of this ordinance and the PD district is in accordance with the Comprehensive Plan. A PD district established as a freestanding district shall be designated by the letters PD followed by a unique number (i.e., PD-000).

F. Permitted Areas of Regulation. PD zoning may be used to:

1. Define and condition land uses permitted within each district, including expanding or restricting uses permitted by right or by specific use permit within a base zoning district. PD zoning may specify the location of land uses and define standards for operation and performance of land uses.

2. Specify development standards and actions required to protect the environment and to preserve natural features and vegetation within the district.

3. Define development standards pertaining to the size, height, bulk, coverage, placement, setback, configuration, and number of buildings; set

residential unit density; regulate the design and exterior appearance of buildings; define standards for lot size, dimensions, and street frontage; and specify the location, extent, and design standards for open space, landscaping, screening and buffers, appurtenances, signage, and amenities. PD zoning may modify, delete, or add to those standards provided in a base zoning district. The standards may be more or less restrictive than those in a base zoning district.

4. Specify the location and design of streets, drives, parking, pedestrian, and bikeways. PD districts may be used to modify the City's Thoroughfare Design Regulations (when developed and adopted by the City Council) and the Subdivision Ordinance related to design of public and private facilities, but only where a specific finding is made by the City Council that the alternative standard does not decrease public safety, impair traffic movement, or result in a higher maintenance cost.

5. Specify the timing, sequencing, and phasing of development, including coordinating the type, location, and intensity of development permitted with the construction and availability of public facilities and services.

6. Provide for the construction of public improvements and facilities onsite or within public easements and rights-of-way abutting the site as required to serve and benefit development within the district or as may be required to mitigate impacts resulting from the development on other properties and uses outside of the district. Standards within the Subdivision Regulations pertaining to the design, performance, and cost participation for public improvements may be amended by a PD district.

G. Prohibited Areas of Regulation. A PD district may not be used to:

1. Require construction of public improvements or the dedication or reservation of land which are not of primary benefit to development within the district or necessary to mitigate an adverse impact attributable to development within the district, unless compensation is provided as required by law.

2. Secure agreements between owners of property within the district with third parties.

3. Assign responsibility to the city for enforcement of private deed restrictions or covenants.

4. Waive or modify the requirements of ordinances other than the Zoning Ordinance, except as specifically authorized by this ordinance.

H. Regulations Affected. PD districts may be used, in accordance with Section 15, Paragraphs F and G of the Zoning Code, to modify and supplement the regulations contained within the following ordinances:

1. Zoning Regulations

2. Subdivision Regulations

3. Thoroughfare Design Regulations (when developed and adopted by the City Council)

I. Site Plan and Plat Required. All applicable Site Plan Review and Platting regulations in the Subdivision and Zoning Regulations shall apply to any development or subdivision of land with a PD district.

J. Initial Plan Review. A concept plan or sketch plat shall be normally required as part of an application for establishing or amending a PD district. Additional information, studies, and plans may be required by the Planning Commission or the City Council to determine the merit of establishing a PD district and as required to develop regulations to be incorporated in the ordinance establishing or amending a PD district. The requirement for submitting a concept plan or sketch plat may be waived by the Planning Commission or the City Council if they determine sufficient information exists to evaluate the proposed establishment or amendment of a PD district. Where this requirement is waived at the time of establishing a PD, approval of a concept plan or sketch plat shall be required prior to the approval of any plan, plat, or permit related to development of the property.

K. Plan Approval. Plans and sketch plats submitted in conjunction with establishing or amending a PD district may be approved by City Council either by separate administrative action, or by reference as part of the ordinance establishing the PD district. All subsequent plans prepared for the development of property within a PD district must substantially conform to the approved plan in accordance with the standards and procedures the Zoning Regulations and of the Subdivision Regulations.

L. Amendment of Administratively Approved Plans. Plans which are administratively approved may be revised and re-approved by the Planning Commission by administrative action in accordance with the provisions of the Zoning Regulations and the Subdivision Regulations and provided that the amended plan conforms to the regulations set forth within the PD ordinance.

M. Expiration of Administratively Approved Plans. Plans which are approved by administrative action shall expire in accordance with the provisions of the Zoning Regulations. Sketch plats which are approved by administrative action shall expire in accordance with the provisions of the Subdivision Regulations. Where the plan has expired and no extension is approved, the property owners of the PD must receive approval of a new plan prior to applying for development permits. Any new plan or study must conform to the regulations existing at the time of application.

N. Minor Amendments for Plan Adopted by Ordinance. Except as permitted as a minor amendment, plans adopted by ordinance shall not expire and may only be revised through the rezoning process. The Planning Commission may approve minor amendments to plans adopted by ordinance provided the amendment conforms to the following standards:

1. The amendment does not increase the density or intensity of development.

2. The amendment does not substantially alter the arrangement of buildings, increase the number of

buildings, or change the use of building space designated on the original plan.

3. The amendment does not substantially alter the configuration of streets or lots.

4. The amendment does not increase the height of buildings.

5. The amendment does not substantially alter vehicular circulation or placement of parking areas.

6. The amendment does not reduce or lessen the effectiveness of open space, landscaped buffers, and edges.

7. The amendment does not conflict with other regulations specified within the ordinance establishing the district.

O. Administration. It is the responsibility of the Community Development Director and the Planning Commission to administer the regulations governing PD districts.

1. Interpretation. It is the responsibility of the Community Development Director to interpret the regulations affecting development within each PD district. The Community Development Director's rulings may be appealed to the Planning Commission for further consideration.

2. Conflicting Regulation. Where regulations set forth within a PD district directly and specifically conflict with those of another ordinance, the regulations of the PD district shall prevail.

3. Location of Land Use and Development Intensity. Approved, valid plans for a PD adopted by ordinance or administrative action shall control the location of land use and development intensity. No subsequent plan for a portion of a PD may be approved if it alters the type or exceeds the intensity of uses set forth for that area on the plan for the entire PD.

4. Multiple Ownership. Where the land within a PD is divided among multiple owners, all owners must authorize the submittal of petitions to amend the PD ordinance or plans applying to the entire district.

P. Partial Rezoning. Owners of property within a PD district may request rezoning of the portion of the district they own to separate it from the remaining property within the PD district. In considering the request, the Planning Commission and City Council shall evaluate the effect of the rezoning on the remaining property and may require adjustments to terms and conditions of the original PD resulting from a change in boundary.

Q. Review of Zoning. The Planning Commission or the City Council may at its discretion call a public hearing to evaluate any PD district to determine appropriate zoning for the area. The following are some of the reasons for initiating a review of zoning. The reasons listed are examples and shall in no way be construed as a limitation upon the Planning Commission's and City Council's authority to review and evaluate a PD district at any time the Commission or Council deem appropriate.

1. Change of Conditions. An unanticipated change in conditions, including adoption of new plans and development policies which affect the appropriateness of existing zoning.

2. Error or Ambiguity. A provision of the zoning incorrectly recorded or sufficiently ambiguous to prevent reasonable administration of the district.

3. Nonperformance. A condition where ownership of the property is divided among multiple parties and the owners are unable to cooperate in implementing the terms of the district, or a period greater than five years following the approval of the PD or the date of the last amendment or administrative approval in which no action related to development of the property occurs.

(Rep. Ord. 2003-01; Added Ord. 2009-21)

SECTION 17. I-1 LIGHT INDUSTRIAL DISTRICT.

A. *General Description*. This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or truck transportation routes.

B. *Uses Permitted*. See Use Chart in Section 15-8.

C. *Development Standards*. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

E. *Residential Adjacency Standards*. When an I-1 lot abuts a residential district, there shall be, within the required setback, a minimum six-foot high landscape/screening buffer in additional of the other Residential Adjacency Standards specified in this Code.

F. *Fencing*. Security fences in excess of four feet in height are permitted within the front yard setback, but shall not obstruct the sightline or sight triangle.

(Upd. Ord. 2005-07; Ord. 2010-22; Ord. 2013-06, 03/11/2013; Ord 2016-06, 4/11/2016; Ord 2018-20, 12/10/2018)

SECTION 17A. I-2 GENERAL INDUSTRIAL DISTRICT.

A. *General Description*. This zone provides for the widest range of industrial operations permitted in the City. It is the zone for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance-free manner. Generally, this zone should not be located along Main St/SH-37, along Mustang Rd/SH-4, or adjacent to residential areas in the City of Tuttle.

B. *Uses Permitted*. See Use Chart in Section 15-8.

C. *Development Standards*. See Residential Districts Development Standards in Section 18A.

D. Exceptions to Development Standards. None.

E. *Residential Adjacency Standards*. When an I-2 lot abuts a residential district, there shall be, within the required setback, a minimum six-foot high landscape/screening

buffer in additional of the other Residential Adjacency Standards specified in this Code.

F. *Fencing*. Security fences in excess of four feet in height are permitted within the front yard setback, but shall not obstruct the sightline or sight triangle.

(Added Ordinance 2010-42; Upd. Ord. 2013-06, 03/11/2013; Ord 2016-06, 4/11/2016; Ord. 2018-20, 12/10/2018)

SECTION 18. F - FLOOD PLAIN DISTRICT.

A. *General Description*. This district is intended to comprise those areas which are subject to periodic or occasional inundation and, therefore, are unsuited for all residential uses and the usual commercial and industrial uses.

B. *Uses Permitted*. Property and buildings in the F - Flood Plain District shall be used only for the following purposes.

1. The growing of agricultural crops and nursery stock, and gardening.

2. The keeping of agricultural livestock in accordance with the ordinances and regulations relating thereto.

3. Recreation not involving buildings and operated either under the jurisdiction of or in accordance with conditions established by the City Council.

SECTION 18A. DEVELOPMENT STANDARDS.

A. *Purpose*. The purpose of this section is to establish common area regulations and standards for each zoning district. This section provides one location within this Ordinance where the common area regulations and standards can be found. The common area regulations and standards are divided into two sections, the Residential Districts Development Standards, and the Nonresidential Districts Development Standards, both found in this section of the Zoning Code.

B. *Establishment of Area Regulations and Standards*. The area regulations and standards for each zoning districts are established within the Residential Districts Development Standards and Nonresidential Districts Development Standards, both found in this section of this Ordinance.

C. *Additional Area Regulations and Standards*. Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this Ordinance.

D. Residential Districts Development Standards.

Residential Districts Development Standards Chart								
Development Standards	**A-1 General Agricultural District**	**R-1 Single-Family Residential District**	**R-1A Urban Estates Residential District**	**R-1B Residential Estates District**	**R-2 Two-Family Residential /Duplex District**	**R-3 Multi-Family Residential District**	**OTR Original Town Residential District**	**R-M Mobile Home Park District**
Minimum Front Yard	25'	25'	25'	40'	25'	25'	15'	See Section 27
	25' when double frontage	25' when double frontage	25' when double frontage	40' when double frontage	25' when double frontage	25' when double frontage	15' when double frontage	
Minimum Side Yard Interior - Dwelling Building	1 story = 25'	1 story = 5'	1 story = 7'	25'	1 story = 5'	1 story = 5'	5'	
						5' + 3' for each additional story		
Minimum Side Yard Interior - Accessory Building	10% of lot width. Minimum 10' Maximum 25'	5'	5'	25'	5'	5'	5'	
		3' when all parts of the accessory building are located not less than 60' from the front property line	3' when all parts of the accessory building are located not less than 90' from the front property line		3' when all parts of the accessory building are located not less than 60' from the front property line	3' when all parts of the accessory building are located not less than 60' from the front property line		
Minimum Side Yard Exterior - Dwelling and Accessory Buildings	20'	20'	25'	35'	20'	20'	15'	
	15' when lot is back to back with another corner lot	15' when lot is back to back with another corner lot	15' when lot is back to back with another corner lot		15' when lot is back to back with another corner lot	15' when lot is back to back with another corner lot		
Minimum Rear Yard Main Building	20' or 20% of depth of lot, whichever amount is smaller	20' or 20% of depth of lot, whichever amount is smaller	20' or 20% of depth of lot, whichever amount is smaller	40'	20' or 20% of depth of lot, whichever amount is smaller	20' or 20% of depth of lot, whichever amount is smaller	10'	
Minimum Rear Yard Accessory Building	Allowed in rear yard with rear setback of 10'	Allowed in rear yard with rear setback of 10'	Allowed in rear yard with rear setback of 10'		Allowed in rear yard with rear setback of 10'	Allowed in rear yard with rear setback of 10'		
Minimum Lot Area	5 acres	10,000 SF	30,000 SF	80,000 SF	10,000 SF	7,200 SF per dwelling unit See Section 13 for exceptions	6,000 SF	See Section 27
Maximum Lot Area	None	None	None	None	None	None	15,000 SF	
Minimum Lot Width at Building Line	50'	85'	75'	150'	60'	60' See Section 13 for exceptions	50'	
Minimum Lot Width at Street	35'	35'	45'	100'	35'	35' See Section 13 for exceptions	35'	
Minimum Lot Depth	None	None	None	None	None	None	50'	
Maximum Height	35'	35'	2-1/2 stories or 35'	2-1/2 stories or 35'	35'	35'	35'	35'
Maximum Lot Coverage Interior Lots Main & Accessory	25%	25%	25%	25%	25%	30%	50%	See Section 27
Maximum Lot Coverage Exterior Lots Main & Accessory	30%	30%	30%	25%	30%	30%	50%	
Maximum Lot Coverage Accessory Buildings	20% of the rear yard	20% of the rear yard	20% of the rear yard	None	20% of the rear yard	30% of the rear yard	20% of the rear yard	

E. Nonresidential Districts Development Standards.

Nonresidential Districts Development Standards Chart								
Development Standards	**O-1 Light Office District**	**C-2 Convenience Commerical District**	**C-3 Planned Shopping Center District**	**C-4 Restricted Commerical District**	**C-5 General Employment District**	**CBD Central Business District**	**I-1 Light Industrial District**	**I-2 General Industrial District**
Minimum Front Yard	50'	50'	50'	50'	50'	None	50'	75'
	50' when double frontage	50' when double frontage	50' when double frontage	50' when double frontage	50' when double frontage	None	50' when double frontage	75' when double frontage
Minimum Side Yard	20'	20'	20'	20'	20'	None	20'	40'
	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district		30' when adjacent to a residential district	75' when adjacent to a residential district
Minimum Rear Yard	10'	10'	30'	10'	10'	10'	25'	40'
	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district	2' for each 1' of building height when adjacent to a residential district		30' where a building is to be served from the rear	75' when adjacent to a residential district
Minimum Lot Area	12,000 SF	12,000 SF	200,000 SF	12,000 SF	15,000 SF	None	10,000 SF	10,000 SF
Maximum Lot Area	None	48,000 SF	None	None	None	None	None	None
Minimum Lot Width at Building Line	100'	100'	300'	100'	150'	None	None	None
Minimum Lot Depth	100'	100'	100'	100'	100'	None	None	None
Maximum Height	35'	35'	35'	35'	35'	35'	45'	None
Maximum Lot Coverage	30%	40%	20%	50%	50% + additional 30% for parking	None	50% + additional 30% for parking	50% + additional 30% for parking

(Added Ord. 2017-06, 3/13/2017; Ord. 2021-01, 3/8/2021; Ord 2022-13, 6/13/2022)

SECTION 18B. MEASUREMENTS AND EXCEPTIONS.

A. Lot coverage.

1. Lot coverage requirement generally. Unless otherwise provided in the Zoning Code, no building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in this section for the zoning district in which it is located.

2. Structures not considered in measuring lot coverage. Unless otherwise provided in this Ordinance, all structures shall be considered in determining lot coverage except the following:

a. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;

b. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and

c. Other structures listed in subsection B.1.b. below that may project into allowed setbacks.

B. Setbacks.

1. General setback requirements.

a. Required setbacks.

i. Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward; provided, however, that fences (as , walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

ii. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements for the zoning district in which it is located, except as otherwise established in this Ordinance or unless a variance has been granted.

iii. A setback or other open space required by this Ordinance shall not be included as part of a setback or other open space required by this Ordinance for another building or structure or lot.

b. Projections into required setbacks, general. The following structures may project into required front, side or rear setbacks as specified in this subsection, and shall not be considered in determining lot coverage:

i. Paved terraces. Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Ordinance and are at least five feet from the lot line.

ii. Unroofed landings, decks, bay windows, stairs and balconies. Unroofed landings, decks, bay windows, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level. Unroofed balconies may not project into a required side or rear yard.

iii. Incidental architectural features. Cornices, awnings, eaves, canopies, sunshades, gutters and downspouts, flues, belt courses, headers, sills, lintels, ornamental features, and other similar architectural features may project not more than two feet into any required yard.

iv. Roofs over porches and other exterior approaches. Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than 50 per cent of the total length of the building's facade. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.

v. Handicap ramps. The director may allow the installation of handicap access ramps in required front, side, and rear setbacks.

vi. Private garages and carports. A private garage or carport may project into a required setback abutting a public alley, in accordance with other requirements of this Ordinance.

vii. Fuel pumps. Fuel pump islands and their awnings may be permitted within the required front setback.

c. Contextual front setbacks. The following exceptions to the front setback requirements for residential dwellings abutting local streets, not collector or arterial streets, are authorized for a lot in any district. (See Illustration 4.1 below.)

i. If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback of the lot need not exceed the average front setback of the abutting dwellings.

ii. If there is a dwelling on one (1) abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed a depth one-half way between the setback of the abutting lot and the required front setback depth.

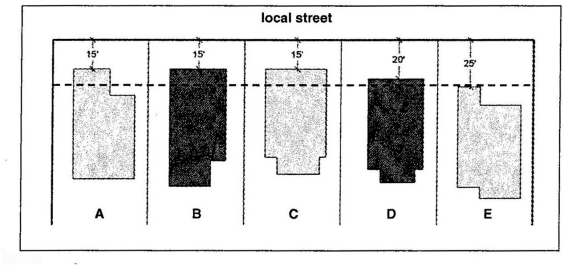


Illustration: Contextual Front Setbacks. (The required front district setback in the illustration is 25 feet, shown by the dotted line. There are existing houses on sites A, C, and E. A house built on site B may have a front setback of just 15 feet, which is the average of the front setbacks of the two abutting lots. A house built on site D may have a front setback of 20 feet, which is half-way between the front setback on the abutting lot that is lower than the district requirement (lot C) and the required front setback.)

d. Double-frontage lots. In the case of double-frontage lots, front setbacks shall be provided on all frontages, unless the prevailing front setback pattern on adjoining lots allows for an exception under the contextual front setback provision above.

e. Corner sight distance (a.k.a. sight or vision clearance triangle). On any corner lot on which a front and side yard are required, no wall, fence, structure, sign, or any plant growth that obstructs sight lines at elevations between two and one-half feet and six feet above any portion 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 25 feet along the 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.

f. Observed front setbacks. If twenty-five per cent (25%) or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) 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 existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

g. Setbacks established on plats. When a front setback is established on a plat that is greater than the front setback established for the district, the setback established on the plat shall prevail.

h. Minimum setback from section lines. No structure shall be constructed within seventy-five (75) feet of any section. This distance may be increased based on the right-of-way needs specified in the Subdivision Regulations, the comprehensive plan, or other relevant plans adopted by the City Council.

i. Setback exception for certain lots platted prior to 1970. If located in a subdivision platted prior to January 1, 1970, the minimum depth of the front yard may be reduced to fifteen (15) feet. This reduction to the minimum front yard shall not apply to the minimum setback for Attached Private Garages established in Section 20.

C. Height.

1. Height requirements generally. No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided in subsection 2. below or elsewhere in this Ordinance.

2. In measuring heights, 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 story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

3. Height exceptions for appurtenances. Except as specifically provided elsewhere in this Ordinance, the height limitations contained in this Ordinance do not apply to cupolas, flagpoles, chimneys, heating and ventilation equipment, elevator housings, stairwell towers or similar appurtenances; provided, however, the following:

   a. The appurtenance does not interfere with Federal Aviation Regulations;

   b. The appurtenance does not extend more than 25 feet above the maximum permitted building height, except for flagpoles, and church belfries that must be of greater height in order to function;

   c. The appurtenance is not constructed for the purpose of providing additional floor area in the building;

   d. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

4. Height requirements for signs. The height requirement for signs shall conform with the signage regulations in this Ordinance.

(Added Ord. 2017-06, 3/13/2017)

ARTICLE 3. ADDITIONAL DISTRICT PROVISIONS

SECTION 19. CONDITIONS OF A MORE RESTRICTED DISTRICT APPLIED TO RESIDENTIAL USES

Whenever the specific district regulations pertaining to one district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

SECTION 20. OPEN SPACE.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article 2 herein.

1. Open Space to Serve One Building. No open space or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

2. Projections into Yards. Open eaves, cornices, window sills, 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.

3. Street Right-of-Way Width. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty-five (25) feet from the center line of the street easement.

4. Street Access for Dwellings. No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty-five (35) feet and have a width of at least fifty (50) feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

5. Commercial and Industrial Lot Sizes. No minimum lot sizes and open spaces are pre-scribed for commercial and industrial uses. It is the intent of this Ordinance that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

6. Site Lines at Intersections. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two (2) feet and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

7. Location of Attached Private Garage. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.

8. Time for Accessory Building Construction. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building on the lot is also being used.

9. 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 other 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 21. HEIGHT.

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article 2.

1. In measuring heights, 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 story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

2. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

3. Churches, schools, hospitals, sanitoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are in-creased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

SECTION 22. COURT REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS

Whenever a multiple family dwelling or group of multiple family dwellings is designed with an inner or outer court, the following requirements shall be complied with.

1. Outer Court Width. The width of an outer court upon which windows open shall be not less than ten (10) feet, or equal to the height of the opposing wall, whichever is greater; and in no case shall an outer court be less than five (5) feet in width or equal to seventy per cent (70%) of the height of the opposing wall, whichever is greater.

2. Inner Court Width. The width of an inner court of a multiple family dwelling shall be not less than two times the height of the lowest wall forming the court, but in no case shall it be less than twenty (20) feet.

3. Passageway for Inner Court. An open unobstructed passageway shall be provided at the grade of each inner court. Such passageway shall be not less than twelve (12) feet in height, and shall provide a straight and continuous passage from the inner court to a yard or open space having a direct connection with a street.

4. Accessory Buildings Prohibited. No accessory building shall be located in a court of a multiple family dwelling.

SECTION 23. STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

A. Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. Not more than one commercial vehicle, which does not exceed one and one-half (1-1/2) tons rated capacity, per family member living on the premises and employed by issuing employer, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted. No commercial vehicle may be parked in the front yard or exterior side yard unless it is on an improved parking surface or non-conforming unimproved parking surface as defined in §18-86 of the Tuttle Code of Ordinances.

2. Not more than one of the following per family living on the premises (or two collectively when located on single-family parcels greater than 20,000 square feet) shall be parked or stored for more than one week unless it is completely located behind the front yard building line:

   a. boat;

   b. RV;

   c. camping or travel trailer;

   d. hauling trailer.

   Hauling trailers shall not exceed twenty-four (24) feet in length or eight (8) feet in width. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City of Tuttle.

3. A mobile home shall be parked or stored only in a trailer court which is in conformity with the ordinances of the City of Tuttle.

B. No livestock trailers shall be parked or stored in the City of Tuttle that has not been cleaned of all animal waste and other materials that may create unsanitary conditions or create noxious odors.

(Upd. Ord 2014-05, 02/10/2014; Ord 2017-19, 12/11/2017; Ord. 2019-09, 9/13/2019)

SECTION 24. SWIMMING POOLS.

Private swimming pools may be constructed as an accessory use, but shall be completely enclosed by a permanent wall or fence not less than four (4) feet in height, and shall meet the requirements of the city-county health department. A swimming pool shall not be constructed in front of the front building line and no portion of the pool, equipment, walkway, or other facilities related thereto, shall be located closer than ten (10) feet to the side or rear lot line.

SECTION 25. ANIMALS.

Animals in any district shall be kept only in accordance with Tuttle ordinances.

1. Residential Accessory Use for Farm Animals. A residential use of a singular tract or parcel of land having an area of at least one-half acre but less than 5 acres, which primary use is for residential dwelling with limited animal allowances, whereas such accessory uses are inherent to the enjoyment of the premises and not involving the conduct of business.

   a. The keeping of "animal units" on any residential use lot, tract, or parcel shall be permitted only accessory to the residential use of said premises. In addition, each animal kept shall be provided with shelter suitable for protection from the elements.

   b. Table A Farm Animal Allowances Chart

Table A. Farm Animal Allowances Chart

Kind/Class of Animal	Animal Unit/Acres	Minimum Parcel Size
Horse	2.00 for the first 2 acres, then 1.00 for every acre over 2	2 acres
Cow	2.00 for the first 2 acres, then 1.00 for every acre over 2	2 acres
Goat	0.25	.5 acre
Sheep	0.25	.5 acre
Turkey/Duck/Geese	0.15	.5 acre
Guinea	0.15	.5 acre
Chicken	0.05	Any Lot Size
Quail	0.05	Any Lot Size

2. Determining Animal Unit/Acre

   a. When determining the amount of animal units per acre, the following formula is used:

      sqft of parcel/43560 = acre size

      acre size/desired animal unit from Table A = total number of allowed animals

      All acre sizes will be rounded down two decimal points. All total number of allowed animals will be rounded down to the nearest whole number.

      Ex. 25600/43560 = .58 ac

      .58/.15(turkeys) = 3.86 which would be 3 turkeys allowed.

3. Nursing Offspring. Any young animals mothered by resident animals shall be exempt from the animal unit designation until reaching the age of nine (9) months.

4. Private Restrictions. This section is not intended to override or replace any restrictive covenant which may be applicable to any property.

5. Additional Regulations on Chickens and Quail Chickens and Quail are allowed on any size parcel in conformance with Table A Farm Animal Allowances Chart

    a. No roosters shall be allowed under two (2) acres.

    b. Coop: A coop is a permanent structure that in addition to protecting human health and safety, provides the chickens or laying hens with protection from the elements and predators, and must include suitable clean ventilated air, bedding, nest boxes and roost space.

    c. Run: A run is an attached enclosed area where the chickens or laying hens are safe from predators, but free to be outside the coop, but also protects human health and safety.

    d. Roost: Roosts should provide 18" of surface area, and have rounded corners and be free of splinters. One nest box per every four (4) chickens or laying hens.

    e. Coop Setbacks: Coops shall be located no closer than five (5) feet from any side property line and no closer than ten (10) feet from any rear property line. Coops shall not be located within any front yard setback.

    f. Coop and Run Design:

        i. Coops shall be predator resistant and any open wall or windows shall be designed and screened to prevent access by predators.

        ii. Minimum size for a coop shall be four (4) square feet per chicken or laying hen.

        iii. Minimum size for a run shall be eight (8) square feet per chicken or laying hen.

        iv. Coop shall have a suitable run attached and all areas of the coop should be easily accessible for proper cleaning and to prevent odor and build-up of food or bedding

    g. All areas where chickens or laying hens are present shall be cleaned daily to prevent an accumulation of food, fecal matter, bedding or nesting material so as to prevent a nuisance or unsanitary condition due to odor, vermin, debris or decay. All waste not composted shall be properly bagged and placed in garbage containers

6. Outdoor Processing of Animals. Outdoor slaughter of any animal is prohibited

(Upated Ord 2024-04, 2/12/2024)

SECTION 26. 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 ordinances of the City of Tuttle and the regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma.

SECTION 27. MOBILE HOME REGULATIONS.

A. All Mobile Home Parks shall comply with the following conditions:

    1. The mobile home parks shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply. The mobile home area shall be sufficient to accommodate the number of mobile home spaces for which the park is designed, parking areas for motor vehicles and service areas. Mobile Home Parks shall be limited to 7.25 spaces per acre.

    2. Roads in the mobile home-park shall be continuous and have a sealed surface pavement of not less than twenty-four (24) feet in width. All streets shall be constructed with curb and gutter and in conformity with requirements for streets in an R-1 area. Parking areas shall be provided to accommodate at least two (2) vehicles for each mobile home space. Parking space shall be provided as off-street parking; provided, however, wherever parallel parking on street is allowed the roadway width shall be in-creased by eight (8) feet on each side of the roadway where parking is provided.

    3. Each mobile home space shall contain a minimum of six thousand (6,000) square feet, and shall be at least forty (40) feet wide. Each space shall abut on a roadway or public street. All driveways within a park shall be constructed with a minimum of two (2) inches of asphaltic concrete on a six (6) inch compacted sub-base and shall be constructed in accordance with Section 17-51 of this Code of Ordinances. Mobile homes shall be located in mobile home spaces with twenty (20) foot rear and side yard setbacks. so there will be not less than forty (40) feet between mobile homes or any mobile home coach and a building or structure, and at least twenty (20) feet between any mobile home and the property line. No mobile home shall be parked closer than twenty-five (25) feet to any public street or highway easement or so that any part of the mobile home would obstruct any roadway or walkway. No greater number of mobile homes will be allowed than there are mobile home spaces available. Service areas for drying clothes shall be provided on the basis of fifty (50) square feet per mobile home space.

    4. Each mobile home park shall be provided with one or more service building equipped with flush type toilet fixtures, if mobile homes without sanitary plumbing are permitted. No service building shall contain less than one toilet, one lavatory, and one shower or bathtub for each sex. Each water closet and shower shall be in a separate compartment, with self-closing doors. Showers for women shall have a dressing compartment with stool and bench.

A floor plan of the service building shall be prepared showing the number and location of toilets, urinals, showers or bathtubs and lavatories. Additional plans may be required by the Building Inspector showing details of water and sewer connections and such others as he may deem necessary.

5. An accessible, adequate, safe supply of water, capable of furnishing a minimum of one hundred fifty (150) gallons per day per mobile home space, shall be provided in each mobile home park. Where a public supply of water of such quality is available, connection shall be made and its supply shall be used exclusively. The development of an independent water supply to serve the mobile home-park shall meet the requirements of the County Health Department and the County Engineer.

6. Trailer parks shall be served by a sewer system which has the approval of the County Health Department and County Engineer. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as not to create a nuisance or health hazard. All plumbing in the mobile home-park shall comply with the Oklahoma State plumbing code.

7. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing.

8. Insect and rodent control measures to safeguard public health, as recommended by the County Health Department, shall be applied to the trailer park.

9. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space. The installation shall comply with the "Electrical Code" of the City of Tuttle, Oklahoma.

10. No permanent additions of any kind shall be built onto or become a part of any mobile home. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. The wheels of the coach shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked and occupied. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park.

11. Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period of not less than seven years. Such register shall contain the names and addresses of all mobile home occupants stopping in the park and the make, model and license number of each mobile home coach, the state, territory or country issuing the mobile home license and the dates of arrival and departure of each mobile home. Every owner, operator, attendant, or other person operating a mobile home park shall notify the Tuttle Police immediately of any suspected communicable or contagious disease diagnosed by a physician as quarantinable, such owner, operator, attendant or other person operating a mobile home park shall not permit the departure of a mobile home or occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the County Health officer.

12. Every mobile home or travel trailer shall be placed upon a pad. Said pad shall be constructed of asphaltic or portland cement concrete; provided however, this requirement may be satisfied with two (2) asphaltic or portland cement concrete driveway ribbons, separated by no less than eight (8) feet nor more than twelve (12) feet by an area which shall be treated to kill all vegetation and filled with a washed gravel to a depth of not less than six (6) inches.

13. All Mobile Home Parks shall have and maintain a sight proof screen along all park boundaries not bordering a street, said screen to be not less than six (6) feet in height.

14. All Mobile Home Parks shall have contain a maintained and functional storm shelter with a capacity for not less than 2 persons per mobile home space.

15. All Mobile Home Parks shall contain a compact, centrally located parcel of land that will be dedicated to the City containing not less than fifty (50) square feet per mobile home space.

(Upd. Ord. 2004-20, __/__/2004)

SECTION 28. REVIEW OF APPROPRIATENESS AS TO USE.

A. It is the intent of these regulations that all uses shall be located on a site or within a building which has sufficient utilities and services and is of appropriate space and design to satisfactorily accommodate each use of land or building, in terms of safety, function, aesthetic quality, and harmony with other uses in the area. Whenever a request for a use of land or building does not meet these conditions, in the opinion of the administrative office enforcing these regulations, but all other provisions of these regulations are complied with, the administrators shall refer such case to the Planning Commission for their review and recommendations. Said recommendations shall be submitted to the City Council who shall stipulate the requirements which shall be followed to comply with the intent of these regulations, and said requirements shall be made a part of the conditions for issuance of the permit authorizing construction and occupancy.

B. No structure may be occupied as a mixed residential-commercial use or a mixed residential-industrial use without first obtaining a Use on Review Permit from the appropriate authority of the City of Tuttle. Nothing herein

shall be construed to authorize a mixed residential-commercial use of a structure or a mixed residential-industrial use of a structure unless said mixed use is expressly authorized pursuant to some other ordinance or regulation of the City of Tuttle, Oklahoma.

(Upd. Ord. 2005-06, __/__/2005, Ord. 2005-08, __/__/2005)

SECTION 29. ARCHITECTURAL DESIGN OF ACCESSORY BUILDINGS AND FENCES.

A. The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which said building or fence is accessory.

B. General Requirements for Accessory Buildings and Pools in Any Residential or Agricultural District.

1. No accessory building, carport, or pool shall be placed within an easement.

2. No accessory building, carport, or pool shall be placed in the side yard setback between the front and rear yard setback lines.

3. No accessory building, carport, or pool shall project into the front yard or exterior side yard beyond the face primary structure (not to include the porch area), but this limitation shall not apply to carports, when constructed in compliance with Paragraph C of this Section. When the primary structure is located 100 feet or greater from a property line, the required setback for the accessory building, carport, or pool shall be reduced to no more than 100 feet to the property line unless otherwise exempt pursuant to state law.

4. All other applicable setbacks and development standards not in conflict with this paragraph shall apply, including district-specific regulations and façade requirements.

C. Requirements for Carports Within the Required Front Yard in Any Residential District.

1. Purpose and Applicability. The purpose of this provision is to allow carports to be erected within the required front yard when no other feasible option exists on the qualifying residential lots. Carports in any residential district shall be limited to lots where the principal structure was originally constructed before January 1, 2000. Carports shall be allowed on any lot zoned General Agricultural A-1.

2. Approval. Carports may be permitted in required front yards of certain single-family and two-family residential lots where the Community Development Director determines that the proposed carport:

a. Is in keeping with the existence, location, and design of other carports in the immediate vicinity of the requested carport;

b. Will not cause sight obstructions to motorists on or entering the abutting neighborhood;

c. Will not cause a negative visual impact on the streetscape of the neighborhood;

d. Is compatible with the architectural style of the dwelling and the predominant architectural style of the neighborhood; and

e. There are no recorded and active covenants and/or restrictions that apply to the subject property and/or surrounding neighborhood that would prohibit the proposed carport.

3. Design. Any residential carport that is permitted in required front yards shall comply with the following restrictions:

a. Freestanding carports that are not structurally integrated with the roof of the principal structure shall not exceed 18 inches of separation from the principal structure.

b. Except for the roof, carports shall be painted to match or replicate the color of the trim areas of the principal structure.

c. Carports shall have dimensions no greater than 20 feet in length by 20 feet in width.

d. The minimum height of a support structure for the carport shall be eight feet. The overall height of the carport shall not exceed the height of the primary structure. All heights shall be measured from the highest ground elevation at the wall of the carport.

e. All sides of a carport shall be open and unobstructed, except for support columns, which in total shall not obstruct more than 15 percent of the area of any side.

f. The entire area under a carport shall only be used to park operable and properly licensed vehicles (i.e., cars, pickup trucks, vans, sport utility vehicles, boats, campers, etc. as specifically allowed in this Zoning Code) that are customarily incidental to the residential use of the property. No storage of household belongings or other non-vehicle items are allowed.

g. Carports shall only be permitted when covering an appropriate all-weather driveway surface (i.e. concrete or asphalt) designed for vehicle storage.

D. Criteria for Site Design of Outdoor Yards for Industrial Storage.

1. Yard storage areas (typically for the storage of work vehicles, trailers, equipment, and materials, etc.) must be completely screened from view of a public street. This includes the gates. The screening wall or fence shall be constructed, designed, and arranged to provide visual separation, irrespective of season or vegetation. Said screening wall or fence shall be no less than six (6) feet nor more than eight (8) feet in height, and shall be constructed with all posts, braces, and supports on the non-street side of the fencing wall or fence. The screening wall or fence shall be maintained by the owner of the commercial lot. Materials and colors used must be of a uniform nature. Metal fencing is

permitted, but the face must be of one solid color, and the trim must be of one solid color. Failure to maintain after notice by the City or its agent shall constitute a nuisance violation.

2. Yard storage areas are not permitted in the front yard setback.

3. Yard storage areas may be graveled in lieu of hard-surfaced paving.

4. Yard storage areas must be arranged and maintained to comply with all applicable life-safety codes.

5. Yard storage areas must comply with the Residential Adjacency Standards.

6. This paragraph does not apply to temporary onsite yard storage areas associated with active construction activity.

(Upd. Ord. 2018-21, 12/10/2005; Ord. 2019-09, 5/13/2019; Ord. 2020-10, 6/8/2020)

SECTION 30. PORTABLE OR TEMPORARY BUILDINGS.

Portable or temporary buildings shall be permitted only in accordance with the provisions of these regulations and the regulations governing such buildings as contained in Chapter 4, Article 1, of the code of the City of Tuttle and subsequent amendments thereto.

SECTION 30A. PARKS, PLAYGROUNDS, RECREATION, AND ATHLETIC FACILITIES.

A. Outdoor Athletic Facilities. The following criteria shall apply to all outdoor athletic facilities:

1. Bleachers shall be set back a minimum of 100 feet from a residential zoning district boundary line or from a residential property line.

2. Backstops shall be set back a minimum of 150 feet from a residential zoning district boundary line or from a residential property line.

3. All other buildings, structures, and fields shall be a minimum of 100 feet from any residentially zoned or used lot.

4. Lights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property or adjacent right-of-way.

5. Fencing, netting, berms or other control measures shall be provided around the perimeter to prevent balls from leaving the designated area.

6. The hours of operation shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins or is within 150 feet of a residentially zoned or used property conduct business between the hours of 10:00 pm and 8:00 am except for parks owned and operated by a public agency.

7. The amount of noise generated shall not disrupt the activities of the adjacent land uses.

(Added by Ord. 2010-03, __/__/2003)

SECTION 30B. RECYCLING AND DONATION FACILITIES.

A. Recycling Facilities. The following criteria will apply to all recycling centers:

1. Recyclable materials shall be kept in containers with closed lids to prevent materials from falling out of the containers.

2. Recycling facilities shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.

3. Recycling centers are subject to the approval of a Permit by the Community Development Department, and upon receipt of written authorization of by the property owner, or his legal representative.

B. Donation Drop-Off Boxes. The following criteria will apply to all donation drop-off boxes.

1. Donation Drop-Off Boxes are permitted only as a use accessory to an established and primary permitted use. Donation Drop-Off Boxes are subject to the approval of a Permit by the Community Development Department, and upon receipt of written authorization by the property owner, or his legal representative.

2. Donation Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses and developments.

3. Each Donation Drop-Off Box shall have a firmly closing lid and shall have a capacity no greater than six (6) cubic yards. No Donation Drop-Off Box shall exceed seven (7) feet in height.

4. Donation Drop-Off Boxes may be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.

5. Donation Drop-Off Boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The Donation Drop-Off Box shall also display a notice stating that no items or materials shall be left outside of the Donation Drop- Off Box.

6. Occupation of parking spaces by the Donation Drop-Off Boxes shall not reduce the number of

available parking spaces below the minimum number required for the site.

7. All donated items must be collected and stored in the Donation Drop-Off Box. Donated items or materials shall not be left outside of Donation Drop-Off Boxes, and the area around each Donation Drop-Off Box shall be maintained by the owner or operator, or the property owner, free of litter and any other undesirable materials.

8. Donation Drop-Off Boxes not located or maintained in compliance with all applicable codes and regulations of the City shall be subject to revocation of the Permit.

9. Donated materials given to thrift or community stores, when dropped off outside the retail site itself, shall comply with all posted rules of the facility as well as be enclosed in a container.

(Added by Ord. 2010-22, __/__/2010)

SECTION 30C. SALVAGE YARDS AND WRECKER SERVICES.

A. Salvage Yards. The following criteria will apply to salvage yards:

1. All materials stored in SALVAGE YARDS, TRANSFER STATIONS must be transferred from the location at least two times per calendar month. Code Enforcement may require more frequent pickup when the accumulation of materials begins to create a nuisance.

2. SALVAGE YARDS, TRANSFER STATION; SALVAGE YARDS, NON-TRANSFER STATION, SALVAGE YARDS, AUTOMOBILE, and impound yards associated with wrecker services must be enclosed by sight proof fencing kept in good condition and that harmonizes with the surrounding area and complies with the regulations specified in Section 5-65 of the Tuttle Code of Ordinances and the residential adjacency standards established in this Ordinance.

3. All refrigerators and similar appliances stored in SALVAGE YARDS, TRANSFER STATION and SALVAGE YARDS, NON-TRANSFER STATION must comply with Section 9-40 of the Tuttle Code of Ordinances.

4. The SALVAGE YARDS, TRANSFER STATION; SALVAGE YARDS, NON-TRANSFER STATION and SALVAGE YARDS, AUTOMOBILE facility shall be constructed in such a way as to prevent the leeching of harmful fluids, toxins and other contaminants into surrounding water sources in compliance with all local, state and federal regulations. Compliance with all other local, state and federal environmental regulations shall also be required. The Community Development Director may require certification from the appropriate agencies verifying compliance.

(Added by Ord. 2010-22, __/__/2010; Ord 2017-06, 3/13/2017)

SECTION 30D. BUILDING & SITE DESIGN STANDARDS.

A. Purpose. This Section is intended to promote high standards in architectural design and creative, innovative, aesthetically pleasing structures. Building design determines much of the image and attractiveness of the streetscapes and character of the community. Massive, duplicative or generic projects that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image and sense of place. The City's goal is to create and maintain a positive ambiance and community image and identity by providing for building design treatments that shall enhance the visual appearance of applicable development and the quality of life in the city.

B. General Requirements. The provisions of this subsection shall apply to all development, renovation or redevelopment of all structures.

1. Metal Construction.

a. Non-Metal Coverage for General Development. All sides of a permitted metal building that fronts or faces any public street shall have an exterior façade completely constructed of brick, glass, rock, wood or material other than metal. This shall also apply to any exterior wall that is visible on any public street where additional development at that time will not provide adequate shielding of the external metal wall.

b. Residential Coverage. See Section 30d(B)(2).

c. Agricultural Exception. The requirements for non-metal coverage shall not apply to shop/barn buildings for agricultural uses.

d. Industrial Exception. The requirements for non-metal coverage shall not apply to any building or structure located in an industrial or manufacturing zoning district unless said building is located within three hundred of any Oklahoma Department of Transportation designated highway right-of-way.

2. Single-Family and Two-Family Residential Home Facades.

a. This sub-paragraph shall only apply to the primary structure of any new single-family or two-family residential structure. The following shall not apply to any renovation, upgrade, or expansion of the primary structure and shall not apply to accessory structures unless specified. The following shall also not apply for any structure constructed on parcels zoned A-1 with a minimum of 10 acres or more.

i. The side and rear exteriors of all new single-family or two-family residential structures shall have an exterior façade made up of 100% brick, rock, or other masonry products (excluding doors, windows, columns, and other architectural elements) below the first-floor roof line. New Single-Family

Residential Homes located in OTR Zoning District and/or Unplatted areas are only required to have a minimum of 30% coverage. This requirement shall not apply to building expansions or remodels.

ii. The front-facing exteriors of all new single-family or two-family residential structures shall have an exterior façade made up of 50% brick, rock, or other masonry products (excluding doors, windows, columns, and other architectural elements) below the first-floor roof line. New Single-Family Residential Homes located in OTR Zoning District and/or Unplatted areas are only required to have a minimum of 30% coverage. This requirement shall not apply to building expansions or remodels.

iii. No exposed concrete or exposed portion of foundation shall be seen above the finished grade on any new single-family or two-family residential structure.

iv. The use of vinyl siding as an exterior façade is prohibited on all new single-family or two-family residential structures. This requirement shall not apply to building expansions or remodels.

v. The use of metallic products as an exterior façade is prohibited on all new single-family or two-family residential structures (excluding architectural elements, including copper roofs over bay windows). This requirement shall apply to building expansions or remodels. The requirements for non-metal coverage shall not apply to accessory shop/barn buildings for single-family residential structures.

C. Design Review for Exceptions. Anyone requesting an exception from the requirements of this section may request for a Design Review for Exception from the Board of Adjustment (see Section 45B).

D. Planned Developments. Deviations from the requirements of this section may be approved as a part of a Planned Development in accordance with Section 16 of this Zoning Ordinance.

E. Conflicts Specified Within This Zoning Ordinance. When a conflict is specified elsewhere within this Zoning Ordinance, the latter provisions shall govern.

(Added by Ord. 2015-10, 7/13/2015; Updated Ord. 2019-05, 9/9/2019)

SECTION 30E. RESIDENTIAL ADJACENCY STANDARDS.

A. Any nonresidential lot that abuts a residential District on the rear shall have a screening wall or fence. The screening wall or fence shall be constructed, designed and arranged to provide visual separation of uses, irrespective of season or vegetation. Said screening wall or fence shall be not less than six (6) feet nor more than eight (8) feet in height, and shall be constructed with all posts, braces and supports on the commercial side of the screening wall or fence. The screening wall or fence shall be maintained by the owner of the commercial lot. Failure to maintain after notice by the City or its agent shall constitute a violation of this ordinance.

(Added by Ord. 2017-06, 3/13/2017)

SECTION 30F. PROJECTIONS INTO EASEMENTS AND RIGHTS-OF-WAY.

A. Projections shall not extend or encroach into any easement(s) or right(s)-of-way except through license agreements.

B. Canopies, awnings, and patios in the Central Business District (CBD) shall be constructed entirely on private property.

C. In the Central Business District (CBD) District canopies and awnings may project over the walkway area provided they are a minimum of eight (8) feet above the established sidewalk elevation and are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area.

D. In the Central Business District (CBD) patios and other architectural elements may project over the walkway area provided they are a minimum of eight (8) feet above the established sidewalk elevation and are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area. Prior to the issuance of a building permit for the construction of a patio or other architectural element that extends beyond the private property line onto the public right-of-way, the applicant must first submit their plans for review in accordance with Section 28 REVIEW OF APPROPRIATENESS AS TO USE of this code.

(Added by Ord. 2017-06, 3/13/2017)

SECTION 30G. PLACES OF WORSHIP.

A. Places of worship allowed in residential districts have the following exceptions to the development standards:

1. The interior and exterior side yard setback shall be a distance of not less than thirty-five (35) feet.

2. The lot area shall be adequate to provide the yard areas required in the zoned district and the required off-street parking areas required in this Ordinance; provided the minimum lot size shall be thirty-thousand (30,000) square feet, and for each increment in seating capacity of twenty (20) persons which exceeds a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand square feet of lot area shall be provided.

B. Height exceptions for Places of Worship. The steeple, bell tower, minaret, spire or comparable structure associated with a particular religious assembly shall not be prohibited by the height restrictions in this Ordinance, provided that:

1. The identified structure is structurally attached as part of the primary building;

2. The identified structure is not habitable higher than the permitted zoning height requirement for the rest of the structure;

3. The identified structure is of the type commonly associated either with the call to worship or the identity of the congregation;

4. The identified structure contains no symbols or words or similar items on its outer surface that are not associated with worship;

5. The construction plans for the identified structure shall be structurally engineered and the plans signed and sealed by a licensed structural engineer; and

6. The apex of the identified structure does not exceed 100 feet above the finished grade elevation at the base of the structure.

The city council expressly finds this provision is an accommodation that is reasonably necessary by virtue of state and federal legislation (commonly called RLUIPA) intended to balance religious liberties with government regulations such as zoning and building codes.

(Added by Ord. 2017-06, 3/13/2017)

SECTION 30H. OUTDOOR ANIMAL FACILITIES.

A. Veterinarian hospitals, commercial kennels, and other animal-related land uses with outdoor facilities, including but not limited to pens, runs, or activity areas, shall conform to the Animal Regulations established in the Code of Ordinances. Adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties.

(Added by Ord. 2017-05, 3/13/2017)

SECTION 30I. HOME OCCUPATION.

A. A home occupation or home-based business is any occupation or profession carried on in a residence which is clearly incidental and secondary to the residential use of the premises; does not change the residential character or physically alter the appearance of the property; and is subject to all city ordinances, including but not limited to, parking of vehicles and obtaining a business license from the City of Tuttle.

1. The parking of a commercial vehicle assigned or owned by a person who resides on the premises and otherwise does not conduct business on the premises shall be regulated by Section 23 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES, and is not considered a home occupation.

2. The conducting of garage or yard sales, as defined and regulated in Chapter 5 of the Tuttle Code of Ordinances is not considered a home occupation.

3. The conducting of occasional “host” parties where goods, such as kitchen storage container and cosmetic supplies, are sampled or displayed is not considered a home occupation.

4. Home occupation regulations shall not apply to those who telecommute or operate a home office when no additional traffic is generated.

B. Conditions for home occupations.

1. Location. The home occupation must be entirely located within the dwelling or an associated accessory building on the same lot of the primary dwelling. Outside storage of any kind related to the home occupation shall generally not be visible from the public right-of-way and surrounding residentially-zoned properties;

2. Employees and residency. The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one (1) person who does not reside on the premises.

3. Neighborhood compatibility.

a. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two vehicles per home occupation. All vehicles and trailers must comply with Section 23 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

b. There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 31 OFF-STREET PARKING.

c. No additional parking areas other than driveways shall be located in the required front setback.

d. There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building except that one (1) non-illuminated nameplate, not more than two square feet in area attached to the main or accessory building or located in a window, may be permitted.

e. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

f. Wholesale or retail sales of goods, open to the public, shall not occur on the premises.

g. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, sewerage or water use in excess of what is normal in the residential neighborhood, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception. The home occupation shall not create a nuisance.

h. No deliveries by commercial vehicles outside of typical parcel courier service (i.e. USPS, UPS, FedEx, etc). Home occupations requiring any deliveries from a freight hauler are prohibited.

C. Prohibited home occupations. The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations.

1. Auto repair or motorized implement repair (other than minor service of personal vehicles owned by persons living on the premises or their friends and relatives, and performed in an enclosed garage).

2. Dance, music or other types of instruction (if more than four students are being instructed at one (1) time).

3. Dental offices.

4. Medical offices.

5. The painting of vehicles, trailers or boats.

6. Private schools with organized classes.

7. Motor vehicle towing operation.

8. Nursing homes.

9. Boarding house and other such transient lodging.

10. Bed & breakfasts (unless otherwise permitted in this Code).

11. Tea room or restaurants.

12. Child care facilities (other than family child care home or family child care large as defined in Section 6 DEFINITIONS or occasional babysitting).

13. Sexually oriented businesses.

14. Medical marijuana dispensary, marijuana commercial/industrial grower, and marijuana commercial/industrial processor operations (commercial/industrial growing and processing is allowed within agricultural districts as specified in Section 30n MEDICAL MARIJUANA COMMERCIAL BUSINESSES).

15. Any industrial use or activity not otherwise specified in this section.

16. Commercial raising of farm animals, except for parcels zoned Agricultural and larger than 5 acres in size

D. Home occupations requiring a minor exception. The following uses, because of their potential impacts on the surrounding residential area, may be permitted only after receiving a minor exception from the Board of Adjustment. The Board of Adjustment shall take into account the potential impact on the surrounding residential area, impact on traffic, potential to create a nuisance, and other criteria specified in this section. Any minor exceptions granted shall expire when the applicant no longer resides at the approved site or thirty (30) days after the resident ceases the home occupation, whichever occurs first; and is not transferable to any other location or person.

1. Base or office for a contractor where up to four (4) employees assemble to go to job sites and all equipment is stored behind the front building line and stored out of public view and provided ample parking is available for the employees off of the street and on a typical paved driveway (if a paved driveway is required). Up to ten (10) employees can assemble to go to job site when the residential property is at least 2 acres in size.

2. Base or office for an employer where up to four (4) employees assemble to go to job sites provided ample parking is available for the employees.

3. Barber shops and beauty shops having not more than one (1) chair provided ample parking is available.

4. Welding, plumbing, electrical or shop, or similar shops.

5. Carpentry, cabinet making, metal work, fabrication or assembly of products for transport to a site off premises.

6. Artisan shops.

7. Family child care large.

E. Any home-based occupation requiring a minor exception by this section that was legally in existence prior to January 1, 2018 and has applied for a business license from the City of Tuttle prior to July 1, 2018, including any base or office for a contractor whose equipment is stored and employees are parked in accordance with these regulations, may continue to operate without seeking a minor exception.

(Added by Ord. 2017-19, 12/11/2017; Updated by Ord. 2019-04, 03/11/2019; Ord. 2020-09, 09/14/20200; Ord 2024-04, 2/12/2024)

SECTION 30J. OIL & GAS SETBACKS.

A. All oil & gas activities shall comply with the regulations established in Chapter 14 of the Tuttle Code of Ordinances.

B. Specific Use Permits. RESERVED.

C. Setbacks. The following setbacks are established for oil & gas activity and structures located near oil & gas activity. The greater of the required setbacks established in this section and elsewhere in this Zoning Code shall prevail.

1. The location of any building and related structures, either temporary or permanent, on any oil & gas site must comply with the setback requirements established in this section and elsewhere in the Zoning Code unless an exception is granted as a part of the Specific Use Permit issued for the oil & gas site.

2. No new oil & gas site shall be located closer than the specified minimum setbacks established in the following table.

Feature	Minimum Setback	Note
Any residential structure, platted residential subdivisions, place of worship, hospital, public or private school building/facility, commercial or industrial building/facility, fire station, police station, primary city office, or public park.	500 feet	The Planning Commission may agree to reduce the setback of new oil & gas sites to 150 feet with the written permission of all affected property owners and tenants.
The edge of the right-of-way/easement of any public street, road, highway, future street right-of-way, or the property line or nearest rail of an operating railway.	75 feet	
The edge of the right-of-way/easement of SH-4 and SH-37.	1,250 feet	
The edge of the right-of-way/easement of all other State and Federal highways (except as otherwise noted in this chart) , and the intersection of all section lines	200 feet	
The edge of the right-of-way/easement of the intersections of section-line roadways.	300 feet	As measured for a distance of 300 feet along the roadway right-of-way /easement from the intersection
Any fresh water well (Public)	1,000 feet	
Any fresh water well (Private)	500 feet	

3. It shall be unlawful to drill any oil & gas well, the center of which, at the surface of the ground, is located:

    a. Within 25 feet from any storage tank or source of ignition; and

    b. Within 25 feet of the edge of the oil & gas site.

4. The measurement of the setback shall be made from edge of the oil & gas site or the well bore in a straight line, without regard to intervening structures or objects, to the closest exterior point of the building or boundary line.

5. No new residential building, place of worship, public or private school building/facility, commercial or industrial building/facility, or public or private water well shall be located within 150 feet of an existing oil or gas site. Those structures legally located and operating within 150 feet of an oil or gas site prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use. Said legal non-conforming structures shall not be enlarged or replaced within the established 150-foot buffer unless approved by the Planning Commission. A Special Exception may be granted by the Board of Adjustment.

6. Those oil & gas sites legally located within the setbacks established in paragraph A and operating prior to or annexed after January 1, 2018 shall be considered a legal non-conforming use. New wells shall not be drilled on legal non-conforming sites except as follows:

    a. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location within 500 feet of a residential structure, platted residential subdivision, place of worship, hospital, public or private school building/facility, commercial or industrial building/facility, fire station, police station, primary city office, or public park only if:

        i. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

        ii. All affected property owners within the 500-foot setback grant permission for the drilling, in writing, on a form acceptable to the City Attorney.

    b. The Planning Commission may permit additional drilling on a non-conforming oil & gas drilling site when said non-conformance is due its location adjacent to a roadway only if:

        i. The Planning Commission, after conducting a public hearing, finds that it is in the best interest of the area property owners, residents, and the oil & gas applicant to drill at the legal non-conforming site; and

        ii. Written notification of the public hearing has been mailed to all property owners within the respective setback area creating the non-conformity.

(Added by Ord. 2018-04, 02/12/2018. Upd Ord 2018-23, 12/10/2018)

SECTION 30K. INDUSTRIAL USES IN COMMERCIAL DISTRICTS.

A. Criteria for Specific Permit Approval. The industrial uses listed under the commercial districts as requiring specific

use permits are allowed in the specified commercial district upon the Planning Commission and City Council finding, in addition to the approval criteria specified in Section 51, the following criteria.

1. General Nuisances. All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the industrial operation will not cause adverse impacts to adjacent properties.

2. Compliance with Commercial Development Regulations. Use of existing structures and the site, along with any new proposed structures and improvements, will comply with all commercial and other applicable development regulations (façade, residential adjacency standards, landscaping, parking, paving, fencing, stormwater, etc.).

3. Compatibility with Current and Future Development. The current and/or proposed physical appearance of the structures and site will not detract from the existing and future development in the area creating a harmonious environment in accordance with the Comprehensive Plan and other applicable area plans.

4. Truck Impact on Existing and Future Traffic. Truck traffic will not have a negative impact on the safe and efficient flow of traffic.

(Added by Ord. 2018-20, 12/10/2018)

SECTION 30L. TRANSPORTATION-FOCUSED USES.

A. Criteria for Specific Permit Approval. The transportation-focused uses listed as requiring specific use permits are allowed in the specified district upon the Planning Commission and City Council finding, in addition to the approval criteria specified in Section 51, the following criteria.

1. General Nuisances. All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the operation will not cause adverse impacts to adjacent properties.

2. Compliance with Commercial Development Regulations. Use of existing structures and the site, along with any new proposed structures and improvements, will comply with all commercial and other applicable development regulations (façade, residential adjacency standards, landscaping, parking, paving, fencing, stormwater, etc.).

3. Compatibility with Current and Future Development. The current and/or proposed physical appearance of the structures and site will not detract from the existing and future development in the area creating a harmonious environment in accordance with the Comprehensive Plan and other applicable area plans.

4. Parking. All parking and isles necessary for the display of automobile and trucks shall be paved meeting all applicable paving, landscaping, stormwater, and residential adjacency regulations.

(Added by Ord. 2018-20, 12/10/2018)

SECTION 30M. LANDSCAPE REGULATIONS.

1. Purposes and Intent of Landscaping Requirements. The purpose of this section is to establish standards for installation of landscaping in all new development and redevelopment areas in order to enhance the aesthetic appearance of properties within the City, ensure the quality, quantity, and appropriateness of landscape materials, effect a functional and attractive design, improve compatibility between land uses, conserve water, control soil erosion, and preserve the character of existing neighborhoods.

2. Landscaping Required. Landscaping, as required herein, shall be provided for all new single-family residential, multi-family residential, civic, office, commercial, and industrial construction in the city. Landscaping shall also be provided for any addition to an existing multi-family, civic, office, commercial, or industrial use if the proposed addition increases the size of the existing structure by at least fifty (50) percent.

3. Landscaping Standards - General. The requirements of this section shall apply to all land uses other than a single-family or two-family residence on a single lot or lots located in the Central Business District “CBD” and the structure(s) will be constructed at the zero lot line..

   a. No less than five (5) percent of the total land area of the site (excluding the street right-of-way) shall be landscaped. At least seventy-five (75) percent of the landscaped area shall be in the front or side yards.

   b. There shall be one (1) live tree having a minimum height of five (5) feet, and two (2) shrubs provided for every four hundred (400) square feet of area to be landscaped, including the street right-of-way.

   c. Trees shall have a minimum caliper of at least two (2) inches.

   d. Credit for existing or newly planted larger trees (outside of the street right-of-way) that are larger than the minimum required size shall be given as follows:

      i. A healthy tree of at least three (3) inch caliper and less than eight (8) inch caliper shall count for two (2) trees.

      ii. A healthy tree of at least eight (8) inch caliper shall count for three (3) trees.

   e. The area within the boundaries of a given lot which is devoted to and consists of plant material, vines and other groundcovers, planters, brick, stone, natural forms, water forms, aggregate or other inorganic features, but not including the use of smooth concrete or asphalt; provided however, that the use of brick, stone, aggregate or other inorganic

materials shall not predominate over the use of the organic plant materials;

4. Landscaping Plans. The requirements of this section shall apply to all land uses other than a single-family or two-family residence on a single lot.

    a. A landscaping plan is required and submitted as part of the site plan as submitted for a building permit. This plan shall show detailed landscaped treatment of any area to be landscaped, including the street right-of-way. If landscaping is to be used as sight-proof screening, the entire plan may be contained in one submission. The plan shall meet the following requirements:

        i. The type of plant shall be designated with plant lists or schedules showing the required and proposed landscaping;

        ii. Existing vegetation to be saved shall be identified;

        iii. The plan shall especially respect sight triangles and sight distances at all intersections;

        iv. Landscaping should be evenly spaced throughout the site so as to balance the effect of the landscaping;

    b. No building permit shall be issued until the landscaping plan is approved;

    c. A certificate of occupancy for any use shall not be issued until the landscaping has been installed in accordance with the plan; and it shall be illegal for any person, firm, or corporation to occupy or operate a business in any new structure for which landscaping, as shown by the plans, is not provided; except that if a structure and all site improvements are complete except for these landscaping requirements and the season of the year will not permit the planting and growing of plants, temporary occupancy permit may be permitted by the Community Development Director until a date certain in the growing season. If the landscaping has not been completed by said date, the property owner shall be in violation of this code or a temporary extension may be obtained as approved by the Community Development Director for a period not to exceed one (1), thirty (30) day period.

5. Landscaping Requirements – Single-Family and Two-Family Residential. The requirements of this section shall apply to all single-family or two-family residence on a single lot smaller than five (5) acres.

    a. When located in a subdivision with landscaping requirements specified in the covenants or other controlling documents, the landscaping shall be installed and maintained in accordance with said covenants or controlling documents.

        i. The HOA shall submit documentation to the Building Inspector prior to the issuance of the Certificate of Occupancy stating the lot is in compliance with the landscaping requirements of the HOA.

    b. When not located in a subdivision with landscaping requirements, a minimum of one (1) large canopy tree with a minimum two-inch (2") caliper shall be planted and maintained in the required front yard of all new single-family uses. Existing trees of equal or greater size within the required front yard may be counted toward this requirement.

6. Other Requirements For Landscaped Areas. The following requirements shall apply to all landscaped areas:

    a. The property owner in all zoning districts shall be responsible for landscaping the area within the street right-of-way line and the curb line. This area shall not be hard surface other than a permitted driveway or sidewalk;

    b. Plants shall be grouped according to similar water needs;

    c. Plants shall not interfere with safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic, or conflict with the installation, maintenance, or repair on any public utility;

    d. A planting area a minimum of eighteen (18) inches in width shall separate a building from a driveway or parking area as feasible;

    e. A minimum of ten (10) foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate seven (7) cars or more and any Lot Frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means;

    f. A minimum of ten (10) foot wide landscape strip shall be provided between any vehicular loading area and any Lot Frontage of the property on which the loading area is located, unless the parking area is otherwise screened from the street by a building or other means.

    g. Artificial grass or any form of synthetic plant shall not be permitted as part of the minimum requirements for landscaped areas;

    h. The use of gravel as ground cover shall not be considered as meeting the minimum requirements of this section;

    i. The property owner shall be responsible for landscaping or sodding the unpaved street right-of-way. This area shall not be hard surfaced other than a permitted driveway or sidewalk;

    j. Trees shall not be planted in the street right-of-way except by special approval from the Community Development Director;

k. Trees and shrubs planted within the City of Tuttle should be selected due to their ability to respond to the environmental conditions within Tuttle. The factors to be considered in tree selection are soil conditions in relation to growth, the tree's ability to cope with the climate, and its survival rate as an urban tree. Low maintenance, a moderate growth rate, and aesthetic quality should also be considered. The Community Development Director shall keep a list of suitable trees.

l. Sod shall be timely re-established when soil has been disturbed. A Certificate of Occupancy shall not be issued until all disturbed soil has been reasonably re-soded.

7. Parking Lot Landscaping. Landscaping in all commercial and residential parking lots shall be as follows:

a. Parking lots shall be separated from street frontages and from abutting uses by planting areas;

b. A minimum of ten (10) foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate seven (7) cars or more and any Lot Frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means;

c. A minimum of ten (10) foot wide landscape strip shall be provided between any vehicular loading area and any Lot Frontage of the property on which the loading area is located, unless the vehicular loading area is otherwise screened from the street by a building or other means;

d. One deciduous shade tree shall be provided within the parking lot for every seven (7) parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or Buffer may not be counted toward this requirement;

e. Tree planting areas shall be no less than eight (8) feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be less than two and one-half (2 1/2) feet from the edge of pavement or back of curb; if curbing is not provided around the tree planting area, curb stops shall be placed such that vehicles will not overhang the tree planting area;

f. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight (8) feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass or ground cover except for those areas that are mulched;

g. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

8. Maintenance Of Landscape.

a. It shall be the responsibility of the property owner to maintain in good condition all the improvements required by this section. Any vegetation that dies shall be replaced no later than the following planting season (spring or fall).

b. When it is determined by the Community Development Director, or his designee, that improvements required by this section are not being maintained, it shall be his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The property owner shall have not less than thirty (30) days to comply with the notice; provided, however, that any person aggrieved by any such order or disagreeing with any of the requirements of the notice, may file an appeal within the thirty (30) day period to the Board of Adjustment.

c. 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.

9. Completion Requirements. A certificate of occupancy for any use wherein landscaping is required by this chapter, shall not be used until the landscaping has been installed in accordance with the landscaping plan.

a. If a structure and all site improvements are complete except for the landscaping, and the season of the year or some other constraint will not permit the planting or growing of plants, a certificate of occupancy may be granted by the Community Development Director after receipt of a an acceptable bond or other financial security in the amount of $200 per tree, or $2,000, whichever is less, and a written guarantee the required landscaping will be fully installed within the agreed-upon date. The bond or other financial security will be returned when the required landscaping has been installed. Alternatively, the Community Development Director may also issue a temporary certificate of occupancy until an agreed upon date. If the landscaping has not been completed by said date, the property owner shall be in violation of the occupancy permit provisions of this chapter and shall be subject to the penalties as provided in this code.

b. If the landscaping is required by an HOA, then subparagraph (a) above shall not apply.

(Added Ord. 2019-21, 1/13/2020)

SECTION 30N. MEDICAL MARIJUANA COMMERCIAL/INDUSTRIAL BUSINESSES

A. Unless otherwise specified, the distance requirements outlined in this section, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the protected use described is located to the nearest property line of the building or unit in which the proposed commercial/industrial medical marijuana establishment would be located.

B. Medical marijuana retail dispensaries.

1. A medical marijuana retail dispensary shall not be located within 1,000 feet of any of the following locations as measured in accordance with OAC 310:681-5-3(e)(4):

a. Any private or public school.

C. Medical marijuana commercial/industrial grow facilities.

1. A medical marijuana commercial/industrial grower facility shall not be located within 1,000 feet of any of the following locations as measured in accordance with OAC 310:681-5-3(e)(4):

a. Any private or public school.

D. Medical marijuana commercial/industrial processor.

1. A medical marijuana commercial/industrial processor shall not be located within 1,000 feet of any of the following locations as measured in accordance with OAC 310:681-5-3(e)(4):

a. Any private or public school.

E. Criteria for Specific Use Permit Approval in Agricultural Zones. The medical marijuana commercial/industrial business uses listed under the agricultural districts are requiring specific use permits are allowed in the specified agricultural district upon the Planning Commission and City Council finding, in addition to the approval criteria specified in Section 51, the following criteria:

1. General Nuisances. All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the operation will not cause adverse impacts to adjacent properties.

2. Lot Size. The minimum parcel size is 5.0 acres.

3. Facility Size. The size of the building(s) and outdoor grow area used for the medical marijuana commercial/industrial business will not detract from the agricultural nature of the area. The size of the building(s) and/or outdoor grow areas used will be limited to a combination of 2.0% of the parcel size (measured in square feet) with a maximum gross floor area of 5,000 square feet. The gross floor area may be increased through the Specific Use Permit.

4. Residential Adjacency Standards. Building(s) and/or other grow areas shall be set back a minimum of 50 feet from the property line of adjacent platted residential subdivisions. The minimum residential setback may be decreased through the Specific Use Permit. The residential adjacency standards specified in Section 30E shall apply.

5. Outdoor Grow Areas and Greenhouses. The growing of commercial/industrial medical marijuana may be permitted outside of a substantial, enclosed & secure structure when located a minimum of 300 feet from the front property line/street and a minimum of 100 feet from the side and rear property lines.

6. Accessory Use. Allowed medical marijuana commercial/industrial business uses in agricultural districts shall only be permitted within agricultural districts when established as an accessory use with a primary residential use.

If a medical marijuana commercial/industrial business meets the requirements of this paragraph and will have maximum gross floor area of the combined building(s) and/or outdoor grow area of 5,000 square feet (or 2% of the of the parcel size, whichever is smaller) and has a minimum residential setback of at least 50 feet, the use may occur by right without the need for a Specific Use Permit.

F. Criteria for Specific Use Permit Approval in Commercial and Industrial Zones. The medical marijuana commercial/industrial business uses listed under the commercial or industrial districts requiring specific use permits are allowed in the specified commercial/industrial district upon the Planning Commission and City Council finding, in addition to the approval criteria specified in Section 51, the following criteria:

1. General Nuisances. All applicable federal, state and municipal standards for any airborne emissions, noise, glare, odor, vibrations, smoke or dust associated with the operation will not cause adverse impacts to adjacent properties.

2. Outdoor Grow Areas and Greenhouses. The growing of commercial/industrial medical marijuana shall not be permitted outside of a substantial, enclosed & secure structure.

(Added Ord. 2020-09, 09/14/2020)

ARTICLE 4. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING.

SECTION 31. OFF-STREET PARKING.

A. Purpose. The purpose of off-street parking requirements is to ensure that the off-street parking spaces, stacking and loading needs of various uses shall be met without adversely affecting traffic patterns, vehicular and pedestrian safety or the aesthetic and natural environment.

B. Ownership. Except as permitted in subsection (D) below, the land upon which the off-street parking area is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

C. Maximum Space Requirements. The required minimum number of parking spaces for commercial and industrial uses are listed in Section 15-8 and Section 37 of the Zoning Ordinance. Residential dwelling parking requirements are as follows:

SINGLE and TWO-FAMILY DWELLINGS – 2 spaces per dwelling unit

MULTIPLE-FAMILY DWELLINGS– 1.5 spaces for 1 bedroom, 2 spaces for 2 or more bedrooms.

CONVALESCENT, REST or NURSING HOME, or EXTENDED CARE FACILITY – 1 space per 3 beds

ROOMING or BOARDING HOUSE – 1 space per room

D. Parking Requirements in the Central Business District (CBD). When located in the Central Business District (CBD), the Planning Commission may waive the required off-street parking upon a determination that existing public parking facilities, including on-street parking, is adequate to meet the parking needs of the area.

E. Off-Site Spaces. In the event an application proposes off-street spaces located on a separate site, this may be approved by the Planning Commission or City Council as required if the spaces comply with all of the following.

1. Ineligible Activities. Off-site spaces shall not be used to satisfy space requirements for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required spaces reserved for persons with disabilities shall not be located off-site.

2. Location. No off-site space shall be located more than 600 feet from the primary entrance of the use served unless shuttle bus service is provided to the space. Off-site spaces shall not be separated from the use that they serve by a public right-of-way of more than 80 feet in width, unless a grade-separated pedestrian walkway, shuttle bus service or other traffic control device is provided.

3. Zoning Classification. Off-site spaces serving nonresidential uses shall be located only in nonresidential districts. Off-site spaces serving residential uses may be located in either residential or nonresidential districts.

F. Rules for Computing Space Requirements. The following rules apply when computing parking space requirements.

1. Multiple Uses. Sites containing more than one use shall provide spaces in an amount equal to the total of the requirements for all uses.

2. Fractions. When measurements of the number of required spaces result in a fractional number, any fraction of 1/2 or less shall be rounded down to the next lower whole number and any fraction of more than 1/2 shall be rounded up to the next higher whole number.

3. Area Measurements. All square-footage-based space requirements shall be computed on the basis of gross floor area, which shall be measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Gross floor area shall also include the area of each floor of a structure and all attic space used for active commercial purposes.

4. Employee-Based Standards. In computing required spaces based on the number of employees, calculations shall be based on the largest number of persons working on any single shift or maximum fire-rated capacity, whichever results in the greater number of spaces.

G. Parking Area Design.

1. Parking Dimensional Standards.

a. Minimum aisle widths, space width and space length shall be as follows.

Parking Angle	Aisle Width		Space Width (ft)	Space Length (ft)
90	24’	24’	9	20
45	15’	24’	9	20
30	15’	24’	8 ½	18
Parallel	15’	24’	8	20

b. Aisle widths may be reduced to 12 feet for one-way traffic where no parking spaces empty into them.

2. Access. Required spaces shall not have direct access to a public right-of-way unless approved through the Planning Commission as required. Access to required spaces shall be provided by on-site driveways. Spaces shall be accessible without backing into or otherwise reentering a public right-of-way. The Planning Commission as required may approve on-street parking where deemed reasonable based on the traffic characteristics of the adjacent street.

3. Markings.

a. Each required space shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Markings shall be visible at all times.

b. One-way and two-way vehicular accesses into parking areas should be identified by directional arrows.

4. Surfacing. All site area used for parking space, aisle purposes, and driveway connections shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

a. Paving Exemptions in the Agriculture District (A-1). Parking spaces, aisles, and driveways for uses located in the Agriculture District (A-1) shall not be required to be paved with a sealed surface pavement except for residential uses located in the Agriculture District (A-1) with less than 2-1/2 acres.

b. Paving Exemptions for Worship Facilities, and Other Non-profit Entities. The Planning

Commission may grant time to worship facilities, and other non-profit entities to install their required sealed surface pavement for a period of time not to exceed 2 years.

c. Non-conforming Commercial, Industrial, and Multi-family Residential Parking Facilities. Any commercial, industrial, or multi-family residential parking facility in existence before the date of approval of this ordinance, which is in violation hereof, shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered or rebuilt except that such use may be changed so as to comply with the provisions of this section. Existing non-conforming uses shall be permitted to continue and be maintained in their present configuration and use unless such use is terminated for any reason whatsoever for a period of 6 months or more, thereafter such non-conforming use shall be permanently terminated or come into compliance.

d. Non-conforming Single-Family Residential Parking Facilities Constructed Prior to 2000. Any single-family residential parking facility (often referred to as driveways) in existence before January 1, 2000, which is in violation hereof, shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered or rebuilt except that such use may be changed so as to comply with the provisions of this section. Existing non-conforming uses shall be permitted to continue and be maintained in their present configuration. The construction of access paths or driveways leading to existing, altered, or new accessory buildings shall not be considered a trigger requiring a non-conforming single-family residential parking facility to be brought into compliance. The construction of new access paths or driveways shall not be required to be sealed surface.

e. Driveway Connections. All driveway connections to any paved public or private street within the City shall be constructed in such a manner (for example with a concrete apron) as to prevent damage to the public or private street, water or sewer utilities, and shall not interfere with the proper operation of the City's storm drainage system.

f. Compliance. The sealed surface of parking areas, loading space, driveways and aisles will be completed at the time of a certificate of occupancy for the building. If the sealed surface is not completed upon occupancy, a plan for compliance is to be filed with the Planning Commission for administrative review and action.

H. Parking In or Adjacent to Residential Districts. Whenever off-street parking lots for more than six vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. No parking shall be permitted within a front yard setback line whenever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases, a minimum five-foot setback shall be required;

2. Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns;

3. All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement;

4. Whenever lighting is provided, it shall be arranged so that all light is deflected from adjoining residential uses; and

5. No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only nonintermittent white lighting of signs shall be permitted;

6. All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) or six (6) feet. Such fence, wall or hedge shall be maintained in good condition; and

7. All yards shall be landscaped with grass and shrubs and maintained in good condition the year round.

I. Shared Parking Spaces. The Planning Commission may allow for up to 50% of required parking spaces to be shared with a different use upon a determination that the uses are not normally open, used, or operated during the same hours.

J. Parking Agreements Required. For any shared parking arrangement or off-site parking arrangement, written agreements ensuring retention of such parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit.

1. A permanent easement for shared or off-site parking facilities shall be dedicated and recorded as a condition of such use.

2. A long-term remote parking agreement shall be provided.

K. Additional Requirements for Non-Residential and Multi-Family Uses.

1. Barriers shall be installed to prevent overhang of vehicles into required landscape areas, rights-of-way, pedestrian ways, and private property.

2. For safety and firefighting purposes, cross access between parking areas of adjacent non-residential parcels shall be provided.

3. Fire lanes shall be provided as required by law, and shall be adequately reinforced to withstand heavy vehicle loading.

4. Refuse facilities shall be located so as to facilitate pickup by refuse collection agencies. Sanitation containers shall not be located in a designated parking space or loading area. Reinforced concrete pavement shall be provided for refuse facilities and their approaches for loading and unloading.

5. No parking area shall be used for repair, storage, dismantling, or servicing of vehicles or equipment.

6. All off-street parking areas shall be kept free of litter, trash, debris, vehicle repair operations, display, and advertising uses.

7. The property owner shall be responsible for adequately maintaining all parking facilities, including paving, striping, elimination of debris, and correction of use violations.

8. At no time after initial approval of the parking area layout, can changes be made to the location or number of provided spaces, unless approved by the Community Development Director or through the site plan process.

L. Use of Public 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 without a waiver granted by the City Council upon the advice of the Planning Commission.

M. Required Open Space.

1. Unless otherwise stated, off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

2. In residential districts, the area required for off-street parking shall be in addition to the yard areas required. The front yard of a residential district may be used for the uncovered parking area for three (3) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use.

N. Minimum Standards and Property Owner Responsibility: The standards contained herein represent minimum requirements. It shall be the responsibility of the property owner to certify at the time he applies for a building permit that his plan is sufficient to provide sufficient spaces and facilities necessary to assure that no activity will take place on public streets or property not under his control. Any use developed after the date of adoption of these regulations which fails to provide for its off-street parking, loading and access needs according to this provision shall be in violation of the Zoning Ordinance. Upon determination by the Planning Commission that a property owner has not provided adequate parking or loading space to serve his operation, said property owner shall be required to either develop additional parking or loading space or reduce the size of the operation to fit the space available.

O. Stormwater Drainage. All parking facilities shall be constructed in such a manner as to prevent additional stormwater runoff leaving the property at any one particular point than would otherwise drain if the property was undeveloped. The City may approve plans for off-site storm-water detention and retention as long as it will not adversely impact other properties.

(Added Ord 2010-08, 4/12/2010)

SECTION 32. STACKING AND LOADING REQUIREMENTS.

A. Any activity that may result in the stacking of vehicles, including but not limited to drive-up ATM's, drive thru's, car washes, bank teller lanes, and gasoline pumps, must have adequate onsite stacking spaces.

1. Stacking Design and Layout. Required stacking spaces shall be a minimum of eight feet by 18 feet in size. Stacking spaces shall not impede any traffic movement or movement into and out of parking spaces. Stacking spaces should be separated from other internal aisles by raised medians if deemed necessary by the Community Development Director, Planning Commission, or City Council as required for traffic movement and safety.

2. Drive-Through Lanes. Drive-through lanes located between a public right-of-way and the associated building should require a three-foot high continuous evergreen hedge along the entire length of the lane and the adjacent right-of-way.

B. Loading Space and Access Requirements. At no time shall goods be loaded or unloaded directly from a public right-of-way. Adequate onsite loading spaces shall be provided.

(Added Ord 2010-08, 4/12/2010)

SECTIONS 32-26. RESERVED.

Repealed by ordinance 2010-08 and reserved for future use.

SECTION 37. AMOUNT OFF-STREET PARKING AND LOADING REQUIRED.

A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule.

1. DWELLING. One and one-half (1 1/2) parking spaces for each separate dwelling unit within the structure.

2. BOARDING or ROOMING HOUSE or HOTEL. One (1) parking space for each two (2) guests provided overnight accommodations.

3. HOSPITALS. One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

4. MEDICAL or DENTAL CLINICS or OFFICES. Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees.

5. SANATORIUMS, CONVALESCENT or NURSING HOMES. One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.

6. COMMUNITY CENTER, THEATER, AUDITORIUM. One (1) parking space for each five (5) seats, based on maximum seating capacity.

7. CONVENTION HALL, LODGE, CLUB, LIBRARY, MUSEUM, PLACE OF AMUSEMENT OR RECREATION. One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

8. OFFICE BUILDING. One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.

9. COMMERCIAL ESTABLISHMENTS NOT OTHERWISE CLASSIFIED. One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater.

10. INDUSTRIAL ESTABLISHMENTS. Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

11. CHURCH SANCTUARY. One (1) parking space for each three (3) seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

12. MOBILE HOME. Two (2) off-street parking spaces must be provided for each mobile home site.

13. AUTOMOBILE AND TRUCK SALES (NEW AND USED). One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used by the public plus one (1) parking space per vehicle offered for sale or rent plus one (1) parking space for each employee on the maximum shift.

14. PARK or PLAYGROUND. The total number of total parking spaces to be determined by the Parks and Recreation Board. Parking area available along park roads or access drives may be used to fulfill this requirement. The Parks and Recreation Board may permit graveled parking surfaces for parks and playgrounds.

15. RECREATION CENTER – One (1) space for each four (4) persons in capacity.

B. It is not possible to specify all of the various uses and the minimum parking and loading spaces required for each use. Upon receiving a development application, the Community Development Director shall apply the off-street parking and loading standards specified for the listed use that is deemed most similar to the proposed use. Should their not be a similar use, then the Community Development Director shall refer the matter to the Planning Commission for review, study, and consideration. The decision of the Planning Commission shall be based on the overall intent of the off-street requirements in this Code and best practices.

(Upd. Ord. 2009-8, 2/9/2009; Ord. 2010-03; __/__/2010; Ord. 2016-22, 8/8/2016)

SECTION 38. RESERVED.

Repealed by ordinance 2010-08 and reserved for future use.

ARTICLE 5. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 39. NONCONFORMING BUILDINGS AND STRUCTURES.

A nonconforming building or structure existing at the time of adoption of this Ordinance may be continued and maintained except as otherwise provided in this section.

A. Alteration or Enlargement of Buildings and Structures.

1. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is 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 provided 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.

2. If located in a subdivision platted prior to January 1, 1970, a residential building or structure that is non-conforming as to the required front yard setback, may be enlarged or added to as long as said enlargement or addition does not further increase the nonconformity.

3. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

B. Outdoor Advertising Signs and Structures. Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this Ordinance became effective, which does not conform with the provisions hereof, shall not be structurally altered, and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of the Ordinance.

C. Building Vacancy. A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. Provided however, a residential structure that was constructed in a residentially zoned area may be occupied for residential purposes at any time, regardless of the length of time it was vacant or

unoccupied as a residential dwelling even though the property upon which it is located may have been assigned a zoning classification other than residential subsequent to the construction of the residential structure.

D. Change in Use.

1. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a non-conforming use of a portion hereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance.

2. The use of a 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 restricted district classification, it thereafter shall not be changed to a use of a less restricted district classification.

3. A building or structure that is nonconforming as to use at the time of adoption of this Ordinance or at any time thereafter, shall not be converted to or in any manner used as a wholesale or retail liquor store unless such change in use conforms to the provisions of the district in which it is located.

E. Mobile Homes.

1. Unless located in a mobile home park zoned for mobile homes or on a parcel of land the Tuttle Zoning Code and Tuttle Code of Ordinances permits mobile homes to be located, no mobile home may be replaced with another mobile home when the mobile home is removed for any reason.

2. If a nonconforming mobile home is damaged or destroyed by any means to an extent greater than 50% of its replacement cost at the time of damage or destruction, then such mobile home shall not be replaced unless allowed by the Tuttle Zoning Code and the Tuttle Code of Ordinances permits the placement of a mobile home on the site and unless it is made to conform to all applicable regulations.

3. If a nonconforming mobile home is damaged by less than 50% of its replacement cost at the time of damage, it may be repaired or restored, provided any such repair or restoration is started within three months and is completed within six months from the date of partial destruction.

4. Reconstruction costs shall be prepared by the application and submitted to the Community Development Director for review. The cost of land or any factors other than the cost of the mobile home are excluded in the determination of the cost of restoration for any mobile home.

5. Any nonconforming mobile home that is vacant for a period of three months or more shall be discontinued and removed.

(Updated Ord. 2005-9; Ord. 2015-18, 9/14/2015; Ord 2016-24, 9/12.2016)

SECTION 40. NONCONFORMING USES OF LAND.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars ($1,000), existing at the time of adoption of this Ordinance, may be continued for a period of not more than three (3) years therefrom, provided:

A. Said nonconforming use may not be extended or expanded;

B. If said nonconforming use or any portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

C. This section shall not apply to mobile home parks and the existence of mobile home parks shall be considered continuing until such time that one hundred per cent (100%) of the mobile homes located in an existing mobile home park are removed. Mobile homes shall not be replaced in any area not zoned as a mobile home park.

(Updated Ord. 1994-7; Ord. 2015-18, 9/14/2015)

ARTICLE 6. BOARD OF ADJUSTMENT.

SECTION 41. BOARD OF ADJUSTMENT CREATED.

There is hereby created within and for the City of Tuttle a Board of Adjustment with the powers and duties as hereinafter set forth.

SECTION 42. MEMBERSHIP.

A. The Board of Adjustment shall be composed of five (5) members, citizens of the City of Tuttle, each appointed for a term of three (3) years and removable for cause by the governing body, upon written charges and after public hearing. Appointments shall be made by the Mayor with confirmation by the Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

B. The terms of Board members shall expire June 30th.

C. The Board shall elect a chairperson from its membership.

D. If any Board member shall be absent without cause as determined by the City Council for three (3) consecutive meetings, he shall thereupon cease to be a Board member.

(Amended Ord. 2010-01, 10/11/2010)

SECTION 43. PROCEDURE.

A. The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his

absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of 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 of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of all official actions, all of which shall be immediately filed in the office of the Board of Adjustment with the City Clerk and shall be public record.

B. When exercising its powers, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which appealed and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

C. In all deliberations, Board of Adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the City of Tuttle by a written finding of fact based upon the testimony received at the hearing afforded by the Board, and shall specify the reason for granting or denying the appeal.

D. The concurring vote of at least three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination being appealed from, to decide in favor of the applicant, or to decide any matter which may properly come before it pursuant to the zoning ordinance and this Article.

E. Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the City of Tuttle and by mailing a written notice 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.

F. The notice of the public hearing shall contain:

1. The 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 or variance request; and

3. The date, time and place of the public hearing.

G. The Council, by Resolution, shall establish fees necessary for recouping the City's costs associated with petitions before the Board of Adjustment.

(Amended Ord. 2005-7; Ord 2010-01, 01/11/2010)

SECTION 44. APPEALS.

A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Tuttle affected by any decision of an administrative officer of the City of Tuttle acting pursuant to the Zoning Ordinance of the City of Tuttle;

B. Such appeal shall be taken within thirty (30) days from the date of the decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a Notice of Appeal specifying the grounds therefore and by paying a filing fee of fifteen dollars ($15.00) to the City Clerk at the time the Notice of Appeal is filed. 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 and on due cause shown; and

D. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving 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 45. POWERS.

A. The Board of Adjustment shall have the power to:

1. hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance;

2. authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance of the City of Tuttle 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 ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the Board of Adjustment shall have no power to authorize variances as to use except as provided by paragraph A(3) of this section;

3. hear and decide oil and/or gas applications or appeals.

The Board of Adjustment shall be required to make the following findings prescribed by Title 11, Oklahoma Statutes, Section 44-107 in order to grant a variance as to use with respect to any such application or appeal.

B. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part, or upon reasonable conditions where by reason of exceptional narrowness, shallowness, or shape of specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon application of the property owner, a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this Ordinance; provided that such relief may be entered only upon a finding by the Board of Adjustment that:

   1. The application of the ordinance to a the particular piece of property would create an unnecessary hardship;

   2. Such conditions are peculiar to the particular piece of property involved;

   3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan of the City of Tuttle; and

   4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

C. The foregoing powers of the Board of Adjustment may be exercised only after notice and public hearing as provided in this Article and the record of the meeting at which the action was taken shall show that each prerequisite element was established at the public hearing on the question, otherwise, said variance shall be voidable on appeal to the district court.

(Amended Ord 2001-02; Ord 2003-14; Ord 2005-07)

SECTION 45A. FLOODPLAIN VARIANCE APPEALS BOARD.

The Board of Adjustment shall also serve as the Floodplain Variance Appeals Board to hear and render judgment on requests for Variances from the requirements of the City's Floodplain Management Regulations. The Appeals Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Manager or Building Inspector in the enforcement or administration of the City's Floodplain Management Regulations. Any person or persons aggrieved by the decision of the Appeals Board may appeal such decision in the courts of competent jurisdiction. The Floodplain Manager shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency, upon request. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Register of Historic Places, without regard to the procedures set forth in the remainder of this Section. Variances may be issued for new construction and substantial improvements to be erected on a lot of one half (½) acre or less in size, contiguous to, and surrounded by, lots with existing structures constructed below the base flood level; provided, that, all relevant factors have been fully considered. As the lot size increases beyond one half (½) acre, the technical justification required for issuing the Variance shall increase. Upon consideration of all factors noted above, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of the City's Floodplain Management Program. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Prerequisites for granting variances shall include:

A. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.

B. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the Variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisance creation, fraud on or victimization of the public, or conflict with existing local Laws or ordinances.

C. Any applicant for whom a Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. Variances may be issued by the City of Tuttle, Oklahoma, for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that, (1) the criteria outlined in this Code of ordinances are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Added Ord 2010-01, 01/11/2010)

SECTION 45B. SPECIAL EXEMPTIONS AND EXCEPTIONS.

A. The powers granted to the Board of Adjustment in this section may be exercised only after notice and public hearing as provided in this Article and the record of the meeting at which the action was taken shall show that each prerequisite element was established at the public hearing on the question, otherwise, said special exemption or exception shall be voidable on appeal to the district court.

B. Upon appeal, the Board of Adjustment is empowered, in accordance with Title 11 Oklahoma Statutes, Section 44-106, to permit the following special exemptions and exceptions:

   1. To consider granting relief through a special exception from an encroachment of a structure into a required setback area where the property owner alleges there was an error in the survey, the title information, or a contractor’s error that resulted in

the violation of a zoning district setback line by a permanent structure; provided that such relief nay be entered upon a finding of the Board of Adjustment that:

a. The encroachment is the result of an unintentional mistake (failure to apply for or receive a building permit shall not be considered an unintentional mistake);

b. When the encroachment was discovered, the structure was at or past a reasonable stage of the construction process to be corrected;

c. Relief, if granted, would not cause substantial detriment to the public good, the surrounding neighborhood, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan of the City of Tuttle, including; and

d. The special exception, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

2. To consider relief through a special exception from the required number of minimum off-street parking spaces or loading spaces specified in Article 4; provided such relief may be entered upon a finding of the Board of Adjustment that:

a. The proposed number of off-street spaces is more than adequate to meet all of the parking and loading needs for the proposed building or site;

b. On-street parking will not be required to accommodate the daily parking needs of the proposed use;

c. The reasonable safety of the traveling public on adjacent highways and roads will not be negatively impacted;

d. Relief, if granted, would not cause substantial detriment to the public good, the surrounding neighborhood, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan of the City of Tuttle, including; and

e. The special exception, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

3. To consider granting relief through a special variance for a structure to be constructed closer than the minimum setbacks from an oil & gas site, as specified in Section 30I; provided such relief may be entered upon a finding of the Board of Adjustment that:

a. The proposed reduced setback conforms with 52 O.S. Section 320.1;

b. The operator of the oil & gas site (as identified by the records of the Oklahoma Corporation Commission Oil & Gas Division) agrees, in writing, to the reduced setback;

c. The owner of the parcel of the oil & gas site agrees, in writing, to the reduced setback;

d. The Fire Chief finds, in writing, the proposed reduced setback:

i. Does not violate any applicable fire codes;

ii. Does not pose a reasonable fire or safety risk to the occupants of the proposed structure;

iii. Will not interfere with the ability of the Fire Department and/or other emergency responders to safely access the oil & gas site; and

iv. Will not interfere with the ability of the Fire Department and/or other emergency responders to safely access nearby parcels and structures; and

v. Appropriate fire protection is available in the immediate area (i.e. access to fire hydrants, etc);

e. The oil & gas site primarily produces natural gas;

f. Relief, if granted, would not cause substantial detriment to the public good, the surrounding neighborhood, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan of the City of Tuttle, including; and

g. The special exception, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

4. To consider granting relief through a special exception from the building and site design standards established in Section 30d of the Tuttle Zoning Ordinance; provided that such relief may be entered upon a finding of the Board of Adjustment that:

a. The waiving of a specifically required design element will not negatively impact or conflict with the existing development in the immediate area, taking into account the size, mass, color, materials, lighting, landscaping, site placement, and relationship of the structure to adjacent properties and overall neighborhood;

b. The specific request does not conflict with any requirements of a Planned Unit Development ordinance (if applicable), covenant (if applicable), or other public or private regulation applicable to the specific request;

c. Relief, if granted, would not cause substantial detriment to the public good, the surrounding neighborhood, or impair the purposes and intent of the Zoning Ordinance or the Comprehensive Plan (or other applicable and City Council-adopted development plans) of the City of Tuttle; and

d. The special exception, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

(Added Ord 2014-18, 10/13/2014; Amended Ord 2016-22, 8/8/2016; Ord 2018-23, 12/10/2018; Ord. 2019-05, 9/9/2019)

SECTION 46. APPEAL TO DISTRICT COURT.

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, or any taxpayer, or any officer, department, board, or bureau of the City of Tuttle to the District Court by filing notice of appeal with the City Clerk and with the Board of Adjustment within ten (10) days from the filing of the decision of the Board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the said County the original or certified copy of the papers constituting the record in the case, together with the order, decision, or ruling of the Board.

B. 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 of Adjustment, from which the appeal is taken certifies to the Court Clerk, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the District Court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the Ordinance, and upon notice to the chairman of the Board of Adjustment for which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

ARTICLE 7. ADMINISTRATION.

SECTION 47. BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY REQUIRED

This Ordinance shall be enforced by a building inspector appointed by the City Mayor. It shall be a violation of this Ordinance for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move, or improve any building or structure until a building permit or certificate of occupancy has been obtained under the following conditions:

A. Building Permits. Whenever any structure or building is to be improved or erected, moved, or structurally altered, a building permit shall be obtained from the Building Inspector. The Building Inspector may require every applicant for a building permit to furnish the following information:

1. A plot plan, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected, or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.

2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.

3. Additional information relating to the proposed improvement needed to determine compliance with these regulations.

B. Certificate of Occupancy. No change shall be made in the use of any land or building or structure after the passage of this Ordinance until a certificate of occupancy is obtained from the Building Inspector certifying that all the provisions of this Ordinance are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

SECTION 48. VIOLATIONS AND PENALTIES.

A. Any person, firm, or corporation who violates any of the provisions of this Ordinance or fails to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense, and shall be liable for a fine not to exceed the sum of two hundred fifty dollars ($250), including costs, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner, or owners, of any building or premises or part thereof where anything in violation of this Ordinance shall exist, and any architect, builder, contractor, individual, person, firm, or corporation employed in connection therewith and who may assist in the commission of any such violation shall be deemed guilty of a separate offense, and upon conviction shall be fined as herein provided.

B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this Ordinance, the City of Tuttle, in addition to other remedies, may institute any proper action or proceedings or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

(Amended Ord. 2010-01, 01/11/2010)

SECTION 49. ZONING ORDINANCE AMENDMENTS; ZONING CHANGES AND RECLASSIFICATIONS; AND APPROVAL OF USE ON REVIEW APPLICATIONS

A. Zoning Ordinance Amendments. The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend, supplement, change, modify or repeal the regulations and restrictions set forth in this Zoning Ordinance. Proposals for Zoning Ordinance Amendments shall be referred to the Planning Commission. No changes to any district regulation or restriction shall become effective until after a Public Hearing is held by the Planning Commission of the City of Tuttle, in relation thereto, at which parties in interest

and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City of Tuttle. The written notice shall be prepared and given by the Secretary of the Planning Commission and shall include a map of the area to be affected, which indicates street names or numbers, streams, or other significant landmarks in said area. Written protests against proposed changes shall be filed at least three (3) days before the date of the Public Hearing. The failure to file a written protest shall not prevent a citizen from having the right to speak at the Public Hearing. Following the Public Hearing before the Planning Commission, the Planning Commission shall make a written recommendation regarding the proposed changes to the district regulation or restriction to the City Council. The Planning Commission's recommendation to the City Council shall include information concerning the number of protests filed and whether the owners of twenty percent (20%) or more of the area of the lots included in the proposed change filed protests and whether the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change filed protests. The proposed changes to the district regulation or restriction shall then be placed on the City Council Agenda. The City Council shall not be required to conduct a Public Hearing. Action on the proposed Zoning Ordinance Amendment shall be by simple majority of all of the members of the City Council unless written protests were filed by (1) The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or (2) The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change; at least three (3) days before the Public Hearing before the Planning Commission. If a sufficient number of such written protests were timely filed, then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths of all the members of the City Council.

B. Zoning Changes, Reclassifications And Boundary Changes. The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, change zoning classifications, rezone property or change zone classification boundaries. Proposals for zoning changes, reclassifications and boundary changes shall be referred to the Planning Commission. No change in zoning shall be effective as to any property until after a Public Hearing is held by the Planning Commission of the City of Tuttle in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the Public Hearing shall be published in a newspaper of general circulation in the City of Tuttle. In addition to the notice by publication, Notice of the Public Hearing shall be given by posting Notice of said Public Hearing on the affected property at least twenty (20) days before the date of the Public Hearing and by mailing Notice of the Public Hearing at least twenty (20) days prior to the Public Hearing to all the owners of territory included in the proposed change and to all the owners of real property any part of which is located within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change, said radius to be extended by increments of one hundred (100) feet until the list of notified property owners includes not less than ten (10) individual property owners or separate parcels or until a maximum radius of one thousand (1000) feet has been reached. If the number of individual property owners within one thousand (1000) feet is less than ten (10), the maximum number of property owners, regardless of number, within the one thousand (1000) foot radius shall be notified. The written notice shall be prepared and given by the Secretary of the Planning Commission and shall contain the Legal Description and Street Address of the property; a map of the property which indicates street names or numbers, streams, or other significant landmarks in said area; the Present Zoning Classification of the Property and the Zoning Classification sought by the Applicant; and the Date, Time and Place of the Public Hearing before the Planning Commission. Written protests against proposed changes shall be filed at least three (3) days before the date of the Public Hearing. The failure to file a written protest shall not prevent a citizen from having the right to speak at the Public Hearing. Following the Public Hearing before the Planning Commission, the Planning Commission shall make a written recommendation to the City Council regarding the requested zoning change. The Planning Commission's recommendation to the City Council shall include information concerning the number of protests filed and whether the owners of twenty percent (20%) or more of the area of the lots included in the proposed change filed protests and whether the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change filed protests. The proposed zoning change shall then be placed on the City Council Agenda. The City Council shall not be required to conduct a Public Hearing. Action on the proposed Zoning Ordinance Amendment shall be by simple majority of all of the members of the City Council unless a sufficient number of such written protests were timely filed, then the requested zoning change shall not become effective except by the favorable vote of three-fifths of all the members of the City Council.

C. Paragraph Deleted.

D. Fee Schedule. The Council, by Resolution, shall establish fees necessary for recouping the City's costs associated with petitions before the Planning Commission.

(Amended Ord. 2008-06; 2010-01, 01/11/2010; Ord. 2018-14, 06/11/2018)

SECTION 50. CLASSIFICATIONS OF NEW ADDITIONS.

A. All new additions and annexations of land to the City of Tuttle shall be in an R-1 Single Family Residential District or the R-l A Urban Estates Residential District unless otherwise classified by the City Council for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said addition.

B. Within this one-year period of time, the City Council shall instruct the City 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 city plan, and upon receipt of such recommendations, the City Council shall, after public hearings as required by law, establish the district classification at the time of said annexation.

SECTION 51. SPECIFIC USE PERMITS.

A. General Description and Authorization. The uses listed under the various districts as specific use permits (formally referred to as Uses Permitted On Review) are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

1. Consideration for compatibility. With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

2. Review and approval. The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the specific use permit to the City Council.

   Following the Planning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a specific use permit.

3. Use identified by individual zoning district. If a specific use permit is granted it shall be for the specific use permit requested. Other uses otherwise permitted within the specified district shall only be allowed at the site if specifically stated in the approved specific use permit.

B. Application. Application and public hearing procedures for a specific permit shall be completed in the same manner as an application for rezoning. An adequate site plan shall be included with the application. The Community Development Director, Planning Commission, and/or the City Council may request additional relevant documentation (i.e. engineered plans, studies, landscaping plans, etc.).

C. Criteria for Specific Permit Approval.

1. Specific use permit criteria. The Planning Commission and City Council shall use the following criteria, in addition to any other criteria specified for a specific use within this Zoning Code, the Tuttle Code of Ordinances, or other applicable regulations, to evaluate a specific use permit:

   a. Whether the proposed use shall be in harmony with the policies of the comprehensive plan.

   b. Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

   c. Whether the proposed use shall not adversely affect the use of neighboring properties.

   d. Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.

   e. Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city.

2. Specific conditions. The City Council may impose specific conditions regarding location, design, operation, and screening to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

D. Status of Specific Use Permits. Once a specific use permit has been granted for a lot, said specific use permit may not be expanded to another lot without application for a new specific use permit.

E. Expiration of Specific Use Permits. All specific use permits shall expire by default:

1. Non-establishment.

   a. If the use is not established within twelve (12) months and no extension is approved.

   b. When a building permit has not been issued for construction within twelve (12) months of City Council approval the applicant or owner may request a hearing before the Planning Commission for an extension of the initial specific use permit approval.

   c. Good cause for an extension shall mean that the owner shows evidence that he has contractors or applications for continual development within the next year following the original approval.

2. Discontinuance. If the use once established has been discontinued, regardless of ownership, for a period of six (6) months or abandoned. The owner may request a hearing before the Planning Commission for an extension.

3. Lack of substantial compliance. Whenever the Community Development Director finds that any proposed construction or occupancy will not, in the Director's opinion, substantially comply with the specific use permit.

4. Amendment. When the holder of a specific use permit determines that an extension of time or modification of the use is necessary, he may apply for amendment in the same manner as the original application. The amendment shall be processed in the same manner as an original application.

F. Transfer of Specific Use Permits. A specific use permit shall be for a specific owner at the specifically approved site. The specific use permit is transferable to another owner who will operate at the already approved site.

G. Revocation of Specific Use Permit.

1. Whenever the Community Development Director finds that either:

   a. The conditions established in the specific use permit for the use or site are not met; or

b. The owner or use is operating in violation of the conditions established in the specific use permit,

The Director shall refer the question to the Planning Commission for its review. A minimum of ten (10) days' written notice must be delivered to the property owner specifying the nature of the violation and the date, time, and location of the hearing before the Planning Commission.

2. Upon a finding by the Planning Commission that:

a. The property owner was given sufficient notice of the violation of the specific use permit and sufficient time to address the violation (depending on the nature of the violation).

b. Ample notice of the hearing before the Planning Commission was provided in accordance with this section; and

c. The site or use is in substantial violation of the conditions established in the specific use permit.

The Planning Commission shall forward its findings to the City Council for final review. Upon the concurrence of the City Council with the findings of the Planning Commission, the specific use permit shall immediately be revoked.

H. Penalties. In addition to the potential revocation of a specific use permit, any violation of an approved specific use permit is subject to the penalties established in Section 48 of this Zoning Code.

(Amended Ord. 2018-14, 06/11/2018)

ARTICLE 8. SIGNS.

SECTION 80. PURPOSE AND INTENT

A. These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the construction, maintenance and usage of signs within the corporate limits of the City of Tuttle.

B. The provisions of this Article are specifically designed in order to lessen the distraction hazard signs can create for motorists; reduce potential fire hazards; encourage proper construction of signs; reduce possible injury to person or property; and, preserve property values and aesthetic integrity of property in the City of Tuttle.

C. It is not the intent of the City of Tuttle to regulate issues related to free-speech.

SECTION 81. GENERAL REQUIREMENTS.

For the purpose of this Article, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City of Tuttle. Additionally, definitions from Article 1, Section 6, Paragraph B will apply to terms used below:

A. AUDIBLE SIGN. Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the City of Tuttle.

B. AWNING SIGN. A permanent sign that is directly applied, attached or painted onto an awning that covers a pedestrian walkway, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like. An awning sign is used to advertise the name of the business, hours of operation, business telephone number, business address, and/or website address.

1. Time. A sign permit is required.

2. Place. In no case shall the supporting structure of an awning sign extend into or over the right-of-way. The supporting structure of an awning sign may extend over the right-of-way in the Central Business District (CBD), but shall not extend closer than four feet (4') from back of curb. No building shall have both a wall sign and an awning sign on the same building face.

3. Manner. The maximum height of an awning sign shall not exceed four feet (4'). The width of an awning sign shall not exceed seventy-five percent (75%) in length of any side of an awning. An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district. An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices.

C. AWNING SIGN ATTACHMENTS. Awning sign attachments that cover a pedestrian walkway are accessory, supplemental extensions that are attached above or below an awning commonly used in conjunction with a wall sign. Awning sign attachments provide the name of the business.

1. Time. A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineered must be submitted with the permit application.

2. Place. Awning sign attachments shall only suspend from or extend above the edge of a pedestrian awning. Awning sign attachments installed for pedestrian display located and attached on the underside of a pedestrian awning shall be centered.

3. Manner. Awning sign attachments shall have a maximum height of twelve inches (12"). Suspended or extended awning sign attachments shall not alternate up-and-down at a business' storefront. Suspended awning sign attachments suspended over a pedestrian awning shall maintain a nine-foot (9') clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Awning sign attachments shall not swing, sway, or move in any manner. The structural engineering of awning sign attachment must be approved by the Building Official before a sign permit can be granted. Awning sign attachments shall not be used in conjunction with an awning sign. Only one type of awning sign attachment shall be used per storefront.

D. BILLBOARD. A sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent the use of products sold on, or the sale or lease of, the property on which it is displayed. Billboards include any of its support, frame or other appurtenances. New billboards are prohibited in the City of Tuttle. Those billboards in existence on January 1, 2010 shall be allowed to continue as legal nonconforming signs. Those billboards in existence in areas that are annexed into the City after January 1, 2010 shall be considered as legal nonconforming signs upon the date such annexation becomes effective.

E. CANOPY SIGN. A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. A canopy sign may contain only the business' name and/or logo on the canopy band.

1. Time. A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until after the issuance of a building permit for a building on the property.

2. Place. Canopy signs may only be erected on the two (2) sides of the canopy band that face a public street.

3. Manner. Canopy signs may not exceed fifteen (15) square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than eighteen inches (18”) from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band.

F. DEVELOPMENT IDENTITY SIGN. A permanent sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or commercial, and generally refers to the platted name of the subdivision or planned development.

1. Time. A sign permit is required.

2. Place. All development identity signs shall be located within the platted limits of a residential or commercial subdivision to which it pertains.

3. Manner. Development identity signs may be in the form of a sign mounted to a screening wall that does not project from the face of the wall more than one inch. Alternative types of a subdivision identity sign may be approved by the Planning Commission.

G. FLAG or FLAGPOLE. A piece of fabric or other flexible material attached to a ground-supported staff on one end used as a symbol of a nation, state, political subdivision, or organization.

1. Time. No sign permit required.

2. Place. A flag and its ground-supported staff shall be located on private property behind the property line. Flags may be placed at parks during social and athletic events.

3. Manner. The maximum height of a ground-supported flagpole shall be the maximum height allowed for that particular zoning and/or overlay district. A maximum of one flagpole and two flags may be located on a single-family or two-family property.

H. HUMAN SIGN. A sign held by or attached to a human being who stands or walks on the ground, onsite at a business location. A human sign includes a person dressed in costume, both, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

1. Time. No sign permit required. Human signs may be displayed twenty-four (24) hours each and every continuing day.

2. Place. Human signs shall be located on private property where a sale, event, promotion, or the like is taking place. Human signs may not be off-location from where a promotion, sale, event, or the like takes place.

3. Manner. Human signs shall only be persons who stands or walks on the ground on private property. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

I. MENU BOARD SIGN. A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

1. Time. A sign permit is required for the menu board sign structure only.

2. Place. A menu board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.

3. Manner.

a. The design, materials, and finish of monument sign shall match those of the buildings on the same lot. A monument sign shall contain a minimum one-foot (1’) masonry with mortar, or similar material, border around all sides. Back-lit monument signs shall be inset into the pedestal rather than attached or applied to the pedestal.

b. Internal, or informational monument signs shall be consistent with the building elements and materials.

J. MERCHANDISE SIGNS and/or DISPLAYS. Any goods, wares, merchandise or other advertising object or structure suspended applied, erected, installed from or on any building, or pole, structure, sidewalk, parkway, driveway, parking area, fuel pump island or its supports, bridge or overpass for the purpose of advertising such items or attracting patrons. Merchandise signs and/or displays are prohibited in the City of Tuttle, except as specifically allowed by any city ordinance, specified below, or required by federal or state law.

1. Time. No sign permit required. Merchandise signs may be displayed 24 hours each and every day on vending machines, newspaper stands, and fuel pumps.

2. Place. Merchandise signs shall not obstruct pedestrian or vehicular traffic.

3. Manner. Merchandise signs shall be directly attached to a vending machine, newspaper stand, or gasoline pump. Merchandise signs shall be flat and shall not project. Unless, otherwise, required by federal, state or local laws, signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, or other objects.

K. MONUMENT SIGN. A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants or name of a business located within non-residential developments and apartment complexes.

1. Time. A sign permit is required.

2. Place. Monument signs are permitted in nonresidential zoning districts or nonresidential areas and on a lot containing an apartment complex, daycare facility, school, community center, amenity center, marketing center, or worship facility. The minimum front yard setback is one foot (1') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the monument sign.

3. Manner.

a. The design, materials, and finish of monument sign shall match those of the buildings on the same lot. Back-lit monument signs shall be inset into the pedestal rather than attached or applied to the pedestal.

b. Internal, or informational monument signs shall be consistent with the building elements and materials.

c. A lot is allowed a maximum of one (1) monument sign per street frontage.

d. The maximum area of a monument sign, including the one-foot masonry border, is sixty (60) square feet.

e. The maximum height of a monument is twelve feet (12').

f. Monument signs are permitted to contain variable message signs in addition to the maximum face of a monument sign. Variable message sign characters shall have a minimum height of ten inches (10")

g. The Planning Commission may approve monument signs that exceed the restrictions established in sub-paragraph (3) for a unified shopping center.

L. MURAL. Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available onsite or off-location. Murals are not used to advertise products or services offered or sold off-location or onsite.

M. PARAPET WALL SIGN. A parapet wall sign is a sign that is mounted to or projects from a parapet wall, canopy, or secondary roof over the entry to a building, but does not project above the highest point of the building.

1. Time. A sign permit is required.

2. Place. In lieu of a wall sign, a parapet wall sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A parapet wall sign may be erected on a secondary canopy or a secondary roof over an entry to a building.

3. Manner. The structural or mechanical elements of a parapet wall sign shall not be visible from six feet (6') above the grade of adjacent streets.

N. POLE SIGN. A sign erected on a vertical framework consisting of one or more uprights supported by the ground.

1. Time. A sign permit is required.

2. Place. Pole signs are permitted in nonresidential zoning districts. The minimum front yard setback for a pole sign is ten feet (10') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the pole sign.

3. Manner.

a. A lot is allowed a maximum of one (1) pole sign per street frontage.

b. The maximum area of a pole sign is sixty (60) square feet.

c. The minimum clearance underneath a pole sign is seven feet (7').

d. The maximum height of a pole sign is twelve feet (12').

e. Pole signs are permitted to contain variable message signs. Variable message sign characters shall have a minimum height of ten inches (10").

O. PROJECTING SIGN. A sign attached and projecting out from a building face or wall, generally at a right angle to the building. A projecting sign advertises the name, telephone number, street address, and/or website information of a business.

1. Time. A sign permit is required. A sign permit shall not be issued to erect or install a projecting sign at a property until a building permit is issued for the building where projecting sign is to be attached.

2. Place. A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. In the Central Business District (CBD), a projecting sign may project into the right-of-way, but shall be located a minimum of three feet (3') back from a curb of any adjacent street. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine-feet (9') clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign. A projecting sign shall not extend above a building wall.

3. Manner. The maximum area of a projecting sign is twelve (12) square feet.

P. ROOF SIGN. A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the facia (wall) of a building or structure shall not be considered to be a roof sign. Roof signs are prohibited in the City of Tuttle.

Q. VEHICLE SIGN. A sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to use the vehicle as advertising. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

1. Time. No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.

2. Place. Vehicle signs are permitted. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way.

3. Manner. Vehicle signs are permitted.

R. WALL SIGN. Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A wall sign is a sign painted on or erected parallel to and extending not more than twelve inches (12") from the facade of any building to which it is attached, supported throughout its entire length by the building face. A wall sign identifies the name of a business and/or logo of a business. A sign permit is required.

S. WINDOW SIGN. Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window for the purpose of advertising a business' name, telephone number, website information, services, commodities, and/or products offered or sold that are available within the building that is visible from a public street or sidewalk.

1. Time. No sign permit required, except illuminated window signs. Illuminated window signs requires the issuance of a sign permit and shall not be closer than three feet (3') from a public door. A window sign may be displayed 24 hours each and every continuing day.

2. Place. Window signs shall only be displayed on the inside or exterior of a window.

3. Manner. Window signs shall be installed on the inside or outside of a window. Illuminated and nonilluminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

(Upd. Ord. 2011-28, 12/12/2011; Ord. 2019-17, 10/14/2019)

SECTION 82. TEMPORARY SIGNS.

Temporary signs are used to display information for a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article. Temporary signs include A-frame or sandwich board signs, stake signs, banners, and portable variable message signs. Temporary signs are prohibited in the City of Tuttle, except as specifically allowed by this and other sections of this Article.

A. Schools, worship facilities, civic, home-owners associations, and other non-profit or charitable organizations, all with a presence inside the City of Tuttle, and government.

1. Time. No sign permit required. Temporary signs may be erected up to fourteen (14) days prior to the event or activity, and shall be removed within two (2) business days after the event or activity.

2. Place. Temporary signs shall only be placed on the property of the entity, within a residential subdivision with written permission from the homeowner's association or its representative, and at the event location.

a. Temporary signs may also be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public. Temporary signs may be placed on private property with permission of the owner.

3. Manner. No restrictions.

B. GARAGE SALE SIGN. An onsite temporary stake sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a certificate of acceptance.

1. Time. The time a garage sale sign shall be allowed will be regulated by the City's Garage Sale Ordinances.

2. Place. Garage sale signs shall be located only on the private property of the resident having the garage sale. A garage sale sign shall be erected on private property not closer than ten feet (10') from the edge of any street pavement. A garage sale sign may be placed off-location at intersections on city right-of-way leading from the nearest thoroughfare to the actual garage sale site as long as such sign does not create a hazard for the public. Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale

signs shall not be balloons, wind devices or other type of sign, except stake signs, unless meeting the definition and requirements for that type of sign. The City's Garage Sale Ordinances may additionally regulate where garage sale signs may be located.

3. Manner. The manner a garage sale sign shall be displayed shall be regulated by the City's Garage Sale Ordinances.

C. REAL ESTATE SIGNS. An onsite, temporary sign made of wood, plastic, metal or similar material approved by the building official that pertains to the sale or lease of the property where the sign is located. Real estate signs generally advertise the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of property.

1. Time. A sign permit is not required. unless otherwise stated. Real estate signs require removal within ten (10) days after the sale or lease of a property or business.

2. Place.

a. Real estate signs shall be located on the actual property for sale.

b. Real estate signs may be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public and is done in conformance with all Oklahoma Department of Transportation rules and regulations.

c. The Building Official may approve a real estate sign for special real estate events (i.e. Parade of Homes) pertaining to properties located in the City of Tuttle. These signs may be placed in the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public.

D. REAL ESTATE PROJECT SIGNS. A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains. Real estate project signs are generally constructed of wood, metal or other similar materials approved by the building official. Real estate project signs and may include zoning information and advertise residential builders selling homes within a subdivision.

1. Time. A sign permit is required.

2. Place.

a. Real estate project signs shall be installed no closer than fifteen feet (15) to any property line. The minimum distance between real estate project signs is two hundred feet (200').

b. Off-site real estate project signs are allowed on agricultural and undeveloped properties, with the written permission of the property owner, on section-line roads and major thoroughfares at their intersections of other section-line roads and major thoroughfares. No more than two (2) real estate project signs are allowed at an intersection. No more than two (2) off-site are allowed for any particular subdivision.

3. Manner. No restrictions.

E. TEMPORARY COMMERCIAL SIGNS. Temporary commercial signs include banners, a-frame signs, variable message signs, stake signs and any other temporary commercial sign that is not intended for permanent use. This does not include window signs.

1. Time: No restrictions.

2. Place. Temporary signs may be placed anywhere on the approved property as long as the sign does not create a hazard for the public. Temporary variable message signs shall conform to the variable message regulations in SECTION 83. VARIABLE MESSAGE SIGNS..

3. Manner. None.

F. RESIDENTIAL YARD SIGNS. An onsite temporary stake sign located in the front or side yard of a residential property.

1. Typical types of residential yard signs include:

a. Home improvement signs that advertises the name, phone number, website address, and/or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor;

b. Security system and animal signs;

c. Organization participation/support signs for religious organizations, civic clubs, educational organizations, the military, and athletic teams; and

d. Publicity signs announcing the arrival of newborn.

2. Time. No sign permit required. Yard signs may be erected 24 hours each and every day.

3. Place. Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten feet (10') from the street pavement.

4. Manner. Signs advertising the presence of a home security system shall not exceed one (1) square foot in area. All other yard signs shall not exceed four (4) square feet in area.

G. SEASONAL DECORATIONS. Seasonal decorations, including Christmas lights, are excluded from place and manner requirements as long as they do not create a hazard for the public.

H. POLITICAL SIGN. A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

1. Time. No sign permit required. .

2. Place. Political signs shall be located only on private property with the consent of the property owner. A political sign shall not be erected closer than ten feet (10') from the edge of the street pavement, located on any public property, or within a designated easement or right-of-way.

I. AWARENESS SIGN. A basic informational sign such as no dumping, beware of dog, no soliciting, etc.

1. Time. No sign permit required.

2. Place. Pole signs are permitted in nonresidential zoning districts. The minimum front yard setback for a pole sign is ten feet (10') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the pole sign.

3. Manner.

a. Generally, awareness signs should not be more than twenty five (25) square feet.

b. The sign should be of professional or reasonable nature.

c. The sign is purely informational.

(Upd. Ord. 2011-28; 12/12/2011)

SECTION 83. VARIABLE MESSAGE SIGNS.

A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, manually or electronically, without altering the face or the surface of the sign. Variable Message Signs are subject to the following conditions:

A. Variable message signs shall only be permitted along a non-residential collector or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.

B. Only one variable message sign is permitted per lot.

C. Variable message signs shall be constructed in accordance with the applicable regulations of this Article.

D. Variable message signs shall be constructed in such a manner as to reasonably prevent unauthorized persons from altering the message. The use of chicken wire and similar materials to enclose a variable message sign shall be prohibited.

E. Variable message signs that do not conform to these regulations prior to February 1, 2010 shall be considered as a legal nonconforming sign until February 1, 2011. After February 1, 2011, the building official or his designee shall utilize the remedies specified in this Code for the removal of the nuisances, including the issuance of a citation and other civil remedies.

(Upd. Ord. 2011-28, 12/12/2011)

SECTION 84. GOVERNMENT SIGNS.

A. INSTRUCTIONAL/INFORMATIONAL SIGN. A sign that provides instruction, information, or direction to the general public. The sole purpose of an instructional/informational sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch informational, lock/take and hide informational, construction entrance and/or exit signage. Instructional/informational signs erected by the city, local, federal or state governments for the purpose of public instruction, warnings or other similar hazards, street or highway designation, traffic control and similar purposes incidental to public interests shall be considered an instructional/informational sign. An instructional/informational sign will include a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the City of Tuttle and/or signs required by federal, state or other local authorities.

1. Time. A sign permit is not required. No restrictions.

2. Place. No restrictions.

3. Manner. No restrictions.

B. TRAFFIC LIGHTS and SIGNAGE. Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

SECTION 85. OFF-LOCATION, OFF-PREMISES, AND OFF-SITE SIGNS.

A. Signs that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the business, person, organization, activity, event, place, service, product, etc. is located are prohibited in the City of Tuttle except as otherwise provided.

B. Special Exception for Commercial Businesses. Commercial businesses, worship facilities, civic clubs, etc. with a legal, permanent, physical office or location within the City of Tuttle may be permitted to erect off-site signs subject to the following regulations:

1. A special exception must be granted by the Board of Adjustment.

2. The special exception shall be granted for the location of the off-site sign only. The off-site sign must be located on private property. Written permission, notarized, of the private property owner of record must be submitted with the special exception permit.

3. The Board of Adjustment may establish a maximum period of time the off-site sign is allowed. Upon the expiration of the time period, the off-site sign shall become a public nuisance.

4. A special exception to off-site signs shall be considered a minor exception.

SECTION 86. PERMIT REQUIRED TO ERECT OR INSTALL SIGNAGE.

A. Sign permit required. When a sign permit is required, the sign shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the Community Development Department. The building official shall approve or deny an application for a sign permit within thirty (30) days of the Community Development Department's receipt of the application. A sign permit will be issued if a proposed sign conforms to all city ordinances. Upon request by the city, a diagram to scale shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit and such sign may be removed in accordance with Section 90 REMOVAL AND INPOUNDMENT OF PROHIBITED SIGNS.

B. Not to issue for prohibited locations. No sign permit shall be issued under this section for any sign in a district where signs are prohibited by the city's zoning regulations, as it currently exists or may be amended.

C. Fees. The City Council, by resolution or motion, shall establish fees for the administration of this Article. The sign permit fees for a sign erected without the issuance of a sign permit prior to installation shall be twice the cost of the standard permit fee.

D. Interpretation and administration. The building official shall be responsible for interpreting and administering this Article. The building official may revoke any permit for a sign issued in error. Allegations of errors in orders, decisions, or determinations of the building official in the administration of this Article shall be in accordance with Section 94 APPEALS AND VARIANCES of this Article, as it currently exists or may be amended.

SECTION 87. INSPECTION.

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this Article, other applicable ordinances, and the applicable permits.

SECTION 88. MEASUREMENT OF SIGN AREA AND HEIGHT.

A. The area of a sign shall be measured as follows:

1. For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula ([square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly-used for banners, commercial real estate signs, model home signs, monument signs, project development signs, and stake signs.

2. For sign with a shape that is irregular, the area shall be measured by enclosing the sign elements to the closest geometric shape. This method of measurement is most commonly used for awning signs and wall signs with individual lettering and for irregularly-shaped signs.

3. The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.

B. Where a sign has two faces, the area of both faces shall be used to determine the area of the sign; provided, the two faces are within five degrees of parallel. Where a sign has two or more faces and exceed greater than five degrees from parallel, the sign area shall be calculated as the sum of the area of each face.

C. The supports of a stake sign, A-frame sign, project development sign, or commercial real estate sign shall not be included in calculating the area of a sign, but shall be included in the measurement of the height of a sign.

D. The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this Article. If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

1. When extreme topographical elevation changes occur next to SH-4 or SH-37, the Community Development Director may approve the measurement of the base, for the purposes of measuring height, to occur at the same elevation of the adjacent state highway curb-top or shoulder.

a. Example. The maximum height for a particular sign is 12 feet. The parcel adjacent to a roadway has a steep grade drop of 8 feet due to a drainage feature. The height of the sign needs to be raised by 8 feet to a maximum height of 20 feet in order for the sign to have a maximum height of 12 feet from the top of the adjacent curb or shoulder.

(Upd. Ord. 2018-08, 03/12/2018)

SECTION 89. SIGN SPECIFICATIONS, DESIGN AND OTHER REQUIREMENTS.

A. Compliance with Zoning Regulations, International Building Code, National Electrical Code, and other ordinances. All sign structures shall comply with the city's Zoning Regulations, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other city ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this Article shall apply.

B. Visibility. All signs shall observe all visibility requirements. Signs shall not be placed within visibility or sight triangles. Signs shall not create a hazard.

C. Signs posted in specified areas. Unless otherwise permitted within this Article, no person shall post or cause to be posted, attach or maintain any sign upon:

1. Any city-owned property without written permission of the city manager or his designated representative;

2. Any utility easement. Should a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer and/or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;

3. Any utility pole or structure, street sign; or

4. Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.

D. Signs attached to fire escapes. No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.

E. Accumulation of rainwater. All signs shall be constructed to prevent the accumulation of rainwater in the sign.

F. Location near telephone cable, power line, or street light. No sign shall be erected nearer than two feet (2') from any telephone cable, power line or any street light standard.

G. Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic. No sign shall be erected to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.

H. Glass signs over public property or pedestrian area. Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.

I. Identification marking required. All signs that require the issuance of a permit after adoption of this Article shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one inch in height, the date of erection and the sign permit number on the sign.

J. Assumed wind load for design purposes. For the purposes of design of structural members in signs, an assumed wind load of 20 pounds per square foot shall be used.

K. Multiple signs on a property or building. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

L. Exemptions. Signs located within a building, with the exception of window signs, shall not be regulated by this Article.

M. Location from Edge of Pavement. No sign allowed or permitted in this article, except for official government signage, may be placed or erected no closer than ten (10') from the street pavement.

(Amended 12-12-2011 by Ord. 2011-28, Ord. 2019-17, 10/14/2019)

SECTION 90. REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS.

A. A prohibited sign shall be:

1. Any sign not referenced in or governed by this Article;

2. Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this Article (if a permit was required);

3. Any sign that emits odor or visible matter;

4. Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this Article;

5. Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws; or

6. Any sign not allowed or defined by this Article.

B. All prohibited signs or noncompliant signs shall be considered a public nuisance. Upon identification of any prohibited sign, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of nuisances, including the issuance of a citation and other civil remedies. Signs authorized by a sign permit number with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit that provides the expiration date shall be considered adequate notice of violation.

C. It shall be unlawful for any person, firm, entity or corporation receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification. In the event failure to comply with such notice provided, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

D. If a sign is placed within a public right-of-way or on a city-owned property in violation of this Article, the sign may be immediately removed and impounded.

SECTION 91. IMPOUNDED SIGNS AND RECOVERY.

A. A sign that is legally removed by a city-authorized official, inspector, officer, other city employees or city-authorized persons in accordance with the provisions of this Article shall be considered impounded.

B. Impounded signs may be recovered by the owner not more than 15 days from the date of the written notification of impoundment by paying a fee as established by the City Council by motion or resolution.

C. Impounded signs not recovered within 15 days of impoundment may be disposed of by the city in any manner it shall elect.

D. Disposable illegal signs removed from public property, including the City of Tuttle's right-of-way, park property or other city maintained areas may be immediately disposed of by the city in any manner it shall elect. If not already disposed, the impounded signs may be recovered by the owner by paying a fee as established by the City Council by motion or resolution.

SECTION 92. RESERVED.

(Section deleted 12-12-2011 by Ord. 2011-28)

SECTION 93. NONCONFORMING SIGNS.

A. A nonconforming sign is a sign and its supporting structure which does not conform to all or part of the provisions of this Article, and:

1. Was in existence, has a sign permit if one was required prior to the adoption of this Article and lawfully erected prior to the date of this Article;

2. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or

3. Was in existence, located, and used on the premises at the time it was annexed into the city and has since been in regular and continuous use.

B. Any nonconforming sign and its supporting structure which is destroyed, damaged, dilapidated or deteriorated shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of 50 percent of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, or deteriorated. Changing the interior panel of a nonconforming sign is permitted in all cases.

C. No sign or its supporting structure which is lawfully reproduced, repaired or renovated as a nonconforming sign shall be increased in area or height.

D. Notwithstanding any other provision of this Article, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all provisions of this article.

SECTION 94. APPEALS AND VARIANCES.

A. Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in administration of the sign regulations shall be made in writing by the applicant and heard by the Board of Adjustment at a public hearing in accordance with the procedures established in the Zoning Code.

B. A variance may be granted for the following reasons:

1. The proposed sign is of a unique design or configuration;

2. The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or

3. The variance will substantially improve the public convenience and welfare and does not violate the intent of this Article.

C. In order to approve a request for a variance, the Board of Adjustment shall determine that the request meets the following criteria:

1. The proposed sign shall not adversely impact the adjacent property (visibility, size and the like); and

2. The general location of the sign is specifically allowed by this Article.

D. A variance shall not be approved for a sign that is prohibited by this Article.

SECTION 95. SPECIAL EXCEPTIONS.

A. Requests for special exceptions to the sign regulations as permitted shall be made in writing by the applicant and heard by the Board of Adjustment at a public hearing in accordance with the procedures established in the Zoning Code.

B. In determining whether to approve, approve with conditions or deny the special exception, the Board of Adjustment shall consider the following factors, if applicable:

1. The proposed sign is not detrimental to the public health, safety, and welfare of the surrounding neighborhood or area;

2. All aspects of the proposed off-site sign are harmonious with the character of the surrounding area; and

3. Other applicable standards as may be required by the Signage Regulations, the Zoning Code, and other applicable local, state, and federal regulations.

4. Special exceptions classified as minor exceptions shall only be required to give notice as required in 11 O.S. 44-108. Notice shall be given by first class mail, and the applicant must provide the names and addresses of all adjacent property owners.