

ORDINANCE NO. 3008

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF STILLWATER BY AMENDING APPENDIX 1, ZONING ORDINANCE 1985 EDITION, BY CREATING ARTICLE 7.5, SPECIAL PURPOSE OVERLAY DISTRICT, TO INCLUDE SECTION 7.5.10, PERMITTED USES, SECTION 7.5.20, SPECIFIC USE PERMITS, SECTION 7.5.30, DEVELOPMENT STANDARDS; AND SECTION 7.5.40 DURATION OF OVERLAY DESIGNATION.”

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF STILLWATER, OKLAHOMA THAT:

SECTION 1: Appendix 1, Zoning Ordinance 1985 Edition, of the Stillwater City Code, be amended to create Article 7.5, Special Purpose Overlay District, to read as follows:

ARTICLE 7.5

SPECIAL PURPOSE OVERLAY DISTRICT

OVERLAY REQUIREMENTS

The following regulations are designed to facilitate the specific purposes for and within the special purpose zoning overlay. The Special Purpose Overlay District designation shall be applied exclusively to those areas of the City located inside the boundaries of a duly created and established Business Improvement District.

<i>Symbol</i>	<i>Name of District</i>
SPO	Special Purpose Overlay

Section 7.5.10. Permitted uses:

Accommodation: Establishments that provide customers with lodging on a transient basis, including hotels, motels, bed and breakfasts, group homes, and shelters

Arts and Entertainment: A wide range of establishments that operate facilities or provide services to meet varied cultural and entertainment interests of their patrons. Such uses are comprised of establishments that are involved in producing, promoting, or participating in live performances, events or exhibits intended for public viewing; establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest.

Beverage Services: Establishments that provide customers with beverages for immediate on-premises consumption; the primary revenue source of such use is from the sale of beverages.

Educational Services: Establishments that provide instruction and training on a wide variety of subjects and by specialized establishments such as schools, colleges, universities, and training centers, which may be privately owned and operated for profit or not for profit, or publicly owned and operated.

Financial Institutions and Services: Establishments engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions

Food Services: Establishments that provide customers with meals or snacks for immediate on-premises consumption; the primary revenue source of such use is from the sale of food. This category includes “sidewalk cafes” and other open-air venues that serve customers from facilities located on public sidewalks and rights-of-way. It does not include transient food service vendors operating from vehicles or movable facilities such as pushcarts or trailers.

Health Care and Social Assistance: Establishments providing health care and social assistance for individuals on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, and finally with those providing only social assistance; includes nursing and residential care facilities, ambulatory surgical care facilities, and hospitals.

Information: Establishments engaged in printing and publishing industries and in telecommunications.

Mixed Use: One or more dwelling units located, in the rear or upper floors, in a building wherein the first floor is occupied primarily by a commercial use at the building front/storefront, provided such commercial use is permitted in the primary zoning district.

Personal and Laundry Services (excluding industrial laundering services): Establishments engaged in personal and/or laundry services such as health and beauty parlors, massage parlors, and dry-cleaning

Professional and Administrative Offices and Services: Establishments that specialize in providing professional, scientific, administrative, management, employment, real estate, or technical activities or services.

Retail Trade: Establishments engaged in retailing merchandise, generally without transformation and rendering services incidental to the sale of merchandise; organized to sell merchandise in small quantities to the general public with extensive displays of merchandise and utilizing mass-media advertising to attract customers.

Public Administration and Services: Federal, state and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and/or judicial authority over other institutions within a designated jurisdiction. This category includes police and fire services.

Section 7.5.20. Specific Use Permits:

Miscellaneous: Establishments engaged in activities or services not permitted in the overlay as a matter of right, such as, but not limited to churches, advocacy services, package delivery services, funeral homes, mortuaries, and death care services, pet care services, animal keeping and veterinary services, photofinishing services, and drive-in or drive-through food service establishments.

Section 7.5.30. Development Standards.

- (1) At least ten percent (10%) of a building face along an exterior property line abutting a public street (excluding a public alley) must be on the property line and none of the building face shall be more than fifteen feet (15') from a property line abutting a public street. This standard shall not apply to any remodel of a building whenever there is no external structural alteration.
- (2) Metal facades are prohibited.
- (3) Renovation or alteration of existing buildings shall comply with the Stillwater Existing Buildings Code; new construction shall comply with the International Residential Code and International Building Code as adopted and modified by the City of Stillwater.
- (4) Landscaping is permitted in the right-of-way throughout the district. Alternative treatments including, but not limited to, flower pots or hanging baskets, movable planters, sculptures, canopies, brick pavers or tile walkways, murals, commercial scale benches and trash receptacle, or water features are identified as acceptable landscape (hardscape) features and recognized as acceptable substitutes to existing landscaping standards. Such hardscape features shall be indicated on any site plan required by existing codes.
- (5) Minimum Lot Size: None
- (6) Maximum Height Requirement: None
- (7) Signs: Signs may be mounted or painted on a building below the roof parapet. Signs may also be painted or otherwise placed on storefront windows, provided that any such sign does not exceed fifty percent (50%) coverage of the total window space per wall. No more than one (1) sign per lot or parcel shall be allowed. "Off-site" advertising is permitted provided that no such signage shall

exceed eight (8) square feet in size and dimension and complies with other requirements set forth in this section or elsewhere in this code.

- (8) Special community events signage is permitted.
- (9) Off-Street Parking Requirement: Parking on the individual property is not required.
- (10) Sidewalk Cafes are permitted in this overlay district, provided that such operations comply with the following:
 - a. All such operations shall be located in an area immediately adjacent to and contiguous with the food service enterprise operating it;
 - b. Facilities (including tables and chairs) of shall not extend beyond the frontage of the building wherein the food service enterprise operating the sidewalk café is located. Provided, however, if the property line provides more space, such operations shall not extend beyond these boundaries;
 - c. All such operations shall be maintained on a concrete or similar hard, all-weather surface;
 - d. Operations located on public sidewalks or rights-of-way must be configured to ensure that six feet (6') of space remains completely clear of obstruction(s) for pedestrian travel;
 - e. Decorative wrought iron fencing is permitted when identified on an site plan approved by the Development Services Department;
 - f. Awnings or canopies extending over the sidewalk café shall be supported by internal or external connections to the building face. If ground support poles are necessary, the poles shall comply with all applicable building and structural requirements;
 - g. The owner/operator of a sidewalk café operated on a public sidewalk or right-of-way must carry general liability insurance in an amount sufficient to fully indemnify the City in case of personal injury or property damage. Such insurance coverage shall be in amounts equal to the liability limits for political subdivisions set forth in the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 *et seq.*, and shall name the City of Stillwater as an additional insured in amounts equal to such liability limits.

Section 7.5.40. Duration of Overlay District Designation.

The term of this overlay zoning district shall end upon the expiration or dissolution of the underlying business improvement district. Provided, however, that all development rights acquired by an owner of a parcel or tract of land located within the boundaries of the overlay zoning designation during the term of the overlay zoning district shall remain vested and shall continue in full force and effect until such time as the use is discontinued for a period of twelve (12) consecutive months.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF SEPTEMBER, 2007.

ROGER L. MCMILLIAN, MAYOR

(SEAL)
ATTEST:

MARCY ALEXANDER, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 24TH DAY OF SEPTEMBER, 2007.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 9-10-07
Second Reading: 9-24-07