

11-10-10: STATE HIGHWAY 20 (SH-20) EAST AND U.S.-75 OVERLAY DISTRICT:

A. Definitions: The following definitions shall apply to this section.

ACCESSORY USES OR STRUCTURE: A structure or use that:

1. Is subordinate in area, extent, and purpose to the principal use;
2. Contributes to the comfort, convenience, or necessity of the principal use; and
3. Is located on the same lot and in the same zoning district as the principal use.

ADMINISTRATOR: Any person or persons having the authority to approve building or site plans or issue development permits in the City of Skiatook.

FACADE: The front exterior of a building, typically facing the primary street. Corner buildings may have two (2) front facades.

OVERLAY DISTRICT: The application of an additional layer of development standards, regulations or exceptions that modifies existing land use regulations. It acts as a supplement to the underlying zoning designation.

TREE, ORNAMENTAL: A small to medium tree, growing to a mature height of fifteen feet (15') to forty feet (40') and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark, or brilliant fall foliage.

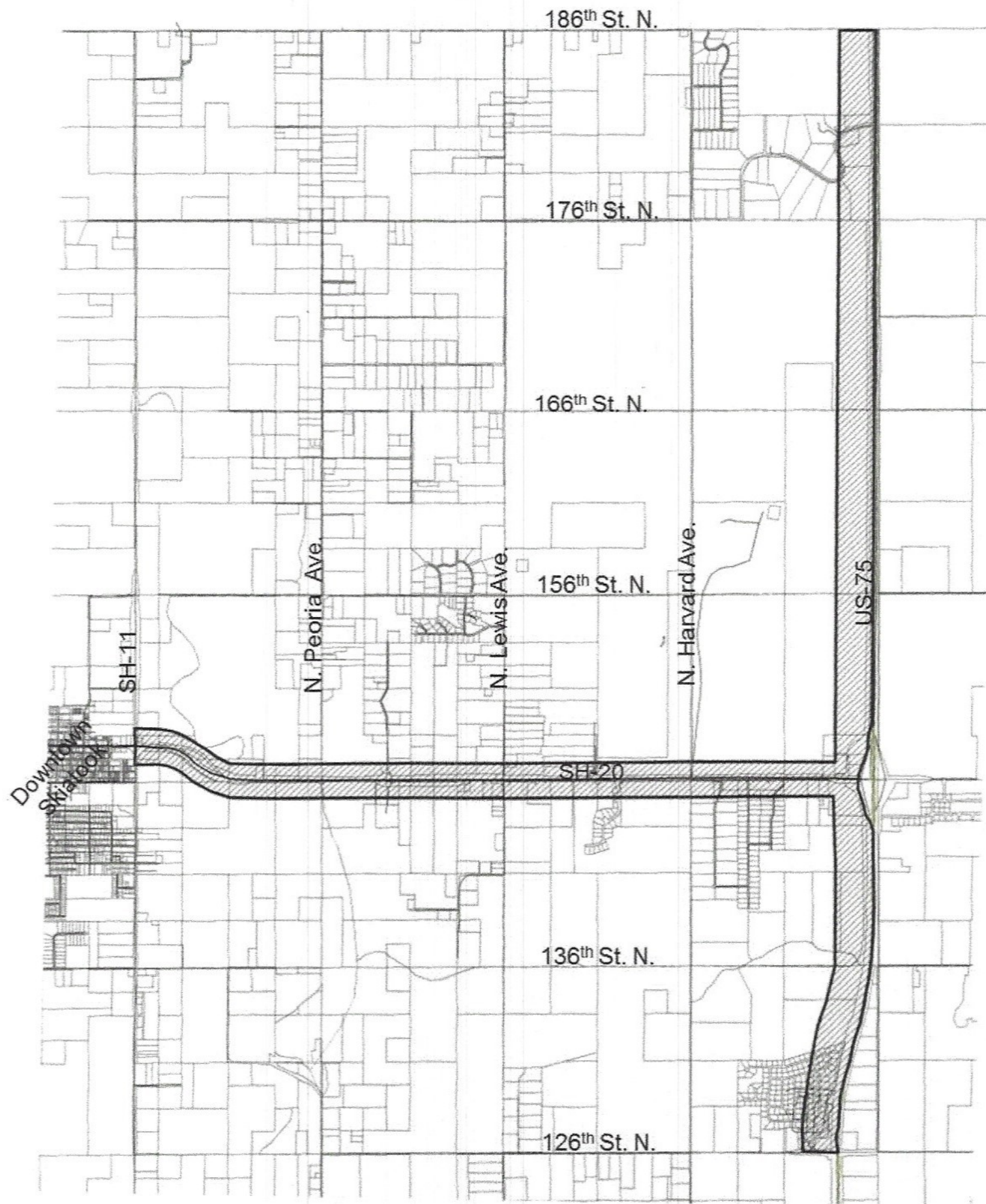
TREE, SHADE: A large tree growing to a height of forty feet (40') or more at maturity, usually deciduous, and characterized by its ability to provide shade.

B. Purpose:

1. Ensure the corridor is aesthetically pleasing and develops in a coordinated fashion;
2. Protect an area that represents a significant opportunity for business and commercial investment, important to the long term economic health of Skiatook;
3. Protect the investment of existing and new businesses from unattractive architecture;
4. Establish regulations that protect the investment of existing and new businesses and corporations from unattractive, non-compatible uses; and
5. Promote higher property values.

C. SH-20 Corridor East And U.S.-75 Overlay District Designated: The SH-20 East and U.S.-75 Overlay District (district) covers an area five hundred feet (500') either side of the center line of SH-20 from SH-11 to U.S.-75 and one thousand feet (1,000') westward from the centerline of U.S.-75 from 186th St. N to 126th St. N and from the on and off ramps at SH-20. Said lots and/or structures falling within this area shall be subject to the standards outlined in this section. The district is depicted in figure 11.10.1 of this subsection and is defined on the official zoning map.

FIGURE 11.10.1



D. Permitted Uses: The base zoning districts of parcels fully or partially within the designated overlay district shall not be affected. All applicable regulations for use, yard, area, lot dimension, utility placement, etc., shall be those specified for each zoning district, including any planned unit development stipulations. Where any of the above regulations conflict with those of the district, the more restrictive shall apply.

E. Prohibited Uses: The following uses shall be prohibited in the district.

TABLE 11.10.1

PROHIBITED USES IN THE DISTRICT

Animal and poultry raising.

Asphalt/concrete batching plant.

Casino/gaming center.

Cemetery.

Cesspool cleaning.

Chick hatchery.

Concrete construction service.

Drag strip.

Fuel oil sales (not including gas station or convenience store).

Halfway house.

Juvenile delinquency center.

Landfill.

Mini-storage warehouse¹ (unless submitted as a PUD).

Oil well drilling and cleaning establishment.

Outdoor kennel (not part of a veterinary or grooming business).

Outdoor storage of any kind as the principal use.

Portable building sales.

Power plant.

Pre-release center.

Race track (animal or vehicle).

Sexually-oriented business.

Shooting range (outdoor).

Note:

1. Mini-storage facilities shall be approved with a PUD and shall include a retail commercial component with the facility. The PUD shall employ all other aspects of this section, plus any additional the Administrator or City Council deems appropriate.

F. Application: Commencing on the date of the adoption of this section, these overlay district standards shall apply to any of the following situations.

1. All new construction of buildings or structures within parcels zoned OL, OM, CS, CG, CH, IL, IM, and IH, or those within planned developments containing uses found in these zoning categories.

2. Any exterior building improvement requiring a building permit where more than twenty percent (20%) of the structure is being altered in facade or building area.

3. All uses requiring an approved site plan.

G. Non-Conforming Structures: Any building or structure that lawfully exists at the time this section is enacted, which would not otherwise be permitted under this section, may be continued in the same manner as it existed before the effective date of this section. Any future construction, additions, reconstruction, or renovations shall be subject to the requirements of this section.

H. Single Family And Multi-Family Residential: These regulations shall not apply to parcels zoned RE, RS, RD, RM, RMH, or those within planned unit developments (PUDs) containing uses found in these zoning categories. These uses may continue in perpetuity until such time as they may be redeveloped or rezoned for a use described in subsection F1 of this section.

I. Properties Outside Of The City Limits: The district covers areas that are currently outside of Skiatook City limits. Unless these properties are annexed into Skiatook City limits, they shall not be required to comply with the regulations of this chapter. If annexed, these properties shall be subject to the regulations set forth in this

chapter. If the subject property lies outside of Skiatook City limits the county regulations in which the property lies shall apply.

J. Previously Approved Projects Or Developments: Any project or development that was approved or had plans submitted prior to the effective date of this Code, shall not be required to comply with these regulations. Previous approvals shall remain valid unless the approval date lapses or unless changes are made to the previous approvals. This shall refer to site plans, building plans or planned unit developments (PUDs) submitted prior to the effective date of the district, and they shall only be required to comply with the zoning regulations in effect at that time. An approved plat shall not constitute approval of a project. The Administrator shall determine if a project meets these criteria.

K. General Requirements:

1. All development shall follow City of Skiatook procedures and requirements described in chapter 2, "General Zoning Provisions", of this title, except as noted in this section.
2. In addition to the required site plan, architectural drawings and landscape plans shall be submitted to the Community Development Department for review. These drawings shall depict details that consist of:
 - a. Renderings or drawings of building elevations that clearly define the exterior building materials to be used to indicate compliance with this section. The Administrator shall review the proposed exterior building materials for compliance of this section prior to issuance of a building permit.
 - b. A landscape plan showing the placement and type of plant material proposed and method of irrigation. Subsection M of this section details the requirements of the landscape plan submittal.

L. Building And Site Design Requirements: This section is intended to promote high standards in architectural design and creative, innovative, aesthetically pleasing structures. 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, improve the quality of life in the City while maintain high property values.

The provisions of this section shall apply to all development, renovation, or redevelopment of non-residential structures. Other than the allowances for metal, exterior building materials shall include brick, split-faced concrete block, stone, stucco, synthetic stucco, cement-board or wood siding. Exterior Insulation and Finish Systems (EIFS) may be used but must be accompanied with another approved material.

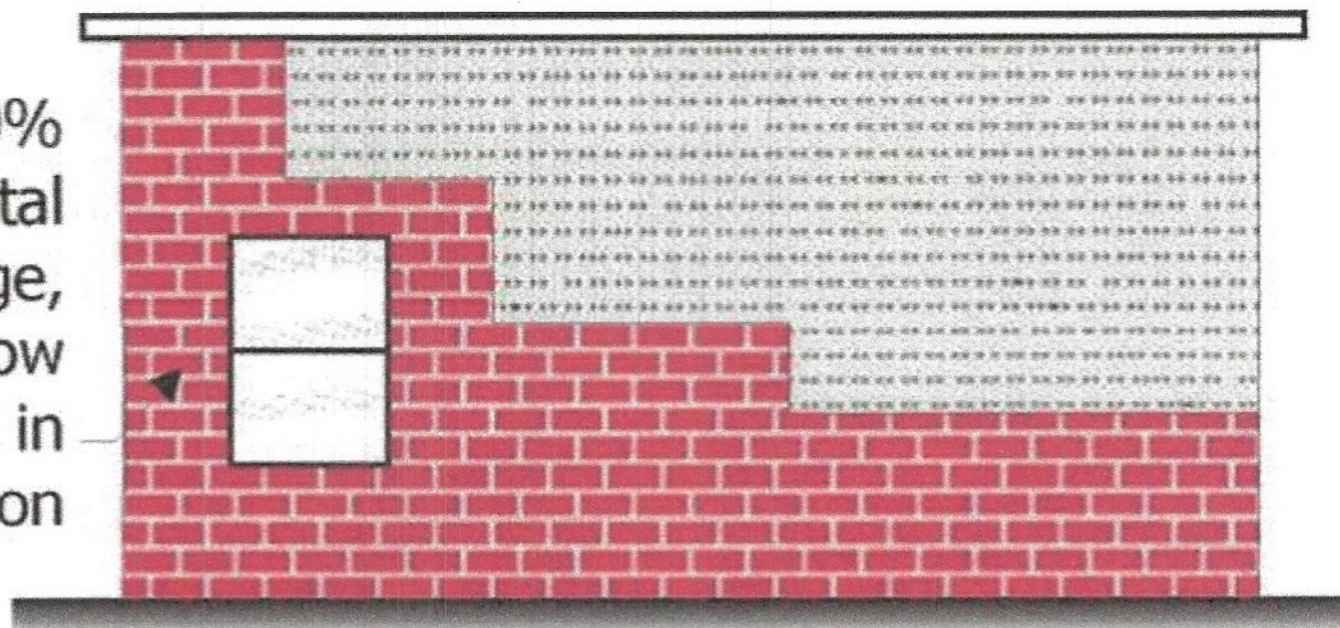
1. Front Facade: Any side of a building facing a public right-of-way shall be considered a front facade. The front facade of buildings within a Commercial or Office District may only contain a maximum area of ten percent (10%) metal. For buildings in Industrial Districts metal may comprise a maximum of one-third ($\frac{1}{3}$) of the total front facade.

2. Building Sides: For buildings within Commercial or Office Districts the sides of the building shall be at least one-third ($\frac{1}{3}$) brick, glass, split face block, rock, wood, or material other than metal. In computing the area for each wall, the portion of the wall containing windows, window frames, doors, and signs shall not be considered a non-metal material. For industrial buildings, metal may comprise three-quarters ($\frac{3}{4}$) of the total side facade, unless said side faces a public or private street or residential use (future or current). Then, only one-third ($\frac{1}{3}$) of that side may be metal (see figure 11.10.2 of this subsection).

FIGURE 11.10.2

FACADE COVERAGE

Exterior 50%
Non-Metal
Coverage,
Window
Excluded in
Calculation



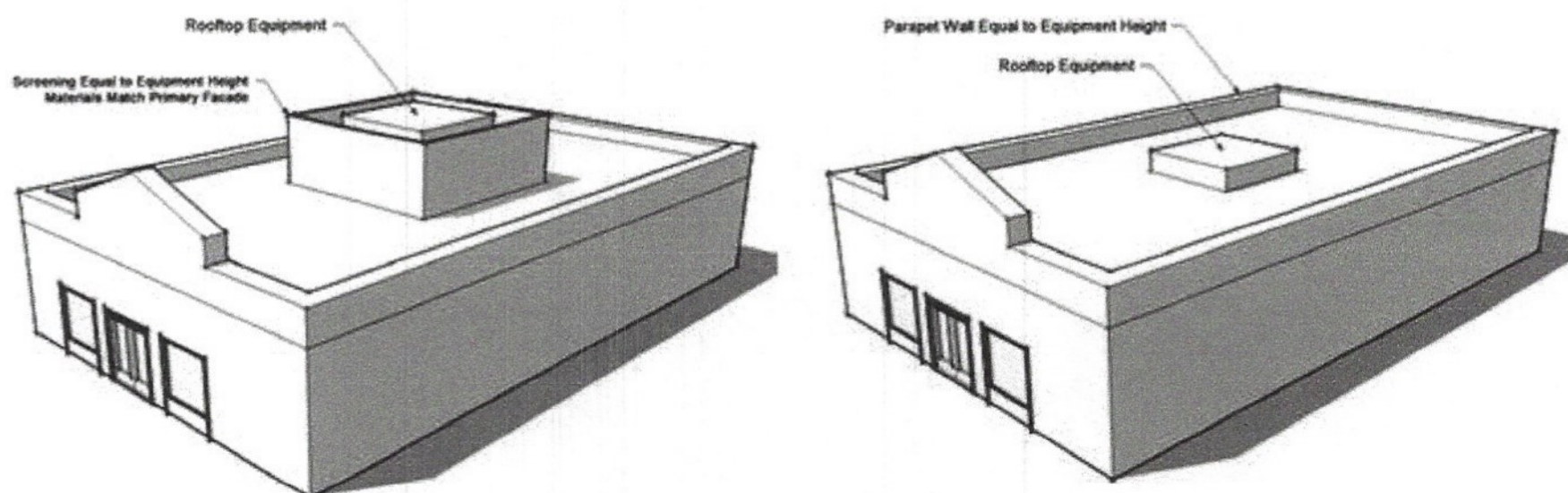
3. Building Rear: The rear facade of a building in a Commercial or Office District may be completely comprised of metal unless said side faces a residential use (future or current), then it shall be at least one-half ($\frac{1}{2}$) brick, glass, rock, wood, or material other than metal.

4. Rooftops: Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one foot (1') from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

5. HVAC Equipment: Rooftop HVAC equipment shall be screened on all sides with a parapet wall, screening box, or combination thereof (see figure 11.10.3 of this subsection). Ground mounted equipment shall be screened from view from any public street and residential areas with fencing, landscaping or combination thereof.

FIGURE 11.10.3

MECHANICAL EQUIPMENT SCREENING ON ROOFS



6. Awnings And Canopies: Metal may be used as an accent material only or for awnings or sheltering element for pedestrians.

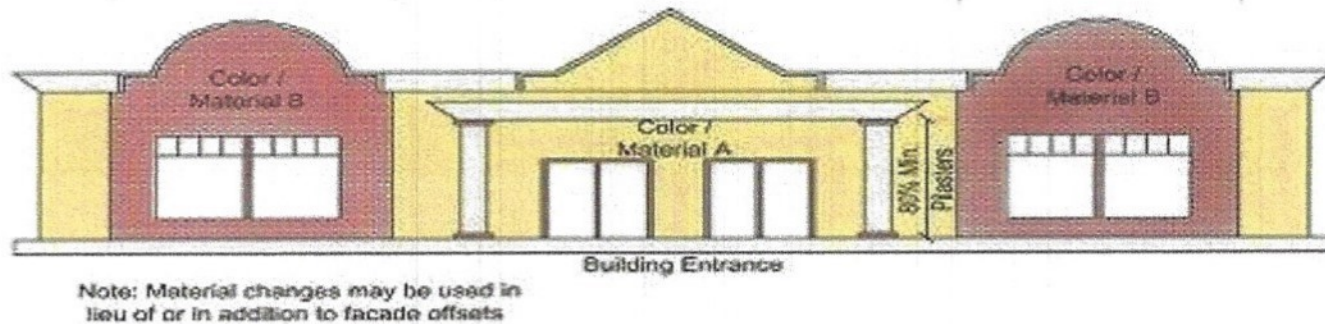
7. Wall Articulation: In order to prevent large flat expanses of featureless exterior walls, structures having single walls exceeding fifty feet (50') in length shall incorporate two (2) or more of the following features at least every fifty feet (50') in length (see figure 11.10.4 of this subsection):

- a. Changes in color, graphical patterning, changes in texture, or changes in material.
- b. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of twelve inches (12").
- c. Windows and fenestration.

- d. Gable projections.
- e. Horizontal/vertical breaks.
- f. Other similar techniques.

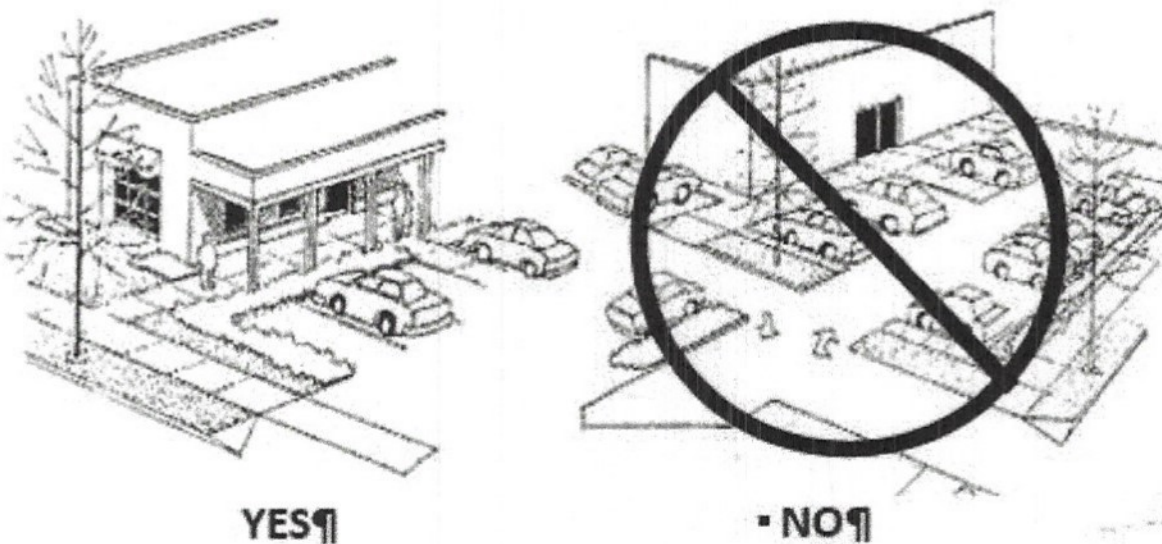
The Administrator may approve variations or alternate treatments, so long as the intent of this section is met.

FIGURE 11.10.4
WALL ARTICULATION



8. Building Entrances: Primary building entrances shall be clearly defined, and shall be recessed or framed by a sheltering element such as an awning, arcade, overhang, or portico (in order to provide weather protection for pedestrians). Said elements may be constructed out of metal. Public entrances flush with the building wall with no cover are not allowed (see figure 11-10.5 of this subsection).

FIGURE 11.10.5
BUILDING ENTRANCE



9. Outdoor Storage Areas: Outdoor storage areas shall be screened from view from any public street and any adjacent residential areas. Methods of screening can be with vegetation or a minimum six foot (6') opaque fence. The Administrator may require a higher fence or alternative screening methods if the situation warrants.

10. Outdoor Display Areas: Outdoor display areas shall be clearly displayed on a site plan and shall not take up necessary parking. In all districts where the outside display of merchandise for sale is permitted, such display shall be allowed only as an accessory use to the primary use on the same lot or tract of land. In districts where the outside display of goods is permitted, such display shall conform to all of the following requirements:

- a. Where outside display is located adjacent to a building, an unoccupied area of not less than four feet (4') in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot;
- b. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, unimproved surface, or landscaped area;

- c. Outside display shall be situated so as not to create a visibility obstruction to moving vehicles within a parking lot;
- d. The area devoted to outside display shall not exceed five percent (5%) of the total floor area of the building occupied by the use to which such outside display is accessory;
- e. Outside display shall not block or impede access to a fire connection;
- f. Outside display shall be prohibited in any right-of-way except where allowed by a license agreement with the City; and
- g. Any parking stalls covered by outdoor display areas shall not be included in the parking calculations for the proposed use.

11. Screening Of Refuse Collection And Loading Areas: Refuse areas shall be screened in order to reduce the visual and acoustic impacts of these functions on adjacent properties and public streets. Refuse collection areas shall utilize materials that complement the main buildings on the property. Non-enclosed service, storage, and off-street loading areas shall be screened with opaque sight-obscuring walls and/or fences of between six feet (6') and eight feet (8') in height made of durable materials. If wood fencing is used, galvanized metal poles shall be used. Dumpster enclosures shall include an opaque latchable gate.

12. Multiple Buildings In Commercial Centers: In order to ensure unity between all buildings in a commercial development consisting of more than one building, such a development shall employ a consistent architectural style or theme, be constructed of similar exterior materials and feature similar colors.

13. Commercial Accessory Structures: Accessory structures, including bank teller machines, placed in parking lots shall meet the following requirements:

- a. A site plan shall be submitted indicating the location, size, and height of the structure. The Administrator shall have the responsibility of approving the use or structure;
- b. Architectural or shop drawings shall be submitted for review;
- c. For structures in excess of one hundred (100) square feet, materials and color shall complement the main structure(s) on the property;
- d. All exposed cooling units, compressors, machinery, etc. (including rooftop units) shall be screened on all four (4) sides;
- e. Structures shall be placed behind the front setback;
- f. Any water discharged from the operation of condensing or similar units shall not drain into parking areas or sidewalks. Said discharge must drain into a grass or landscaped area or in a storm drain;
- g. No petroleum waste or by-products shall be disposed of or discharged as part of the operation of the use. If said waste is discovered it shall be cleaned up, removed immediately, and disposed of properly. Repeated violations may result in the termination of the use on the property;
- h. Structures shall not block drive aisles, take up required parking, or create visibility issues for motorists or pedestrians;
- i. All signage in conjunction with the proposed use must meet requirements set forth in this title;
- j. All required permits (e.g., plumbing, electrical) shall be obtained for the operation of the structure; and
- k. Recycle bins and donation bins (for clothing, toys, or other merchandise) shall be located within fifteen feet (15') of the principal structure and are prohibited in the front setback, and shall not take up any parking spaces. These uses should be placed in the utility or refuse area behind the principal structures. Donation bins shall not be placed without the express permission of the property owner.

14. Commercial Drive Through Lanes: Drive-through facilities associated with commercial uses shall be architecturally integrated with the building.

M. Landscape Plan:

1. Standards: A landscape plan is required for all new developments within the district. The following standards shall apply to all areas where landscaping is required:

- a. Required landscaping shall not include artificial plants or trees or other artificial vegetation;
- b. Landscape areas shall be kept free of trash, litter, and weeds;
- c. All Landscape Plans shall be reviewed by the Administrator as part of the site plan review process. Upon completion of the review, the Administrator shall:

- (1) Approve the Landscape Plan as complying with the requirements of this section and rules and regulations;
- (2) Approve the Landscape Plan with conditions that bring it into compliance with the requirements of this section and rules and regulations; or
- (3) Reject the Landscape Plan as failing to comply with the requirements of this section.

2. Landscape Plan Requirements: Landscape Plans shall accompany any application for site plan approval and be submitted in conformance with the requirements listed below. The Landscape Plan shall include:

- a. The date, scale, north arrow, project name, and the name of the owner and designer;
- b. The location of property lines and dimensions of the tract;
- c. Existing and proposed utility easements, and overhead utility lines on or adjacent to the lot, existing and proposed fire hydrants on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
- d. The location, size, and type (tree, shrub, ground cover, berms, or grass) of proposed landscaping and the location and size of the proposed landscaped areas;
- e. Planting details and/or specifications; and
- f. A description of the type of irrigation system to be used and, if necessary, drawings of such system.

3. Installation Timeline: With the exception of trees, all required landscaping materials shall be installed and approved prior to the issuance of a final Certificate of Occupancy (C/O). The installation of landscape material may be delayed up to but no greater than ninety (90) days due to seasonal weather, provided that a signed letter from the applicant is submitted stating the date when the planting will be completed.

4. Violations: Failure to maintain required landscaping, to replace dead or destroyed plant material as part of the approved Landscape Plan, or to adhere to an approved Landscape Plan shall constitute a zoning violation subject to any and all remedies set forth in chapter 14, "Administration And Enforcement", of this title.

5. Street Yard: Street trees shall be provided along any public street out of the right-of-way within the district. If possible street trees shall be placed out of utility easements and out from under overhead power lines. If said trees cannot be planted outside of utility easements, then they shall be planted at least five feet (5') from buried utility lines. Trees may be planted in the following methods.

a. Tree Requirements: Within the street yard, one shade tree shall be planted for every fifty (50) linear feet. The number of required trees shall be calculated based on the linear frontage of the required street yard, inclusive of driveways, and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced in the street yard. In the event that overhead power lines are present that would interfere with the growth of a shade tree, the applicant may exchange them with ornamental trees at a two (2) to one ratio.

6. Interior Parking Lots: Landscaped areas shall be established and maintained in off-street parking areas as follows:

- a. At least one shade tree and four (4) shrubs shall be planted for every fifteen (15) parking spaces;
 - b. The number of required trees and shrubs shall be rounded up to the nearest whole number.
- Landscape material shall be planted in islands inside the parking lot or within fifteen feet (15') of the edge of the back of the curb around the perimeter of the parking lot, but shall not be placed in the area for required street trees required in subsection M5 of this section.

7. **Buffer Yards:** Buffer yards are intended to ensure that an area of appropriate size and density of plantings is planted or preserved between incompatible zoning districts and/or uses. Buffer yard widths shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in subsection M9, "Reductions In Required Buffer Yard Permitted", of this section. Where buffer yards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

a. **Commercial And Office Uses:** Commercial and office uses that are adjacent to a Residential District or residential use shall provide a landscaped buffer of at least ten feet (10') in width within the non-residential property. Any commercial or office use that abuts a single-family or two-family development shall provide a screening fence or wall at least six feet (6') in height along the entire property frontage abutting the residential use. In addition to the fencing, the buffer shall provide landscaping utilizing one of the following methods:

(1) One large evergreen tree plus one large shade tree or two (2) ornamental trees for every thirty (30) linear feet or portion thereof of adjacent exposure to the adjoining lot.

b. **Industrial Uses:** Whenever an Industrial zoned use is proposed adjacent to property with residential use, the industrial use shall provide a landscaped buffer of at least twenty feet (20') in width within the non-residential property. Any non-residential use that abuts a single-family or two-family development shall provide a screening fence or wall at least eight feet (8') in height along the entire property frontage abutting the residential use. The buffer shall provide landscaping utilizing the following method:

(1) One medium to large evergreen tree and one large shade tree for every thirty (30) linear feet or portion thereof of adjacent exposure to the adjoining lot.

8. **Standards For Buffer Yard Development:** The construction of any building or the placement of any mechanical equipment within the landscape buffer yard is not permitted except for equipment necessary for the provision of utilities.

9. **Reductions In Required Buffer Yard Permitted:** Where a dedicated buffer yard exists on an abutting property, a reduction or elimination in a buffer yard for a property to be developed may be approved by the Administrator subject to the following:

a. The adjoining property owners have provided a written agreement restricting the use of the dedicated buffer yard to uses provided for in this section;

b. Maintenance of the existing buffer yard is consistent with the requirements of this section; and

c. The "net" buffer yard satisfies the minimum buffer yard requirements of this section. The net buffer shall include the cumulative total for both required buffers.

10. **Buffer Yard Application Toward Setback Requirement:** Buffer yard areas shall be counted towards the required building setbacks.

11. **Existing Fences:** It is the responsibility of the developing property to provide the buffer yard. Existing perimeter fences that may be present in an existing single-family neighborhood, for example, do not relieve the developing property owner(s) from providing the required buffer yard. If existing fences are present on adjoining properties the fencing requirement may be waived, if the developing property owner can secure in writing letters from adjoining property owners supporting the continuance of the existing fence. However, this does not relieve the applicant from future repairs or maintenance should said fence be damaged or need replacement.

12. **Specifications For Plant Material:** The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary. As a general rule, the caliper or diameter of trees is typically described as the diameter breast height (dbh). The height of shrubs shall be a minimum of eighteen inches (18") as measured at ground level to the top of the densest portion of the top of the shrub or hedge.

a. **Shade Trees:** Shade trees shall measure a minimum two inches (2") in caliper dbh, and eight feet (8') to ten feet (10') in height at the time of planting.

b. **Ornamental Trees:** Ornamental trees shall measure a minimum one and a half inches (1.5") in caliper dbh for single-stem trees or one inch (1") in caliper dbh for multi-stem trees, and six feet (6') to eight feet (8') in height at the time of planting.

c. Shrubs: Shrubs planted for screening purposes (e.g., parking lot screening, ground mechanical equipment) shall measure eighteen inches (18") to twenty four inches (24") in height at the time of planting. Said shrubs shall form the required density to block visibility within three (3) years from the date of installation.

13. Landscape Maintenance: The applicant, property owner, and/or subsequent or successor owner and their agents, including tenants, shall be jointly and severally responsible for maintenance of all landscaping on the property in perpetuity as specified in this section. Spray or drip irrigation is required for all planting areas. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include but not be limited to mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other materials or plants not a part of the landscaping.

If after three (3) years following installation of required screening plant materials the plants have not formed an effective screen, or if an effective screen is not maintained, the Administrator or their designee may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Community Development Director or their designee shall inspect all landscaping and no Certificate of Occupancy (C/O) or similar authorization will be issued unless the landscaping meets the requirements of this section.

All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density, and appearance as originally required at the time of the approval of the development permit.

N. Administrative Variances: The Administrator may vary certain requirements of this section for certain unique conditions as long as the intent and spirit of this title is maintained. (Ord. 2018-06, 12-11-2018)