City of Choctaw
Special Planning Commission Meeting
May 7, 2020 @ 6:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Planning Commission will host a virtual meeting option until the State of Emergency is lifted. Please join us using either option.

Teleconference dial in number: +1 301 715 8592
Conference ID: 879 8690 0092
Meeting Password: 024283
Join Meeting:
https://us02web.zoom.us/j/87986900092?pwd=bjFKZmdPNjdwS2x0RE4rVytJLzFNQT09

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Roll Call.
   Commissioner Larry Morgan and Commissioner Jeff Wyatt will be joining the meeting via teleconference.

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.

   4.1 Discussion and possible recommendation on an amendment to the mandatory water extension requirements.

   4.2 Discussion and possible recommendation on metal building regulations.

   4.3 Discussion and possible recommendation on an R-75 District.

   4.4 Discussion and possible recommendation on a proposed sign ordinance.

   4.5 Discussion and possible recommendation on other ordinances – Home Occupation, Lighting, Landscaping, and Screening.

   4.6 Regular meeting minutes for April 2, 2020.
5. **Public Comments:** This agenda item is for public comments on city related non-agenda items. In accordance with State law, the Planning Commission Board Members and City Staff are not allowed to respond to any comments made. Preference will be given to Choctaw Citizens and NO formal action will be taken. Speakers are limited to 3 minutes for a total of 15 minutes.

6. **Commissioner/Staff Remarks:** This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

7. **Adjournment:**

   *This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on May 1, 2020 in accordance with the Oklahoma Open Meeting Act.*

   Amanda Valent, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.
AGENDA TITLE: CITY OF CHOCTAW CODE AMENDMENT TO THE SUBDIVISION REGULATIONS RELATED TO MANDATORY EXTENSION OF WATER AND SEWER MAINS: §19-165 AND §19-166

**Public hearing required if this box is checked**

General Report: Amend §19-165 and §19-166 of:
Part 19 - Subdivision Development
Chapter 1 - Subdivision Regulations
Article D - Required Improvements
§19-165 - Mandatory Extensions
and
§19-166: General

Staff Comments: Per City Council’s direction, Staff has proposed the attached changes to §19-165 and §19-166 regarding Mandatory water and sewer main extensions.

Recently City Council has seen several waiver requests to the water extension requirements as noted in City’s Code due to costs associated with extensions, specifically to single-lot owners/builders.
EXHIBIT A – FINAL DRAFT:

§19-165 MANDATORY EXTENSIONS

A. The following properties must extend a minimum of an eight inch main line. The main line could be larger if it is connecting to a water main in an arterial street or sanitary sewer trunk main. Refer to “Future Use of Extension”.

B. When a secondary water main is closely available, the City Engineer may require the installation of a looped water main. The water line should be adequately sized, but the minimum size shall be eight (8) inches. The looped system will provide a stable water pressure for the area and for fire protection.

C. The following properties/types of development must extend water and sewer mains if within 500 feet, as measured pursuant to §19-166.B, if an existing public water or sewer main (provided topography allows for a sewer extension):

1. Proposed residential subdivisions, excluding:
   a. Subdivisions in A-G zoning districts
   b. Unplatted single lots
   c. Residential lot splits

2. Proposed multi-family developments

3. Proposed non-residential subdivisions and lot splits


D. The original boundary line of any tract, parcel or lot as of December 18, 2018 shall be used in determining the minimum distance. A property owner(s) can’t perform a lot split, plat or subdivide property to avoid the requirements of mandatory extensions.

E. In the event that there are no adjacent potable water and/or sanitary sewer mains available and if falls outside of the mandatory extension boundary, the developer may construct a private well and/or on-site sewage treatment system, if approved by the City of Choctaw and the State of Oklahoma. If the City of Choctaw or the State of Oklahoma does not approve a new or expanded well or an on-site sewage treatment system, the developer shall provide the required extension of the Authority’s utility to the property, and shall connect to the new utility extension. (Ord. No. 741, 12/15/15)

F. Any variance to the mandatory extension will have to be approved by the City Council.

§19-166 GENERAL

J. All water line extensions must be extended across the full frontage(s) of the subject property. All sewer line extensions must be across the full length of at least one side of the subject property. The City Engineer has final approval over the location and size of any extensions.
EXHIBIT B – EDITED DRAFT:

The text in red has either been removed or updated; the text in blue is the proposed amendments; the text in black has not changed.

§19-165 MANDATORY EXTENSIONS

A. The following properties must extend a minimum of an eight inch main line. The main line could be larger if it is connecting to a water main in an arterial street or sanitary sewer trunk main. Refer to “Future Use of Extension”.

B. The following properties must install looped water main when a secondary water main is within 500 feet or if required by the City Engineer. The line should be adequately sized, but the minimum size main shall be eight (8) inches. The looped system will provide a stable water pressure for the area and for fire protection. When a secondary water main is closely available, the City Engineer may require the installation of a looped water main. The water line should be adequately sized, but the minimum size shall be eight (8) inches. The looped system will provide a stable water pressure for the area and for fire protection.

C. The said property must extend the utility main if any point of the property is within 500 foot circumference of an existing public water or sanitary sewer main:
   1. Platted or un-platted new primary building development;
   2. Existing platted or un-platted developed properties that has a failed private water well(s) and/or private sanitary sewer system;

D. The following properties must extend the utility main if any point of the property is within 1,200 foot circumference of an existing public water main:
   1. Un-platted lots to be split into two (2) lots or more under the same ownership at the time of the split;
   2. Illegal subdividing of tract, parcel, or lot (lot split);
   3. Proposed Residential Subdivision
   4. Proposed Multi-Family Development
   5. Proposed Non-Residential Subdivision
   6. Proposed Non-Residential Development
C. The following properties/types of development must extend water and sewer mains if within 500 feet, as measured pursuant to §19-166.B, if an existing public water or sewer main (provided topography allows for a sewer extension):

1. Proposed residential subdivisions, excluding:
   a. Subdivisions in A-G zoning districts
   b. Unplatted single lots
   c. Residential lot splits

2. Proposed multi-family developments

3. Proposed non-residential subdivisions and lot splits


D. The original boundary line of any tract, parcel or lot as of December 18, 2018 shall be used in determining the minimum distance. A property owner(s) can't perform a lot split, plat or subdivide property to avoid the requirements of mandatory extensions.

E. In the event that there are no adjacent potable water and/or sanitary sewer mains available and if falls outside of the mandatory extension boundary, the developer may construct a private well and/or on-site sewage treatment system, if approved by the City of Choctaw and the State of Oklahoma. If the City of Choctaw or the State of Oklahoma does not approve a new or expanded well or an on-site sewage treatment system, the developer shall provide the required extension of the Authority’s utility to the property, and shall connect to the new utility extension. (Ord. No. 741, 12/15/15)

F. Any variance to the mandatory extension will have to be approved by the City Council.

§19-166 GENERAL

J. All extensions, expansions, and new facilities for City water and/or sewer main lines, must be extended across the developer’s property to the far end of the easement or right of way adjacent to the property. All water line extensions must be extended across the full frontage(s) of the subject property. All sewer line extensions must be across the full length of at least one side of the subject property. The City Engineer has final approval over the location and size of any extensions.
AGENDA TITLE: ADDITION OF AESTHETIC REQUIREMENTS TO PROVIDE GUIDELINES FOR CONSTRUCTION OF METAL BUILDINGS TO THE CITY OF CHOCTAW PART 12 PLANNING, ZONING, AND DEVELOPMENT CODE

**Public hearing required if this box is checked**

General Report: Add a Miscellaneous Aesthetic Requirement Section to:
Part 12 - Planning, Zoning and Development
Chapter 2 & 3 - Zoning Regulations
Article D: General Provisions Applying to All or Several Districts
§12-241 - Miscellaneous aesthetic requirements.

Per the Mayor’s request, Staff has proposed the attached requirements regarding primary structures utilizing metal buildings in all zoning districts, except Industrial Districts.

Staff Comments: The following is a summary for the percentage of masonry or other materials as approved by the Development Services Director, based on the zoning districts and building use if a metal building is utilized as the primary structure:

- Commercial Zoning & CBD: 75% of the façade(s) of the structure facing a public street for a primary structure.

- Agricultural & Residential Zoning: 50% of the façade(s) of the structure facing a public street for a non-residential primary structure.

- Residential dwelling structures (all districts): 50% of residential dwelling structure. Also, no portion of exterior facade shall be covered with metal siding.
ARTICLE D

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 12-241 Miscellaneous aesthetic requirements.

§ 12-241 MISCELLANEOUS AESTHETIC REQUIREMENTS

A. The following requirements are intended to provide guidelines for construction of new metal buildings when utilized as the primary structure or structures in all zoning districts except in I-L Light Industrial District and I-H Heavy Industrial District.

1. If a metal building is utilized for the primary structure in any commercial zoning district or Central Business District, at least seventy-five (75) percent of the façade(s) of the structure facing a public street, excluding windows and doorways, must be covered with brick, rock, stone, cementitious fiberboard, stucco or other materials approved by the Development Services Director satisfying the intent of this section.

2. If a metal building is utilized for the non-residential primary structure in a residential or agricultural zoning district, at least fifty (50) percent of all façade(s) of the structure facing a public street, excluding windows and doorways, must be covered with brick, rock, stone, cementitious fiberboard, stucco or other materials approved by the Development Services Director satisfying the intent of this section.

3. If a metal building is utilized for the residential dwelling structure in any zoning district, at least fifty (50) percent of all façades of the structure, excluding windows and doorways, must be covered with brick, rock, stone, cementitious fiberboard, stucco or other materials approved by the Development Services Director satisfying the intent of this section. No portion of the exterior façade of the structure shall be covered with metal siding.
AGENDA TITLE: ADDITION OF AN R-75 SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE CITY OF CHOCTAW PART 12 PLANNING, ZONING, AND DEVELOPMENT CODE

**Public hearing required if this box is checked**

General Report: Add an R-75 Single-Family District to:
Part 12 - Planning, Zoning and Development
Chapter 2 & 3 - Zoning Regulations
Article U

Per City Council's and Planning Commission's direction, Staff has proposed the attached R-75 District regulations.

The uses for this District are similar to those found in the R-S Single-Family District.

Staff Comments: This district will allow for lots with the following criteria:

1. Minimum Lot Area: 7,500 sf
2. Minimum Lot Frontage: 60 feet at building line and 35 feet at right-of-way line
3. Maximum % Coverage: 35% for interior lot and 40% for corner lot
4. Maximum Height: 35 feet
5. Minimum Front Yard Setback: 20 feet
6. Minimum Side Yard Setback: 5 feet interior lots and 10 feet street side of corner lots
7. Minimum Rear Yard Setback: 25 feet
ARTICLE U

R-75 SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 12-363 General description.
§ 12-364 Uses permitted.
§ 12-365 Specific Use Permits
§ 12-366 Area and height regulations.
§ 12-367 Signs and billboards.

§ 12-363 GENERAL DESCRIPTION.

This residential district is established as a district in which the use of land is for single-family dwellings, except as noted. The purpose and intent of this district is to promote the development of and continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use which would sustainably interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this district which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This district further encourages only those uses which, because of the character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings.

§ 12-364 USES PERMITTED.

Within the R-75, Single-Family Residential District, the following uses are permitted:

A. Single-family detached dwellings, subject to the requirements of this chapter, but not including trailer houses or mobile homes;

B. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools;

C. Public park or playground;

D. Agricultural uses of the garden type that are not intended for commercial purposes;

E. Police or fire stations; and

F. Home occupation minor (Type I). (Ord. 8/15/95)

§ 12-365 SPECIFIC USE PERMITS.

The following uses may apply for a specific use permit in compliance with Chapter 9, Part 12 of this code:

A. Home occupation – Type II;

B. Public or Private Schools with a compulsory education curriculum;

C. Religious Institution
§ 12-366  AREA AND HEIGHT REGULATIONS.

A. The following chart designates:

1. Minimum Lot Area: 7,500 sf
2. Minimum Lot Frontage: 60 feet at building line
   35 feet at right-of-way line
3. Maximum % Coverage: 35% for interior lot
   40% for corner lot
4. Maximum Height: 35 feet
5. Minimum Front Yard Setback: 20 feet
6. Minimum Side Yard Setback: 5 feet interior lots
   10 feet street side of corner lots
7. Minimum Rear Yard Setback: 25 feet

B. All lots and improvements within the R-75 District shall meet the following requirements:

1. Not more than thirty-five percent (30%) and forty percent (40%) of interior and corner lots, respectively, shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision;
2. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot;
3. All structures shall have not less than twenty (20) foot front yard setback;
4. For a single-family dwelling of one story, the minimum width of the side yard shall be five (5) feet for interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than fifteen (15) feet; and
5. The principle building shall have not less than twenty-five (25) foot year yard setback. Unattached buildings of accessory use may be located in the rear yard of a main building provided, however, that no accessory building shall be located closer than ten (10) feet to the rear lot line.
6. All R-75 District subdivisions shall be designed and built with six (6) inch barrier curb and gutter, public water and sewer, and all utilities shall be installed underground.
§ 12-367 SIGNS AND BILLBOARDS.

No signs, billboards, posters, bulletin boards, or other similar display are permitted in the R-75 District except as follows:

A. A temporary bulletin board or sign not exceeding twelve (12) square feet in area, pertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold;

B. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in surface area nor fifteen (15) feet in height, and illumination, if any, shall be by constant light;

C. Official public notices may be erected on affected property; and

D. One non-illuminated name plate not exceeding two (2) square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises.
MEMORANDUM

TO: Chairman and Commissioners
FROM: Guy Henson, Development Services Director
DATE: April 24, 2020
SUBJECT: Draft Sign Ordinance

I am attaching what we believe to be the latest version of the draft sign ordinance. If you do not believe this to be the case please let us know.

In reviewing the draft there are several issues which I would like to address before introducing this to the City Council.

(1) Table 8.1 – This table establishes a number of regulations pertaining to different sign types. One section deals with in which zoning districts certain types of signs are permitted, “Permitted Districts”. In this section there are districts that are not currently found in the Choctaw Zoning Code. For instance OT, R-3, A-1, RE, R-43, R-21, R-14, R-10, R-1 are not currently found in our Zoning Code. This needs to be corrected and a further analysis of “Permitted Districts” should be done. For instance, the C-O, Office Commercial District, is almost entirely omitted from this table and should be included in a more consistent basis. Another issue has to do with some uses such as churches and schools, which are specific use permits in agricultural and residential districts, are not permitted to have electronic message boards or pole signs. Since arriving several churches have approached the City about updating their signage to include electronic message boards and adjusting the height and area requirements. It appears some of these types of issues have been previously presented to the Board of Adjustment. It would be my recommendation that we attempt to accommodate signage for these types of uses in the new ordinance.
(2) With regard to Electronic Message Boards (8.7) and the construction criteria for under Section 8.5 and the definition of Electronic Message Board 45) in 8.11.2 there may need some further work needed to ensure consistent application of the requirements.

(3) Further review and clarification on when sign permits are required i.e. special public event sign, annual public event sign, right-of-way political signs and who has to secure permits.

(4) Some signs seem to be prohibited (animated, rotating signs and festoons, inflatable signs, Section 8.2.2 but are allowed in Table 8.1.

(5) Changes to non-conforming signs, Section 8.8.1, particularly Subsection 4) Except in limited situations this will require existing pole signs to be enclosed in a masonry material, see 8.5 Construction Criteria, Exposed Poles.

(6) Section 83.1 requires a permit to remove a sign. Not sure this is necessary.

(7) Section 8.7.2 and Section 8.7.3 are establishing some restrictions on Annual Public Events and Special Public Events that may be best part of another section of the City Code.

(8) Section 8.7.4.3 3) Are the location restrictions in this subsection realistic especially relating to NE 23rd Street – the entire length in Choctaw?

There are most likely other non-substantive issues that may need to be clarified as well before we move forward with the ordinance. I’ve sent the draft ordinance and a copy of this memo to Ray Vincent, City Attorney and he may be available at the May 7 meeting.
MEMORANDUM

TO: Chairman and Commissioners
FROM: Purvi Patel, City Planner
CC: Guy Henson, Development Services Director
DATE: April 24, 2020
SUBJECT: Draft Home Occupation, Lighting, Landscaping, and Screening Ordinances

Attached please find the following draft ordinances that the Planning Commission had worked on with Development Services Staff:

- Home Occupation Ordinance: Last updated on 02-03-2017
- Lighting Ordinance: Last updated on 11-03-2016
- Landscaping Ordinance: Last updated on 03-02-2015
- Screening Ordinance (which includes fencing regulations): Last updated on 10-06-2016

Current staff has not had a chance to review and provide feedback on these proposed drafts, similar to the Sign Ordinance draft. We are presenting these drafts to you for confirmation that these were indeed the last updates presented to and reviewed by the Planning Commission.
Chapter 14 – Home Occupation

Section 11.1 PURPOSE

The limitation of home occupations is to establish an environment that support the surrounding residential neighborhood. Excessive use within a residential environment shall not harm one’s neighbor. There shall be a well balance of business use to allow a citizen to operate in day to day life activities within ones home. The City of Choctaw recognizes the following:

1. Protect residential areas form adverse impacts of activities associated with home occupations;
2. Permit residents of the community a use of their homes as a place of livelihood and the production or supplementing of personal and family income;
3. Establish Criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential areas or zones.

Section 11.2 DEFINITION

The limitation of lighting is to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

1. Allow appropriate lighting levels to preserve safety, nighttime use and enjoyment of property;
2. Reduce light pollution, light trespass, glare, and offensive lighting;
3. Promote energy conservation;
4. Allow people in residential areas to view the stars against a dark sky;
5. Enhance the aesthetics of the building environment; and
6. Protect the character of the natural environment and preserve ecological values.

Section 11.3 APPLICABILITY

11.3.1 NEW CONSTRUCTION/USES

The provisions of this ordinance shall apply to all new construction or new uses of a building. This also applies to parking lots, buildings, structures, and land uses established after the effective date of this ordinance.

11.3.2 ADD-ON

The provisions of this ordinance shall apply to add-ons, expansions, and re-development to the entire building/structure, parking area, or use as appropriate, under the following conditions:

1. When a building or structure is expanded in size 25% or more cumulatively begin with the date that this ordinance goes into effect.
2. When a parking area is expanded 25% or more cumulatively begin with the date that this ordinance goes into effect.
3. When an outdoor use (Ex. Outdoor storage, vehicle sales) is expanded 25% or more cumulatively.
4. Any other activity subject to site plans a subdivision review which may improve the any portion of the site 25% or more beginning with the date that this ordinance goes into effect.

11.3.3 EXEMPTIONS

The following are exempt from the outdoor lighting requirements of this ordinance:

1. Lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;
2. All temporary emergency lighting needed by the Police, Ambulance, Fire Department or other emergency services, as well as all vehicular luminaries.
3. All hazard warning luminaries required by Federal regulatory agencies must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
4. Seasonal decorative lighting using low-voltage lamps between October 15th through January 15th and June 25th through July 10th.
5. Lighting placed underwater to illuminate swimming pools, hot tubs, or such.
6. Operating of vehicle headlights when the vehicle is commuting from one location to another in a forward or backward motion.
7. Public or dedicated private street lighting for vehicle traffic. Does not include access easements or parking isles.

Section 11.4 PROHIBITED

Unless otherwise authorized, the following shall be prohibited except upon prior approval of a Special Exception by the Planning Commission and City Council.

1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
2. The operation of searchlights or beacons for advertising purposes is prohibited.
3. Halogen Lights are prohibited.
4. Lighting that could be confused for a traffic control device.
5. Lighting that is oriented upward, except as otherwise provided for in this ordinance.
6. Lighting that blink, flash, flicker or change intensity that is under four (4) seconds.
7. Lighting inside an awning when the awning material is translucent.

Section 11.5 RESIDENTIAL ILLUMINATION

11.5.1 GENERAL

A residential use or zoning lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles.
When a residential use or zoning abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis.

Any new construction to occur after the adoption of this ordinance electrical line for luminaries mounted on freestanding poles shall be placed underground between poles. This requirement shall not apply to properties with single family dwellings that have two (2) acres or more.

Section 11.6  NON-RESIDENTIAL ILLUMINATION

11.6.1  GENERAL

When a non-residential use or zoning abuts a residential use or zoning, lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles.

When a non-residential use or zoning abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis.

All outdoor lighting are required to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

Lighting shall be designed by a registered Oklahoma design professional having experience with lighting installation.

11.6.2  FLOODLIGHT

Floodlighting shall be consistent with the following standards:

1. Floodlights, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of 50 watts or less are excepted if necessary for security purposes.
2. Floodlight fixtures are equipped with shields and are located so as to limit the fixture’s direct light distribution solely to the building façade or feature being illuminated;
3. The configuration of the floodlight installation shall block all view to the floodlight fixture’s recessed lamp, bulb or filament from pedestrian walkways, vehicle maneuvering areas and all adjacent properties;
11.6.3 **Building**

Buildings shall be lighted consistent with the following standards:

1. Building facades and architectural features of buildings may use sconces.
2. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky, and;
3. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
4. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.
5. Upward aimed lighting shall be fully shielded and mounted as flush to the wall as possible.
6. Lighting shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.
7. In non-residential zoning districts, building-mounted luminaries shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of unshielded wall-pack luminaries is prohibited.

11.6.4 **Sign Lighting**

Signs may be lighted consistent with the following standards:

1. Signs that are less than 7 feet in height shall be lighted from internally lit or lighted from behind or above provided the luminaries are no taller than the top of the sign. Provided the lights are fully shielded and mounted as close to the wall as possible.
2. Message Board, Pole, Projected, Wall, signs or any other sign 7 feet or taller shall be lighted from internally lit the luminaries are no taller than the top of the sign.
3. Monument, Multi-Family Entry, Mural, Subdivision Entry that are less than 6 feet in height may be internally lit lighted from above provided the luminaries is no taller than the top of the sign, or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the sign base as possible.
4. The lighting levels must meet all of the requirements within this ordinance.

11.6.6 **Parking Lot and Pole Mounted**

1. Luminaries shall not be taller than fifteen (15) feet in residential and downtown zoning districts or when placed within fifty (50) feet of a residential zoning district. In all other zoning districts, luminaries shall not be taller than thirty-five (35) feet, unless specified within this ordinance. Light poles shall be anodized, painted or otherwise coated to minimize glare from the light source; and
2. Parking lots and vehicle movement areas and signs shall not exceed a maximum illumination value of 40 foot-candles or a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 150 watts. Total pole and fixture height shall not exceed a maximum of 30 feet, measured from grade at the base. The light head or light under canopies shall be designed so that any light filament or bulb is shielded or recessed to prevent direct glare and/or light trespass. No exposed lamp, filament or bulb shall be detectable from outside of the 80 degree cutoff area or from the adjoining property lines.
Taller poles may be considered in some situations upon approval of a Special Exception by the Planning Commission and City Council.

3. The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in Section XXXXXXX of the Ordinance and the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

4. Limitations on establishment property. The maximum outdoor initial computed or measured illuminant level on the establishment property shall not exceed forty (40) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed sixty (60) foot-candles.

5. Illumination levels exceeding the maximum permitted must receive prior approval by the Planning Commission and City Council through a Special Permit.

6. Externally illuminated signs, advertising displays, building identification and monument signs that use top mounted light fixtures shall shine light downward and will be fully shielded or shine upward with pin-pointed light which are also fully shielded.

7. Any new construction to occur after the adoption of this ordinance electrical line for luminaries mounted on freestanding poles shall be placed underground between poles.

8. Any new construction to occur after the adoption of this ordinance electrical line for luminaries mounted on freestanding poles shall be placed underground between poles.

11.6.7 CANOPY LIGHTING

Lighting associated with a canopy used for a vehicular shelter shall meet the following standards:

1. Luminaries beneath a canopy shall be either a full-cutoff luminaries or mounted so the luminaries or lens, whichever is lower, does not project below the bottom of the canopy surface.

2. The sides or top of the canopy shall not be illuminated, except as permitted by the sign lighting standards.

3. Lighting installed beneath a canopy shall be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.

4. Lighting beyond the perimeter of the canopy shall be consistent with the lighting standards for parking areas.

11.6.8 FLAG POLES

A flag pole bearing a Company Flag, City of Choctaw Flag, State of Oklahoma Flag, United States of America Flag or a flag of foreign nations may be illuminated provided the following standards are met:

1. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light-spillover and glare; and

2. Upward aiming luminaries shall be placed as close to the base as possible;
11.6.9 LIGHTING LEVELS

Maximum Average Lighting Levels - Average lighting levels shall not exceed the standards provided for in Table 11.4.1. For those areas not specified, the planning board shall work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;

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Section 11.7 OUTDOOR RECREATIONAL FACILITIES

The following items shall apply to all public/semi-public recreational facilities

1. Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
   a. Any illumination level exceeding a maximum of forty (40) foot-candles must receive prior approval by the Planning Commission and City Council through a Special Permit.
   b. Lighting trespass and glare shall be designed to achieve as minimal luminance levels for the activity as recommended by the design professional.
   c. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
   d. Lighting used to illuminate the athletic surface shall be turned off within one hour after the last event of the night.

Section 11.8 PERMIT REQUIREMENTS

11.8.1 GENERAL

Permit Required – No person in a non-residential zoning or use shall erect, constructed, reconstruct, enlarged, alter, relocate, removed, replaced or place any outdoor lighting within the City of Choctaw,
except as permitted by this article. All lighting shall be constructed and maintained in compliance with this ordinance and all other applicable ordinances of the city.

**Plans Required** – Two (2) sets of construction and site plans shall be submitted with an electrical permit application. One set of plans and specifications shall be retained at the Development Services Department office. The second set of plans and specifications shall be kept on the site of such work at all times during which the work authorized thereby is in progress.

**Fees Required** – All outdoors lighting fixtures erected in the city shall be subject to fees as set forth in the fee schedule as adopted by the City Council. The application fee or a electrical permit shall be doubled when the installation of a outdoor lighting component is commenced or completed before the necessary permit is obtained.

**11.8.2 APPLICATION/ SUBMITTAL**
Application for a electrical permit shall be made in writing by the party installing or constructing the outdoor lighting upon forms furnished by the Development Service Department. Standard plans reflecting the proposed scope of work may be filed with the Development Service Department. Such application shall contain the following:

1) Two sets of plans drawn to a scale of one inch (1”) equals twenty feet (20’)
2) A description of the proposed outdoor lighting layout and placement;
3) Any existing outdoor layout fixtures on the property;
4) All existing buildings on the property;
5) The location by street and number of the proposed outdoor lighting structure;
6) Photometric drawing of the entire site;
7) Elevation drawing that includes the size and height of the sign;
8) Shielding details;
9) Electrical schematics;
10) The existing zoning of the property where the outdoor lighting is to be placed;
11) An Oklahoma professional designer detail and calculations for the electrical load;
12) Copy of the engineers stress sheet showing the structure’s dead load and wind pressures.
13) The name, address and telephone number of the owner;
14) The name, address and telephone number of the registered contractor erecting and install the outdoor lighting. The electrical contractor must be registered with the City of Choctaw and the State of Oklahoma;
15) Copy of the commercial contractor’s surety bond and general liability insurance.
16) The name, address and telephone number of the registered professional designer. The professional designer must be registered with the State of Oklahoma;
17) The Development Service Department may require the filing of plans or other pertinent information where, in their opinion, such information is necessary to ensure compliance with this article;
18) All required application fees as established by the permit fee schedule established by the City of Choctaw City Council.

**11.8.3 APPLICATION REVIEW**
The application, plans and specifications filed by an applicant for such a permit shall:
1) Be reviewed by the Development Service Department and officials of other City departments as deemed necessary by the Development Service Director.
2) Upon issuance of the permit, the Development Service Department shall endorse in writing or stamp on all sets of plans and specifications “Checked for Code Compliance”.
3) The City may issue a permit for work on a portion of the outdoor lighting before the entire plans and specifications for the complete sign have been submitted, provided adequate plans and specifications and other information have been filed complying with all pertinent requirements of this code. The issuance of a permit for any portion of a outdoor lighting shall not prohibit the City from thereafter denying a permit for the remainder of the outdoor lighting which does not comply with the requirements of this code or any other laws.

### 11.8.4 Expiration

Every permit issued by the City under the provisions of this code shall be subject to the following:

1) The permit shall expire by limitation and become null and void if the work authorized by the permit is not commenced within ninety (90) days from the date of issuance of the permit or if the work authorized by the permit is suspended or abandoned for a period of one-hundred eighty (180) days at any time after the work is commenced.
2) Before work can commence the new permit process must be re-initiated.

### 11.8.5 Suspension or Revocation of Permit

The Development Service Department Director or his/her designee may in writing suspend or revoke a permit issued under the provisions of this Article whenever such permit is issued in error or issued on the basis of incorrect information or where work is done in violation of this Article or any other law.

### 11.8.6 Effect of Permit

The issuance of a permit shall not be construed to be a permit for or an approval of any violation of any provisions of this Article or any other law. No permit presuming authorizes violation or cancellation of provisions of this Article or any other law shall be valid. The issuance of a permit based upon plans and specifications shall not prevent the City official from thereafter requiring the correction of errors in such plans and specifications or from preventing work from being carried on there-under when in violation of this Article or any other law.

### Section 11.9 Temporary Exemption

1. Upon approval, temporary exemptions from the requirements of this ordinance for a period not to exceed 30 days may be approved.
2. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:
   a. Specific exemption (s) requested
   b. Type/use of outdoor lighting fixture involved
   c. Duration of time requested
   d. Type of lamp and calculated foot-candles
e. Total wattage of lamp(s)
f. Proposed location of fixtures
g. Previous temporary exemption requests
h. Physical side of fixtures and type of shielding provided
i. Any such other data or information as may be required by the City.

3. Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Board.

4. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

Section 11.10 SEVERABILITY

11.10.1 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

11.10.2 CONFLICT

Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision shall prevail.

Section 11.11 NON-CONFORMING

All luminaries lawfully in place prior to the date of the ordinance shall be considered as having legal non-conforming status. However, any luminary that replaces a legal non-conforming luminary, or any legal non-conforming luminary that is moved, must meet the standards of this ordinance.

Standards set forth in this Section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices.

Section 11.12 DEFINITIONS

11.12.1 GENERAL PROVISION

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
11.12.2 Words and Terms Defined

1. **Home Occupation (Accessory)** – An accessory building of a dwelling unit that is used in the involvement of manufacturing, sales of goods, or services, which is carried on by members of the family residing on the premises.

2. **Home Occupation (Dwelling)** – A limited portion of the primary dwelling unit that is used in the involvement of manufacturing, sales of goods, or services, which is carried on by members of the family residing on the premises, which is carried on by members of the family residing on the premises. Does not include garage sales and yard sales which are held for the purpose of the sale or distribution of goods or services.

3. **Home Occupation Use** – A lawful activity commonly carried within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of
Chapter 11 – Outdoor Lighting

Section 11.1  GENERAL

The limitation of lighting is to establish environmental or energy goals that support the impacts of outdoor lighting, carbon footprint and intrusive light or glare. Excessive lighting shall not harm one’s health such as sight or sleep. There shall be a well balance of lighting to allow a citizen to operate in day to day life activities during dark lighting periods. The City of Choctaw recognizes the following:

1. Improperly located lighting can cause unsafe and unpleasant conditions;
2. Excessive lighting can cause unsafe, unhealthy and unpleasant conditions, waste electricity and threaten the natural environment;
3. Obtrusive lighting can cause unsafe and unpleasant conditions;
4. Proper lighting can enhance safety and enjoyment of the built environment;
5. Illumination levels should be appropriate to the visual task; and
6. Proper uplighting must be in placed to prevent impact on vehicle and air traffic.

Section 11.2  PURPOSES

The limitation of lighting is to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

1. Allow appropriate lighting levels to preserve safety, nighttime use and enjoyment of property;
2. Reduce light pollution, light trespass, glare, and offensive lighting;
3. Promote energy conservation;
4. Allow people in residential areas to view the stars against a dark sky;
5. Enhance the aesthetics of the building environment; and
6. Protect the character of the natural environment and preserve ecological values.

Section 11.3  APPLICABILITY

11.3.1  NEW CONSTRUCTION/USES

The provisions of this ordinance shall apply to all new construction or new uses of a building. This also applies to parking lots, buildings, structures, and land uses established after the effective date of this ordinance.

11.3.2  ADD-ON

The provisions of this ordinance shall apply to add-ons, expansions, and re-development to the entire building/ structure, parking area, or use as appropriate, under the following conditions:

1. When a building or structure is expanded in size 25% or more cumulatively begin with the date that this ordinance goes into effect.
2. When a parking area is expanded 25% or more cumulatively begin with the date that this ordinance goes into effect.
3. When an outdoor use (Ex. Outdoor storage, vehicle sales) is expanded 25% or more cumulatively.
4. Any other activity subject to site plans a subdivision review which may improve the any portion of the site 25% or more beginning with the date that this ordinance goes into effect.

### 11.3.3 Exemptions

The following are exempt from the outdoor lighting requirements of this ordinance:

1. Lighting required by the Federal Aviation Administration (FAA) for aviation control/safety;
2. All temporary emergency lighting needed by the Police, Ambulance, Fire Department or other emergency services, as well as all vehicular luminaries.
3. All hazard warning luminaries required by Federal regulatory agencies must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
4. Seasonal decorative lighting using low-voltage lamps between October 15th through January 15th and June 25th through July 10th.
5. Lighting placed underwater to illuminate swimming pools, hot tubs, or such.
6. Operating of vehicle headlights when the vehicle is commuting from one location to another in a forward or backward motion.
7. Public or dedicated private street lighting for vehicle traffic. Does not include access easements or parking isles.

### Section 11.4 Prohibited

Unless otherwise authorized, the following shall be prohibited except upon prior approval of a Special Exception by the Planning Commission and City Council.

1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
2. The operation of searchlights or beacons for advertising purposes is prohibited.
3. Halogen Lights are prohibited.
4. Lighting that could be confused for a traffic control device.
5. Lighting that is oriented upward, except as otherwise provided for in this ordinance.
6. Lighting that blink, flash, flicker or change intensity that is under four (4) seconds.
7. Lighting inside an awning when the awning material is translucent.

### Section 11.5 Residential Illumination

#### 11.5.1 General

A residential use or zoning lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles.
When a residential use or zoning abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis.

Any new construction to occur after the adoption of this ordinance electrical line for luminaries mounted on freestanding poles shall be placed underground between poles. This requirement shall not apply to properties with single family dwellings that have two (2) acres or more.

Section 11.6 NON-RESIDENTIAL ILLUMINATION

11.6.1 GENERAL

When a non-residential use or zoning abuts a residential use or zoning, lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles.

When a non-residential use or zoning abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles;

Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis.

All outdoor lighting are required to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

Lighting shall be designed by a registered Oklahoma design professional having experience with lighting installation.

11.6.2 FLOODLIGHT

Floodlighting shall be consistent with the following standards:

1. Floodlights, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of 50 watts or less are excepted if necessary for security purposes.
2. Floodlight fixtures are equipped with shields and are located so as to limit the fixture’s direct light distribution solely to the building façade or feature being illuminated;
3. The configuration of the floodlight installation shall block all view to the floodlight fixture’s recessed lamp, bulb or filament from pedestrian walkways, vehicle maneuvering areas and all adjacent properties;
11.6.3 BUILDING

Buildings shall be lighted consistent with the following standards:

1. Building facades and architectural features of buildings may use sconces.
2. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky, and;
3. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
4. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.
5. Upward aimed lighting shall be fully shielded and mounted as flush to the wall as possible.
6. Lighting shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.
7. In non-residential zoning districts, building-mounted luminaries shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of unshielded wall-pack luminaries is prohibited.

11.6.4 SIGN LIGHTING

Signs may be lighted consistent with the following standards:

1. Signs that are less than 7 feet in height shall be lighted from internally lit or lighted from behind or above provided the luminaries are no taller than the top of the sign. Provided the lights are fully shielded and mounted as close to the wall as possible.
2. Message Board, Pole, Projected, Wall, signs or any other sign 7 feet or taller shall be lighted from internally lit the luminaries are no taller than the top of the sign.
3. Monument, Multi-Family Entry, Mural, Subdivision Entry that are less than 6 feet in height may be internally lit lighted from above provided the luminaries is no taller than the top of the sign, or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the sign base as possible.
4. The lighting levels must meet all of the requirements within this ordinance.

11.6.6 PARKING LOT AND POLE MOUNTED

1. Luminaries shall not be taller than fifteen (15) feet in residential and downtown zoning districts or when placed within fifty (50) feet of a residential zoning district. In all other zoning districts, luminaries shall not be taller than thirty-five (35) feet, unless specified within this ordinance. Light poles shall be anodized, painted or otherwise coated to minimize glare from the light source; and
2. Parking lots and vehicle movement areas and signs shall not exceed a maximum illumination value of 40 foot-candles or a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 150 watts. Total pole and fixture height shall not exceed a maximum of 30 feet, measured from grade at the base. The light head or light under canopies shall be designed so that any light filament or bulb is shielded or recessed to prevent direct glare and/or light trespass. No exposed lamp, filament or bulb shall be detectable from outside of the 80 degree cutoff area or from the adjoining property lines.
Chapter 11 – Outdoor Lighting

11.6.7 CANOPY LIGHTING

Lighting associated with a canopy used for a vehicular shelter shall meet the following standards:

1. Luminaries beneath a canopy shall be either a full-cutoff luminaries or mounted so the luminaries or lens, whichever is lower, does not project below the bottom of the canopy surface.
2. The sides or top of the canopy shall not be illuminated, except as permitted by the sign lighting standards.
3. Lighting installed beneath a canopy shall be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.
4. Lighting beyond the perimeter of the canopy shall be consistent with the lighting standards for parking areas.

11.6.8 FLAG POLES

A flag pole bearing a Company Flag, City of Choctaw Flag, State of Oklahoma Flag, United States of America Flag or a flag of foreign nations may be illuminated provided the following standards are met:

1. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light-spillover and glare; and
2. Upward aiming luminaries shall be placed as close to the base as possible;
11.6.9 **Lighting Levels**

*Maximum Average Lighting Levels* - Average lighting levels shall not exceed the standards provided for in Table 11.4.1. For those areas not specified, the planning board shall work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;

**Table 11.4.1**

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**Section 11.7 Outdoor Recreational Facilities**

The following items shall apply to all public/semi-public recreational facilities

1. Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
   a. Any illumination level exceeding a maximum of forty (40) foot-candles must receive prior approval by the Planning Commission and City Council through a Special Permit.
   b. Lighting trespass and glare shall be designed to achieve as minimal luminance levels for the activity as recommended by the design professional.
   c. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
   d. Lighting used to illuminate the athletic surface shall be turned off within one hour after the last event of the night.

**Section 11.8 Permit Requirements**

11.8.1 **General**

*Permit Required* – No person in a non-residential zoning or use shall erect, constructed, reconstruct, enlarged, alter, relocate, removed, replaced or place any outdoor lighting within the City of Choctaw,
except as permitted by this article. All lighting shall be constructed and maintained in compliance with this ordinance and all other applicable ordinances of the city.

**Plans Required** – Two (2) sets of construction and site plans shall be submitted with an electrical permit application. One set of plans and specifications shall be retained at the Development Services Department office. The second set of plans and specifications shall be kept on the site of such work at all times during which the work authorized thereby is in progress.

**Fees Required** – All outdoors lighting fixtures erected in the city shall be subject to fees as set forth in the fee schedule as adopted by the City Council. The application fee or a electrical permit shall be doubled when the installation of a outdoor lighting component is commenced or completed before the necessary permit is obtained.

### 11.8.2 Application/Submittal

Application for a electrical permit shall be made in writing by the party installing or constructing the outdoor lighting upon forms furnished by the Development Service Department. Standard plans reflecting the proposed scope of work may be filed with the Development Service Department. Such application shall contain the following:

1) Two sets of plans drawn to a scale of one inch (1”) equals twenty feet (20’)
2) A description of the proposed outdoor lighting layout and placement;
3) Any existing outdoor layout fixtures on the property;
4) All existing buildings on the property;
5) The location by street and number of the proposed outdoor lighting structure;
6) Photometric drawing of the entire site;
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9) Electrical schematics;
10) The existing zoning of the property where the outdoor lighting is to be placed;
11) An Oklahoma professional designer detail and calculations for the electrical load;
12) Copy of the engineers stress sheet showing the structure’s dead load and wind pressures.
13) The name, address and telephone number of the owner;
14) The name, address and telephone number of the registered contractor erecting and install the outdoor lighting. The electrical contractor must be registered with the City of Choctaw and the State of Oklahoma;
15) Copy of the commercial contractor’s surety bond and general liability insurance.
16) The name, address and telephone number of the registered professional designer. The professional designer must be registered with the State of Oklahoma;
17) The Development Service Department may require the filing of plans or other pertinent information where, in their opinion, such information is necessary to ensure compliance with this article;
18) All required application fees as established by the permit fee schedule established by the City of Choctaw City Council.

### 11.8.3 Application Review

The application, plans and specifications filed by an applicant for such a permit shall:
1) Be reviewed by the Development Service Department and officials of other City departments as deemed necessary by the Development Service Director.
2) Upon issuance of the permit, the Development Service Department shall endorse in writing or stamp on all sets of plans and specifications “Checked for Code Compliance”.
3) The City may issue a permit for work on a portion of the outdoor lighting before the entire plans and specifications for the complete sign have been submitted, provided adequate plans and specifications and other information have been filed complying with all pertinent requirements of this code. The issuance of a permit for any portion of a outdoor lighting shall not prohibit the City from thereafter denying a permit for the remainder of the outdoor lighting which does not comply with the requirements of this code or any other laws.

11.8.4 EXPIRATION
Every permit issued by the City under the provisions of this code shall be subject to the following:

1) The permit shall expire by limitation and become null and void if the work authorized by the permit is not commenced within ninety (90) days from the date of issuance of the permit or if the work authorized by the permit is suspended or abandoned for a period of one-hundred eighty (180) days at any time after the work is commenced.
2) Before work can commence the new permit process must be re-initiated.

11.8.5 SUSPENSION OR REVOCATION OF PERMIT
The Development Service Department Director or his/her designee may in writing suspend or revoke a permit issued under the provisions of this Article whenever such permit is issued in error or issued on the basis of incorrect information or where work is done in violation of this Article or any other law.

11.8.6 EFFECT OF PERMIT
The issuance of a permit shall not be construed to be a permit for or an approval of any violation of any provisions of this Article or any other law. No permit presuming authorizes violation or cancellation of provisions of this Article or any other law shall be valid. The issuance of a permit based upon plans and specifications shall not prevent the City official from thereafter requiring the correction of errors in such plans and specifications or from preventing work from being carried on there-under when in violation of this Article or any other law.

Section 11.9 TEMPORARY EXEMPTION

1. Upon approval, temporary exemptions from the requirements of this ordinance for a period not to exceed 30 days may be approved.
2. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:
   a. Specific exemption (s) requested
   b. Type/use of outdoor lighting fixture involved
   c. Duration of time requested
   d. Type of lamp and calculated foot-candles
e. Total wattage of lamp(s) 
f. Proposed location of fixtures 
g. Previous temporary exemption requests 
h. Physical side of fixtures and type of shielding provided 
i. Any such other data or information as may be required by the City.

3. Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Board.

4. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

Section 11.10 SEVERABILITY

11.10.1 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

11.10.2 CONFLICT

Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision shall prevail.

Section 11.11 NON-CONFORMING

All luminaries lawfully in place prior to the date of the ordinance shall be considered as having legal non-conforming status. However, any luminary that replaces a legal non-conforming luminary, or any legal non-conforming luminary that is moved, must meet the standards of this ordinance.

Standards set forth in this Section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices.

Section 11.12 DEFINITIONS

11.12.1 GENERAL PROVISION

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
11.12.2 **Words and Terms Defined**

1. **Cutoff luminaire** - Where less than 2.5 percent of the lamp lumens occur at or above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

2. **Foot-candle** - A measure of light falling on a given surface. One foot candle is equal to one lumen per square foot.

3. **Full-cutoff luminaire** - No light occurs above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

4. **Glare** - Excess of what the human eye is accustomed to resulting in annoyance, discomfort, or loss of visual performance and visibility.

5. **Illuminance** - The amount of light falling on a surface. Illuminance may be measured in lux or in foot-candles.

6. **Light meter** - A device that measures the amount of light energy falling on a given surface.

7. **Light trespass** - Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

8. **Lighting fixture** - See: luminaire.

9. **Lumen** - A measure of light energy generated by a light source. Manufacturers list ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

10. **Luminaire** - A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

11. **Non-cutoff luminaire** – A considerable amount of light occurs above the horizontal plane.

12. **Sconce** – A holder for a candle or other light source, which is attached to a wall with an ornamental bracket.

13. **Security lighting** - Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment.

14. **Semi-cutoff luminaire** - A luminaire where less than 5 percent of the lamp lumens occur above the horizontal.

15. **Uniformity ratio** - The ratio of average illumination to minimum illumination within a given area.

Chapter 9 – Landscape Regulations

Section 9.1 PURPOSE

The purpose of this section is to minimize the erosion of slopes of disturbed lands through re-vegetation; to conserve energy by the provisions of shade trees over streets, sidewalks, parking areas, and other paving; to conserve water through low water using planting and irrigation design; reduce the negative effects caused by expanses of impervious and non-vegetated surfaces within the urban environment, such as noise, heat, glare, and spread of dust and debris, especially during times of drought; Preserve and improve the natural and urban environment by recognizing that the use of landscape plantings can purify the air, regenerate oxygen, recharge groundwater, slow and filter stormwater runoff provide wildlife habitat; and to improve the appearance of the built environment by increasing the quality and quantity of landscaping visible from public rights of way, private streets, and adjacent properties.

Section 9.2 LANDSCAPING REQUIRED

9.2.1 EVENTS CAUSING COMPLIANCE

This Section establishes landscaping requirements in all zoning districts and for all specific uses. Land uses not previously subject to landscaping requirements may be required to comply with this Chapter upon the occurrence of one of the following events:

1) Issuance of a building permit for a new building or structure;

2) Building footprint expansion whereby the use of the property affected by the expansion is changed or intensified;

3) A change in zoning classification;

4) Loss of legal non-conforming status.

9.2.2 CERTIFICATE OF OCCUPANCY

1) All landscaping shall be completed and installed in accordance with the approved landscape plan before a Certificate of Occupancy shall be issued for any building.

2) To accommodate variations in planting and construction schedules, the Director of Development Service may issue a one time temporary Certificate of Occupancy for a period not to exceed six (6) months.

3) If a temporary Certificate of Occupancy expires and no permanent Certificate of Occupancy has been issued because the required landscaping has not been installed in accordance with the
landscape regulations, the property owner shall be considered in violation of the Zoning Ordinance and is subject to penalties.

Section 9.3 PERMIT REQUIREMENTS

9.3.1 GENERAL

**Designer** – The landscape plan may be prepared by the applicant or applicant’s designee. The landscape plan is not required to be prepared by a registered or certified professional.

**Plans Required** – Two (2) sets of landscape and irrigation plans shall be submitted as a part of the site plan. A landscape plan addressing all of the requirements shall be provided and approved prior to the issuance of a building permit or issuance of a certificate of occupancy.

9.3.2 APPLICATION/ SUBMITTAL

Application for landscaping shall fall under the building permit. The submittal of a landscape plan shall contain the following:

1) Landscape Plan
   a) Two sets of plans drawn to a scale of one inch (1") equals twenty feet (20');
   b) North Arrow;
   c) Date of design and revision block;
   d) Comprehensive site plan (buildings, parking lots, storm drainage structures, street, utilities, etc.);
   e) Location, size, and species of all trees to be preserved. The method of preservation during construction phase of development shall be according to Section ????, Tree Protection;
   f) Location of plants and landscaping material to be used including paving, benches, screens, fountains, statues, topography, ponds/lake, or other landscape features;
   g) Location, size, and species of all trees, shrubs, and landscaping material to be installed;
   h) A chart describing the plant symbol, count, size, spacing, and species type of all plant material to be used;
   i) Coordinate with all on-site signage and lighting upon the planting reaching maturity;
   j) Description of maintenance provisions of the landscape plan;
   k) Person(s) responsible for the installation and preparation of the landscape plan;
   l) Person(s) responsible for the maintenance of the landscape plan to meet the requirements of Section ????

2) Irrigation Plan
   a) Two sets of plans drawn to a scale of one inch (1") equals twenty feet (20');
   b) North Arrow;
   c) Date of design and revision block;
   d) Comprehensive site plan (buildings, parking lots, storm drainage structures, street, utilities, etc.);
e) Layout and description of the complete irrigation, sprinkler, or water system, including placement of water source, cross connection control measures, spray heads, drip irrigation lines, rain sensors, station layout, and all other components of the irrigation system.

f) Person(s) who designed and prepared the irrigation design.

g) Person(s) responsible for the installation and preparation of the irrigation;

3) If conventional irrigation is not proposed, then a description of an alternative irrigation method shall be submitted. The approved alternate irrigation method shall be adequate to maintain the health of the plan material during initial growing season.

4) Validation of using alternative irrigation measures to sustain healthy planting shall be the burden of the applicant or designer of the landscape plan. In such case, the applicant shall obtain confirmation from a registered landscape architect that the approved species of plantings may be sustained by the alternative irrigation measures proposed. A note shall also be displayed on the plan stating that all dead or decaying planting will be promptly replaced by the property owner. In this event replacement trees must also be confirmed by a registered landscape architect as sustainable for the alternative irrigation.

### Section 9.4 DESIGN & INSTALLATION

#### 9.4.1 GENERAL

1) At the time of installation, all planting shall have indications of normal growth and shall be sound, healthy, vigorous and free of insects and/or disease infestations, or objectionable disfigurements. All plants should have normally well-developed branching structures and vigorous and fibrous root systems. All plants shall be adaptable to the climate, sun, shade, and soil conditions of the area in which they are planted.

2) Where the construction is to be single phase of a multi-phase development, only the area being constructed in the current phase shall apply to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they may hereafter be amended when that phase is developed.

3) The landscape plan shall clearly delineate all visibility triangles, easements, and utilities (Including overhead power lines). The plan shall identify type, size (caliper or gallon size), quantity, and placement of any existing and proposed landscape planting to be used to satisfy the requirements of the Landscaping Regulations.

4) The use of drought tolerant, pest tolerant, and frost resistant plant materials are recommended to satisfy the requirements of the Landscaping Regulations.

5) Artificial plants or turf are prohibited in residential and non-residential uses. Athletic fields are permitted to have artificial turf.
6) Alternative species of trees may be used upon approval by the Director of Development Service or his or her designee.

7) All landscape areas, except single and two family dwelling, shall have an automatic irrigation system with a rain sensor. All irrigation systems must meet the regulations of the Oklahoma Water Resource Board (OWRB), Oklahoma Department of Environmental Quality (ODEQ), and the adopted City building codes. All portions of any irrigation system shall be continuously maintained in a condition such that the intent of the irrigation design is fulfilled.

8) Landscape irrigation main lines and electronic valves shall not be installed in public right of way. Lateral lines and heads shall not be located within the public right of way. The irrigation owner is responsible for any damage that may occur within the public right of way.

9) Uncontrolled emission of water from any pipe, valve head, emitter, or other irrigation device is prohibited and shall be considered evidence of non-maintenance and shall be considered a violation of this Chapter.

9.4.2 **Residential Zoning Districts**

RE, R-43, R-21, R-14, R-10, and R-2 zoning districts are required to install one (1) canopy tree or three (3) ornamental trees in the front yards for every 60 feet of frontage. Calculations should round up.

9.4.3 **Multi-Family Residential & Non-Residential Zoning Districts**

A minimum of twenty percent (20%) of the total land area in any proposed development or construction. This twenty percent (20%) requirement shall apply to each phase as it is developed.

1) A minimum planting for every 1,000 square feet of required landscape, shall be:
   (a) one (1) canopy tree
   (b) two (2) ornamentals trees
   (c) six (6) shrubs or ornamental grass.

2) No single species shall make up 100% of each different plant type in the landscape area.

3) No less than forty percent (40%) of the total landscaping area and planting material shall be located in the designate front yard of corner lots. Parcels that are adjacent to more than one roadway may count the street yards towards the front yard requirement.

4) No less than thirty percent (30%) of the total landscaping area and planting material shall be located in the designate front yard of internal lots.

5) A landscape buffer shall have an average of fifteen feet (15 ft) in width, but no less than seven feet (7 ft) in width at any point, shall be provided adjacent to all street rights of way or street
easement. All landscaping that occurs within this landscape buffer shall be included within the landscape calculations.

6) One (1) canopy tree in the front yards for every seventy (70) feet of frontage. Calculations should round up. These Canopy trees shall be included with the landscape calculations.

7) Landscaping around monument signs shall count towards the total landscaping requirements.

8) Buffering shall be installed in all of the appropriate areas. Please refer to section ???? for buffering regulations.

**9.4.4 RESIDENTIAL SUBDIVISION**

1) Landscaping is required for all entrances to residential subdivisions and shall be equally divided at all entrances with ornamental trees;

2) A landscape buffer shall have an average of fifteen feet (15 ft) in width, but no less than seven feet (7 ft) in width at any point, shall be provided adjacent to all arterial street rights of way. All landscaping that occurs within this landscape buffer shall be included within the landscape calculations. Please refer to Section ???? for landscape buffer regulations.

3) Landscaping is not permitted within the public right of way; except for solid grass sodding or hydro mulch.

**9.4.5 LANDSCAPING OF DETENTION AND RETENTION PONDS**

Detention and retention ponds, if required, shall be designed as part of the overall site plan and shall be considered a natural landscape feature on the site.

The landscaping plan for any detention or retention pond shall include a variety of native species.

Within a detention pond, the area shall be planted with vegetation that can withstand periods of flood and drought and can also function to stabilize the side slope of the pond.

The following landscape elements shall be provided for each detention or retention pond:

1) One shade tree for each 100 linear feet of the pond’s perimeter, as measured along the top of the bank.

2) Two (2) ornamental trees for each 60 linear feet of pond perimeter, as measured along the top of the bank;

3) Six (6) shrubs for each 50 linear feet of pond perimeter, as measured along the top of the bank.

The required trees and shrubs are encouraged to be placed in a random pattern or in natural groupings and the placement of the required landscaping elements are not limited to the top of the bank.
Any detention or retention pond shall include a minimum 15 foot wide maintenance access to the basin and any basin riser outlet structures.

### 9.4.6 Minimum Plant Specifications

Landscaping shall meet the two of the three minimum standards to comply with the required landscaping for the site. The minimum standards are as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Min. Size</th>
<th>Min. Height</th>
<th>Min. Spread</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy Tree</td>
<td>3 inch caliper</td>
<td>12 feet</td>
<td>4 feet</td>
<td>1, 5</td>
</tr>
<tr>
<td>Ornamental Tree</td>
<td>1 1/2 inch caliper</td>
<td>6 feet</td>
<td>3 feet</td>
<td>2, 3</td>
</tr>
<tr>
<td>Shrub</td>
<td>5 gallons</td>
<td>24 inches</td>
<td>14 inches</td>
<td>4</td>
</tr>
<tr>
<td>Ornamental Grass</td>
<td>1 gallon</td>
<td>N/A</td>
<td>N/A</td>
<td>4</td>
</tr>
</tbody>
</table>

Table 9.4 (1)

NOTES

1) Trunks must be free of branches a minimum of six feet (6 ft) above grade.

2) Multiple trunks shall be calculated by measuring all trunks. The combined measurement of the largest trunk plus half the total of all other trunks shall be the caliper.

3) A minimum of three (3) canes.

4) Fully branched to the crown of the plant.

5) Three (3) ornamental trees may be substituted for each required shade tree if planting directly underneath overhead utility lines.

6) Dwarf species shall be counted as a shrub.

### 9.4.7 Minimum Landscaping Installation

Landscaping shall meet the two of the three minimum standards to comply with the required landscaping for the site. The minimum standards are listed above in Table 9.4 (1) and described below:

1) Canopy trees shall be a minimum of one (1) three inches (3 in.) caliper, twelve feet (12 ft) in height and four feet (4 ft) in width at the time of planting.

2) Ornamental trees shall be a minimum of one and one-half inches (1 ½ in.) in caliper, a minimum of six feet (6 ft) in height, and a minimum of three feet (3 ft) in width;

3) Shrubs shall be a minimum of a five gallon (5 gal.) container size at the time of planting. Shrubs shall be a minimum of twenty-four inches (24 in.) in height and fourteen inches (14 in.) in width at the time of planting. Shrubs shall be grown and maintained to a maximum height of forty-
two inches (42 in.) or along a public or private rights of way of thirty-six inches (36 in.) above the curb;

4) Ornamental grass shall have a minimum size of one gallon (1 gal.) container at the time of planting.

5) Turf grass areas may be sodded, plugged, sprigged, seeded or ‘hydro-seeded”. A solid sod type is required in the landscape buffer and swales or other areas subject to erosion

6) Steel or other sustainable edging material shall separate planting beds from adjacent turf grass areas

9.4.8 TREE PROTECTION
The following procedures shall be followed on all construction projects to protect existing trees, to be preserved, in order to satisfy the requirements of this section:

1) All preserved trees shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet or more so that the tape is visible to workers operating construction equipment.

2) A fluorescent orange vinyl protective fencing shall be required for tree preservation, if the trees are located to close to the construction area. Equipment that may infringe upon the root systems. The fence will be placed between the trees and the construction activity in a manner to ensure that the tree roots, up to the drip line, will be protected from construction equipment.

9.4.9 PROTECTION AREAS

Street Visibility Triangle - No landscaping or mature growth above two feet (2 ft) in height above the street crown shall be erected in the twenty-five feet by twenty-five feet (25 ft x 25 ft) visibility triangle at the intersection of two streets. The street visibility triangle is formed by the property lines and a diagonal line connecting them at points. Starting twenty-five feet (25 ft) from the intersection of the property lines. Any trees projecting into the visibility triangle shall have a minimum of twelve feet (12 ft) ground clearance.

Driveway Visibility Triangle - No landscaping above 2’ in height shall be erected in the seven feet by sixty feet (7 ft x 60 ft) visibility triangle at the intersection of a driveway with a street. The driveway visibility triangle is formed by the property line, the edge of the driveway and a diagonal line connecting a point seven feet (7 ft) along the edge of driveway, from the right-of-way, and a point sixty feet (60 ft) along the right-
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of-way line, from the edge of driveway. Any landscaping projecting into the visibility triangle shall have a clearance of at least twelve feet (12 ft) above the crown of the intersecting streets.

**Interference with Traffic** - No mature landscaping shall exceed two feet (2 ft) in height when located in any private right of way or private access easement. The areas shall have a clearance a minimum of twelve feet (12 ft) above the curb or edge of the street, where it may interfere or obstruct the view.

**Utilities** – Canopy trees are prohibited from being planted under overhead or over underground utilities. All landscaping planted under overhead or over underground utility lines shall be of such a stature and/or have such a root system so that they will not interfere with the integrity or operation of the utility facilities.

**Fire Hydrants** – No tree or shrub shall be planted closer than ten feet (10 ft) from the fireplug.

### Section 9.5 Irrigation

#### 9.5.1 GENERAL

1) **Pressure Regulator** – All irrigation systems shall have a pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty pounds per square inch (80 psi). The pressure regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufactures’ recommended pressure for sprinklers.

2) **Automatic Controller** – All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program.

3) All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times.

4) On slopes exceeding thirty-three percent (33%), the irrigation system shall consist of Drip Emitters or Bubblers with a maximum precipitation rate of 0.85 inches per hour and adjust cycle times to eliminate runoff.

5) Each valve shall irrigate a landscape with similar site, slope, and soil conditions and plant materials with similar watering needs. Turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.

6) Drip Emitters or a Bubbler shall be provided for each tree. Hydrating bags may be permitted in isolated areas.

7) Drip irrigation lines shall be underground, except for emitters/bubblers and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
8) Valves with spray or stream sprinklers shall be scheduled to operate between 9 p.m. to 10 a.m. to reduce water loss from wind and evaporation.

9) All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such

Section 9.6 LANDSCAPE BUFFER

9.6.1 GENERAL

Drives, alleys, parking and maneuvering areas, and sidewalks shall not be located within the required buffer area except to cross the buffer area to provide access to the site.

All fencing and screening walls along a public or private right of way or access easement shall be placed behind the required landscape buffer. Such landscape buffer shall be counted towards meeting the minimum required landscaping square footage for the site, and shall contain, at a minimum the following elements:

- Trees are encouraged to be placed in “natural groupings” where possible;
- Underground Utilities: The landscape buffer strip should be located outside the public utility easement. If landscaping is proposed and approved within the public utility easement, the owner shall maintain or replace the plant material as stated in Section ???? Maintenance if damaging of the material occurs.
- Overhead Utilities: Three (3) ornamental trees may be substituted for one (1) shade tree.

9.6.2 PARKING AREA REQUIREMENTS

Landscaping requirements pertaining to parking areas shall apply only to multi-family or non-residentially developments.

1) Landscape planting shall not be erected or installed in such a manner to interfere with traffic view or impose safety hazards.

2) Outdoor parking lot landscaped areas must be provided in each parking lot at a minimum average density of one (1) canopy tree for each twelve (12) parking spaces. Additionally, the parking lot’s landscaping shall be provided in accordance with the following:
   a) A landscaped island shall be provided at the end of each parking row.
   b) One landscaped parking island shall be provided for each 12 parking spaces located in the parking lots.
   c) Landscape parking island shall be a minimum of nine (9) feet wide, and shall extend the length of the adjacent parking space(s).
   d) Parking lot landscaping shall be met for all customer and employee parking. Parking lot landscaping requirements do not apply to storage or standing parking spaces incidental
to uses such as sales and rental of motor vehicles, mobile homes, boats, trailers or other similar uses.

e) Placement of trees shall be coordinated with the location of lights used to illuminate a parking area so that they will be of such a stature that they will not interfere with these lights at plant maturity.

3) The required landscaping for parking lots shall be proportionally distributed throughout the parking lot, although adjustments may be approved by the Director of Community Development or his or her designee where the shape and size of the parking lot, the location of existing trees or other natural constraints reasonably prevent such distribution.

4) All landscaped areas, including the permeable areas and drip lines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs to protect from vehicular intrusion. A minimum three (3) foot wide bumper overhang shall be provided.

9.6.3 PARKING ADJACENT TO RIGHT OF WAY
The purpose is to promote pedestrian activity by establishing a safe pedestrian friendly streetscape and to clearly delineate the boundaries of streets and parking facilities adjacent to streets.

When a landscape buffer is required along street rights of way, listed below are those guidelines:

1) The landscape strip should not include any paved area, except pedestrian sidewalks or trails that cross the landscape strip.

2) The property owner in all zoning districts shall be responsible for sodding the area between the street right of way line and the edge of the paved road. The property owners are also responsible for sodding any type of public or private easement that may fall upon the property boundaries.

3) Trees at the edge of streets should be canopy trees that can be trimmed so that at maturity, vehicles can circulate beneath the canopy without causing damage.
4) Shrubs in the landscape buffer should provide a low, two (2) to four (4) foot high, year round screen for paving and vehicles. Shrub variety should either be evergreen or if deciduous, have a dense twiggy growth habit for winter screening and an attractive year round appearance.

5) Plant varieties that require little maintenance and tolerate such conditions as sun, wind, drought, glare, reflected heat, salt and chemicals should be selected.

6) Provide a landscape buffer that is a minimum of fifteen (15) feet wide. Provide planting within the strip at the rate of one (1) shade tree and five (5) shrubs per seventy (70) linear feet of frontage, excluding driveway openings. (See Figure ???); or

Multi-family, non-residential, and subdivisions may be permitted to reduce the landscape buffer to seven feet (7 ft) wide if a brick, stone, finished stamped concrete masonry wall or a combination. The landscape buffer must provide a minimum of a seven foot (7 ft) wide landscape strip with no driveway approach and a street adjacent to three (3) to four (4) foot high brick, stone, or finished stamped concrete masonry wall. The wall shall be located adjacent to, but entirely outside, the seven foot (7 ft) wide landscape strip. Provide planting within the strip at the rate of one (1) shade tree per sixty linear feet (60 ft) of frontage. (See Figure ???).
9.6.4 PARKING LOT PERIMETER

The purpose is to enhance the appearance of surface parking facilities as viewed from the street, provide shade, use green space and trees to delineate vehicular and pedestrian travel ways, and minimize the heat created by large expanses of pavement.

The guidelines to the parking lot perimeter shall be constructed as follows:

1) Islands should be provided at both ends of parking rows to protect parked cars from moving vehicles and to ensure shade throughout the parking lot.

2) Trees in or at the edge of parking lots should be canopy trees that can be trimmed so that at maturity allow vehicle to circulate beneath the canopy.

3) Planting should be used to define circulation patterns, break up rows of parking, and to soften the visual impact of large expanses of pavement.

4) The use of landscaping elements and plants that restrict visibility shall be avoided.

5) Plants in parking lots should require little maintenance, and tolerate such conditions as sun, wind, drought, glare, reflected heat, salt, and chemicals and restricted planting spaces.

9.6.4.1 ESTABLISHING PARKING LOT PERIMETER BUFFER

A parking lot perimeter buffer shall be developed when any portion of the parking lot is within thirty (30) feet of the adjacent property line (see Figure ???).
9.7.6.2 **Parking Lot Perimeter**

The following requirements apply to all perimeter parking lot buffer, except for one or two family dwelling units:

1) *Residential adjacent to Commercial* - A minimum ten (10) foot wide landscape strip between the parking lot and any adjacent property line. Within this landscape strip, provide one (1) Large tree, two (2) ornamental trees, and five (5) shrubs per one-hundred (100) linear feet of parking lot adjacent to a property line. (see Figure ????)

![Figure ????](image1)

2) *Commercial to Commercial* – A minimum five (5) foot wide landscape strip between the parking lot and any adjacent property line. Within this landscape strip, provide one (1) Large tree, five (5) shrubs per eighty (80) linear feet of parking lot adjacent to a property line. (see Figure ????)

![Figure ????](image2)

9.6.5 **Parking Lot Interior**

Landscaping requirements pertaining to interior parking areas shall apply only to non-residentially zoned property, non-residential development located in residential districts, and multifamily development use.

At least one (1) shade tree shall be provided for each parking island. An individual parking island shall be required for every twelve (12) parking spaces.

Areas within the interior parking lot shall including planting islands, general parking, handicap parking, employee parking, loading and unloading parking, and timed parking. The minimum parking lot
interior planting requirements shall be calculated as a percentage from the number of parking spaces area as shown in Table 9.6.5 (1).

<table>
<thead>
<tr>
<th>Parking Lot Area</th>
<th>Percent of Interior Planting Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–6,999 square feet</td>
<td>0</td>
</tr>
<tr>
<td>7,000–49,999 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>50,000–99,999 sq. ft.</td>
<td>5</td>
</tr>
<tr>
<td>100,000–149,999 sq. ft.</td>
<td>6</td>
</tr>
<tr>
<td>150,000 sq. ft. or larger</td>
<td>7</td>
</tr>
</tbody>
</table>

Planting spaces must be large enough to allow for healthy tree growth and must be protected from car overhangs and opening car doors.

1) A curb shall be provided for all parking spaces abutting planting or pedestrian areas to protect those areas from overhanging by parked vehicles.

2) A minimum of one hundred eighty (180) square feet of contiguous pervious land area shall be provided for each tree. No tree planting area shall be less than nine (9) feet wide in any dimension.

3) Planting islands that are parallel to parking spaces on both sides shall be a minimum of nine (9) feet wide to allow car doors to swing open (see Figure 9.6.7 (1)& (2)).

![Figure 9.6.5 (2) Minimum Width of Individual Landscape Island Parallel to Spaces](image-url)
Figure 9.6.5 (3) Minimum Width of Landscape Island perpendicular to spaces (parking on both sides)

Figure 9.6.5 (4) Minimum Width of Landscape Island Perpendicular to Spaces (parking on both sides)
When an interior driveway is accessing a public right of way or if a private access aisle is joining other tenants or property shall be separated from abutting parking spaces by a minimum six (6) foot wide interior planting area.

Figure 9.6.5 (4) Minimum Width of Landscape Island Perpendicular to Spaces (parking on one side)

The following requirements shall only apply to parking lots more than one-hundred fifty thousand (150,000) square feet in parking space area (aisles are not part of this calculation):

1) No more than two (2) contiguous parking bays without the provision of a minimum nine foot (9 ft) wide island separating the two bays from additional parking bays or drive aisles (see Figure 9.6.5 (5)); or
2) In cases where a planting island is perpendicular to parking spaces and the spaces head into the planting island on both sides, the island shall be a minimum of nine (9) feet wide to allow for bumper overhang (see Figure 9.6.7 (4)). If parking spaces are located on only one side of such a planting island, the island shall be a minimum of six (6) feet wide (see Figure 9.6.7 (3)).

Section 9.7 WALL/FENCE SCREENING

9.7.1 WALL/FENCE SCREENING

A screen shall consist of a screen wall, fence, earth berm or densely planted trees to effectively restrict the view to adjoining property.

1) Screening in Single Family Residential Districts
   a) Front Yard
      i. Must follow the Driveway Visibility Triangle;
      ii. Maximum height of four feet (4 ft);
      iii. Non-opaque;
      iv. The front yard is the space between the front building line and the street right of way or easement line.
   b) Interior Side Yard
      i. Maximum height of eight feet (8 ft);
      ii. Allowed on property line.
   c) Corner Side Yard
      i. Maximum height of eight feet (8 ft);
      ii. Setback a minimum of fifteen (15) feet from property line, street right of way, or easement; whichever is furthest.
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d) Back Yard
   i. Maximum height of eight feet (8 ft);
   ii. Allowed on Property line.

e) Gate
   i. Three feet (3 ft ) to five feet (5 ft) pedestrian gates must be located not to trespass on another citizen’s property or tract of deeded land;
   ii. Any gate eight (8) feet or larger must have a minimum of a ten feet (10 ft) wide clearance from the right of way or easement to access the gate. Trespassing on another citizen’s property or tract of deeded land is prohibited.

2) Between Commercial and One to Two Residential Districts
   a) A solid opaque screening wall or fence not less than six feet (6 ft) and a maximum of ten feet (10 ft) in height, measured at the top of the curb or edge of pavement, shall be provided and maintained along the property line of any parcel.
   b) Such parcel abuts any residentially zoned property, including where such parcel is separated by an alley;
   c) Where any outside storage is located on any part of the lot or parcel;
   d) Where any vehicle storage, repair, service, wash, or maintenance area is located on any part of the lot or parcel;
   e) Gates between neighboring property or tract of deeded land is prohibited.

3) Between Multi-family and One to Two Family Residential Districts
   a) A solid opaque screening wall or fence of not less than six feet (6 ft) and a maximum of ten feet (10 ft) in height, measured at the top of the curb or edge of pavement, shall be provided and maintained along the property line of any parcel within Multi-Family Residential District where such parcel abuts any property zoned to a Single Family or Two-Family Residential District;
   b) Such parcel abuts any Single-Family Residential zoned property, including where such parcel is separated by an alley shall be screened, however no screening wall or fence is required between (R-3) Multi-Family Residential District and (R-2) Two-Family Residential District;
   c) Where any outside storage is located on any part of the lot or parcel;
   d) Gates between neighboring property or tract of deeded land is prohibited.

4) Trash Receptacles (Multi-family or Non-Residential)
   a) Trash receptacles located in a non-commercial or multi-family use shall be visually screened on all sides by a solid opaque wall or fence. The wall or fence height must exceed the top of the receptacle by one foot (1 ft), however a maximum height of ten feet (10 ft) is required.
   b) An opaque metal gate architecturally compatible with the exterior building façade shall be provided. Gates shall remain closed except for the servicing of trash receptacles or for disposing waste.
   c) Compactors and Grease Containers apply to the regulations listed above in this Section.

5) Other Screened in Areas
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The following items must be screened with a solid opaque screening wall or fence not less than six feet (6 ft) and a maximum of ten feet (10 ft) in height, measured at the highest grade, shall be provided and maintained:
   a) Generators
   b) HVAC Units at or above ten (10) tons
   c) Loading dock areas

6) Multi-story buildings must have in addition to a sight proof fence, a continuous roll of canopy trees adjacent to One or Two Family Residential use.

7) A wall or fence is not permitted on any portion of the public or private right of way or access easement.

8) A chain link fence with slat inserts or rolled on material shall not constitute an acceptable screening device.

9) Placing any type of fencing or any object within a public or private drainage easement is prohibited.

Section 9.8  LANDSCAPING IN PUBLIC RIGHTS OF WAY

9.8.1  LANDSCAPE WITHIN THE CITY RIGHT OF WAY

Landscaping and irrigation is not permitted within a public right of way, except for grass sodding.

At the option of an applicant, the applicant may apply with a proposal to landscape a public right-of-way or easement. The applicant must have an agreement with the City of Choctaw. The City Manager or his/her designee will approve or deny the proposed agreement. Public rights of way and easements include parkways and medians, and public streets adjoining the subject property.

1) The trees located in the right-of-way shall not be arranged in a manner to interfere with traffic flow or traffic view.

2) Trees planted in street rights-of-way must be maintained such that the lowest branches are no lower than twelve (12) feet above the ground in order to allow adequate visibility.

3) The owner recognizes that the city or any franchised utility will not be responsible for damage to any landscaping or irrigation while performing repairs or maintenance to its system.

4) If the applicant elects hereunder to provide landscaping within the right-of-way, this landscaping will not count toward the total landscaping required of a site.
**Section 9.9  EXISTING VEGETATION**

### 9.9.1  CREDIT TOWARDS LANDSCAPING REQUIREMENTS

1) Caliper of trees are to be measured at chest height.

2) In order to receive credit for protecting and keeping existing trees, the area within the drip line of the tree must be protected by fencing during grading and construction.

<table>
<thead>
<tr>
<th>Landscape Element</th>
<th>Amount of Area Credit (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For each existing 6-inch tree protected and kept</td>
<td>800 sq. ft</td>
</tr>
<tr>
<td>For each 6-inch tree</td>
<td>400 sq. ft</td>
</tr>
<tr>
<td>For each 3-inch tree</td>
<td>200 sq. ft</td>
</tr>
<tr>
<td>For each 5-gallon shrub</td>
<td>25 sq. ft</td>
</tr>
<tr>
<td>For each 1-gallon shrub</td>
<td>10 sq. ft</td>
</tr>
<tr>
<td>For each square foot of landscaped R.O.W.</td>
<td>0 sq. ft</td>
</tr>
</tbody>
</table>

### 9.9.2  ADJACENT TO PUBLIC RIGHT OF WAY

A minimum twenty-five (25) foot wide strip of noninvasive existing trees. (See Figure ????); or

![Diagram of trees adjacent to public right of way](image)

**Figure ????**

### 9.9.3  PARKING LOT PERIMETER

A minimum twenty-five feet (25 ft) wide strip of noninvasive existing trees is required. Any existing shade tree, except an invasive species, exceeding four inches (4 in.) diameter at breast height and located within fifteen feet (15 ft) of the edge of the parking lot, provided that seventy percent (70%) of the critical root zone is undisturbed. Shrubs shall not be planted within the critical root zone, and the shrub requirement shall be waived when preserving existing vegetation. (see Figure ????).

Adopted: XXXXXXXX XX, 20XX

Page 19

City of Choctaw, Oklahoma
9.9.4 **PARKING LOT INTERIOR**

Existing shade trees (except an invasive species) may be retained and credited toward fulfilling parking lot interior planting requirements if appropriate measures are taken to provide long-term viability based on the species, condition, and size of the tree; the limits of disturbance, allowing a minimum area of seventy percent (70%) critical root zone retention protection during construction; and specialized tree management practices, as approved by the planning director (or designee).

**Section 9.10 NON-CONFORMING DEVELOPMENTS**

**9.10.1 GENERAL**

All landscaping, in existence at the time of the adoption of this Ordinance, which does not meet the landscape requirements of this section, will be considered non-conforming. Nonconforming landscaping will be subject to nonconforming uses and structures, unless otherwise provided in the section. All properties with an existing structure(s) on the effective date of this ordinance which is not in compliance with the provisions of this Chapter shall be considered non-conforming and shall be allowed to continue until such time as:

1) The total floor area of the non-conforming structure is expanded or enlarged to or below ten percent (10%) shall cause the lot or parcel of the structure to be in compliance with not less than fifteen percent (15%) of the minimum required landscaping area;

2) The total floor area of the non-conforming structure is expanded or enlarged between eleven percent (11%) to twenty-four percent (24%) shall cause the lot or parcel of the structure to be in compliance with not less than twenty-five percent (25%) of the minimum required landscaping area;

3) The total floor area of the non-conforming structure is expanded or enlarged between twenty-five percent (25%) to forty-nine percent (49%) shall cause the lot or parcel of the structure to be in compliance with not less than seventy percent (70%) of the minimum required landscaping area;
4) The total floor area of the non-conforming structure is expanded or at or above fifty percent (50%) shall cause the lot or parcel of the structure to be in compliance with the minimum required landscaping area;

5) When a parking lot is expanded, the expansion shall be landscaped in accordance with the minimum required landscaping.

6) Any continuous expansion developed in phases shall continuously add to the total of required minimum landscape area. The beginning date for expansion shall begin on the adoption date of XXXXXX XX, 20XX.

7) Upon the removal or demolition of an existing non-conforming structure and redevelopment of the lot with any new structure(s). All provisions of this Article shall apply to the entire lot or parcel.

Section 9.11 MAINTENANCE

9.11.1 GENERAL
No person shall permit any lot, yard, parkway, or sidewalk or the space abutting thereon to the center of the street or the center of the alley of the property, owned, occupied or controlled by him or for which he is agent or who has charge thereof for the owner, to become covered overgrown with weeds or other noxious or injurious growth or accumulation. Any lot, yard, sidewalk, parkway or space abutting thereon, which shall become covered or overgrown with such weeds or other accumulation so as to become noxious, detrimental to the general health, or offensive, or likely to cause or spread disease, is hereby declared to be a public nuisance.

The adjacent property owner, occupant or any other person having the care of any lot or tract of land shall be responsible for the maintenance of all landscape areas to the center of the street, alley or easement. Such areas shall be regularly watered sufficiently to establish and promote vigorous growth of all trees, shrubs, and ground cover and turf grasses.

All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, and the like.

All shade trees shall be periodically pruned to remove dead, dying, or hazardous limbs to avoid contact with pedestrians and automobiles.

All ornamental trees shall be periodically pruned only to remove dead, dying or hazardous limbs.

All plants should be periodically inspected for infestation by disease or insects. If such infestation is present, immediate steps shall be taken to eliminate it. Landscaped areas shall be kept free of debris and trash.
Uncontrolled emission of water from any pipe, valve, head, emitter, or other irrigation device is prohibited and shall be considered evidence of non-maintenance and shall be considered a violation of this ordinance.

Plant materials which die shall be replaced with plant material of similar variety and size within 90 days, with a one-time extension not exceeding 90 days being provided upon approval of the Director of Development Service or his or her designee.

**Section 9.12 APPROVED TREE LIST**

**9.12.1 APPROVED TREE LIST**

Trees preserved or planted to satisfy the requirements of this Ordinance must be according to the following approved tree list:
<table>
<thead>
<tr>
<th>APPROVED TREE LIST</th>
<th>ORNAMENTAL TREE</th>
<th>PROHIBITED PLANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Elm</td>
<td>Chitalpa</td>
<td>Cottonwood (Female)</td>
</tr>
<tr>
<td>American Sycamore</td>
<td>Crepe Myrtle</td>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>Arizona Cypress</td>
<td>Crepe Myrtle</td>
<td>Hackberry</td>
</tr>
<tr>
<td>Atlas Cedar</td>
<td>Hawthorne, Cockspur (Thornless)</td>
<td>Mimosa</td>
</tr>
<tr>
<td>Bald Cypress</td>
<td>Hawthorne, Rusty Black</td>
<td>Mulberry</td>
</tr>
<tr>
<td>Bur Oak</td>
<td>Hawthorne, Washington</td>
<td>Silver Maple</td>
</tr>
<tr>
<td>Caddo Sugar Maple</td>
<td>Holly, Foster</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Cedar Elm</td>
<td>Holly, Nellie R. Stevens</td>
<td>Weeping Willow</td>
</tr>
<tr>
<td>Cedar of Lebanon</td>
<td>Holly, Yaupon</td>
<td></td>
</tr>
<tr>
<td>Chinese Pistache</td>
<td>Juniper, Hollywood</td>
<td></td>
</tr>
<tr>
<td>Chinkapin Oak</td>
<td>Magnolia, Little Gem</td>
<td></td>
</tr>
<tr>
<td>Dogwood (Flowering)</td>
<td>Magnolia, Saucer</td>
<td></td>
</tr>
<tr>
<td>Ginkgo Male Species)</td>
<td>Maple, Amur</td>
<td></td>
</tr>
<tr>
<td>Japanese Black Pine</td>
<td>Olive, Russian</td>
<td></td>
</tr>
<tr>
<td>Japanese Zelkova</td>
<td>Olive, Autumn</td>
<td></td>
</tr>
<tr>
<td>Juniper</td>
<td>Paw Paw</td>
<td></td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td>Persimmon, Oriental</td>
<td></td>
</tr>
<tr>
<td>Lacebark Elm</td>
<td>Purple Leaf Sand Cherry</td>
<td></td>
</tr>
<tr>
<td>Leyland Cypress</td>
<td>Redbud</td>
<td></td>
</tr>
<tr>
<td>Live Oak</td>
<td>Russian Olive</td>
<td></td>
</tr>
<tr>
<td>Loblolly Pine</td>
<td>Service Berry</td>
<td></td>
</tr>
<tr>
<td>London Plane Tree</td>
<td>Smoketree</td>
<td></td>
</tr>
<tr>
<td>New Harmony</td>
<td>Wax Myrtle</td>
<td></td>
</tr>
<tr>
<td>Osage Orange</td>
<td>Willow, Desert</td>
<td></td>
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<tr>
<td>Pecan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ponderosa Pine</td>
<td></td>
<td></td>
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<tr>
<td>Princeton</td>
<td></td>
<td></td>
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<tr>
<td>Sawtooth Oak</td>
<td></td>
<td></td>
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<tr>
<td>Shantung Maple</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shumard Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern Magnolia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sugarberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweetgum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valley Forge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Soapberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willow Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winterberry Euonymus</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Dwarf Varieties shall not be counted as an ornamental tree but as a shrub.
Article 11.1 – Screening

ZONING ORDINANCE

Article 11.1 Screening

11.1. PURPOSE

A. These regulations are to provide visual separation along city streets and between residential areas and areas of higher intensity land uses. The development regulations in individual zoning districts indicate screening requirements subject to the provisions of this section.

11.2. DISPLAY OF MERCHANDISE, MATERIAL, AND EQUIPMENT

A. All open space and display of merchandise, material and equipment shall be so screened by opaque ornamental fencing so that it cannot be seen by a person standing on ground level in a residential district when located to the side of rear of the lot on which the open storage or display occurs; however, that screening shall not be required in excess of seven (7) feet in height. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by opaque ornamental fences or by permanent buildings that it cannot be seen from a public street.

B. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round. Refer to the Landscaping Regulations, Section XXX.

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

11.3. MECHANICAL EQUIPMENT

A. All mechanical equipment should be located on the ground, regardless of the roofline or roof form. Where it is impractical to locate mechanical equipment on the ground, parapet walls shall be increased in height on all necessary sides of the structures outside envelope walls to screen the equipment from the public right-of-way.

B. All mechanical equipment located on the ground in a multiple family, commercial, and industrial use shall be screened by an enclosure of sufficient height that is not visible from the public right-of-way or residential properties. The enclosure shall provide minimum separation as defined by the manufacturer’s requirements for the particular equipment to be screened. The top of the enclosure may be left open.

11.4. REFUSE FACILITIES

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

A. All refuse facilities shall be enclosed and screened on all four sides so that they are not visible from public view.

B. Required enclosures shall have a minimum inside dimension of 12 feet by 12 feet with an enclosure gate opening of not less than 12 feet in width. The height of any such enclosure shall be the same height as the container. The minimum height of the enclosure shall be six (6) feet.
C. Waste container enclosures shall have steel framed gates with spring-loaded hinges and fasteners. Keeper latches shall be required to hold gates in the fully opened position while refuse containers are being serviced. Four-inch diameter pipe bollards shall be required inside each enclosure to protect the enclosure from truck operations.

D. All required enclosures shall be at a minimum of masonry matching the building, wood fencing, or a combination of the two.

E. An unobstructed approach path of not less than 50 feet in length shall be required for a 35-foot long collection truck to access the refuse facility. A turn-around area shall be provided of sufficient length to allow the collection truck to exit without backing onto public right-of-way.

Access to Refuse Facilities

11.6. FENCING, WALLS, AND SCREENING

A. In a Residential District zoned or used for one or two-family dwellings, fencing, walls, or screening may not project into any required front setback line, unless such fencing is less than three (3) feet in height. Fencing along the side or rear property lines:
   a. Erected within any utility easement, the structure is subject to be removed by any franchised utility company whenever installation or repair of their facilities is required.
   b. Erection of a fence, wall, or screening on a corner lot is prohibited within the sight triangles as described in Section XXXXX.
   c. May not exceed eight feet in height.
   d. May not be constructed of corrugated fiberglass, corrugated metal, or unpainted sheet metal.
   e. Walls of brick or masonry material, which require a permanent foundation, may not be constructed within any designated utility easement.

B. The side and rear property boundaries of all lots used for commercial, industrial and multifamily uses shall be screened from any abutting lot zoned or used for single-family or two-family purposes by a solid opaque fence at least six feet in height.
   a. Fencing, walls, or screening may not project into any required front setback line, unless such fencing is less than three (3) feet in height.
   b. Erection of a fence, wall, or screening on a corner lot is prohibited within the sight triangles as described in Section XXXXX.
   c. Such fence shall be constructed of a solid and opaque ornamental fence, except for corrugated fiberglass, corrugated metal, or unpainted sheet metal.
   d. Walls of brick or masonry material, which require a permanent foundation, may not be constructed within any designated utility easement.
   e. No screening may exceed eight feet in height. Industrial use and zoning may exceed the height by a variance issued by the Board of Adjustments.
   f. Any fence may not be constructed within a utility easement unless written approval has been granted by all affected utility franchise holders. Erected within any utility easement, the structure is subject to be removed by any franchised utility company whenever installation or repair of their facilities is required.
   g. Whenever the proposed use abuts a public alley that is shared with one or two-
family dwellings, opaque screening shall be installed on the commercial, industrial, or multi-family property, and shall be solid and continuous except for requiring openings or access drives. Sight mirrors may have to be installed.

h. Such screening must be continuously maintained in good condition, and repaired or replaced within a reasonable time period.
In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Planning Commission hosted a virtual meeting option for the Regular Planning Commission meeting on April 2, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592
Conference ID: 843 356 758
Join Meeting: https://us04web.zoom.us/j/843356758?pwd=OWJOMlhQUHZLS2U4em4vbFpVQkp5UT09

1. Call to Order by Chair Chris Jordan @ 7:00 p.m.
2. Invocation and Pledge of Allegiance given by Chris Jordan.
3. Roll Call:
   6 Present: Phillip Bradshaw; Jared Kobyluk; Chris Jordan; Larry Morgan (teleconference); Jeff Wyatt (teleconference); Bobby Pearce (teleconference)
   0 Absent: None

Staff: Guy Henson, Development Services Director
       Purvi Patel, City Planner
       Amanda Valent, City Clerk

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.

4.1 Hold a Public Hearing on a Rezone application submitted by:
   Applicant: Robin & Kevin Spence
   Location: 2430 South Choctaw Road
   Current Zoning: General Agricultural District (AG)
   Proposed Zoning: Rural Residential District (R-R)
   Legal Description: TOWN OF ORCHARD ADD 000 000 BLKS 73 & 74 EX A TR IN NW/C OF BLK 74 TH S240FT E212.96FT NE36.67FT E334.27FT N206.07FT W561.26FT TO BEG
Public Hearing Opened at 7:03pm.
Receive Comments.
   No comments were received.
Public Hearing Closed at 7:04pm.

4.1.1 Consideration and possible action on the “rezone” request of Robin & Kevin Spence, 2430 South Choctaw Road.

MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw to approve the rezone request.

MOTION CARRIED:
6   Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0   Nays: None
0   Absent: None

4.2 A lot split application submitted by:
Applicant: Robin Spence
Location: 2430 S. Choctaw Rd.
Current Zoning: General Agricultural (A-G)
Proposed Lots: 2 (two)
Legal Description: TOWN OF ORCHARD ADD 000 000 BLKS 73 & 74 EX A TR IN NW/C OF BLK 74 TH S240FT E212.96FT NE36.67FT E334.27FT N206.07FT W561.26FT TO BEG

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the lot split application contingent upon City Council approval of the rezone request.

MOTION CARRIED:
6   Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0   Nays: None
0   Absent: None

4.3 Hold a Public Hearing on a Rezone application submitted by:
Applicant: Raymond Modisette
Location: 1401 South Choctaw Road
Current Zoning: General Agricultural District (A-G)
Proposed Zoning: General Commercial District (C-G)
Legal Description: UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W N 1/2 OF SE4 OF SE4 OF SE4
Public Hearing Opened at 7:10pm.
Receive Comments.
   No comments were received.
Public Hearing Closed at 7:11pm

4.3.1 Consideration and possible action on the “rezone” request of Raymond Modisette, 1401 South Choctaw Road.

MOTION BY Jared Kobyluk and SECOND BY Philip Bradshaw to amend the rezone request to Rural Residential District (R-R) and approve as amended contingent upon the applicant submitting a letter of request to change zoning classification.

MOTION CARRIED:
5 Ayes: Bradshaw, Kobyluk, Jordan, Wyatt, Pearce
1 Nays: Morgan
0 Absent: None

4.4 A lot split application submitted by:
Applicant: Raymond Modisette
Location: 1401 South Choctaw Road
Current Zoning: General Agricultural (A-G)
Proposed Lots: 2 (two)
Legal Description: UNPLTD PT SEC 02 11N 1W 000 000 PT OF SE4 SEC 2 11N 1W N 1/2 OF SE4 OF SE4 OF SE4

MOTION BY Jared Kobyluk and SECOND BY Phillip Bradshaw to approve the lot split contingent upon submission of a letter of request to change zoning classification and approval of the rezone request by City Council.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.5 Hold a Public Hearing on a Rezone application submitted by:
Applicant: Mike Abernathy
Location: SE 15th Street
Current Zoning: General Agricultural District (A-G)
Proposed Zoning: Rural Residential District (R-R)
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4 11N 1W BEG SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG CONT 5ACRS MORE OR LESS LESS ROADWAY

Public Hearing Opened at 7:24pm.
Receive Comments.
No comments were received.
Public Hearing Closed at 7:26pm

4.5.1 Consideration and possible action on the “rezone” request of Mike Abernathy, SE 15th Street.

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the rezone request.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.6 A lot split application submitted by:
Applicant: Mike Abernathy
Location: SE 15th Street
Current Zoning: General Agricultural (A-G)
Proposed Lots: 2 (two)
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SE4 SEC 4 11N 1W BEG SW/C OF SE4 N660FT E330FT S660FT W330FT TO BEG CONT 5ACRS MORE OR LESS LESS ROADWAY

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the lot split contingent upon approval of the rezone request by City Council.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.7 A lot split application submitted by:
Applicant: TFH Inc.
Location: 728 North Westminster
Current Zoning: Rural Residential District (R-R)
Proposed Lots: 2 (two)
Legal Description: UNPLTD PT SEC 32 12N 1W 000 000 PT NW4 SEC 32 12N 1W BEG 1034.20FT N OF SW/C NW4 TH ELY443.27FT N98.27FT ELY23.53FT N186.84FT TH W TO W LINE NW4 TH S TO BEG SUBJ TO ESMTS OF RECORD

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the lot split.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

4.8 Regular meeting minutes for March 5, 2020 and Joint meeting minutes for March 5, 2020.

MOTION BY Philip Bradshaw and SECOND BY Jared Kobyluk to approve the minutes as presented.

MOTION CARRIED:
6 Ayes: Bradshaw, Kobyluk, Jordan, Morgan, Wyatt, Pearce
0 Nays: None
0 Absent: None

5. Public Comments: This agenda item is for public comments on city related non-agenda items. In accordance with State law, the Planning Commission Board Members and City Staff are not allowed to respond to any comments made. Preference will be given to Choctaw Citizens and NO formal action will be taken. Speakers are limited to 3 minutes for a total of 15 minutes.

None.

6. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

6.1 Previously reviewed ordinances.

Development Services Director Henson reported several draft ordinances were reviewed by the Commission, but not submitted to the City Council. As new staff
he would like to review the proposed ordinance changes prior to submitting a final draft to City Council.

7. **Adjournment:**
   Called @ 7:36pm.

**PLANNING COMMISSION**

**ATTEST:**

_________________________________
Dr. Chris Jordan, Chairman

_________________________________
Amanda Valent, City Clerk