City of Choctaw  
Regular Planning Commission Meeting  
August 6, 2020 @ 7:00pm  
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: 832 6985 2265  
Meeting Password: 415196  
Join Meeting:  
https://us02web.zoom.us/j/83269852265?pwd=bmtPYVdvRHJyMHhTSImrVUNENiRQUQT09

1. Call to Order.  
2. Invocation and Pledge of Allegiance.  
3. Roll Call.  

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 Specific Use Permit application submitted by:  
Applicant: Jim and Nancy Cox  
Location: 610 S Anderson  
Current Zoning: General Agriculture District (A-G)  
Proposed Use: Marijuana Grow Facility  
Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 N 1/2 OF S 1/2 OF N 1/2 OF NW4 OF NW4 OR TRACT 3 PT SEC 4 11N 1W

Open Public Hearing.  
Receive Comments.  
Close Public Hearing.  

4.1.1 The proposed use will have a minimal/substantial impact on adjoining property.  

4.1.2 The proposed use will/will not have an adverse impact on the community as a whole.
4.1.3 The proposed use will/will not have an adverse impact on public properties.

4.1.4 Consideration and possible action on the “specific use permit” request of Jim and Nancy Cox, 610 S Anderson.

4.2 A lot split application submitted by:

**Applicant:** Brandon Leisinger  
**Location:** 2191 West Circle Drive  
**Current Zoning:** Rural Residential District (R-R)  
**Legal Description:** UNPLTD PT SEC 11 11N 1W 000 000 PT NE4 SEC 11 11N 1W BEING TR 25 OF NE4 CONT 5ACRS MORE OR LESS ALSO DESC BEG 1980FT W & 2009.7FT S OF NE/C NE4 TH W659.78FT S334.95FT E659.45FT N334.95FT TO BEG EX E30FT FOR RD

4.2.1 Consideration and possible action on the lot split request of Brandon Leisinger, 2191 West Circle Drive.

4.3 A lot split application submitted by:

**Applicant:** Larry & Janet Kennedy  
**Location:** 2300 Bingham Drive  
**Current Zoning:** Rural Residential District (R-R)  
**Legal Description:** UNPLTD PT SEC 07 11N 1E 000 000 PT SE4 SEC 7 11N 1E BEG 1600FT W OF NE/C SE4 TH S330.25FT W1038.87FT N330.25FT E329.94FT S305.47FT E329.99FT N305.47FT E374.70FT TO BEG SUBJ TO ESMTS OF RECORD

4.3.1 Consideration and possible action on the lot split request of Larry & Janet Kennedy, 2300 Bingham Drive.

4.4 Discussion and possible recommendation on updates to the PUD Section of the Zoning Ordinance and Subdivision Regulations.

4.5 Discussion and possible recommendation on updates to the Requirement to Plat Section of the Subdivision Regulations.

4.6 Regular meeting minutes for July 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.

   6.1 Previously reviewed ordinances.
   - Sign Ordinance
   - Lighting Ordinance
   - Landscaping Ordinance
   - Screening Ordinance

   6.2 Recently adopted Ordinances
   - R-75 District
   - Metal Buildings
   - Water/Sewer Extensions
   - Home Occupation

7. **Adjournment:**

This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on July 31, 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.
CITY OF CHOCTAW

STAFF REPORT

Planning Commission

Meeting of: 8/6/2020

Development Services

Department

Purvi Patel

Prepared By

Guy Henson

Department Head

AGENDA TITLE: Specific-Use Permit Application for 610 S Anderson Road submitted by Nancy and Jim Cox.

**************************************************************************

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

Report:

Jim and Nancy Cox are the owners of this 7.92 acre tract of land located at 610 S Anderson Road. The applicant is requesting a specific use permit for a marijuana growing facility using a 2,520 square foot loop house/greenhouse structure.

The existing zoning for the property is A-G “General Agricultural District” and is bound on the north and east by R-R “Rural Residential Districts”; bound to the South by A-G “General Agricultural District” and R-R “Rural Residential District” and to the west is Midwest City corporate limits. All the surrounding land uses are single-family homes.

The current site has a mobile home and several accessory buildings. The 2,520 square foot loop house (greenhouse) will be located on the eastern portion of the site (see image in staff report). The applicant has submitted pictures showing the type of loop house they intend to use. These images are attached to this packet.

A list of previous conditions the Planning Commission applied to previous indoor grow facilities is included on Page 4 of the Staff Report, under the City of Choctaw Staff section. The Cox application is for a request to grow in a 2,520 square foot loop house (greenhouse); therefore, some of the conditions previously applied to indoor grow facilities may not be achievable in this case.

The applicant has noted there will be a monitored security system with cameras and sensors installed to protect the greenhouse. The applicant will also be installing an 8 foot chain link fence with barbed wire around the top with a locked gate around the loop house/greenhouse.
Applicant:  Jim and Nancy Cox

Location:  610 S Anderson Road

Specific Use Permit:  Specific Use Permit for a Marijuana Growing Facility

Jim and Nancy Cox are the owners of this 7.92 acre tract of land located at 610 S Anderson Road. The applicant is requesting a specific use permit for a marijuana growing facility using a 2,520 square foot loop house/greenhouse structure.

EXISTING ZONING AND BUILDING USE REGULATIONS

The existing zoning for the property is A-G “General Agricultural District” and is bound on the north and east by R-R “Rural Residential Districts”; bound to the South by A-G “General Agricultural District” and R-R “Rural Residential District” and to the west is Midwest City corporate limits. All the surrounding land uses are single-family homes.

The current site has a mobile home and several accessory buildings. The 2,520 square foot loop house (greenhouse) will be located on the eastern portion of the site shown in blue in the image below. The applicant has submitted pictures showing the type of loop house they intend to use. These images are attached to this packet. The applicant has noted there will be a monitored security system with cameras and sensors installed to protect the greenhouse. The applicant will also be installing an 8 foot chain link fence with barbed wire around the top with a locked gate around the loop house/greenhouse.

Specific Use Permits for Marijuana Grow Facilities may be allowed in the following districts granted by City Council: A-G “General Agricultural District”, I-L “Light Industrial District”, and I-H “Heavy Industrial District”.

Any development of the property will require a submittal of a site development plan and appropriate permits. The development will have to comply with the designated zoning classification at the time of submittal.
COMPREHENSIVE PLAN

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. Their request for the rezoning and lot split for single-family homes are within the parameters set for the “Rural Protection Boundary” density.

- **Land Use:** Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use:** Low Density Residential – *(Single family homes with lots that are typically one are or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plan.
  - **Physical Constraints** – There are no built or natural constraints present as listed in the Comprehensive plan, but if the property is developed, the developer will need to be aware of any stormwater drainage, stormwater quality, and all other environmental impacts.

- **Transportation** – The necessary right-of-way and easement dedications listed in the Comprehensive Plan were dedicated with the Lot Merge and Lot Split application that was approved by the Planning Commission on June 4th, 2020.

- **Infrastructure** – The property owner will have to meet all infrastructure requirements as discussed in the Comprehensive Plan and the City Code with any future development of this site. Please refer to paragraphs “Water and “Sewer” to see more details regarding mandatory connections and extensions.

WATER AND SEWER

The subject property is served by private water at this time. There is an existing water main in the South Anderson Road right-of-way. City Code states the following regarding mandatory water/sewer connections and extensions:

- **§19-164.A Mandatory Connections** – The following properties must connect to Authority Water and Sanitary Sewer Main Lines:
  - New primary building development that abut existing public water and/or sanitary sewer mains;
  - Developed properties that abut existing water mains with failed water wells;
  - Developed properties that abut existing sewer main with a failed septic system;
  - In the event that a sanitary sewer extension or service is installed within twenty five (25) feet of a private water well, the well shall be abandoned and the property owner shall connect to the Authority’s water systems;
  - Lawn irrigation only is exempt from this rule. A backflow device must be installed and tested annually as required in the adopted International Plumbing Code.

Connection to City Water will be required if any of the conditions above are met.

The subject site is likely served by a private sanitary system, such as a septic system, as is it outside of the City’s current service boundary. This property is exempt from sewer main extensions based on the recent updates that were passed for the requirement of water main and sewer main extensions. Therefore, a private sanitary system is required and the installation/maintenance will have to adhere to the requirements of the City of Choctaw and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION

The property has frontage along South Anderson Road, south of its intersection with East Reno Avenue. At the time of the Lot Merge and Lot Split the applicant dedicated an additional seventeen (17) feet of public roadway and utility easement along the western property lines to fulfill the minimum width for an arterial street; as indicated in the adopted Comprehensive Plan. The Comprehensive Plan identifies arterials as
roadways that are designed to convey longer trips and relatively heavy volumes of traffic; these roadways are primarily intended to provide mobility. These types of roadways may have four (4) to six (6) lanes of traffic requiring up to one hundred (100) feet of right-of-way.

**PLANNING COMMISSION AND CITY COUNCIL REVIEW AND CONDITIONS FOR APPROVAL**

Article B, Section 12-903 states the following regarding the Conditions for Approval for a Specific Use Permit application:

A. Plans and Data to be submitted.
   1. Prior to submission of a request for a Specific Use Permit, the City staff may require one or more pre-application conferences with the potential applicant. In considering and determining its recommendation to the City Council relative to any application for a Specific Use Permit, the Planning Commission will establish the requirements necessary for consideration of the application.
   2. The Planning Commission may require that the applicant furnish preliminary site plans and data concerning the operation, location, function and characteristics of any use of land or building proposed for uses in which the land use has possible environmental impact, the Commission may require those engineering and/or environmental impact studies necessary for evaluation of the proposed use. Further, the Commission may require such other information as necessary to evaluate the proposed specific use.

B. Planning Commission Requirements
   1. The Planning Commission may, in the interest of the public welfare and to assure compliance with the intent of Part 12 of the Code of Ordinance and the City of Choctaw Comprehensive Plan, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole and be compatible with the natural environment and the planned capacities of public services and facilities affected by the land use. This may include the requirement of having the property platted and/or the requirement of the dedication of sufficient right-of-way or easement as necessary to further the public good. The Commission may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, screening, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use intensity/density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.
   2. The Planning Commission may recommend to the City Council that certain safeguards and conditions concerning bonding, insurance, setbacks, ingress and egress, off-street parking and loading arrangements and location or construction of buildings and uses and operation be required. If the Planning Commission fails to review and make a recommendation within 90 days from the date the application is accepted for processing, the City Council can take action on the application.

C. City Council Requirements.
   1. The City Council shall have the same authority as the Planning Commission under subsection B, and in addition may make additional requirements for review and conditions that in its
discretion are in the interest of the public welfare and to assure compliance with the intent of this ordinance and the City of Choctaw Comprehensive Plan.

D. Detailed Development Plans

1. A Detailed Development Plan setting forth the conditions specified may be required of the applicant and such plan when accepted shall be made a part of the permit issued for the specific use.

E. Designation of Zoning Map.

1. A Specific Use Permit approved under the provisions of this Planning, Zoning and Development Code shall not be considered as an amendment to the zoning ordinance or a resolution; however, the Specific Use Permit shall be noted on the zoning map as follows: SUP — (the number of the request for a Specific Use Permit). Any of the conditions contained in a Specific Use Permit approval shall be considered as conditions precedent to the granting of a Building Permit for the specific use provided for.

F. Time Limits for Implementation.

1. If for any reason the approved specific use ceases operation for a period of two years, then the approval of said specific use shall be considered void and will require another public hearing review by the Planning Commission and City Council. This shall also apply to any approved specific use that does not begin operation within two years of approval. This voiding of approval shall not apply if orderly progress toward completion of construction is taking place. Uses existing before the adoption of the Specific Use Permit ordinance, including nonconforming uses and their incidental and accessory uses, must receive a Specific Use Permit before any expansion of the use is permitted.

CITY OF CHOCTAW STAFF

The City of Choctaw’s staff has reviewed the proposed specific use permit for a medical marijuana grow facility. If approved, the applicant must meet all code requirements for a marijuana grow facility.

The following are conditions that the Planning Commission has applied to prior Indoor Marijuana Grown Facilities:

1. Entire grow operations, including storage, be contained within the proposed building.
2. Installation of an eight (8) foot fence using chain link or better materials around the grow facility and/or installation of a sight-proof fence where applicable.
3. Installation of security cameras to cover the interior and exterior of the building.
4. Installation of a monitored security system to cover the interior and exterior of the building.
5. Installation of motion detected lighting on the exterior of the building.
6. Installation of odor control measures to mitigate the smell produced from the plants.

The Cox application is for a request to grow in a 2,520 square foot loop house (greenhouse); therefore, some of the conditions previously applied to indoor grow facilities may not be achievable in this case. The applicant has noted there will be a monitored security system with cameras and sensors installed to protect the greenhouse.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.
Specific Use Permit

Application No. ________________________
Application Date: ________________________
Cash □ Check ☑ $2336 □ Credit Card □ Amount Received $360.00 Receipt No. 2234

Subject Address: 610 S. Anderson Rd, Choctaw, OK 73020
Applicant: Jim & Nancy Cox (Duane Black)
Address: 610 S. Anderson Rd, Choctaw, OK 73020
Phone: (405) 615-2072
City: Choctaw
State: OK
Zip: 73020
E-mail address: coxjiml@cox.net

Property Owner: Jim & Nancy Cox


Acres: 7.92 Road Frontage: Comprehensive Plan Compatible:

Current Use (identify structures and improvements): agricultural mobile home, storage bldgs, barn, water well, septic system, electricity

What is the “Specific Use” requested?: marijuana grow

Benefits of proposed use to City of Choctaw? monetary fees

City Utilities: Water □ Sewer □ N/A □ Estimated traffic count: no

How will proposed change affect the roadway system serving your area: N/A

Will the proposed use be detrimental to property in the same zone or vicinity, if so, explain? No

Identify surrounding land uses: agricultural-s side, rural residential-N, E, W sides

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Planning Commission are true and correct to the best of my knowledge and that I received the Policies and Procedures regulating this application.

PROPERTY OWNER'S SIGNATURE: Nancy Cox

[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property owners of the above described tract in the application. Power of Attorney must be attached.

Name: ________________________ Address: ________________________
Signature: ________________________ Telephone: ________________________

County Parcel Number: ________________________
PROJECT DESCRIPTION:

Proposed Use: Agricultural – Grow Operation – Grow house

One loop house with dirt floor set up in back area of acreage.

Measurements – 28’ W x 90’ L x 14’ H

Building to be surrounded by an 8’ chain link fence with barbed wire around the top with locked gate.

There will be a monitored security system with cameras and sensors to protect the building.
CITY OF CHOCTAW

STAFF REPORT

Planning Commission
Meeting of: 8/6/2020

Development Services
Department

Department Head

AGENDA TITLE: Lot Split Application for a property located at 2191 West Circle Drive, submitted by Brandon Leisinger.

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

Report:

Brandon Leisinger is the owner of this 5 acre un-platted tract of land, located at 2191 West Circle Drive. The property carries an R-R “Rural Residential District” zoning classification.

The applicant is requesting to subdivide the property in an East-West manner. Both Tract A and Tract B will front West Circle Drive. Proposed Tract A is 2.89 acres and proposed Tract B is 2.19 acres.

The applicant did request a variance from the Board of Adjustment for relief from the minimum frontage requirement for the R-R “Rural Residential District”. Section §12-263 Area and Height Regulations requires a minimum lot frontage of 110 feet in this zoning district. The current lot width is 334.95 feet and the proposed lot widths are 65 feet for proposed Tract A and 269.95 feet for proposed Tract A. On July 27th, 2020 the Board of Adjustment did approve the variance request to the minimum lot frontage requirement as presented, contingent on the approval of the lot split.

Comprehensive Plan: The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property.

City Water & Sewer: The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Transportation: The property has frontage on West Circle Drive, which is considered a local/ minor street with an existing 60 foot right-of-way. The principle objective of local or minor streets is to provide access to adjacent properties, such as residential areas. At this time, there are no changes proposed to West Circle Drive nor will there be any additional right of way or easement dedication associated with the lot split.
CITY OF CHOCTAW
Short Form Subdivision Report

Applicant: Brandon Leisinger
Location: 2191 West Circle Drive
Current Zoning: R-R “Rural Residential District”
Request: Subdivide a 5 acre tract of land into two (2) tracts

REQUEST SUMMARY
Brandon Leisinger is the owners of this 5 acre un-platted tract of land, located at 2191 West Circle Drive. The property carries an R-R “Rural Residential District” zoning classification. Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels; both parcels will front on West Circle Drive.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one acre lot area and a minimum lot frontage of 110 feet. The current parcel is 5 acres in size and has 334.95 feet frontage along West Circle Drive.

The property is bound to the North, South and east by properties zoned R-R “Rural Residential District”; to the west is Unincorporated Oklahoma County. The surrounding land uses are all single family homes.

There is an existing 2,892 square foot single family residential structure that was constructed around 1980 on the property. There are also several accessory buildings on the site, such as a shop, storage building and horse stable. The applicant has indicated to staff that he intends to subdivide this property for a future single family residential structure.

The current parcel is 5 acres in size and has 334.95 feet frontage along West Circle Drive. The applicant is requesting to subdivide the property in an East-West manner. Both Tract A and Tract B will front West Circle Drive. Proposed Tract A is 2.89 acres and proposed Tract B is 2.19 acres. The next page includes the sketch of the proposed lot split.

The applicant did request a variance from the Board of Adjustment for relief from the minimum frontage requirement for the R-R “Rural Residential District”. Section §12-263 Area and Height Regulations requires a minimum lot frontage of 110 feet in this zoning district. The current lot width is 334.95 feet and the proposed lot widths are 65 feet for proposed Tract A and 269.95 feet for proposed Tract A. On July 27th, 2020 the Board of Adjustment did approve the variance request to the minimum lot frontage requirement as presented, contingent on the approval of the lot split.
Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

**COMPREHENSIVE PLAN**

- **Future Development Density Plan:** The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.
- **Land Use** – Historically, the existing parcel has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one acre or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
- **Transportation** – Please refer to the “Transportation” paragraph.
- **Infrastructure** – The property is outside of the City’s water and sewer serviceable area.
- **Livable City** – The development of these properties will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.
**WATER AND SEWER**
The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Additionally, City Council recently passed an ordinance that would not require Mr. Leisinger to extend water or sewer to his property as he is an unplatted single lot building a single-family home.

Installation of the well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

**TRANSPORTATION**
The property has frontage on West Circle Drive, which is considered a local/minor street with an existing 60 foot right-of-way. The principle objective of local or minor streets is to provide access to adjacent properties, such as residential areas. At this time, there are no changes proposed to West Circle Drive nor will there be any additional right of way or easement dedication associated with the lot split.

**CITY OF CHOCTAW STAFF**
The City of Choctaw’s staff has reviewed the lot split for Brandon Leisinger. Staff has completed its review of the lot split request.
PLEASE NOTE:
This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.

Map Created:
July 17, 2020
CITY OF CHOCTAW
2500 N Choctaw Rd / PO Box 567, Choctaw, OK 73020
Phone (405)390.2999 / Fax (405)390.3332

Short Form Subdivision (Lot Split)
APPLICATION
(Please Print in Ink or Type)

Applicant: Brandon Lesinger
Address: 2191 W Circle Dr  Choctaw  ok  73020
Phone: (405)385-1228  Cell: ____________________________
City State Zip
Email Address: blesinger88@yahoo.com

Property address: 2191 W Circle Dr

Legal Description: See Attachment

Number of Acres: 5

Number of proposed tracts: 2

Property zoning district: RR

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Signature of Owner, or authorized agent
2020
Date

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2007018    Receipt #: 2240
Total Amount Paid: $ 720.00    Date Paid: 7.2.2020

Credit Card  VISA

County Parcel Number: ________________________________
To whom it may concern:

I would like to split 2 acres off the current 5.07 acres I own. My reasoning for doing so would be to build a new home for my family and I. If we were able to do so this would give us enough room for our new home and our animals. This split still leaves the current home on 2.89 acres. With the original private driveway.

Thank you,
Brandon Leisinger
LEGAL DESCRIPTION

1. Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the herein shown Survey was made on the ground under my supervision of a tract of land being part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being more particularly described as follows:

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point 1980.00 feet West and 2009.70 feet South of the Northeast Corner of the Northeast Quarter (NE/4); thence North 89°36’00” West a distance of 659.76 feet to a point; thence South 00°03’27” East a distance of 334.95 feet to a point; thence South 89°36’00” East and parallel to the North line of said Northeast Quarter (NE/4) a distance of 659.45 feet to a point; thence North and parallel to the East line of said Northeast Quarter (NE/4) a distance of 334.95 feet to the Point of Beginning, except the East 30.00 feet for road purposes.

TRACT A

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point 1980.00 feet West and 2009.70 feet South of the Northeast Corner of the Northeast Quarter (NE/4); thence North 89°36’00” West a distance of 659.76 feet to a point; thence South 00°03’27” East a distance of 334.95 feet to a point; thence South 89°36’00” East a distance of 307.22 feet to a point; thence North 00°12’57” West a distance of 269.95 feet to a point; thence South 89°36’00” East a distance of 353.25 feet to a point; thence North 00°00’04” West a distance of 65.00 feet to the Point of Beginning, containing 2.89 acres more or less and subject to all Easements and Right-of-Way records.

TRACT B

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point 1980.00 feet West and 2009.70 feet South of the Northeast Corner of the Northeast Quarter (NE/4); thence North 89°36’00” West a distance of 353.25 feet to a point; thence South 00°12’57” East a distance of 269.95 feet to a point; thence South 89°36’00” East a distance of 352.23 feet to a point; thence North 00°00’04” West a distance of 269.95 feet to the Point of Beginning, containing 2.00 acres more or less and subject to all Easements and Right-of-Way records.

ALLEN E. HENRY

SUBSCRIBED TO AND SWORN BEFORE ME THIS 11 DAY OF JULY 2020.
MY COMMISSION EXPIRES: 01-29-2024

LARRY JAMES

LEISINGER

GIRD NORTH

08/30/2020

#19000951
EXP. 05/29/2024
PUBLIC COMMISSION #1600081
LARRY JAMES
AGENDA TITLE: Lot Split Application for a property located at 2300 Bingham Drive, submitted by Larry and Janet Kennedy.

Report:

Larry and Janet Kennedy are the owners of this 10.77 acre un-platted tract of land, located at 2300 Bingham Drive. The property carries an R-R “Rural Residential District” zoning classification.

The current zoning for the property is R-R “Rural Residential District” which requires a minimum of 43,560 square feet lot area and a minimum lot frontage of 110 feet. The existing parcel 10.77 acres in size and is accessed off Bingham Drive. In May 2003, the Planning Commission approved the current lot configuration which allowed for a 50 foot wide private roadway easement from the existing Bingham Road right-of-way to the southern property line. This private right-of-way allowed for access to what was Tract C then and now the new proposed lot on the south-eastern portion of Tract A.

The current parcel is 10.77 acres in size and has 661 feet frontage along the right-of-way. The applicant is requesting to subdivide the property. Proposed Tract 1 is 8.265 acres and Track 2 is 2.5 acres in size. Tract 1 will have 305 feet frontage and Tract 2 will have 330 feet frontage along the private right-of-way.

Comprehensive Plan: The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property.

City Water & Sewer: The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Transportation: As mentioned above, the property is accessed off a private right-of-way off Bingham Drive. In addition, on March 2003 the Board of Adjustment approved a variance on the private road easement requirements, specifically for the paved width for the private road. At that time, the code requirement for a the paving was 18 feet and the variance allowed for paving of only a 10 foot wide private road. Based on these conditions, Mr. Kennedy will be required to repair this 10 foot wide paving prior to the final occupancy of his grandson’s home.
Applicant: Larry and Janet Kennedy
Location: 2300 Bingham Drive
Current Zoning: R-R “Rural Residential District”
Request: Subdivide a 10.77 acre tract of land into two (2) tracts

Larry and Janet are the owners of this 10.77 acre un-platted tract of land, located at 2300 Bingham Drive. The property carries an R-R “Rural Residential District” zoning classification. Pursuant to §19-202 Short Form Subdivision, the applicant is requesting to subdivide the existing parcel into two (2) parcels in order for their grandson to build a home just south of their existing home.

EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of 43,560 square feet lot area and a minimum lot frontage of 110 feet. The existing parcel 10.77 acres in size and is accessed off Bingham Drive. In May 2003, the Planning Commission approved the current lot configuration (see below) which allowed for a 50 foot wide private roadway easement from the existing Bingham Road right-of-way to the southern property line. This private right-of-way allowed for access to what was Tract C then and now the new proposed lot on the south-eastern portion of Tract A.
The current parcel is 10.77 acres in size and has 661 feet frontage along the right-of-way. The applicant is requesting to subdivide the property. Proposed Tract 1 (shown in blue above) is 8.265 acres and Track 2 (shown in red above) is 2.5 acres in size. Tract 1 will have 305 feet frontage and Tract 2 will have 330 feet frontage along the private right-of-way.

The lot sizes and lot frontages both meet the minimum requirements of the R-R “Rural Residential District”. In addition to meeting these to minimum requirements, the applicant will have to meet all other zoning regulations.

Any development submittal will have to be reviewed by the City of Choctaw and appropriate state departments. The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

**COMPREHENSIVE PLAN**

- **Future Development Density Plan**: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre. The Kents request is to lot split to allow for two future single-family residences; therefore their request is within the parameters set for the “Rural Protection Boundary” density.

- **Land Use** – At this time the property is vacant. Historically, it has been used for a single-family residence.
  - **Future Land Use** – Low Density Residential – *(Single family homes with lots that are typically one are or larger excluding rights of way.)* The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.

- **Transportation** – Bingham Drive is a local street accessed from SE 20th Street. Please refer to the “Transportation” paragraph to identify the required road frontage for this property.
Infrastructure – The property owner will have to meet all infrastructure requirements as discussed in the Comprehensive Plan and the City Code with any future development of these sites. Please refer to paragraphs “Water and Sewer” to see more details regarding mandatory connections and extensions.

WATER AND SEWER
The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Additionally, City Council recently passed an ordinance that would not require Mr. Leisinger to extend water or sewer to his property as he is an unplatted single lot building a single-family home.

Installation of the well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION
As mentioned above, the property is accessed off Bingham Drive. The Planning Commission approved the current lot configuration which allowed for a 50 foot wide roadway easement from the existing Bingham Road right-of-way to the southern property line in 2003. This right-of-way allowed for access to what was Tract C then and now the new proposed lot on the south-eastern portion of Tract A. In addition, on March 24, 2003 the Board of Adjustment approved a variance on the private road easement requirements, specifically for the paved width for the private road. At that time, the code requirement for a the paving was 18 feet and the variance allowed for paving of only a 10 foot wide private road. Based on these conditions, Mr. Kennedy will be required to repair this 10 foot wide paving prior to the final occupancy of his grandson’s home.

CITY OF CHOCTAW STAFF
The City of Choctaw’s staff has reviewed the lot split for Larry and Janet Kennedy. Staff has completed its review of the lot split request.
Short Form Subdivision (Lot Split)
APPLICATION
(Please Print in Ink or Type)

Applicant: LARRY J. & JANET L. KENNEDY

Address: 2300 BINGHAM DR, Choctaw OK 73020

Phone: ________________________ Cell: 640 8/14

Email Address: Larry.Kennedy@cox.net

Property address: ________________________

Legal Description: ________________________

________________________________________

Number of Acres: 2.5

Number of proposed tracts: 2

Property zoning district: R-R

I hereby certify and attest that I am the current and legal owner of the above described property located in the City of Choctaw and that I received a copy of the Policies and Procedures regulating this application.

Signature of Owner, or authorized agent: ________________________

Date: 7/17/2020

*Owner or authorized agent must be present at public meeting.

Do Not Write Below This Line—Official Use Only

Permit #: 2007134

Receipt #: 2317

Total Amount Paid: $720

Date Paid: 7-17-2020

□ Cash  □ Check # 1047  □ Credit Card

County Parcel Number: ________________________

Feb 2020
Proposed Boundary Description:

A tract of land lying in and being a part of the Southeast Quarter (SE/4) of Section Seven (7), Township Eleven (11) North, Range One (1) East of the Indian Meridian, Oklahoma County, Oklahoma; said tract of land being more particularly described as follows:

Beginning at the Northwest corner of said SE/4; Thence N89°57'00"E, on the North line of said SE/4, a distance of 329.94 feet; Thence S00°05'24"W, a distance of 305.47 feet; Thence N89°58'16"E, a distance of 329.99 feet; Thence N00°04'52"E, a distance of 305.40 feet to a point on the North line of said SE/4; Thence N89°57'00"E, on said North line, a distance of 379.60 feet to the Northwest corner of a tract of land described in Book 4927, Page 719 - Oklahoma County Records; Thence S00°03'55"W, on the West line of said tract of land, a distance of 330.33 feet to the Southwest corner thereof; Thence S89°58'15"W, a distance of 379.70 feet; Thence S00°04'52"W, 25.03 feet; Thence S89°58'16"W, 329.99 feet; Thence S00°05'24"W, 305.47 feet; Thence S89°55'38"W, 330.04 feet to a point on the West line of said SE/4. Thence N00°05'55"E, 861.07 feet to the Point of Beginning, containing 360.043 Square Feet or 8.265 Acres, more or less.
BOUNDARY SURVEY

This survey made for the benefit of:
Brad Kennedy
Subject Property's Location:
Bingham Drive
Choctaw, OK 73020

LOT AREA
108.931 Square Feet
2.50 Acres +/-

PROPERTY DESCRIPTION:
A part of the Southeast Quarter (SE/4) of Section Seven (7), Township Eleven (11) North, Range One (1) East of the Indian Meridian in Oklahoma County, more particularly described as follows:

COMMENCING at the Northeast Corner of the Southeast Quarter (SE/4) of said Section 7; THENCE S89°57'00"W a distance of 1320.0 feet described, and N89°53'21"W a distance of 1318.50 feet measured along the North line of the SE/4; THENCE S00°03'23"W a distance of 330.25 described and 331.91 feet measured; THENCE S89°57'00"W a distance of 371.50 feet to the POINT OF BEGINNING; THENCE continuing S89°57'00"W a distance of 288.08 feet; THENCE S00°03'23"W a distance of 330.25 feet; THENCE N89°57'00"E a distance of 399.58 feet; THENCE N00°03'23"E a distance of 114.79 feet; THENCE N86°10'59"W a distance of 106.21 feet; THENCE N01°27'19"W a distance of 208.36 feet to the POINT OR PLACE OF BEGINNING, LESS the North 16.50 feet of the said described tract for Road Easement, recorded in Book 4351, Page 919. Said described tract containing 2.50 acres more or less and LESS Easements and Right-of-Ways of record.

NORTH LINE SE/4
1318.50

Point of Commencement
N.E. Corner SE/4
Section 7 T11N R1E
Oklahoma County, OK

S. TRIPLE X ROAD

SURVEYOR'S CERTIFICATE:
I, Jay Washburn, a Licensed Land Surveyor in the State of Oklahoma, do hereby certify that on the date shown below a careful and accurate Boundary Survey was performed under my direct supervision on the depicted property.
I also certify that said Survey meets the current Oklahoma Minimum Technical Standards for Boundary Surveys.

Jay Washburn
07/23/2020
Date:
PLS

FEMA Flood Statement:
Per FEMA Flood Insurance Rate Map # 40109C0355H, effective date 12-18-2009, the subject property lies in Zone "X".

Jay Washburn, PLS
PLS

Jay Washburn, PLS
CITY OF CHOCTAW

STAFF REPORT

Meeting of: 8/6/2020

Planning Commission

Development Services

City Hall

Purvi Patel
Prepared By

Guy Henson
Department Head

AGENDA TITLE: Updates to the PUD Section of the Zoning Ordinance & Subdivision Regulations.
Updates to the Requirement to Plat Section of the Subdivision Regulations.

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

Report:
Staff has had several conversations with developers regarding the PUD regulations and the utilization of PUDs to allow for narrower lot widths. This has been done with past PUDs approved by the Planning Commission and City Council. However, there is language in the Zoning Ordinance and Subdivision regulations that would not allow for narrower lot widths. After consultation with Freese and Nichols, staff is recommending the attached changes be implemented to the two sections of the City Code: Section 12-320 and Section 19-125.B.

Additionally, staff has noticed an inconsistency in the code regarding the requirements to plat, Section 19-106 of the Subdivision Regulations. Staff recommends the following changes:

- The language in #A and #B is very similar to that in #H. The current wording for item #B would require every building permit applicant to Plat, this would include majority of the residential properties in Choctaw looking to add an accessory building, pool, etc. Therefore, we are requesting #A and #B be removed, and #H be moved up the list as #A with the conditions listed on the attached document.

- Amend #D to state "to combine three (3) or more lots or tracts. Currently, lot merges of 2 lots or tracts can be achieved under the Short Form Subdivision application. This would clarify that combing three (3) or more lots would require a Plat."
SECTION 12-320 - GENERAL DESCRIPTION

A PUD - Planned Unit Development District, as the term is employed in this chapter, is superimposed over existing zoning districts and has a zoning district which is applied over one or more previously established zoning districts, to alter some or all of the regulations for covered properties in addition to those of the underlying (base) zoning district. Overlay zoning is intended to be used when the base zoning district remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the following purposes:

A. To produce a development which would be as good or better than that resulting from the traditional lot-by-lot development by applying to large areas, whether consisting of consolidated lots or un-subdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;

B. To correlate comprehensively the provisions of this and other ordinances and codes of the city, to permit development which will provide a desirable and stable environment in harmony with the comprehensive plan for the city and that of the surrounding area;

C. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while at the same time maintain substantially the same population density and area coverage permitted in the zone in which the project is located; and

D. To permit flexibility in design, placement of buildings, use of open spaces, circulation facilities and off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size or shape.

SECTION 19-125 – LOTS

A. The lot size, width, depth, shape orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.

B. Lot dimensions shall conform to the existing zoning regulations, but in no case, except an approved PUD – Planned Unit Development, shall the width of a lot designed be less than identified by the proper underlying zoning classification.

C. Each lot shall have access and front upon a public street.

D. Double frontage and reverse frontage lots shall be prohibited except where their use will produce definite advantages in meeting special situations in relation to topography and proper land use, as determined by the planning commission.

E. Side lot lines shall be substantially at right angles or radial to street lines.
SECTION 19-106 REQUIREMENT TO PLAT

These regulations shall apply to the following forms of development and subdivision:

A. To create a building site on a single multi-family and non-residential lot or tract of land;

B. To construct or enlarge any exterior dimension of any building, structure, or improvement on land without an existing subdivision;

C. To subdivide land to divide a lot or tract into two or more parcels for development of the parcels;

D. To combine three (3) or more lots or tracts;

E. To amend a Plat; or

F. To correct errors on an approved and recorded Plat.

G. Dividing of land

1. The division of land into two (2) or more tracts, lots, sites, or parcels, any part of which, when subdivided, to lay out suburban, building, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, parks or any other public amenity;

2. The division of land, previously subdivided platted, into tracts, lots, sites or parcels;

3. The dedication, vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; and

4. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

H. Any person who proposes a new multi-family or non-residential development (i.e., any new construction or the enlargement of any exterior dimensions of any existing multi-family or non-residential building exceeding twenty percent (20%) of the existing building or structure, or improvement) of a tract located within the City Limits. These regulations do not apply to the addition of accessory structures under two thousand (2,000) square feet on any lot. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

***This section would be moved up to #A with the changes proposed.***

I. The following are exemptions to the platting and subdivision requirements:

1. Dedication of an easement or right of way by a separate document recordable in the county records and approved by the City Council;
2. Divisions of land created by order of a court of competent jurisdiction;

3. An individual or final division of a single family residential lot, tract, or parcel of land that contains 10.1 acre or more in area. When determining the calculation please refer to 19-106 (J).

J. Individual or a final division of land to calculate the area of land shall be as follows:

1. A Land or Boundary (Pin Stake) Survey showing the metes and bounds with the total acre area in the tenths shall be presented to staff;

2. A general governmental survey, farm or rectangular land description boundary is not permitted. A complete metes and bounds survey must be presented to staff;

3. The existing public right(s) of way, public roadway easements or statutory right of way shall not be calculated into the total area of a lot, tract, or parcel of land;

4. When calculating for the exemption of a tract of land, the calculation will be rounded to the nearest tenth decimal fraction of measurement. (Ex. 10.04 acres will be rounded to 10.0 acres while the measurement of 10.05 will be rounded to 10.1 acres)
City of Choctaw  
Regular Planning Commission Meeting  
July 2, 2020 @ 7:00pm  
Choctaw City Hall, 2500 N Choctaw Road  
Choctaw, Oklahoma 73020

MINUTES

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 July 2, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592  
Conference ID: 852 1145 4784  
Meeting Password: 214463  
Join Meeting: https://us02web.zoom.us/j/85211454784?pwd=TlE4V3pESTZvSy9NQ2RIN2xFRTR1QT09

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:
   5 Present: Chris Jordan; Larry Morgan; Jeff Wyatt; Philip Bradshaw; Bobby Pearce
   1 Absent: Jared Kobyluk

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

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 Specific Use Permit application submitted by:
   Applicant: J Matt Martinez
   Location: 12302 Max Lane
   Current Zoning: General Agricultural District (AG)
   Proposed Use: Marijuana Growing Facility
   Legal Description: UNPLTD PT SEC 04 11N 1W 000 000 PT SW4 SEC 4 11N 1W BEG 1485.37FT E & 660FT N OF SW/C SW4 TH N660FT E165.28FT S660FT W165.33FT TO BEG CONT 2 1/2ACRS MORE OR LESS AKA TR 2 EX N30FT
Open Public Hearing – 7:04pm
Receive Comments - None
Close Public Hearing – 7:06pm

4.1.1 The proposed use will have a minimal/substantial impact on adjoining property.

MOTION BY Larry Morgan and SECOND BY Philip Bradshaw that the proposed use will have minimal impact on adjoining property.

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

4.1.2 The proposed use will/will not have an adverse impact on the community as a whole.

MOTION BY Larry Morgan and SECOND BY Philip Bradshaw that the proposed use will not have an adverse impact on the community as a whole.

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

4.1.3 The proposed use will/will not have an adverse impact on public properties.

MOTION BY Larry Morgan and SECOND BY Jeff Wyatt that the proposed use will not have an adverse impact on public properties.

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

4.1.4 Consideration and possible action on the “specific use permit” request of Matt Martinez, 12302 Max Lane.
MOTION BY Larry Morgan and SECOND BY Philip Bradshaw to approve the Specific Use Permit request of J Matt Martinez, 12302 Max Lane with the following conditions:

- Motion Sensor Lighting
- Interior and Exterior Monitored Security
- 8’ Fencing
- Sight Proof Fence
- Air Filtration to be installed
- West Neighbor wood fence to be replaced if removed to provide screening
- All conditions to be met prior to issuance of compliance certificate

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

4.2 A Final Plat application submitted by:
Applicant: Winding Creek Developments
Number of Lots: 23
Location: 16300-16500 Block of SE 15th Street
Proposed Addition: Rustic Oaks Phase 2

4.2.1 Consideration and possible action on the final plat of Rustic Oaks Phase 2, 16300-16500 Block of SE 15th Street.

MOTION BY Philip Bradshaw and SECOND BY Larry Morgan to approve the final plat as presented.

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

4.3 A lot merge application submitted by:
Applicant: Paul Maxwell
Location: 15870 SE 29th Street
Current Zoning: Rural Residential District (R-R)
Legal Description: UNPLTD PT SEC 13 11N 1W PT NE4 SEC 13 11N 1W BEG 475.20FT W OF NE/C OF NE4 TH S412.50FT W52.80FT S247.50FT W132FT N660FT E184.80FT TO BEG CONT 2.50ACRS MORE OR LESS
4.2.1 Consideration and possible action on the lot merge request of Paul Maxwell, 15870 SE 29th Street.

MOTION BY Larry Morgan and SECOND BY Jeff Wyatt to approve the lot merge as presented.

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

4.4 Discussion and possible recommendation on a Home Occupation Ordinance, Part 12, Planning, Zoning and Development.

MOTION BY Larry Morgan and SECOND BY Bobby Pearce to approve the recommendations as presented by Staff (Draft Ordinance made a part of the minutes).

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

4.5 Special meeting minutes for June 4, 2020 joint meeting with City Council.

MOTION BY Philip Bradshaw and SECOND BY Larry Morgan to approve the minutes as presented.

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

4.6 Regular meeting minutes for June 4, 2020.

MOTION BY Philip Bradshaw and SECOND BY Jeff Wyatt to approve the minutes as presented.

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

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.

7. **Adjournment:**
   Called @ 8:52pm.

   PLANNING COMMISSION

   ATTEST:

   ________________________________
   Dr. Chris Jordan, Chairman

   Amanda Valent, City Clerk
ORDINANCE NO. 828-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, AMENDING PART 12, CHAPTER 2 AND 3, BY AMENDED ARTICLE C, SECTION 12-215 AND ADDING TO SECTION 12-242 TO ARTICLE D, TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO HOME OCCUPATIONS; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article C, Definitions, Section 12-215 is hereby amended and reads as follows:

ARTICLE C
DEFINITIONS

42. “Home occupation” means a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained;

a. “Minor home occupation (Type I)” means a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic, or general office use. A Type I home occupation shall:

(1) Require the applicant to obtain a permit, which shall be renewed annually;

(2) Be operated entirely within the applicant’s dwelling;

(3) Use not more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement);

(4) Not display any external evidence of an occupation outside the structure except as permitted in the residential district;
(5) Not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;

(6) Include no retail selling of stocks or merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

(7) Involve fewer than six (6) customers daily entering the premises;

(8) Produce no noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure; and

(9) Not require any additional parking.

b. The administrative procedure for a minor home occupation is as follows:

(1) Application;

(2) Decision by city manager or his designee;

(3) Notice of decision; and

(4) Fourteen (14) day appeal period to the board of adjustment in accordance with § 12-129 of the city code of ordinances;

c. “Major home occupation (Type II)” means home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II home occupation shall:

(1) Require the applicant to obtain a permit, which shall be renewed annually;

(2) Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;

(3) Area allowed for a home occupation:
i. Platted areas:
   a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
   b.) Use no more than four hundred (400) square feet of an allowed accessory structure;

ii. Unplatted areas:
   a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and
   b.) Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;

(4) Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;

(5) Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;

(6) Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with § 12-226 of the code or involve warehousing or distribution;

(7) Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

(8) Produce no noise or obnoxious odors, vibrations, glare, fumes or electric interference detectable to normal sensory perception outside the structure;

(9) Involve fewer than ten (10) customers daily entering the premises;

(10) Employ no more than one person in addition to those who are permanent residents of the dwelling; and
(11) Provide a plan for any additional parking required, which shall be approved if:

i. The residential character of the parcel is not changed; and

ii. The parking area does not detract from the visual appearance of the residence.

d. The administrative procedure with notice for a major home occupation is as follows:

(1) Pre-application conference with city manager and planning staff;

(2) Applicant then files an application for “permitted use on review”;

(3) Staff reviews application for completeness;

(4) Notice to applicant of acceptance of application;

(5) City staff posts property;

(6) Mail notice to adjacent property owners within three hundred (300) feet;

(7) Twenty (20) day comment period;

(8) Staff reviews comments and prepares report;

(9) Decision by board of adjustments;

(10) Staff files and mails notice of decision; and

(11) Appeal in accordance with § 12-129 of the city code of ordinances;

e. “Nonconforming home occupation” means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of § 12-140 et seq. of this code;

f. An application for home occupation is prohibited if it does not meet the requirements as set forth in subparagraphs a and b of paragraph 41 of this section;
g. Fees for minor or major home occupation shall be established by motion 
or resolution adopted by the city council;

SECTION 2. That the Code of Ordinances of the City of Choctaw at Part 12 
Chapter 2 and 3, Article D, General Provisions Applying To All Or To Several Districts, Section 
12-242 is hereby added and amended and reads as follows:

ARTICLE D

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 12-242 HOME OCCUPATION

The standards for home occupations in this chapter are intended to insure compatibility with 
other permitted uses and with the residential character of a neighborhood, plus a clearly 
secondary or incidental status in relation to the residential use of the main building as the criteria 
for determining whether a proposed accessory use qualifies as a home occupation.

There will be two types of Home Occupations permitted: Minor Home Occupation (Type I) and 
Major Home Occupation (Type II):

A. Minor home occupation (Type I) means a home occupation in which no persons 
other than members of the family residing on the premises are engaged in the 
occupation, which has no visible exterior evidence of the conduct of the 
occupation, which does not create need for off-street parking beyond normal 
dwelling needs, and in which no equipment is used other than that normally used 
in household, domestic, or general office use. A Type I Home Occupation shall:

1. Require the applicant to obtain a home occupation permit, which shall be 
   renewed annually;

2. Be operated entirely within the applicant’s dwelling;

3. Use not more than twenty-five percent (25%) of the floor area used for 
human occupancy (includes the basement and garage);

4. Not display any external evidence of an occupation outside the structure 
   except as permitted in the residential district;

5. Not involve the use or storage of tractor trailers, semi-trucks, or heavy 
equipment such as construction equipment used in a business;

6. Include no retail selling of stocks or merchandise, supplies, or products, 
   provided that orders previously made by telephone or at a sales party may
be filled on the premises;

7. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure. No outside burning associated with the home occupation is permitted;

8. Not require any additional parking; and

9. Involve fewer than six (6) vehicles daily entering the premise.

The administrative procedure for a minor home occupation is as follows:

   a. Application;

   b. Decision by city manager or his designee;

   c. Notice of decision; and

   d. An appeal to the board of adjustment may be filed in accordance with § 12-123 of the city code of ordinances;

B. Major home occupation (Type II) means a home occupation in which not more than two (2) persons other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II Home Occupation shall:

   1. Type II Home Occupations are only permitted with a Specific Use Permit when located in the following residential districts: R-R, R-S, R-G and R-75;

   2. Require the applicant to obtain a home occupation permit, which shall be renewed annually;

   3. Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;

   4. Area allowed for a home occupation:

      a. Platted areas:
i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and

ii. Use no more than four hundred (400) square feet of an allowed accessory structure;

b. Unplatted areas:

i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and

ii. Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;

5. Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;

6. Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;

7. Outdoor building identification and safety signage is required when chemicals and explosives are used in association with the home occupation;

8. Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with § 12-226 of the code or involve warehousing or distribution. In no event can there be more than 4 business vehicles less than one and one-half (1 1/2) tons on the premise;

9. Not involve the outdoor storage of materials, equipment or debris associated with the home occupation;

10. Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

11. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory
perception outside the structure. No outside burning associated with the home occupation is permitted;

12. Outdoor noise shall adhere to §10-308 of the City code, unless otherwise specified;

13. Involve fewer than ten (10) customers daily entering the premises;

14. Employ no more than two (2) persons in addition to those who are permanent residents of the dwelling; and

15. Provide a plan for any additional parking required, which shall be approved if:
   a. The residential character of the parcel is not changed; and
   b. The parking area does not detract from the visual appearance of the residence.

The administrative procedure with notice for a major home occupation is as follows:
   a. Pre-application consultation; and
   b. Specific Use Permit application.

C. Nonconforming home occupation means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of § 2-248 and 12-249 of this code;

D. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council; and

E. Violations of this chapter of shall be deemed a misdemeanor and shall by punishable by fine in accordance with §12-701 of this code.

SECTION 3. Repealer. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.
SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. **Emergency.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 4th day of August, 2020.

__________________________

Randy Ross, Mayor

ATTEST:

__________________________

Amanda Valent, City Clerk

APPROVED AS TO FORM this 4th day of August, 2020.

__________________________

Ray Vincent, City Attorney
ORDINANCE NO. 826-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, ADDING AMENDING PART 12, CHAPTER 2 AND 3, BY ADDING ARTICLE U TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO A NEW R-75 SINGLE-FAMILY RESIDENTIAL DISTRICT; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article U is hereby added and amended and reads as follows:

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.

This residential district shall be permitted within the areas identified as the Suburban Transitional Boundary and Urban Density Boundary in the Future Development Density Plan,
found in the Choctaw’s Comprehensive Plan, 2017. Development within this residential district cannot exceed the densities provided for in this Plan which are as follows:

A. Suburban Transitional: 2 to 4 dwelling units per acre

B. Urban Density: 4 to 8 dwelling units per acre

These densities will be calculated as gross densities. Gross density means the total number of dwelling units existing or permitted divided by the total area of the tract. Any existing rights-of-ways, public roadway easements or statutory right-of-way shall not be included in the total area of the tract when calculation gross densities.

§ 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)

§ 12-635 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 not including right-of-way (public or private)
2. Minimum Lot Frontage:  60 feet at building line
35 feet at right-of-way line
3. Maximum % Coverage:  40% for interior lot
45% 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 forty percent (40%) and forty-five percent (45%) 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.

SECTION 2. Repealer. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Emergency. Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.
PASSED and APPROVED and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 21st day of July, 2020.

ATTEST:

Randy Ross, Mayor

Amanda Valent, City Clerk

APPROVED AS TO FORM this 21st day of July, 2020.

Ray Vincent, City Attorney
ORDINANCE NO. 820-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, ADDING AMENDING PART 12, CHAPTER 2 AND 3, ARTICLE D, BY ADDING SECTION 12-241 TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO MISCELLANEOUS AESTHETIC REQUIREMENTS; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article D, Section 12-241 is hereby added and amended and reads as follows:

ARTICLE D

GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 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.
SECTION 2. **Repealer.** All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. **Emergency.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

**PASSED and APPROVED** and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 23rd day of June, 2020.

**ATTEST:**

Amanda Valent, City Clerk

**APPROVED AS TO FORM** this 23rd day of June, 2020.

Randy Ross, Mayor

Ray Vincent, City Attorney
PROOF OF PUBLICATION

Name of Publication: Choctaw Times
Address: P.O. Box 186, Choctaw, OK 73020
Phone Number: (405) 376-6688

Case Number / Title of Legal Notice:

Ordinance #820-2020

I, Steve Coulter, of lawful age, being duly sworn upon oath, deposes and says that I am the Publisher of the Choctaw Times, a weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S. § 106 for the City of Choctaw, for the County of Oklahoma, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

INSERTION DATES: July 1st, 2020

PUBLICATION FEE: $18.20

(Signature)
Steve Coulter, Publisher

State of Oklahoma
County of Oklahoma

Signed and sworn to before me this 2nd day of July, 2020.

(Signature) Notary Public

My Commission expires: July 26, 2020
Commission # 12007015
ORDINANCE NO. 821-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, ADDING AMENDING PART 19, CHAPTER 1, ARTICLE D, BY ADDING SECTION 19-165 AND 19-166 TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO WATER AND SEWER EXTENSION REQUIREMENTS; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 19 Chapter 1, Article D, Section 19-165 and 19-166 is hereby added and amended and reads as follows:

ARTICLE D

REQUIRED IMPROVEMENTS

§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. 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 size, 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.

C. The following properties/types of development must extend water and sewer mains if within 1,200 feet, as measured pursuant to §19-166.B, of 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 for single-family homes
   c. Residential lot splits for single-family homes

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

B. To determine the distance required for a connection and/or extension. The measurement shall be made by the City Engineer. For water line extensions, the measurement shall begin from the very outside edge of the water line closest to the subject property and measured by taking the most direct route using public street right-of-way. For sewer line extensions the measurement shall begin from the very outside edge of sewer line closest to the subject property and measures by taking the most direct route using public street right-of-way, side property lines or rear property lines.

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.

SECTION 2. Repealer. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.
SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. **Emergency.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 23rd day of June, 2020.

ATTEST:

Randy Ross, Mayor

Amanda Valent, City Clerk

APPROVED AS TO FORM this 23rd day of June, 2020.

Ray Vincent, City Attorney
I, Steve Coulter, of lawful age, being duly sworn upon oath, deposes and says that I am the Publisher of the Choctaw Times, a weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S. § 106 for the City of Choctaw, for the County of Oklahoma, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

INSERTION DATES: July 1st, 2020

PUBLICATION FEE: $ 18.20

(Signature)
Steve Coulter, Publisher

State of Oklahoma
County of Oklahoma

Signed and sworn to before me this 2nd day of July, 2020.

(Signature) Notary Public

My Commission expires: July 26, 2020
Commission# 12007015
ORDINANCE NO. 828-2020

AN ORDINANCE OF THE CITY OF CHOCTAW, OKLAHOMA, AMENDING PART 12, CHAPTER 2 AND 3, BY AMENDED ARTICLE C, SECTION 12-215 AND ADDING TO SECTION 12-242 TO ARTICLE D, TO THE CHOCTAW CODE OF ORDINANCES OF THE CITY OF CHOCTAW, OKLAHOMA, PERTAINING TO HOME OCCUPATIONS; DECLARES REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHOCTAW, OKLAHOMA:

SECTION 1. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article C, Definitions, Section 12-215 is hereby amended and reads as follows:

ARTICLE C
DEFINITIONS

42. “Home occupation” means a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained;

a. “Minor home occupation (Type I)” means a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic, or general office use. A Type I home occupation shall:

(1) Require the applicant to obtain a permit, which shall be renewed annually;

(2) Be operated entirely within the applicant’s dwelling;

(3) Use not more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement);

(4) Not display any external evidence of an occupation outside the structure except as permitted in the residential district;
(5) Not involve the use or storage of tractor-trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;

(6) Include no retail selling of stocks or merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

(7) Involve fewer than six (6) customers daily entering the premises;

(8) Produce no noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure; and

(9) Not require any additional parking.

b. The administrative procedure for a minor home occupation is as follows:

(1) Application;

(2) Decision by city manager or his designee;

(3) Notice of decision; and

(4) Fourteen (14) day appeal period to the board of adjustment in accordance with § 12-129 of the city code of ordinances;

c. "Major home occupation (Type II)" means home occupation in which not more than one person other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II home occupation shall:

(1) Require the applicant to obtain a permit, which shall be renewed annually;

(2) Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;

(3) Area allowed for a home occupation:
i. Platted areas:

a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and

b.) Use no more than four hundred (400) square feet of an allowed accessory structure;

ii. Unplatted areas:

a.) Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement); and

b.) Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;

(4) Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;

(5) Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;

(6) Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with § 12-226 of the code or involve warehousing or distribution;

(7) Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

(8) Produce no noise or obnoxious odors, vibrations, glare, fumes or electric interference detectable to normal sensory perception outside the structure;

(9) Involve fewer than ten (10) customers daily entering the premises;

(10) Employ no more than one person in addition to those who are permanent residents of the dwelling; and
(11) Provide a plan for any additional parking required, which shall be approved if:

i. The residential character of the parcel is not changed; and

ii. The parking area does not detract from the visual appearance of the residence.

d. The administrative procedure with notice for a major home occupation is as follows:

(1) Pre-application conference with city manager and planning staff;

(2) Applicant then files an application for “permitted use on review”;

(3) Staff reviews application for completeness;

(4) Notice to applicant of acceptance of application;

(5) City staff posts property;

(6) Mail notice to adjacent property owners within three hundred (300) feet;

(7) Twenty (20) day comment period;

(8) Staff reviews comments and prepares report;

(9) Decision by board of adjustments;

(10) Staff files and mails notice of decision; and

(11) Appeal in accordance with § 12-129 of the city code of ordinances;

e. “Nonconforming home occupation” means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of § 12-140 et seq. of this code;

f. An application for home occupation is prohibited if it does not meet the requirements as set forth in subparagraphs a and b of paragraph 41 of this section;
g. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council;

SECTION 2. That the Code of Ordinances of the City of Choctaw at Part 12 Chapter 2 and 3, Article D, General Provisions Applying To All Or To Several Districts, Section 12-242 is hereby added and amended and reads as follows:

ARTICLE D
GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

§ 12-242 HOME OCCUPATION

The standards for home occupations in this chapter are intended to insure compatibility with other permitted uses and with the residential character of a neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

There will be two types of Home Occupations permitted: Minor Home Occupation (Type I) and Major Home Occupation (Type II):

A. Minor home occupation (Type I) means a home occupation in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, and in which no equipment is used other than that normally used in household, domestic, or general office use. A Type I Home Occupation shall:

1. Require the applicant to obtain a home occupation permit, which shall be renewed annually;

2. Be operated entirely within the applicant’s dwelling;

3. Use not more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage);

4. Not display any external evidence of an occupation outside the structure except as permitted in the residential district;

5. Not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;

6. Include no retail selling of stocks or merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may
be filled on the premises;

7. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory perception outside the structure. No outside burning associated with the home occupation is permitted;

8. Not require any additional parking; and

9. Involve fewer than six (6) vehicles daily entering the premise.

The administrative procedure for a minor home occupation is as follows:

a. Application;

b. Decision by city manager or his designee;

c. Notice of decision; and

d. An appeal to the board of adjustment may be filed in accordance with § 12-123 of the city code of ordinances;

B. Major home occupation (Type II) means a home occupation in which not more than two (2) persons other than members of the family residing on the premises is employed on the premises, which has not more than one unilluminated sign as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street. A Type II Home Occupation shall:

1. Type II Home Occupations are only permitted with a Specific Use Permit when located in the following residential districts: R-R, R-S, R-G and R-75;

2. Require the applicant to obtain a home occupation permit, which shall be renewed annually;

3. Be operated entirely within a residential structure or permitted accessory structure. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the character of the surrounding area;

4. Area allowed for a home occupation:

   a. Platted areas:
i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and

ii. Use no more than four hundred (400) square feet of an allowed accessory structure;

b. Unplatted areas:

i. Use no more than twenty-five percent (25%) of the floor area used for human occupancy (includes the basement and garage); and

ii. Where an accessory building is used, other than for the storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1,000) square feet;

5. Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character;

6. Limit any external evidence of an occupation to one identification sign not to exceed two (2) square feet in area;

7. Outdoor building identification and safety signage is required when chemicals and explosives are used in association with the home occupation;

8. Not involve the use or storage of heavy vehicles, gross or heavy equipment in accordance with § 12-226 of the code or involve warehousing or distribution. In no event can there be more than 4 business vehicles less than one and one-half (1-1/2) tons on the premise;

9. Not involve the outdoor storage of materials, equipment or debris associated with the home occupation;

10. Include no retail selling of stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises;

11. Produce no disturbing or offensive noise or obnoxious odors, vibrations, glare, fumes, or electric interference detectable to normal sensory
perception outside the structure. No outside burning associated with the home occupation is permitted;

12. Outdoor noise shall adhere to §10-308 of the City code, unless otherwise specified;

13. Involve fewer than ten (10) customers daily entering the premises;

14. Employ no more than two (2) persons in addition to those who are permanent residents of the dwelling; and

15. Provide a plan for any additional parking required, which shall be approved if:
   a. The residential character of the parcel is not changed; and
   b. The parking area does not detract from the visual appearance of the residence.

The administrative procedure with notice for a major home occupation is as follows:
   a. Pre-application consultation; and
   b. Specific Use Permit application.

C. Nonconforming home occupation means one which was lawfully established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto, and shall be in accordance with Article E of § 2-248 and 12-249 of this code;

D. Fees for minor or major home occupation shall be established by motion or resolution adopted by the city council; and

E. Violations of this chapter of shall be deemed a misdemeanor and shall by punishable by fine in accordance with §12-701 of this code.

SECTION 3. **Repealer.** All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.
SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. **Emergency.** Whereas, it being immediately necessary for the preservation of the public health, peace and safety of the City of Choctaw and the inhabitants thereof, an emergency is hereby declared to exist, by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the Emergency Clause voted upon separately by the Mayor and City Council of the City of Choctaw, Oklahoma, this 4th day of August, 2020.

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Randy Ross, Mayor

ATTEST:

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Amanda Valent, City Clerk

APPROVED AS TO FORM this 4th day of August, 2020.

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Ray Vincent, City Attorney