



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

METROPOLITAN AREA PLANNING COMMISSION

NOTICE OF MEETING

Notice is hereby given that the Enid-Garfield County Metropolitan Area Planning Commission will meet in regular session at 6:00 p.m. on the 25th day of February, 2019, in the Council Chambers of the City Administration Building, located at 401 W. Owen K. Garriott Road, Enid, Oklahoma, and the agenda for said meeting is as follows:

- AGENDA -

METROPOLITAN AREA PLANNING COMMISSION REGULAR MEETING

1. CALL TO ORDER/ROLL CALL.
2. CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF JANUARY 28, 2019.
3. ADMINISTRATION.
 1. HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 13, "SIGN REGULATIONS" TO AMEND SECTION 11-13-1, "PURPOSE AND OBJECTIVES" TO PROHIBIT NO NEW BILLBOARDS BUT ALLOW THE UPGRADE OF EXISTING BILLBOARDS WITH NEW TECHNOLOGY; SECTION 11-13-2 "DEFINITIONS" TO ADD FOOT-CANDLE; ELECTRONIC MESSAGE CENTER, AND REMOVE INSTITUTIONAL SIGN AND REVISE DEFINITIONS; SECTION 11-13-3 "BONDING AND LICENSING OF CONTRACTORS" TO ALL INSTALLATION OF SMALL WALL SIGN MADE OF WOOD WITH OUT LICENSE OR BOND; SECTION 11-13-5 "GENERAL REGULATIONS" TO CLARIFY PROHIBITED SIGNS AND ALLOW BALLOON SIGNS; SECTION 11-13-6 "ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA" TO REMOVE DUPLICATIVE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; SECTION 11-13-7 "SIZE, LOCATION AND OTHER RESTRICTIONS" TO PROVIDE STANDARDS FOR DIGITAL BILLBOARDS, ELECTRONIC MESSAGE CENTER, AND CLARIFY PROHIBITED SIGNS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

2. **HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 10 "PLANNING AND DEVELOPMENT", CHAPTER 6 "SIDEWALKS", SECTION 10-6-1 "SIDEWALKS REQUIRED" TO PROVIDE THE PAYMENT OF THE SIDEWALK DEVELOPMENT FEE IN LIEU OF CONSTRUCTION OF SIDEWALKS MAY BE APPROVED BY THE ENGINEERING DEPARTMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.**
3. **HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 "ZONING", CHAPTER 2 "ADMINISTRATION AND ENFORCEMENT", SECTION 11-2-2 "NOTICE OF CHANGES IN ZONING DISTRICT BOUNDARIES" TO CLARIFY PROCEDURES; AND AMENDING TITLE 12 "SUBDIVISIONS", CHAPTER 1 "GENERAL AND ADMINISTRATIVE PROVISIONS", SECTION 12-1-8 "VARIANCES", TO PROVIDE VARIANCES MUST BE APPROVED BY THE PLANNING COMMISSION BY A MAJORITY VOTE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.**
4. **LOT SPLITS.**
 1. **CONSIDER A LOT SPLIT FOR CORAL ANN THOMAS WHICH IS PART OF LOT 18, BLOCK 8, WILLOW WEST 2ND ADDITION WHICH IS A TRACT CONTAINING 1.34 ACRES.**
5. **VARIANCES.**
 1. **CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 901 NORTH 30TH STREET.**
 2. **CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 2929 E. RANDOLPH AVENUE.**
 3. **CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 4722 WEST OWEN K. GARRIOTT ROAD.**
6. **ADJOURN.**

Metropolitan Area Planning Commission Meeting

2.

Meeting Date: 02/25/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF JANUARY 28, 2019.

BACKGROUND:

RECOMMENDATION:

PRESENTER:

Attachments

1-28-2019 Draft Minutes

DRAFT

MINUTES OF REGULAR MEETING OF
THE METROPOLITAN AREA PLANNING COMMISSION OF THE CITY OF ENID, OKLAHOMA,
HELD ON THE 28TH DAY OF JANUARY 2019

The Metropolitan Area Planning Commission of the City of Enid, County of Garfield, State of Oklahoma, met in regular meeting in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 6:00 P.M. on the 28th day of January 2019, pursuant to notice given by January 25, 2019 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 6:00 P.M. on the 25th day of January 2019.

Present: Whitney Hall; Marvin Kusik; Eddie Mack; David Mason; Cole Ream; Don Roberts; David Trojan; Jonathan Waddell, City Commissioner, Ex-Officio

Absent: Mark Arnold; James Simunek, County Commissioner Ex-Officio

Also Present: Jerald Gilbert, City Manager; Chris Bauer, Planning Administrator; Robert Hitt, City Engineer

CALL TO ORDER/ROLL CALL.

ADMINISTRATION.

CONSIDER APPROVAL OF MINUTES OF THE REGULAR METROPOLITAN AREA PLANNING COMMISSION MEETING OF DECEMBER 17, 2018.

Motion was made by Cole Ream, seconded by David Mason to approve the minutes.

AYE: Whitney Hall, Marvin Kusik, Eddie Mack, David Mason, Cole Ream, Don Roberts, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

ZONING.

CONSIDER A REZONING FOR PROPERTY DESCRIBED AS A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 7 WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, DESCRIBED AS FOLLOWS: BEGINNING 660.96 FEET EAST AND 990.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH A DISTANCE OF 330.00 FEET; THENCE EAST A DISTANCE OF 330.00 FEET; THENCE NORTH A DISTANCE OF 330.00 FEET; THENCE WEST A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING WHICH IS LOCATED BEHIND OF 3535 WEST OWEN K GARRIOTT ROAD FROM R-7 RESIDENTIAL MULTI-FAMILY DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.

Motion was made by Whitney Hall, seconded by Eddie Mack to recommend approval to the Mayor and Board of Commissioners.

AYE: Whitney Hall, Marvin Kusik, Eddie Mack, David Mason, Cole Ream, Don Roberts, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

LOT SPLITS.

CONSIDER A LOT SPLIT FOR NICHOLAS INVESTMENT COMPANY LOCATED SOUTH OF LOT 1, BLOCK 6, PHEASANT RUN GOLF COMMUNITY DESCRIBED AS A TRACT IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 7 WEST, I.M.

Motion was made by City Commissioner, Ex-Officio Jonathan Waddell, seconded by Don Roberts to approve the lot split.

AYE: Whitney Hall, Marvin Kusik, Eddie Mack, David Mason, Cole Ream, Don Roberts, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

VARIANCES.

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 901 N. 30TH STREET.

No action taken. The item requires 3/4 vote of the regular membership of the Planning Commission.

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 2929 E. RANDOLPH AVENUE.

No action taken. The item requires 3/4 vote of the regular membership of the Planning Commission.

ADJOURN.

Motion was made by City Commissioner, Ex-Officio Jonathan Waddell, seconded by Cole Ream to adjourn.

The meeting adjourned at 6:07 PM.

AYE: Whitney Hall, Marvin Kusik, Eddie Mack, David Mason, Cole Ream, Don Roberts, David Trojan, City Commissioner, Ex-Officio Jonathan Waddell

Passed

**Metropolitan Area Planning Commission
Meeting**

3.1.

Meeting Date: 02/25/2019

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 13, "SIGN REGULATIONS" TO AMEND SECTION 11-13-1, "PURPOSE AND OBJECTIVES" TO PROHIBIT NO NEW BILLBOARDS BUT ALLOW THE UPGRADE OF EXISTING BILLBOARDS WITH NEW TECHNOLOGY; SECTION 11-13-2 "DEFINITIONS" TO ADD FOOT-CANDLE; ELECTRONIC MESSAGE CENTER, AND REMOVE INSTITUTIONAL SIGN AND REVISE DEFINITIONS; SECTION 11-13-3 "BONDING AND LICENSING OF CONTRACTORS" TO ALL INSTALLATION OF SMALL WALL SIGN MADE OF WOOD WITH OUT LICENSE OR BOND; SECTION 11-13-5 "GENERAL REGULATIONS" TO CLARIFY PROHIBITED SIGNS AND ALLOW BALLOON SIGNS; SECTION 11-13-6 "ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA" TO REMOVE DUPLICATIVE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; SECTION 11-13-7 "SIZE, LOCATION AND OTHER RESTRICTIONS" TO PROVIDE STANDARDS FOR DIGITAL BILLBOARDS, ELECTRONIC MESSAGE CENTER, AND CLARIFY PROHIBITED SIGNS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND:

This ordinance if adopted will allow existing billboards to be upgraded with new technology (i.e. digital) and to provide standards for digital billboards utilizing foot candles to measure illumination levels. It also adds definitions for foot candle, electronic message center and removes or simplifies other definitions.

The ordinance also removes the sign regulations for planned unit developments which were duplicative to those sign regulations found in chapter 10, article A of Title 11. The ordinance also allows balloon signs as temporary signs and allows wooden wall signs of thirty-two square feet or less to be installed without requiring the installer to obtain a license or bond.

RECOMMENDATION:

Hold hearing and make recommendation as to the proposed changes.

PRESENTER:

Carol Lahman, City Attorney.
Angela Rasmuson, Code Director.

Attachments

Sign ordinance

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, "ZONING", CHAPTER 13, "SIGN REGULATIONS" TO AMEND SECTION 11-13-1, "PURPOSE AND OBJECTIVES" TO PROHIBIT NO NEW BILLBOARDS BUT ALLOW THE UPGRADE OF EXISTING BILLBOARDS WITH NEW TECHNOLOGY; SECTION 11-13-2 "DEFINITIONS" TO ADD FOOT-CANDLE; ELECTRONIC MESSAGE CENTER, AND REMOVE INSTITUTIONAL SIGN AND REVISE DEFINITIONS; SECTION 11-13-3 "BONDING AND LICENSING OF CONTRACTORS" TO ALL INSTALLATION OF SMALL WALL SIGN MADE OF WOOD WITH OUT LICENSE OR BOND; SECTION 11-13-5 "GENERAL REGULATIONS" TO CLARIFY PROHIBITED SIGNS AND ALLOW BALLOON SIGNS; SECTION 11-13-6 "ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA" TO REMOVE DUPLICATIVE PROVISIONS FOR SIGNS IN PLANNED UNIT DEVELOPMENTS; SECTION 11-13-7 "SIZE, LOCATION AND OTHER RESTRICTIONS" TO PROVIDE STANDARDS FOR DIGITAL BILLBOARDS, ELECTRONIC MESSAGE CENTER, AND CLARIFY PROHIBITED SIGNS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 11, Chapter 3, Sections 11-13-1 through 11-13-3, of the Enid Municipal Code, 2014, are hereby amended to read as follows:

11-13-1: PURPOSE AND OBJECTIVES:

- A. Purpose: Standards are herein provided for the purpose of extending land use regulations to the erection, construction, placement, replacement, display, location, and maintenance of signs and outdoor advertising media for the purpose of encouraging sound signing practices and lessening the objectionable effects of competitive signing.
- B. Objectives: The objectives (intent) of this chapter shall be:
 - 1. To enhance the aesthetic quality of life for the citizens of the city by promoting the reasonable, orderly, and effective display of signs.

2. To prohibit signs and billboards which create blight on the community, reducing the value and desirability of surrounding property, inhibiting economic development by creating a negative visual image of the city.
3. To preserve and protect private and public property values and civic beauty and prohibit signs and billboards which detract from this objective due to excessive size, height, number, or visual impact, or undesirable location, maintenance, mobility, spacing or illumination.
4. To establish standards which will permit businesses a reasonable and equitable opportunity to advertise, but which will avoid excessive competition and clutter among sign displays.
5. To increase the safety of the citizens in that unregulated advertising signs compete with official traffic signs for drivers' attention and thereby decrease the effectiveness of cautionary directional messages essential for the traveling public.
6. To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of signs within the city.
7. To provide for special regulations in areas which by nature or location are unique to other areas of the city.
8. To promote the general welfare of the city and its citizens by preserving the cultural and business significance and architecture of the downtown development district of the city, by strengthening the visual identity of such district and to promote economic growth by encouraging a central and unique environment for marketing purposes.
9. To provide for the preservation and enhancement of the historic preservation district and to further the national interest as it pertains to the preservation and enhancement of historic places.
10. To provide for an equitable mechanism whereby those signs which are nonconforming to this chapter can be removed.
11. To effectively use the city's police power in determining that the community should be beautiful as well as healthy, spacious as well as clean, and well balanced as well as carefully patrolled.
12. To prohibit new billboards/off premises signs within the corporate limits of the city of Enid but allow for the upgrading of existing billboards with new technology.

13. To promote and maintain the visual attractiveness for residents and visitors, as well as for commercial, industrial and professional businesses and other establishments, while maintaining economic stability.

11-13-2: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the meanings as hereinafter defined:

A-FRAME SIGN: A sign which is in the shape of an A or variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two (2) sided.

ABANDONED SIGN: A sign which identifies an establishment, goods or services which are no longer provided on the premises as advertised, or identifies a time, event or purpose which has passed or no longer applies, or is vacant of copy for a period of time as specified herein.

ADDRESS AND/OR NAMEPLATE SIGN: A sign identifying the city assigned address number and/or name of the business or residential occupant.

ADVERTISING: Commercial messages on signs, which does not include noncommercial messages.

ANIMATED OR MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation.

AUTOMATIC OR CHANGING SIGN: An electronically or electrically controlled sign, which automatically changes the visible message copy on a preprogrammed cycle through the use of illumination.

AWNING OR CANOPY SIGN: A sign that is mounted or painted on, or attached to, an awning or canopy such that the sign does not project above, below, or beyond the awning or canopy. See definition of Wall Sign.

BALLOON SIGN: A temporary sign that consists of an nonporous bag, of a variety of shapes and sizes, or envelope filled with heated air, a gas lighter than air, or air under pressure. ~~that is used for advertising or attention getting purposes.~~

BANNER SIGN: A temporary sign printed or displayed on cloth or other flexible material, with or without frames.

BILLBOARD: An off premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public right of way, which is used to advertise, identify, display, direct or attract attention to any message, idea, object, institution, business,

organization, event, person, place, commodity, product, service, or entertainment conducted, sold, located, manufactured, used or offered at a location other than the premises on which the sign is located.

BULLETIN BOARD SIGN: A sign that indicates the name of the entity ~~a governmental, religious, educational, or other noncommercial institution~~ on whose premises it is located and which may contain the names of individuals connected with it and general announcements of events or activities occurring at the institution, or similar messages. ~~not advertising a specific product or business service.~~

CHANGEABLE COPY SIGN; READER BOARD: A freestanding sign or integral part thereof, consisting of nonstructural panels or individual message elements such as letters, numbers, or symbols, which are designed and intended for manual replacement or alteration after the sign is erected.

CONSTRUCTION SIGN: A temporary sign identifying a construction project erected on the premises where construction is taking place, only during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, lending institutions, and other parties having a role or interest in the structure or project.

DECORATION: Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia, or other devices employed to express and illustrate a message of patriotic holiday or seasonal character.

DIRECTIONAL SIGN: A sign that directs the movement or placement of pedestrian or vehicular traffic on the premises where the sign is located.

DISPLAY SURFACE: The surface of the sign upon, against or through which the message is displayed or illustrated.

DOUBLE FACED SIGN: Any sign with more than one display surface where only one side is visible from any one direction. With double faced signs, the full sign is counted as a single sign, instead of the individual faces of the sign being counted as separate signs.

ELECTRONIC MESSAGE CENTER (EMC): A on premise sign that displays words, symbols, figures or images that can be electronically changed by remote or automatic means.

ERECT: To construct or allow to be constructed.

EVENT SIGNS: A sign displayed for the sole purpose of drawing attention to an upcoming event or celebration. Some examples are streetlight banners, banners, streamers, etc. Signs for special events regulated by [title 1, chapter 15](#) of this code are not regulated under this title.

FEATHER FLAG: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of four (4) high to one wide. This definition also applies to teardrop flags, wind feather flags, bow flags, and other similar type signs.

FLASHING SIGN: An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in light intensity and color at all times when in use.

FOOT-CANDLE: The illuminance on a one square foot surface from an uniform source of light.

FREESTANDING SIGN: An accessory sign principally supported by a structure affixed to the ground, and not supported by a building. Freestanding signs include signs supported by one or more columns, poles or braces placed in or upon the ground and may not exceed thirty two feet (32') in height. This sign is intended to identify an aggregate use of property or its primary use.

FRONTAGE: Any boundary line of a lot or parcel of land that coincides with the right of way of the street.

GAS ISLAND SIGN: A sign printed on paper, board or similar material and placed on a pole or pump within a gas station island.

GLARING SIGNS: Any sign employing direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitutes a hazard to ground or air traffic or a nuisance.

HANGING SIGNS: Any sign which is suspended from a building or from a canopy, awning or other similar structure, over a designated pedestrian-way, and is perpendicular to the building. The primary purpose of hanging signs is to assist pedestrians in wayfinding and identification of businesses in a manner that is true to the age of the downtown overlay district.

IDENTIFICATION NAMEPLATE: A wall sign giving any combination of the name and recognized symbol or logo of a building, business, or establishment which is attached to, and flat against, the wall of a building.

ILLEGAL SIGN: Any sign erected or altered after the effective date of this chapter not complying with the provisions thereof unless said provision was expressly granted by a variance.

ILLUMINATED SIGN: Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes, whether such sources of illumination are a

part of a sign or not.

ILLUMINATION, DIRECT; INTERNAL ILLUMINATION: A light from a source concealed or contained within the sign, and which becomes visible through a translucent surface.

ILLUMINATION, INDIRECT LIGHTING: Illumination which is performed by spotlights or other lighting devices and which is not a part of the sign proper. This definition includes those lighting devices which are extended from the sign proper by means of a rod from which the illumination is directed toward the display surface of the sign.

~~**INSTITUTIONAL SIGN:** A sign identifying a club, association, school, hospital, church, firehouse, nursing home, care facility, boarding house, cemetery, or other similar institution or facility.~~

MARQUEE SIGN: Any sign attached to, and made a part of, a marquee. A "marquee" is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along, and projecting beyond, the building's wall and generally designed and constructed to provide protection against the weather.

MEMORIAL SIGN: A sign, tablet, or plaque commemorating a person, event, structure or site.

MODULE SIGN: A wall sign other than an identification sign or identification nameplate, which is formed of individual modules, which spell out the name or nature of a business or the occupant of the premises.

MOVING SIGN: A sign, all or part of which is animated, revolves, swings, or is otherwise designed to move by mechanical means or by the force of the wind.

NIT: A brightness measurement of light whose standard is the amount of light that one candle gives off in a square meter of area. The nit is a unit of measurement that is used for light given off in digital displays such as computer screens, video games, electronic signs and other visual appliances.

NONCOMBUSTIBLE: Any material which does not ignite below one thousand two hundred degrees Fahrenheit (1,200°F) or disintegrate, melt or give off toxic odor or fumes.

NONCONFORMING SIGN: A sign which was lawfully erected, altered, moved, or maintained under previous ordinances of the city but does not conform to the provisions of this chapter.

OFF PREMISES SIGN: Any sign, other than a billboard, which directs attention to a business, establishment, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such a sign is displayed.

OWNER: The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the leaseholder of such property, or the individual, person or business who has purchased the copy on a sign, or whose name appears on the sign.

PALLET SIGN: A sign that consists of a portable platform used for storing or stacking products, with or without a message attached thereto.

PARAPET: Either the edge of the roof or the top of a wall, which forms the top line of the building silhouette.

PARCEL OF LAND: For the purpose of calculating street frontage, parcel of land means a parcel of unplatted real estate or a platted lot. Where one lot fully encompasses a building, only that lot will be used to calculate street frontage, even if adjacent lots are owned by the same person or entity. Where a building or attached structure permanently encroaches on a second lot, the lots will be combined to determine the street frontage.

PERMANENT SIGN: A sign which by its physical nature is designed for and suitable for display longer than ninety (90) days; the term includes all signs which qualify as a "structure" in the building code.

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, county, or local election.

PORTABLE SIGN: A sign designed to be removable from one location to another and not permanently attached to the ground or to any immobile structure, the primary function of which is to provide advertisement of products or services in connection with a business or activity located on the site of the portable sign, or elsewhere. Portable signs may or may not be lighted internally, and may or may not be mounted on a chassis with tires or wheels for transport from one place to another on a trailer or other wheeled devices. A-frames; menu and sandwich board signs; and balloons used as signs are other examples of portable signs. ~~See also definition of Changeable Copy Sign; Reader Board.~~

POSTER SIGN: A temporary sign printed on paper, cardboard, or similar material which is generally displayed in windows or attached to buildings, or staked in the ground.

PROJECTING SIGN: A sign, other than a banner, which is attached to, and is wholly or partially dependent upon, a building for support and which projects perpendicular to the wall or surface of the building.

PUBLIC USE SIGN OR PUBLIC SERVICE SIGN: A sign of a governmental or noncommercial nature including public transit and public utility information, traffic control, and any other sign erected by a public officer in the performance of a public duty.

REAL ESTATE SIGN: A temporary sign pertaining to the sale, rental, or lease of the lot or

tract of land on which the sign is located, or to the sale, rental, or lease of one or more structures.

ROOF SIGN: A sign which is erected, constructed, and maintained upon the roof of any building, whose height does not exceed the crest of the roofline, and is principally supported by the roof's structure.

SETBACK: Where a setback is required or provided for any sign, it shall be measured horizontally from, and perpendicular to, the right of way line of a street, or property line, to the nearest edge of the sign.

SIGHT TRIANGLE: An area which is clear of all structures or other sight impediments formed by measuring back an equal distance along two (2) intersecting curb lines and connecting said points to form a triangle.

SIGN: Any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to, every projecting sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennant, banner, streamer. ~~or any other attention getting device or other display whether affixed to a building or separate from a building.~~

SIGN AREA; AREA OF A SIGN; SIGNAGE: The area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits or writing, representation, emblem, icon, logo or any figure of similar character, together with any material or color forming an integral part of background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

SIGN CONTRACTOR: Any person, firm or corporation involved in the installation, repair, alteration, and service of any electric sign, and all permanent signs involving structural requirements of the building code and/or electrical requirements of the electrical code.

SIGN COPY: The letters, numbers, symbols, or geometric shapes on a sign face either in permanent or changeable form.

SIGN FACE: The surface of a signboard, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

SIGN HEIGHT: The height of a sign, measured from ground level, at the base of, or below, the sign, to the highest edge of the sign.

SIGN LOCATION: The site where one or more freestanding sign structures may be erected.

STORE FRONTAGE: The area visible to the public where public entrances, display windows and other information is located. Store frontage is not regulated by road frontage and is considered separately when deciding linear feet of store frontage.

STREET FRONTAGE: The frontage which runs the length of a particular parcel of land.

STROBE: A flash lamp that produces high intensity, short duration light pulses.

STRUCTURE: Anything built or constructed whether or not permanently attached to the ground.

TEMPORARY SIGN: Any sign, banner, or advertising display, usually constructed of cloth, fabric, wood, paper or other light material with or without a frame, and designed and intended to be displayed for a short period of time, typically less than ninety (90) days.

UNUSED SIGN: See definition of Abandoned Sign.

VARIANCE: A special ruling which does not require compliance with a specific portion of this chapter.

WALL SIGN: Any sign painted on, or attached to and erected parallel to, the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building, and which displays only one advertising surface. For the purpose of this chapter, the term "wall sign" shall include awning and canopy, identification, marquee, and module signs.

WIND RESISTANT OR SWINGER SIGN: A small accessory sign which is spring mounted on a base which allows the sign to swing as wind pressure increases. The definition does not include "A-frame signs".

WINDOW SIGN: Any sign painted on or placed inside or upon a window facing the outside and which is intended to be seen from the exterior. (Ord. 2016-26, 10-18-2016)

11-13-3: BONDING AND LICENSING OF CONTRACTORS:

Electric signs and all permanent signs, unless exempted under subsection I of this section, ~~involving structural requirements of the building code~~ shall be installed, repaired, altered, and serviced, only by a sign contractor licensed by the city, in accordance with the following provisions:

- A. Application: Applications for sign contractors' licenses or renewal of licenses may be obtained from the code administration office. The code official shall, within thirty (30) days of the date of application, approve or deny the application or refer it back to the

applicant in any instance where insufficient information has been furnished. Each license issued shall be assigned a number, which must then be recorded on all applications for sign permits submitted by the license holder.

- B. Renewal: Sign contractors' licenses shall expire on June 30 following the date of issuance and shall be renewed annually. New licenses issued within thirty (30) days before June 30 are exempt from renewal until the following year.
- C. Contracting Firms: Employees of duly licensed sign contractors shall not be required to obtain a license or pay a fee in order to engage in the work of installing, repairing, altering, or servicing signs in the regular course of their employment with their duly licensed sign contractor.
- D. Vehicle Identification: It shall be the duty of every sign contractor licensed hereunder to have the firm's name and license number displayed on the side of all vehicles used in the operation of its business.
- E. Fees: Any person, firm or corporation desiring a license shall, at the time of receiving such license, pay to the office of the city clerk an initial license fee of three hundred dollars (\$300.00), and an annual renewal fee of seventy five dollars (\$75.00).
- F. Bond: No sign contractor's license shall be issued until the applicant therefor shall have deposited with the office of the city clerk a cash or surety bond in the sum of ten thousand dollars (\$10,000.00), to be known as a sign contractor's bond. Such bond shall be executed by the sign contractor, and the surety thereon shall be a corporate surety company authorized to do business in the state of Oklahoma. The bond shall be in favor of the city and conditioned that the licensee shall faithfully and properly conduct such sign contracting business in compliance with all the ordinances of the city relating to signs and sign contractors, and for the payment of all fines and penalties imposed for the violation of such laws, and for the protection and indemnification of the city against all damages resulting directly or indirectly from any injury to persons or property on account of the negligence of the licensee or by reason of defects in the sign construction. Such bond shall be renewed annually concurrently with the license, and the certificate of such renewal shall be filed with the code official.
- G. Insurance: No sign contractor's license shall be issued until the applicant therefor shall have filed a certificate of insurance as proof of coverage for public liability and property damage in an amount not less than five hundred thousand dollars (\$500,000.00) for bodily injury or death of one person in any one accident; in an amount not less than twenty five thousand dollars (\$25,000.00) for personal injury or death to more than one person in any one accident; and in the amount of not less than ten thousand dollars (\$10,000.00) for property damage; all arising out of work performed under a contractor's license. Such insurance shall be kept in full force throughout the life of the license.

- H. Revocation Of License: A sign contractor's license may be revoked or temporarily suspended by the code official upon notice in writing to the licensee if it is found that the license was issued on the basis of relevant information which was incorrect or misleading, or if the contractor has violated any provision of this section. Such revocation or suspension action shall be coordinated with the city's legal staff.
- I. Exemptions: The following persons or firms are not required to obtain a sign contractor's license or bond, but shall comply with all other provisions of this chapter:
1. The manufacturer, assembler, or maker of prefabricated or preassembled sign parts, who does not perform operations other than sales within the city limits.
 2. Persons who erect and maintain a freestanding sign, under six feet (6') tall, which is constructed entirely of masonry or wood materials, with non-illuminated sign copy attached to the sign. If the sign is indirectly lighted, all electrical work shall be performed by a licensed electrical contractor.
 3. Persons who install a wall sign, thirty-two square feet or less, which is constructed entirely of wood.
 4. Persons who paint a sign upon an existing building or sign structure and such sign consisting of no structural components.
 5. Persons who install, erect, move, or maintain a sign not requiring a permit, as exempted in subsections 11-13-4 G and H of this chapter.

(Ord. 2016-14, 6-7-2016)

Section II: That Title 11, Chapter 3, Sections 11-13-5 through 11-13-7 of the Enid Municipal Code, 2014, are hereby amended to read as follows:

11-13-5: GENERAL REGULATIONS:

Unless otherwise provided in this chapter, the following regulations apply:

- A. Location Requirements: All signs are subject to the following general location restrictions:
1. No sign shall be maintained at any location where, by reason of its position, size, shape, or color, it may interfere with the view of, or be confused with, any traffic control signs or signals, or where it may mislead or confuse traffic.
 2. Signs and their supporting structures shall maintain clearance from, and noninterference with, all aboveground and underground facilities and conduits

for water, sewer, gas, electricity or communications equipment and lines and shall not interfere with surface or subsurface drainage.

3. No sign shall be installed or erected, any part of which is on, over, or extended across any public right of way, alley, easement, or any vehicular driveway, unless otherwise specified in this chapter.
 4. Only public service signs shall be permitted on publicly owned property, except Chisholm Trail Expo Center, David Allen Memorial Ballpark, and Kellet Park, if approved by the applicable public entity operating said facilities.
 5. No sign may be attached to any tree, and only public service signs may be attached to utility poles.
 6. No sign shall occupy a parking space required under the provisions of [chapter 12](#) of this title.
 7. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape or any window or door, or opening used as a means of egress. No sign shall be attached in any form, shape or manner to a fire escape, nor be placed in such a manner as to interfere with an opening required for legal ventilation.
- B. **Sight Triangle¹:** No sign shall be located within a "sight triangle", as defined in section 11-13-2 this chapter, except as specified below:
1. No portion of any sign other than the pole or column shall be permitted between the heights of three feet (3') and seven feet (7'), as measured from the street grade.
 2. The area of the sight triangle shall be determined by the characteristics of the street, drive, alley, or railroad intersections by which the triangle is formed.
 - a. An uncontrolled intersection shall require a sight triangle, clear of sight impediments, measuring fifty feet (50') along the curb line of both streets.
 - b. A four-way controlled intersection shall require a sight triangle measuring twenty feet (20') along the curb line of both streets.
 - c. A two-way controlled intersection shall require a sight triangle measuring twenty feet (20') along the curb line of the controlled street and fifty feet (50') along the curb line of the uncontrolled street. If the uncontrolled street has a posted speed limit in excess of thirty five

(35) miles per hour, the sight triangle shall measure seventy feet (70') along the curb line.

- d. The intersection of a drive or alley and a street shall require a sight triangle measuring twenty feet (20') along the drive or alley and fifty feet (50') along the street. If the posted speed limit on the street is in excess of thirty five (35) miles per hour, the sight triangle shall measure seventy feet (70') along the curb line.
- e. The intersection of a street and a railroad shall require a sight triangle measuring seventy feet (70') along the railroad right of way line and fifty feet (50') along the curb line of the street.

C. Maintenance: Every sign, including those for which permits or for which no permits or fees are required, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds. The owner of a sign not maintained in a safe, presentable, and good structural condition shall be notified in writing from the code official and shall have thirty (30) days to bring the maintenance of the sign up to compliance with this chapter.

D. Unsafe Signs: Any sign in a dangerous or defective condition, as determined by the code official, shall be repaired or removed immediately by the owner. Should any sign become unsafe or in any way pose a public danger in the opinion of the code official, the owner of the sign or the persons responsible for the maintenance of the sign shall, upon written notice of the code official, forthwith in the case of immediate danger and in any case within ten (10) days, secure the same in a manner to be approved by the code official in conformity with the provisions of this chapter or remove such sign. If such order is not complied with within ten (10) days, the code official shall remove such sign at the expense of the owner or lessee.

E. Abandonment: If a sign advertises a business, time, event, purpose, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within thirty (30) days of such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

- 1. If the message portion of the sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within one hundred eighty (180) days of the removal of the message portion of the sign, either replace the entire message portion of the sign with a blank sign cover or remove the remaining components

of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.

2. If the projecting or wall sign from a business has been removed leaving a shadowing effect behind on the building, the owner must power wash to remove the shadowing from the previous sign or paint the building to cover the shadowing from the previous sign within thirty (30) days².
3. Signs that have been abandoned while the business is still in operation must remain maintained and in good condition. If the sign is abandoned and unused for more than two (2) years the owner may be required to remove the sign.
4. Before a new sign permit will be issued, all previous signage from the previous owner or occupant must be removed. This includes any shadowing that is left behind once the sign has been removed. If the wall has been painted with logos or specific markings consistent with a particular business that must also be neutralized before a new permit will be issued.

F. Electrical Code Requirements:

1. All signs shall comply with applicable provisions of the international building code and the electrical code of the city in effect at the time the sign is erected.
2. No sign shall have an overhead electrical system.

G. Sign Area:

1. Total Area: Unless otherwise outlined in this chapter, the total aggregate sign area for a property shall be as follows:
 - a. The total sign area for the aggregate of all signs on site that may be permitted for any individual property shall be two (2) square feet of sign area for each linear foot of street frontage or store frontage, whichever is greater, up to two hundred (200) linear feet.
 - b. If the frontage exceeds two hundred (200) linear feet, then for each additional fifty feet (50') of frontage the business will be allowed an additional ten (10) square feet of signage.
 - (1) Example: Business has five hundred (500) linear feet of street frontage, minus the calculated two hundred (200) linear feet of street frontage. The business has an additional three hundred (300) linear feet of frontage, divided by fifty (50) which equals six (6). Then multiply six (6) times ten (10) to get an additional sixty (60)

square feet of signage allowed for that business. The total sign area allowed is four hundred sixty (460) square feet.

- c. All computations shall be measured in conformance with the following regulations:

- (1) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.

2. Shopping Centers Or Businesses That Share Square Footage:

- a. One freestanding sign shall be allowed on the primary frontage and one freestanding sign shall be allowed on each secondary frontage to identify the entire complex and the stores within the complex. Total sign area for the overall complex may not exceed two (2) square feet of sign area for each linear foot of street or store frontage up to two hundred (200) linear feet. As described in subsection G1 of this section if the shopping center has over two hundred (200) linear feet of street or store frontage they will be allowed an additional ten (10) square feet signage for each fifty (50) linear feet of frontage they have.

- b. Signs shall be allowed for each tenant not to exceed two (2) square feet of sign area for each linear foot of store frontage occupied. Each tenant shall be allowed a minimum of fifteen (15) square feet of sign area and a maximum of two hundred (200) square feet of sign area. If a tenant occupies a corner space, the sign area allowed shall apply to each store frontage. Window signage will not be calculated into the total allowable signage.

- (1) In cases where a tenant's store frontage is on the interior of a building and that tenant has no external public entrance the interior store frontage will be used to calculate signage.

- c. A-frame signs will be allowed in the shopping center area as long as they are along the pedestrian walkway on the interior of the shopping center and not near parking spaces, roadways or byways, but shall not be left outdoors except during business hours. These signs may not inhibit the flow of pedestrian traffic throughout the shopping center or inhibit the flow of the vehicular traffic in any way.

H. Construction Code Requirements:

- 1. Compliance Required: Generally, all signs shall comply with the applicable current building and electrical codes of the city.

2. Design And Construction: All signs shall be designed and constructed to withstand wind pressures applied to the exposed area, allowing for wind in any direction.
 3. Excavation And Concrete Foundations: All foundations shall conform with the building code. Where foundation details have been presented or required by the code official, each excavation shall be completed as shown on the drawing with reinforcing steel in place. The code official shall be notified immediately and no concrete shall be poured until the excavation and reinforcing steel have been inspected by the code official.
 4. Supports: The use of used pipe or structural sections as columns will be permitted when approved by the code official.
- I. Prohibited Signs: The following types of signs shall be prohibited:
1. Any sign that prohibits the flow of pedestrian traffic on sidewalks.
 2. Flashing signs.
 3. ~~Portable signs.~~ Strobes visible from the street.
 4. Pallet signs.
 5. Billboards and off premises signs.
 6. ~~Balloon and other blow up signs.~~ Vehicle signs.
 7. ~~Temporary signs with the exception of event signs, temporary signs which do not require permits and temporary signs that receive proper permitting.~~

(Ord. 2016-14, 6-7-2016)

11-13-6: ALLOWANCES BY ZONING DISTRICT OR SPECIAL AREA:

This section identifies the signs allowed within specific zoning districts and in special areas, along with special standards and procedures additional to those specified in section 11-13-7 of this chapter.

A. Allowance By Zoning District:

1. Residential Zoning Districts (R-1, R-2, R-3, R-4, R-4A, R-5, R-6, R-7): The only signs permitted in residential zoning districts are identification signs for buildings, subdivisions, residences, or other permitted uses as well as decorations. Any wall

signs or freestanding signs constructed in a residential zoning district must have a permit; this permit will be at no cost to the subdivision.

- a. Intermittent lighting of identification signs shall be prohibited in residential districts.
 - b. Single-family and duplex lots shall be permitted one wall sign to identify the family name, property name or street address, not to exceed three (3) square feet in area for lots less than one acre and not to exceed six (6) square feet for lots over one acre.
 - c. Residential subdivisions shall be permitted one freestanding sign or one wall sign mounted on a subdivision screening wall for identification of the subdivision for each street entry providing access to the subdivision. For the purposes of this section, identical subdivision identification signs on both sides of the access street shall be considered one sign as long as they are not double faced and/or visible from both directions of traffic. These signs may not exceed fifteen feet (15') in height.
 - d. Multi-family developments shall be permitted one freestanding sign or one wall sign for identification of the development for each street entry. For the purpose of this section, identical development identification signs on both sides of the access street shall be considered one sign as long as they are not double faced and/or visible from both directions of traffic. One "for lease" wall sign with a maximum sign area of six (6) square feet for each street entry shall also be permitted.
2. Commercial Zoning Districts (Commercial Office And C1 - C4): The purpose of signage in the commercial districts is for the identification of business establishments, products and services available on the premises. If located within a shopping center the signs in that shopping center should be aggregately displayed on one or more varying types of signs, identifying the individual businesses located within a shopping center, or the shopping center name itself. Only the following types of signs are permitted in the commercial zoning districts:
- a. Freestanding sign.
 - b. Projecting sign.
 - c. Wall sign.
 - d. Window sign.
 - e. Wind resistant or "swinger" signs.

3. Industrial Zoning Districts (I-1 - I-3): The purpose of signage in industrial areas is for the identification of the various manufacturing, assembling, warehousing, and services located on the premises.
 - a. Only the following types of signs are permitted in the industrial zoning districts:
 - (1) Freestanding sign.
 - (2) Projecting sign.
 - (3) Wall sign.
 - (4) Window sign.
 - (5) Wind resistant or "swinger" signs.
 4. Agricultural District (A): The only signs permitted in the agricultural district are identification signs of residences, farms, agricultural related uses, and other permitted uses as well as decorations.
 - a. Intermittent lighting of identification signs shall be prohibited in the agricultural district.
 - b. Only the following types of signs are permitted in the agricultural zoning district:
 - (1) Freestanding sign.
 - (2) Wall sign.
 - c. The following standards and procedures for the agricultural zoning district must be met in addition to those outlined in section [11-13-7](#) of this chapter:
 - (1) Only one such sign shall be permitted for each street frontage.
 - (2) All signs shall be for on premises use only.
 - (3) No individual sign shall exceed a maximum height of ten feet (10') and a maximum sign area of forty eight (48) square feet.
- B. Allowance By Special Areas: Because of their unique character, there are "special areas" in which specific regulations and procedures are established which provide for regulation

of a greater degree than found elsewhere in this chapter. The special areas and their regulations are as follows:

1. Planned Unit Development (PUD): The planned unit development is designed to provide for small and large scale developments incorporating a single type or a variety of land uses which are planned and developed as a unit. When land is being considered for development under the provisions of the planned unit development zoning district, the sign program for the development shall be considered as part of the review process for the total project pursuant to Chapter 10, Article A of this title. ~~Only the following signs are permitted within a planned unit development:~~

~~a. Residential PUD: Accessory commercial signs shall be limited to one nameplate of not more than sixteen (16) square feet, flat against a building wall, and shall not be animated, flashing, or have other than indirect illumination. Neon lighting is acceptable only as a window sign.~~

~~b. Nonresidential PUD:~~

~~(1) Sign Area:~~

~~(A) All permanent signage located on each lot within the PUD is limited to up to two hundred (200) square feet based on street frontage. For all business signs, an aggregate sign area of all permanent signage is as follows:~~

~~(i) If not more than one sign is erected, one square foot of sign area per each linear foot of street frontage; provided, that only arterial street frontage shall be used in the computation of sign area for lots that abut more than one street.~~

~~(a) If the street frontage exceeds two hundred (200) linear feet, the business is allowed to have an additional ten (10) square feet of signage for each additional fifty (50) linear feet of street frontage in excess of two hundred (200) linear feet.~~

~~(ii) If more than one sign is erected, one half ($1/2$) square foot of sign area per linear foot of street frontage; provided, that only arterial street frontage shall be used in the computation of sign area for lots that abut more than one street.~~

~~(a) If the street frontage exceeds four hundred (400) linear feet the business is allowed to have an additional ten (10) square feet of signage for each additional fifty (50) linear feet of street frontage in excess of four hundred (400) linear feet.~~

~~(2) Wall Signs: The aggregate sign area for wall signs shall not exceed two (2) square feet per linear foot of the building wall to which the sign or signs are affixed.~~

~~(3) Freestanding Or Projecting Signs: The following standards shall apply to all other signs:~~

~~(A) No sign shall be located within one hundred fifty feet (150') of any residential area, either within or abutting the PUD, unless separated by an arterial street. Any sign shall maintain a minimum separation of one hundred feet (100') from any other sign.~~

~~(B) Signs shall not exceed twenty five feet (25') in height, except a sign, when located behind the building setback line, may exceed twenty five feet (25'), but shall not exceed thirty two feet (32') in height.~~

~~(C) In addition to the wall signs permitted in subsection B1b(2) of this section, and in addition to the business signs permitted in this subsection B1b(3), a lot containing four (4) or more business establishments may erect one sign for each arterial street frontage identifying the commercial or industrial complex and individual tenants therein, not exceeding an aggregate sign area of one square foot per four (4) linear feet of arterial street frontage. The calculation for the signage for the complex will be separate from each individual lot within the PUD. The complex signage may not exceed two hundred (200) square feet of signage.~~

2. Downtown Development District:

- a. The "downtown development district" shall be defined as that portion of the central business district bounded by Adams Street on the west, Elm Avenue on the north, the railroad tracks on the east and a line contiguous with the centerline of the east-west alley in

block 4, Southside Addition extended east to the railroad tracks and west to closed Adams Street on the south.

b. The following regulations shall apply to all signs located within the downtown development district:

(1) Sign Types Permitted On Buildings:

- (A) Only wall, hanging and projecting signs, as defined in section [11-13-2](#) of this chapter, shall be allowed to be placed on or attached to any building or other structure in the downtown development district.
- (B) All wall signs shall be located, as best as is possible, on the structure to complement the overall facade composition.
- (C) All wall signs shall be mounted so as not to obscure architectural detail. Wall signs shall be limited in size to thirty percent (30%) of the building facade to which the signs are attached.
- (D) Projecting signs shall be limited to one-half ($1/2$) square foot of sign area per linear foot of the building facade to which it is attached. The maximum sign area permitted for any projecting sign shall not exceed thirty two (32) square feet.
- (E) No projecting sign shall extend more than four feet (4') from the building facade to which it is attached.
- (F) All signs shall be aligned as much as possible along the single block to form a unifying pattern.
- (G) Nothing contained herein shall prohibit the placement of noncommercial handbills or similar printed material temporarily displayed for public information purposes.
- (H) All signs which are illuminated shall be indirectly lighted, or, if internal light sources are used, only the letters and not the background shall be illuminated; except for those properties which directly abut upon Owen K. Garriott Road, in which case, internal light sources may illuminate the background.
- (I) A-frame signs are allowed within the downtown development district, but shall not be left outdoors except during business hours. These signs may not inhibit the flow of pedestrian traffic

throughout the downtown development district or inhibit the flow of vehicular traffic in any way.

~~(J) No balloon or other blow up signs of any type are allowed within the downtown development district.~~

~~(K)~~

(J) Electrical signs shall maintain nine feet (9') of clearance between grade and the bottom edge of any sign which projects, overhangs or is otherwise suspended over a pedestrian walkway. Nonelectrical signs shall maintain seven feet (7') between grade and the bottom edge of any sign which projects, overhangs or is otherwise suspended over a pedestrian walkway.

(2) Flashing Signs: No person, corporation or entity shall place or cause to be placed any sign using flashing, pulsating, blinking, glaring or intermittent lighting in the downtown development district, except signs which display time, temperature and other general advertising information as long as the information is displayed for a minimum of three (3) seconds before changing.

(3) Freestanding Signs:

(A) All freestanding signs are limited to a maximum of twenty feet (20') in height. The sign area shall be limited to one square foot per linear foot of street frontage.

(B) Those properties which directly abut upon Owen K. Garriott Road shall be permitted freestanding signs. Unless otherwise provided in this chapter, freestanding signs shall be limited in size to no more than one square foot of sign area per each linear foot of Owen K. Garriott Road frontage. Such signs shall be limited in height to no more than twenty five feet (25') and may not exceed two hundred (200) square feet in sign area.

(4) Restoration: A sign equal to or more than fifty percent (50%) damaged or destroyed may be replaced or reconstructed to conform to this title. A sign less than fifty percent (50%) damaged or destroyed may be replaced or reconstructed to its original condition at the option of the owner of the sign, except freestanding signs which overhang or encroach into any right of way or sight triangle.

3. Historic Preservation (HP) District:

- a. The purpose of the historic preservation district is to designate, preserve, protect, and enhance those structures and districts which reflect outstanding elements of the city's heritage.
- b. Sign applications shall be reviewed by the applicable historic preservation district commission before a permit issues. Provided however, if the commission fails to act within sixty (60) days, the approval process may be completed without the commission's input. (Ord. 2016-26, 10-18-2016)

11-13-7: SIZE, LOCATION AND OTHER RESTRICTIONS:

Unless otherwise provided in this chapter, the following regulations apply:

- A. Freestanding Signs: Unless otherwise specified in section 11-13-6 of this chapter and in accordance with subsection 11-13-5G of this chapter, the following standards shall apply to all freestanding signs:
 - 1. Height: No freestanding sign shall exceed thirty two feet (32') in height.
 - 2. Clearance: All signs shall provide adequate free clearance so as not to inhibit the orderly flow of pedestrian traffic.
 - a. Electrical signs, which overhang a pedestrian walkway, shall be mounted such that the bottom edge of the sign face is a minimum of nine feet (9') above grade. Nonelectrical signs shall maintain eight feet (8') of clearance.
 - b. No freestanding sign shall be permitted to overhang any easement, right of way, or vehicular drive.
 - 3. Sign Area: Unless otherwise specified in subsections 11-13-6B and 11-13-5G of this chapter, the sign area for any individual freestanding sign shall be determined as follows:
 - a. The maximum sign area shall be one hundred fifty (150) square feet.
 - b. If the lot is a corner lot, it may be permitted two (2) freestanding signs, one along one street and another along the other street.
 - c. Any business with single street frontage shall not be permitted more than one freestanding sign, no matter what the calculated linear frontage of the property may be.
 - 4. Sign Spacing: No sign shall be placed within fifty feet (50') of another sign located at an adjacent business or property.

5. Changeable Copy Sign: A changeable copy sign may be permitted as an integral part of a freestanding sign.
 - a. Where changeable copy is an integral part of a freestanding sign, the maximum display surface for any such sign shall be thirty two (32) square feet. The display surface shall not be included when computing the total sign area for a property.
 - b. Signs in excess of thirty two (32) square feet of display surface may be permitted when the entire freestanding sign is changeable copy, but all square footage of display surface shall be included when computing the total sign area for a property.
 - c. All signs shall provide adequate free clearance as specified in subsection A2 of this section.
 - d. ~~The sign message must be displayed for a minimum of three (3) seconds and shall not have movement, or the appearance of an optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.~~

6. Electronic Message Center: An electronic message center or EMC may be permitted as an integral part of a freestanding sign.
 - a. Where an EMC is an integral part of a freestanding sign, the maximum display surface for any such sign shall be thirty two (32) square feet. The display surface shall not be included when computing the total sign area for a property.
 - b. Signs in excess of thirty two (32) square feet of display surface may be permitted when the entire freestanding sign is an EMC, but all square footage of display surface shall be included when computing the total sign area for a property.
 - c. All signs shall provide adequate free clearance as specified in subsection A2 of this section.
 - d. The sign message must be displayed for a minimum of three (3) seconds and shall not have movement, or the appearance of an optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

B. Wall Signs (Awning, Canopy, Identification, Signs Painted On The Wall, Marquee And Module): Unless otherwise specified in subsection 11-13-6B of this chapter and in accordance with subsection 11-13-5G of this chapter, the following standards shall apply to all wall signs:

1. Sign Area: The combined total sign area permitted for wall signs shall not exceed fifty percent (50%) of the building facade to which the signs are attached. The "area of the building facade" is defined as the total square footage of the outside wall to which a sign is attached or painted on.
2. Extension: Wall signs shall not extend beyond the outside perimeter of the building to which they are attached.
 - a. A wall sign shall be permitted to extend up to eighteen inches (18") over any public right of way, alley, easement or vehicular driveway.
3. Clearance: Electrical signs overhanging pedestrian walkways shall have a minimum clearance of nine feet (9') between grade and the bottom edge of the sign. Nonelectrical signs shall maintain eight feet (8') of clearance.

C. Projecting Signs: Except as provided in subsection 11-13-6B of this chapter and in accordance with subsection 11-13-5G of this chapter, the following regulations shall apply to the dimensions and location of projecting signs:

1. Sign Area: The total sign area permitted for any individual projecting sign shall not exceed one square foot per linear foot of the building facade to which it is attached, not to exceed forty (40) square feet of sign area for any one projecting sign.
2. Number Permitted: Only one projecting sign shall be permitted for any individual building or occupancy.
 - a. A projecting sign shall not be permitted on any building to which a wall sign is attached.
3. Extension; Clearance: A projecting sign may be permitted to extend up to eight feet (8') from the building to which it is attached. If the building is located on the property line, the sign may be permitted to extend up to eight feet (8') over any public right of way, easement or vehicular driveway, but no closer than two feet (2') from the curb of any public street or other right of way nor more than two feet (2') over any alley.
 - a. An electrical sign, which overhangs a pedestrian walkway, shall have a minimum clearance of nine feet (9') between grade and the bottom edge of the sign. Nonelectrical signs shall maintain eight feet (8') of clearance.

D. Billboards; Off Premises Signs:

1. Regulations; Billboards: The following regulations shall apply to the dimensions and location of billboards:
 - a. Height: The maximum height of any billboard shall not exceed thirty five feet (35').
 - b. Width: The maximum width of any sign shall not exceed fifty feet (50').
 - c. Sign Area: The maximum sign area for any billboard shall not exceed four hundred (400) square feet. The maximum sign area for any individual sign structure permitted in subsection 11-13-6A3, "Industrial Zoning Districts (I-1 - I-3)", of this chapter shall not exceed two hundred (200) square feet.
 - d. Setbacks: No sign shall be located less than twenty five feet (25') from any property line abutting a street.
 - e. Clearance: All signs shall provide adequate free clearance as not to inhibit the orderly flow of pedestrian and vehicular traffic.
 - i. There shall be maintained a minimum nine foot (9') clearance between the grade and the bottom of the display surface.
 - ii. No signs shall be permitted to overhang any vehicular drive.
 - f. Location: Where permitted by zoning district, billboards shall be located only along state or federal highways within the city, except those signs permitted in subsection 11-13-6A3 of this chapter.
 - g. Number Of Permitted Signs: A maximum of four (4) billboard structures shall be permitted per mile of highway frontage. Each side of the highway shall be considered separately.
 - h. Separation: A minimum five hundred foot (500') separation shall be maintained between each sign.
 - i. Color: The back of any billboard and any unused face of a billboard must be painted a neutral color. Muted colors are considered whites, browns, blacks, grays and greens.
 - j. Digital: Digital billboards should meet the following standards:

(1) the images must display for a minimum of six seconds and the images must change instantaneously with no fade, dissolve or swipe effects;

(2) The sign shall not include any moving parts;

(3) The LED units must adjust to ambient light conditions via a sensor

(4) The illumination of a Digital Off-Premise Sign shall not exceed a brightness level of 0.3 footcandles above ambient light, as measured using a footcandle meter at the following pre-set distances from the base of the sign structure:

300-375 square feet sign face.....150 feet;

376-475 square feet sign face.....200 feet; and

476-672 square feet sign face.....250 feet.

j. k. Prohibited Billboards:

(1) ~~Animated and Moving~~ billboards, including, but not limited to, ~~changeable copy signs~~, pennants, flags, banners, streamers, propellers, disks and searchlights.

(2) Flashing billboards.

(3) Glaring billboards.

(4) Inflatable billboards ~~and objects.~~

(5) Roof billboards.

2. Regulations; Off Premises Signs: The following regulations shall apply to the dimensions and location of off premises signs:

a. Height: The maximum height of any off premises sign shall not exceed thirty two feet (32').

b. Width: The maximum width of any sign shall not exceed ten feet (10').

c. Sign Area: The maximum sign area for any individual sign shall not exceed two hundred (200) square feet. The maximum sign area for any individual sign permitted in subsection 11-13-6A3, "Industrial Zoning

Districts (I-1 - I-3)", of this chapter and in accordance with subsection 11-13-5G of this chapter shall not exceed one hundred (100) square feet.

- d. Setbacks: No sign shall be located less than twenty five feet (25') from any property line abutting the street.
 - e. Clearance: All signs shall provide adequate free clearance as not to inhibit the orderly flow of pedestrian and vehicular traffic.
 - f. Number Of Permitted Signs: A business will only be allowed one off premises sign.
3. No New Billboards Or Off Premises Signs: No new billboards or off premises signs shall be erected within the city limits of the city of Enid.
- a. Billboards/off premises signs erected on or before January 6, 2009, shall be considered nonconforming. Nonconforming billboards/off premises signs shall be allowed to remain unless such sign is altered in a manner that increases the degree of nonconformity with the regulations above, is destroyed by calamity, or is abandoned for a period of more than two (2) years.

E. Window Signs:

- 1. Window signs are not required to be permitted through the code office.
 - a. Window signs shall also include neon open signs, hours of operation, open and closed signs, and other signs of that nature that are hung in the windows. Said signs may not flash, pulsate or cause glare, and if the sign is lighted, must remain lit for at least five (5) seconds.

F. Wind Resistant Or "Swinger" Signs:

- 1. Wind resistant or "swinger" signs must be permitted through the code official, but will be at no cost to the business owner. The following regulations shall apply to the dimensions and location of wind resistant or "swinger" signs:
 - a. Such signs shall not exceed twenty (20) square feet in sign area and shall be limited to one sign per one hundred (100) linear feet of street frontage.

G. Temporary Signs:

- 1. Regulations: The following regulations shall apply to the locations of temporary signs which require a permit:

a. Events:

- (1) Any event sign, banner, streamer, portable sign or other posted notification must receive a sign permit from the code official before the posting of any such. ~~sign, banner, streamer or other notification.~~
- (2) Event sign permits may only be granted one per quarter and/or four (4) per year. The permit shall be at no cost to the owner.
- (3) Event streetlight banners shall not be allowed except as specifically provided herein.
- (4) Event streetlight banners on U.S. Highway 412 and U.S. Highway 81. The purpose of these event streetlight banners is to promote and inform the community and public of an upcoming annual event or celebration.
 - (A) A maximum of sixteen (16) streetlight banners shall be permitted on each side of the highway per mile section. If more than one person or organization desires to display streetlight banners, approval shall be on a first come, first served basis.
 - (B) Event streetlight banners shall not exceed sixteen (16) square feet in area, with a maximum of two (2) banners per light pole.
 - (C) Event streetlight banners shall be displayed no earlier than fourteen (14) days prior to the event and shall be removed within fourteen (14) days following the event.
 - (D) Event streetlight banners shall be secured to the streetlight poles in a manner that is approved by the utility pole owner and shall resist an eighty (80) mile per hour wind load. The bottom of the banner shall be at least nine feet (9') above grade. No banner shall be installed in a manner that interferes with traffic control, sight distances, or the public's use and operation of the public right of way.
 - (E) Approved materials for event streetlight banners include vinyl or other commonly used streetlight banner fabrics.
- (5) Event streetlight banners in the downtown development district. The purpose of these event streetlight banners is to promote and

inform the community of an upcoming annual event or celebration which will occur in the downtown development district.

- (A) Event streetlight banners proposed in the downtown development district shall be reviewed by Main Street Enid, Inc. If more than one person or organization desires to display streetlight banners, approval shall be on a first come, first served basis from those who have already received approval from Main Street Enid, Inc.
- (B) Event streetlight banners shall be secured to the streetlight poles in a manner that is approved by the utility pole owner and shall resist an eighty (80) mile per hour wind load. The bottom of the banner shall be at least seven feet (7') above grade. No banner shall be installed in a manner that interferes with traffic control, sight distances, or the public's use and operation of the public right of way.
- (C) Event streetlight banners shall be displayed no earlier than fourteen (14) days prior to the event and shall be removed within fourteen (14) days following the event.

b. Other Event Signs And Banners:

- (1) ~~All such signs and banners shall be placed on private property only.~~ No sign or banner shall be placed or displayed within the public right of way or easement. ~~or on publicly owned land.~~
- (2) No sign or banner shall be placed so as to impair a sight triangle, the visibility of intersections of streets, driveways and alleys.
- (3) Maximum square footage:
 - (A) If the building's frontage is fifty (50) linear feet or less, twenty (20) square feet of event signage is allowed. Additionally, one feather flag will also be allowed.
 - (B) If the building's frontage is between fifty one (51) and one hundred (100) linear feet, thirty (30) square feet of event signage is allowed. Additionally, two (2) feather flags will also be allowed.
 - (C) If the building's frontage is between one hundred one (101) and two hundred (200) linear feet, forty (40) square feet of

event signage is allowed. Additionally, three (3) feather flags will also be allowed.

- (D) If the building's frontage is two hundred one (201) linear feet or more, fifty (50) square feet of event signage is allowed. Additionally, four (4) feather flags will be allowed.

2. Temporary Signs Exempt From Permitting: Temporary signs that do not need a permit ~~exempt from permitting~~ include real estate sale and open house signs; signs advertising the sale of personal property, such as garage, yard and estate sales; holiday themed signage which is both noncommercial and has no logo; and political signs.

- a. Holiday Themed Signage: Temporary signs of any style with a holiday theme, but without a commercial theme or logo, shall be considered temporary signage, but will be allowed without a permit during the applicable holiday for a maximum period of thirty (30) days. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to holiday themed signage.

- b. Feather Flags: Because of the unique shape of feather flags, the maximum size and number of signs allowed shall differ from other temporary signs which do not require a permit. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to feather flags.

- (1) Feather flags shall not exceed eight feet (8') in height and twenty seven inches (27") in width.

- (2) The number of feather flags allowed per property shall be as provided in subsection G1b(3) of this section.

- c. Political Signs: Because of the unique nature of election seasons, the maximum time political signs may be displayed shall differ from other temporary signs which do not require a permit. All other regulations governing temporary signs which do not directly conflict with the regulation in this subsection shall be applicable to political signs.

- (1) Political signs may be placed beginning on the date upon which a candidate files for election.

- (2) Political signs must be removed within thirty (30) days after the applicable election or, in the case of a runoff election, within thirty (30) days after an individual is elected to office.
- (3) Political signs may not be placed within three hundred feet (300') of a polling station on election day. Any such signs placed prior to the election day must be removed at least twenty four (24) hours prior to the election day.
- d. Trees, Utility Poles Or Other Signs: No temporary sign shall be affixed to trees, utility poles or any other sign.
- e. Sight Triangle: No temporary sign shall be placed so as to impair the sight triangle, the visibility of intersections of streets, driveways and alleys.
- f. ~~Private Property Only: All such signs shall be placed on private property only.~~ No temporary sign shall be placed or displayed within the public right of way, on a public or utility easement, ~~or on publicly owned land.~~
- g. Maximum Number: The maximum number of temporary signs per property shall be one sign per frontage road or one sign per six hundred (600) linear feet, whichever is greater.
- h. Maximum Size: Except as otherwise specifically provided herein, the maximum size of temporary signs exempt from permitting shall be eight (8) square feet in residential zones and thirty two (32) square feet in all other zones.
- i. Allowed Time Of Placement And Removal: Except as specifically provided herein, temporary signs may be placed twenty four (24) hours prior to the commencement of the purpose for the sign and must be removed twenty four (24) hours after the purpose for the sign has concluded.

H. ~~Automatic or Changing Sign~~ Electronic Message Center:

- 1. Electronic Message Center signs are not permitted except as provided herein. The information displayed must be displayed for a minimum of three (3) seconds before changing and the sign shall not pulsate, flash, blink or cause a glare.
- 2. Signs shall not be motion/animated.
- 3. Electronic Message Center signs shall contain static messages only and shall not have movement, or the appearance of optical illusion of

movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

4. Electronic Message Center signs shall comply not exceed the following standards: the nit standard (five thousand (5,000) nits from sunrise to sunset and shall not exceed one thousand (1,000) nits from sunset to sunrise) or the foot-candle standard (shall not exceed a brightness level of 0.3 foot-candles above ambient light, as measured using a foot-candle meter at the following pre-set distances from the base of the sign structure :300-375 square feet sign face.....150 feet; 376-475 square feet sign face.....200 feet; and 476-672 square feet sign face.....250 feet.

(Ord. 2016-14, 6-7-2016)

Section III: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section IV: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section V: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section VI: Codification. This ordinance shall be codified as Title 11, Chapter 13, Sections 11-13-1 through 11-13-3; and 11-13- 5 through 11-13-7 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of March, 2019.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

**Metropolitan Area Planning Commission
Meeting**

3.2.

Meeting Date: 02/25/2019

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 10 “PLANNING AND DEVELOPMENT”, CHAPTER 6 “SIDEWALKS”, SECTION 10-6-1 “SIDEWALKS REQUIRED” TO PROVIDE THE PAYMENT OF THE SIDEWALK DEVELOPMENT FEE IN LIEU OF CONSTRUCTION OF SIDEWALKS MAY BE APPROVED BY THE ENGINEERING DEPARTMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND:

On December 4, 2018, the Mayor and Board of Commissioners discussed the regulations on commercial sidewalks. Under the current regulations developers who would like to pay the sidewalk development fee in lieu of constructing a sidewalk have to complete applications and appear before the City Council to have their application heard and approved. This ordinance would allow the applications to be approved by the City Engineering Department. This change should make the process much quicker for the developer.

RECOMMENDATION:

Hold public hearing and make recommendation as to the proposed change.

PRESENTER:

Carol Lahman, City Attorney.

Attachments

Sidewalks

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 10 “PLANNING AND DEVELOPMENT”, CHAPTER 6 “SIDEWALKS”, SECTION 10-6-1 “SIDEWALKS REQUIRED” TO PROVIDE THE PAYMENT OF THE SIDEWALK DEVELOPMENT FEE IN LIEU OF CONSTRUCTION OF SIDEWALKS MAY BE APPROVED BY THE ENGINEERING DEPARTMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 10 Chapter 6, Section 10-6-1 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

10-6-1: SIDEWALKS REQUIRED:

A. Definitions: For the purposes of this section, the following definitions shall apply:

ADDITION: Construction of a structure that is attached to or connected with an existing building.

INFILL DEVELOPMENT: The development of a previously undeveloped lot or tract of land in an existing neighborhood.

NATURAL DISASTER: An event or force of nature, including, fire, earthquake, flood and tornado.

NEW DEVELOPMENT: Improving an undeveloped lot or tract of land by subdividing, site planning, construction or building permitting. Development on a previously developed lot or tract of land which where the previous development is removed for the purposes of developing the site shall also be considered new development.

REDEVELOPMENT: The development of a previously developed lot or tract of land after a total loss.

TOTAL LOSS: The destruction of a structure as a result of a natural disaster such that nothing of value remains and the structure cannot be repaired or restored to its original condition.

B. Sidewalks That Parallel Abutting Streets: The following shall include sidewalks that parallel all abutting streets:

1. New development.

2. Redevelopment or infill development on property used or zoned as residential (four-family R-4A, townhouse R-5, multi-family R-7).

3. Redevelopment or infill development on property used or zoned as residential (estate R-1, single-family R-2, mobile home neighborhood R-3, duplex R-4), but only if an adjacent property or if a property within the same residential subdivision has a sidewalk.

4. Addition, redevelopment and infill development on property used as or zoned as commercial.

5. Addition, redevelopment and infill development on property used as or zoned as industrial.

C. Sidewalks Within A Development: Multi-family residential, commercial, educational, industrial and public gathering developments must incorporate sidewalks within its development.

D. Exceptions:

1. Addition, new development, redevelopment and infill development along unimproved roads.

2. Placement or construction of an accessory building.

3. Addition, new development, redevelopment, or infill development on agriculturally zoned land.

E. Sidewalk Development Fee: Developers may be eligible to pay a sidewalk development fee, as set out in section 2-6F-14 of this code, in lieu of constructing a sidewalk. The following shall apply:

~~1. Eligibility for the sidewalk development fee is at the discretion of the city commission.~~

Developers who desire to pay a sidewalk development fee in lieu of construction of a sidewalk shall make written application to the City Engineering Department for approval, ~~and the mayor and board of commissioners.~~

~~3.~~ 2. New development shall not be eligible for the sidewalk development fee.

(Ord. 2016-03, 2-2-2016)

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section VI: Codification. This ordinance shall be codified as Title 10, Chapter 6, Section 10-6-1 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of March, 2019.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

**Metropolitan Area Planning Commission
Meeting**

3.3.

Meeting Date: 02/25/2019

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

HOLD PUBLIC HEARING ON AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 "ZONING", CHAPTER 2 "ADMINISTRATION AND ENFORCEMENT", SECTION 11-2-2 "NOTICE OF CHANGES IN ZONING DISTRICT BOUNDARIES" TO CLARIFY PROCEDURES; AND AMENDING TITLE 12 "SUBDIVISIONS", CHAPTER 1 "GENERAL AND ADMINISTRATIVE PROVISIONS", SECTION 12-1-8 "VARIANCES", TO PROVIDE VARIANCES MUST BE APPROVED BY THE PLANNING COMMISSION BY A MAJORITY VOTE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND:

This ordinance was reviewed by the City Council at the December 4, 2018, study session. If approved, the ordinance provides the City Clerk flexibility in setting public hearings on proposed re-zoning to meet notice requirements and scheduling for matters that require public hearings by the MAPC and the City Council.

It also provides that the MAPC may approve variances from the subdivision regulations found in Title 12 of the Enid Municipal Code by a simple majority of those members present at the meeting.

RECOMMENDATION:

Hold public hearing and make recommendations as to proposed changes.

PRESENTER:

Carol Lahman, City Attorney.

Attachments

Zoning

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 11 “ZONING”, CHAPTER 2 “ADMINISTRATION AND ENFORCEMENT”, SECTION 11-2-2 “NOTICE OF CHANGES IN ZONING DISTRICT BOUNDARIES” TO CLARIFY PROCEDURES; AND AMENDING TITLE 12 “SUBDIVISIONS”, CHAPTER 1 “GENERAL AND ADMINISTRATIVE PROVISIONS”, SECTION 12-1-8 “VARIANCES”, TO PROVIDE VARIANCES MUST BE APPROVED BY THE PLANNING COMMISSION BY A MAJORITY VOTE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 11, Chapter 2, Section 2-6C-1 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

11-2-2: NOTICE OF CHANGES IN ZONING DISTRICT BOUNDARIES:

A. Notice Of Hearing Required; Publication: Whenever the metropolitan area planning commission of Enid and Garfield County, or any other planning commission acting as the planning commission for the city, files with the city clerk a recommended change in the boundaries of any zoning district, the city clerk is hereby authorized and directed to, without further action by the mayor and board of commissioners, cause to be published a notice of hearing before the mayor and board of commissioners, on said proposed change, and which notice shall be published in the official paper of the city for a period of at least fifteen (15) days prior to said hearing.

B. Time Of Hearing; Contents Of Notice: The city clerk shall fix the time of said hearing and publish notice of the hearing in the newspaper. ~~as the first regular meeting date of the mayor and board of commissioners at which said hearing can be had after the required number of days of publication, and which~~ The notice shall contain a description of the property to be considered for rezoning and the present district in which the property is located and the district to which the proposed change is to be made. (Ord. 80-29, 12-16-1980 as amended)

Section II: That Title 12, Chapter 1, Section 12-1-8 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

12-1-8: VARIANCES:

A. Variances; Findings: The planning commission may recommend a variance from this title when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the planning commission shall prescribe only conditions that it deems necessary to, or

desirable for, the public interest. In making its findings, as required hereinbelow, the planning commission shall take into account the nature of proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the planning commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the modifications have been requested in writing by the subdivider stating the reasons for each modification and that the variance is approved by a majority ~~three-fourths~~ ^($\frac{3}{4}$) vote of the ~~regular membership~~ of the planning commission.

B. Planned Unit Development (PUD); Findings: The planning commission may recommend a variance from this title in case of a plan for a planned unit development (PUD), which, in the judgment of the planning commission, provides adequate public space and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required below, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The planning commission shall find that:

1. The proposed project will constitute a desirable and stable community development; and
2. The proposed project will be in harmony with adjacent areas.

C. Application Requirements:

1. Generally: Application for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the planning commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

2. Planned Unit Development: Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the planning commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the planning commission in the analysis of the proposed project. The plans for such development shall include such

covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

3. Patio Homes, Townhouses And/Or All Housing: Land zoned or proposed to be zoned for patio homes, townhouses and/or other all housing shall be platted to comply with city zoning regulations.

4. Mobile Home Parks And Mobile Home Neighborhoods: Plats for subdivisions intended for mobile home parks or mobile home neighborhoods shall comply with the requirements of title 9, chapter 12 of this code, and in case of conflict between said chapter 12 and this title, said title 9, chapter 12 of this code shall control. (Ord. 98-25, 9-1-1998)

Section III: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section IV: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section V: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section VI: Codification. This ordinance shall be codified as Title 11, Chapter 2, Section 11-2-2 and Title 12, Chapter 1, Section 12-1-8 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this __ day of March, 2019.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

**Metropolitan Area Planning Commission
Meeting**

4.1.

Meeting Date: 02/25/2019

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

CONSIDER A LOT SPLIT FOR CORAL ANN THOMAS WHICH IS PART OF LOT 18, BLOCK 8, WILLOW WEST 2ND ADDITION WHICH IS A TRACT CONTAINING 1.34 ACRES.

BACKGROUND:

The property is located west of 3008 Barn Swallow Road in the Willow West 2nd Addition known as Lot 18, Block 8 and zoned R-2, Residential Single Family District. The applicant is splitting southerly corner of Lot 18, Block 8, Willow West 2nd to be sold and added to 2926 Barn Swallow Road.

State Statutes require the approval of the local Planning Commission prior to the subdivision of any tract of land, which when subdivided, contains an area of less than 10 acres.

RECOMMENDATION:

Consider the lot split.

PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Location map & Survey

N Oakwood Rd

Whippoorwill Ln

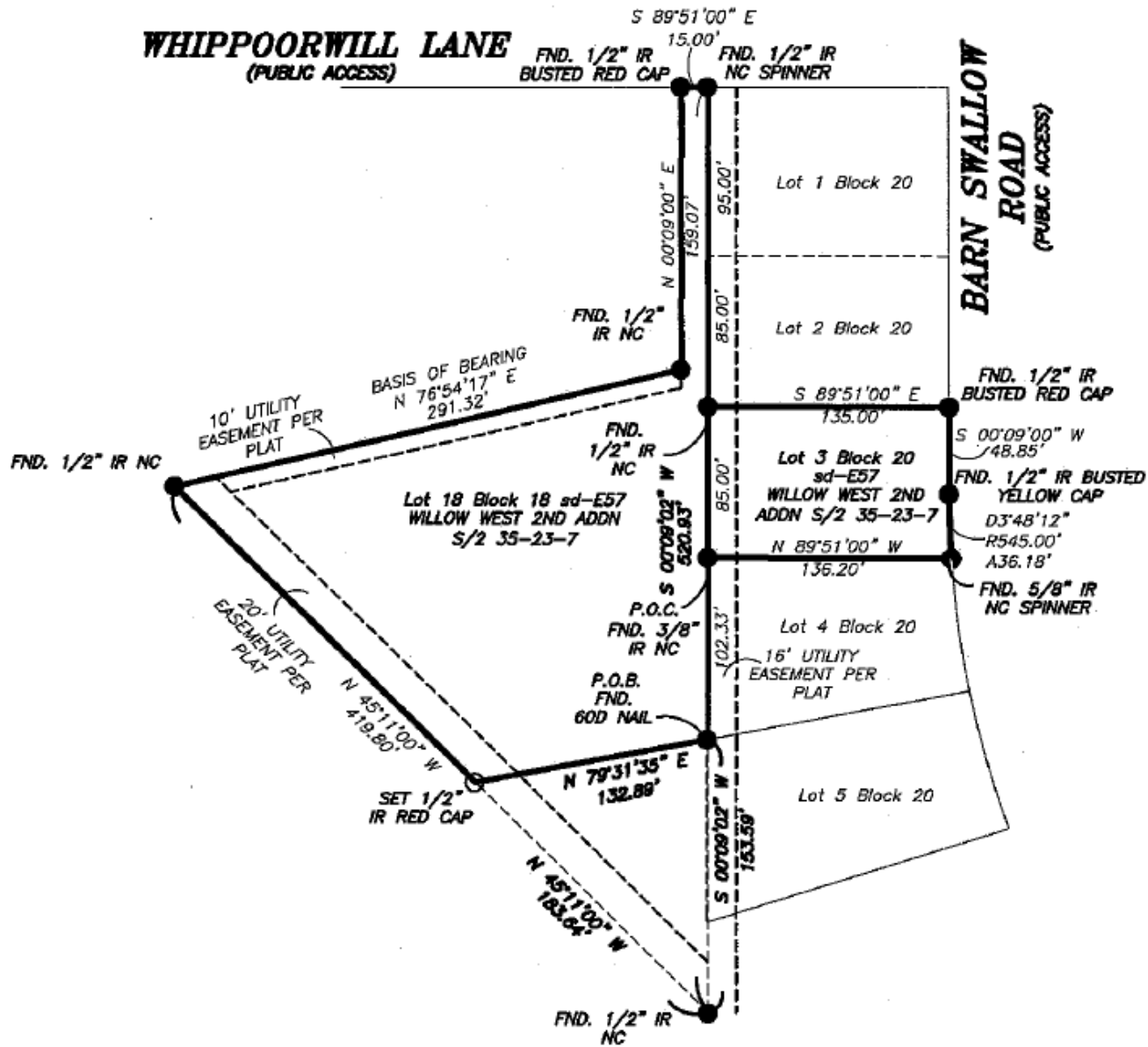
Chickadee Ln

Barn Swallow Rd



BOUNDARY SURVEY

PROPERTY ADDRESS: LOT is 3725 Whippoorwill Ln. Enid, OK 73703



LOCATION MAP:
(NOT TO SCALE)

SITE PHOTO:

**Metropolitan Area Planning Commission
Meeting**

5.1.

Meeting Date: 02/25/2019

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 901 NORTH 30TH STREET.

BACKGROUND:

The City of Enid has received a variance request to Ordinance 10-6-1 Sidewalks Required, from Brandon Grantz, contractor.

Reasons for desiring approval of the variance: Currently no sidewalks in the area, property has a gravel parking lot, and it would cost \$30,000.00 in sidewalks to build an eighty (80) foot room addition.

The referenced property is located at 901 North 30th Street, Unplatted Real Estate TR#623 in S/2 SW/4 3-22-6. The property is zoned Commercial (C-3) and Club 30 is currently at this location. They would like to construct an eighty square foot metal building addition for storage.

Per Ordinance 10-6-1 B Sidewalks That Parallel Abutting Streets: The following shall include sidewalks that parallel all abutting streets, B4. Addition, redevelopment and infill development on property used as or zoned as commercial.

RECOMMENDATION:

Consider variance to Ordinance 10-6-1 Sidewalks Required.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Variance Petition

Location Map



City of Enid Engineering Department
Robert Hitt, P.E., City Engineer
rhitt@enid.org; 580-616-7231
P.O. Box 1768
Enid, OK 73702

VARIANCE PETITION FOR SIDEWALK

I, or We, hereby petition the Mayor and Board of Commissioners for a variance to the following provision of the City of Enid Ordinance, Section 10-6-1: Sidewalks Required

Location: 901 N. 30th st (street address):

Legal description: unplatted Realestate tr# 623 S/2 ~~SW/4~~
SW/4 3-22-6

Current zoning of property: C-3

Reasons for desiring approval of the Variance are as follows: (additional pages may be added)

NO side walks in the area at all, gravel in sidewalk
Parking lot and it would cost \$30,000.00 to
Build a 80 sqft. Room Addition.

Dated this 12 day of December, 2018

Applicant's signature: Brandon Grantz

Telephone: (580) 603-2083

Printed name: Brandon Grantz

Email: bgrantz83@hotmail.com

Address: P.O. 191 Garber, Ok 73738 224 W. Cherokee Garber, Ok

Office Use Only MAPC 28th day of January, 2019
Date of Commission Meeting: 5th day of February, 2019

Note: Brandon Grantz is contractor. -GAK

Location Map – 901 N. 30th Street



**Metropolitan Area Planning Commission
Meeting**

5.2.

Meeting Date: 02/25/2019

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 2929 E. RANDOLPH AVENUE.

BACKGROUND:

The City of Enid has received a variance request, to Ordinance 10-6-1 Sidewalks Required, from Enid Public Schools.

The application states the reasons for is variance request are based on the condition that the EPS/NWOSU Early Childhood Learning Center will be built on a small piece of propert, leased by Enid Public Schools from NWOSU on their campus, and will not abut any major road.

The referenced property is located at 2929 E. Randolph Avenue, a part of Tract One (1), University Park Addition to the City of Enid in the SE/4 9-22-6. The property is zoned Special Use (SU) and Commercial (C-3) and Northwestern Oklahoma State University (NWOSU) is currently at this location. The plan i sto construct a 6,576 SF building as an Early Childhood Learning Center.

Per Ordinance 10-6-1 B Sidewalks That Parallel Abutting Streets: The following shall include sidewalks that parallel all abutting streets

B4. Addition, redevelopment and infill development on property used as or zoned as commercial.

The results of the MAPC review of the request will be presented at the meeting.

RECOMMENDATION:

Consider variance to Ordinance 10-6-1 Sidewalks Required.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Variance Petition Attachment

Signed Variance Petition

Site Plan



Michael Shuck
DIRECTOR OF FACILITY CONSTRUCTION

January 18, 2019

Chris Bauer, Planning Administrator
City of Enid
401 West Garriott
Enid, OK 73702

RE: EPS/NWOSU Early Childhood Learning Center
2929 East Randolph

Chris,

Enid Public Schools hereby petitions the Metropolitan Area Planning Commission, Mayor, and Board of Commissioners for a variance to the sidewalk ordinance. Strict compliance with the sidewalk ordinance will result in an undue hardship to Enid Public Schools for the construction of the EPS/NWOSU Early Childhood Learning Center. A typical homeowner is required by this ordinance to add sidewalk that is a little wider than the front of their home. A typical retailer like Walmart or McDonalds on a corner lot would be required to provide about 4 or 5 times the width of their building. Enid Public Schools is being required to provide sidewalk equal to 28 times the width of our new early childhood learning center. By adding a classroom building to a college campus there is no substantial change to the land use and the pedestrian traffic patterns will remain unchanged. Other factors that support our variance are as follows:

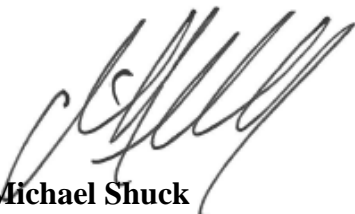
1. The EPS/NWOSU Early Childhood Learning Center has special circumstances that affect the application of this ordinance. The project will be built on a small piece of property leased by EPS from NWOSU on their campus. Our property will not abut any major road so the ordinance is requiring us to improve property that we do not own or control. To do the work EPS would have to take control of part of NWOSU's property because taxpayer money cannot be spent on property EPS do not control. This would limit or deny NWOSU the reasonable use of some of their property.
2. The requirement would deny NWOSU a substantial property right by creating a significant hurdle to any type of small addition or specialized partnership like this. NWOSU would not be able to look at small unique partnerships but only ones with the ability to make significantly larger investments. A group like ours would have to be willing to spend over 15% of their budget on sidewalks.

*Excellence.
Pride. Success.*

517 N. Independence, Enid, OK 73701 | Phone 580.366.7150
www.enidpublicschools.org | mkshuck@enidk12.org

3. Granting this variance will not be detrimental to the public or other properties because there is already a comprehensive sidewalk system constructed by NWOSU. NWOSU has created a pedestrian-friendly campus that includes a continuous sidewalk around their building, sidewalks along all of the parking lots, a plaza with seating and a sidewalk that connects to Northern Oklahoma College's campus sidewalk system. The NWOSU and NOC campus sidewalk systems include benches, trashcans, lighting, and other features to encourage people to walk safely through their campuses.

Thanks for your consideration,



Michael Shuck
Director of Facilities Construction



Planning & Zoning Department
Chris Bauer, Planning Administrator
cbauer@enid.org
580-616-7217
PO Box 1768, 401 West Garriott
Enid OK 73702

PUBLIC INFRASTRUCTURE SIDEWALK VARIANCE PETITION

Fee: None

Street Address: 2929 E. RANDOLPH Current Zoning District: SU/C3

Your Sidewalk Variance Petition will be forwarded to the Engineering Department for presentation to MAPC and City Commission. Your contact person is Chris Gdanski at 580-616-7234 or cgdanski@enid.org.

Variance Section: 10-6-1; B,1
Contact Chris Stein for variance section at 580-616-7279 or cstein@enid.org

Reasons for desiring approval of the Variance are as follows: (additional pages may be added) SEE ATTACHED

I, or we, have attached a site plan of the proposed construction.

I, or We, hereby petition the **Metropolitan Area Planning Commission and Mayor and Board of Commissioners** for a variance to the following provision(s) of the City of Enid Ordinance, Section 12-1-8.

The Planning Commission may recommend a variance from the title when, in its opinion, undue hardship any result from strict compliance. In recommending any variance, the Planning Commission shall prescribe only conditions that it deems necessary to, or desirable for, the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of proposed land use and the existing use of land in the vicinity, the number of persons to reside or work in the property subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the modifications have been requested in writing by the subdivider stating the reasons for each modification and that the variance is approved by a three-fourths (3/4) vote of the regular membership of the Planning Commission.

Dated this 18TH day of JANUARY, 2019.

Applicant's signature: 

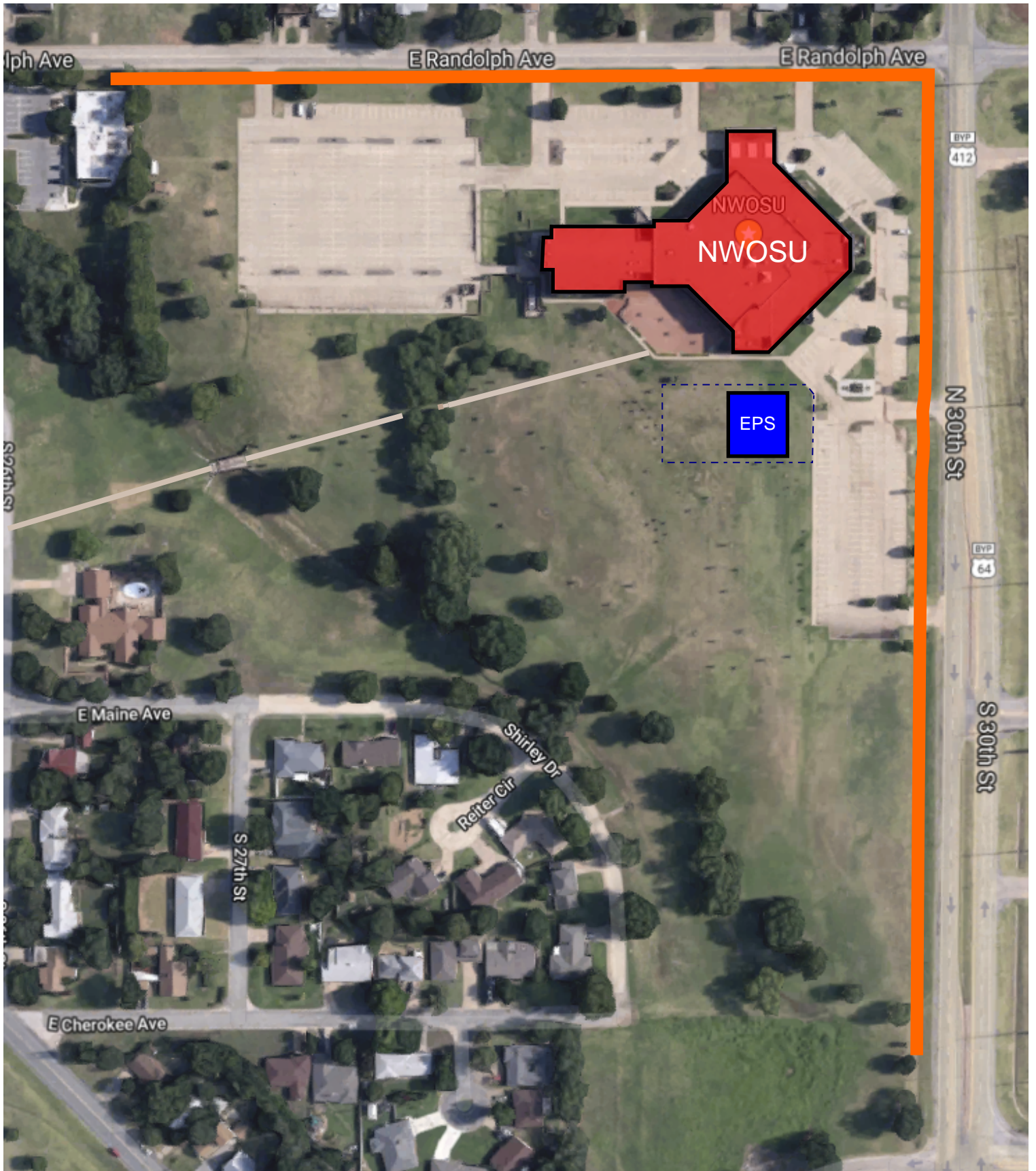
Telephone: _____

Printed Name: MICHAEL SHUCK

Email: MKSHUCK@ENIDK12.ORG

Address: 517 N INDEPENDENCE ENID, OK 73701

Date of Hearing set for the _____ day of _____, _____.



lph Ave

E Randolph Ave

E Randolph Ave

BYP 412

NWOSU

NWOSU

EPS

N 30th St

BYP 64

S 30th St

S 26th St

E Maine Ave

Shirley Dr

Reiter Cir

S 27th St

E Cherokee Ave

**Metropolitan Area Planning Commission
Meeting**

5.3.

Meeting Date: 02/25/2019

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER A REQUEST FOR A VARIANCE TO CITY OF ENID ORDINANCE 10-6-1 SIDEWALKS REQUIRED, FOR PROPERTY LOCATED AT 4722 WEST OWEN K. GARRIOTT ROAD.

BACKGROUND:

The City of Enid has received a variance request to Ordinance 10-6-1 Sidewalks Required: from Curt Breuklander of Swadley's BBQ.

Reasons for desiring approval of the Variance: Basic structure not changing, no change in operation, no special privilege based on minimal additional space, minimal addition warrants minimum exception, and granting variance does not affect general intent and purpose of code based on minimal square footage being added (110 square feet).

The referenced property is located at 4722 W. Owen K. Garriott Rd, Lot 31, Block 1, subdivision of the SW/4 of 10-22-7. The property is zoned Commercial (C-3) and the existing building is at this location. Swadley's would like to construct a one hundred-ten square foot addition to update the current restrooms to meet ADA standards.

Per Ordinance 10-6-1 B Sidewalks That Parallel Abutting Streets: The following shall include sidewalks that parallel all abutting streets. B4. Addition, redevelopment and infill development on property used as or zoned as commercial.

RECOMMENDATION:

Consider Variance to Ordinance 10-6-1 Sidewalks Required.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Petition

Location Map



City of Enid Engineering Department
Robert Hitt, P.E., City Engineer
rhitt@enid.org; 580-616-7231
P.O. Box 1768
Enid, OK 73702

VARIANCE PETITION FOR SIDEWALK

I, or We, hereby petition the Mayor and Board of Commissioners for a variance to the following provision of the City of Enid Ordinance, Section 10-6-1: Sidewalks Required

Location: _____ (street address):

Legal description: _____

Current zoning of property: _____

Reasons for desiring approval of the Variance are as follows: (additional pages may be added)

Dated this ____ day of _____, _____

Applicant's signature: Robert Hitt

Telephone: _____

Printed name: _____

Email: _____

Address: _____

Office Use Only Date of Commission Meeting: _____ day of _____, _____
--

Variance cont:

c) Allowing the exception does not give any special privilege because the ordinance does not consider the use or size of additions to buildings. The ordinance simply states additions require sidewalks. Our additions are confined to compliance with codes and adding a drive thru window service. The additional space is minimal and does not convey any special privilege.

d) The “trigger” for the requirement of adding the sidewalk is because there is an addition to the existing building. The addition to the building is very minimal. Deleting the requirement for the sidewalk is the minimum exception.

e) Granting the variance does not affect the general intent and purpose of the code, because of the minimal amount of square footage being added (110 sq. ft.). Granting this is not detrimental to the health, safety, and general welfare and is in keeping with the intent and purpose of the code. This simply leaves all conditions the same and allows compliance with the ADA requirements and allows a drive thru window to be added.

4722 W. Owen K Garriott Dr.

