



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

BOARD OF COMMISSIONERS

NOTICE OF REGULAR STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session at 5:00 p.m. on the 18th day of August, 2015, in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF AUGUST 18, 2015.**
3. **CAPITAL RECOVERY.**
4. **DISCUSS THE ORDINANCE GOVERNING ACCESSORY BUILDINGS.**
5. **DISCUSS AN ORDINANCE REQUIRING REGISTRATION OF ROOFING CONTRACTORS.**
6. **ADJOURN.**

City Commission Study Session

3.

Meeting Date: 08/18/2015

Submitted By: Ashley Keim, Executive Assistant

SUBJECT:

CAPITAL RECOVERY.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Capital Recovery Ordinance

ORDINANCE NO. 2015 _____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 10, ENTITLED "PLANNING AND DEVELOPMENT," CHAPTER 4, ENTITLED "CAPITAL IMPROVEMENT AND RECOVERY," SECTION 10-4-5, ENTITLED "CAPITAL RECOVERY FOR SANITARY SEWER IMPROVEMENTS," TO REMOVE THE MINIMUM SIZE LINE REQUIRED FOR CAPITAL RECOVERY; 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 4, Section 10-4-5 is hereby amended to read as follows:

10-4-5: CAPITAL RECOVERY FOR SANITARY SEWER IMPROVEMENTS:

- A. Approval of Excess Capacity Capital Improvements:
1. Application for Excess Capacity Public Improvement: A developer desiring to make an excess capacity public improvement under this chapter shall apply in writing to the city engineering department for consideration of the improvement for capital recovery prior to beginning construction on the improvement. The application shall contain the following information:
 - a. The name and address of the developer making the application.
 - b. A detailed drawing of the proposal, indicating the drainage area to be served, proposed location of the new improvement, location of existing services in close proximity, and the proposed point of connection.
 - c. Estimates of improvement cost, allowable recovery cost, and sewer contribution.
 - d. Proposed drainage area with map and legal description.
 - e. Any other information pertinent to the proposal.
 - f. Estimate of excess capacity to be provided by the project.
 - g. List of properties and owners within drainage area.

- h. Proposed routing of sewer with coordination of drainage and other public services.
2. Review and Approval Procedure: After the application has been reviewed and found to be acceptable and complete, the application will be forwarded to the metropolitan area planning commission for approval and then to the mayor and board of commissioners for action. Notice of the metropolitan area planning commission meeting and mayor and board of commissioners meeting when the application will be considered will be mailed to the property owners within the drainage area.
3. Excess Capacity Development Agreement; Conditions: Upon approval of the application by the mayor and board of commissioners, an excess capacity development agreement should be entered into between the developer and the city which should address the following items:
 - a. The developer will prepare and furnish plans, profiles, contract documents, and specifications for the qualified improvements, all in accordance with the ordinances, regulations and specifications of the city and state.
 - b. All construction will be of the size, type, depth and capacity sufficient to serve the anticipated need for the area being served as defined by the Enid sanitary sewer master plan for the life of the improvements.
 - c. The developer shall acquire easements and rights of way necessary upon which to construct improvements. The easements shall be dedicated to the city, approved by the city, and recorded at the expense of the developer. The easement will be located so as to be reasonably accessible to all parties who may be assessed the capital recovery fee, and the sewer easement location and size will be coordinated with drainage and other city services.
 - d. The developer shall file with the city a sealed estimate of the cost of construction of said improvements, prepared by a registered engineer as called for in this chapter.
 - e. The developer shall deposit with the city, the estimated amount of all inspection and administration fees, said fees determined by the city.
 - f. After completion and acceptance of the developer's improvement, said improvements shall become a part of the city system, under its exclusive control and operation.
 - g. The developer shall furnish "record drawing" on compatible digital format, approved by the city prior to acceptance of improvements.

- h. The developer shall, within thirty (30) days after completion of the construction, furnish to the city, a certified, itemized statement of cost of the improvements, including the actual cost of construction, engineering, inspections, easements, rights of way, and recording fees.
- i. Developer shall provide a map, boundary description, and list of all property owners that are in the improvement district covered by the agreement.

- 4. Agreement Provided to Property Owners: Notice of the executed excess capacity agreement will be mailed to the property owners within the drainage area and placed on their title records at the Garfield County Courthouse.
- 5. Notice of Costs to Property Owners: Within sixty (60) days following the acceptance by the City of the completed improvements, notice of the total allowable recovery costs for the project will be mailed to the affected property owners within the boundary district. Notice of the affected property owner's obligation to pay their pro rata share of the improvements costs upon development of their property shall be placed on the title records at the Garfield County Courthouse.

B. Qualified Improvements:

- 1. Improvement to System: The project must be an improvement to the public sanitary sewer system that provides excess capacity for the collection of wastewater beyond the amounts required for the development site that is undertaking a qualified improvement.
- 2. Public Benefit: Improvement must be a public benefit and provide a benefit or service to other private property.
- 3. Project Requirements: The project must be consistent with the: a) Enid sanitary sewer master plan; or b) serve an existing subdivision; or c) encourage infill or development.
- 4. Standards, Size, Depth Requirements: The project shall conform to the standards, size, and depth requirements of the Enid sanitary sewer system master plan on file in the engineering office of the city.

C. Allowable Recovery Cost: This section sets out how the developer's costs for excess capacity in an improvement are calculated for the purpose of establishing an amount of money from which recovery by post-improvement developers can be derived, from as well as determination of the district boundary for recovery.

1. Allowable Recovery Cost: The aggregate cost of the qualified portion of the improvement cost including the developer's actual cost of construction, inspection fees, easements and rights of way acquisition cost not to exceed appraised value, advertising and recording cost and engineering fees capped at seven percent (7%) of the bid construction amount shall be the allowable cost.
 2. District Boundary: A district boundary shall be determined for each qualified project based on the properties that benefit or could reasonably benefit from the improvement. The district shall generally follow the contour of the land and conform to the sanitary sewer master plan.
 3. Determinations Final and Binding: The determination of the drainage area or district boundary, the allowable recovery cost, and the development site's cost obligations as approved by the city shall be final and binding upon all parties.
- D. Excess Capacity Fee Calculation: The postimprovement development site's share of an excess capacity sanitary sewer improvement cost shall be calculated as follows:
1. Basis For Calculation: The allowable recovery cost shall be proportioned out based on the post-development site's projected peak hourly wastewater flow compared to the established design peak hourly wastewater flow, less the peak hourly wastewater flow established for the original development site. This calculation shall be made for each improvement district the post-development site is within.
 2. Hourly Wastewater Flow Designations: The post-development projected peak hourly wastewater flow shall be:
 - a. Nine hundred fifty (950) gpd for each single residence;
 - b. Four hundred (400) gpd for each motel unit, hotel, or other transient living unit;
 - c. Six hundred fifty (650) gpd for each trailer space, mobile home, or apartment living unit;
 - d. One hundred (100) gpd for each student of any nonboarding type school;
 - e. Twenty eight (28) gpd for each person that may be accommodated in a main assembly hall, with restroom facilities only;
 - f. Six hundred sixty (660) gpd for each bed of a hospital.
 3. Other Developments: The post-development projected peak hourly wastewater flow for any development not covered above shall be equal to four (4) times the

development site's projected average water use contributing to the sanitary sewer system, but in no case shall the flow be less than four hundred (400) gpd.

E. Post-improvement Development Sites:

1. Excess Capacity Fees: When post-improvement development sites occur that make use of, or receive a benefit of, a portion of the excess capacity improvement covered under this chapter, the developer of the post-improvement development site shall pay the excess capacity fees as set out in this chapter. Fees shall be due and payable to the city before the issuance of the plat, or in cases where there are no plats issued, before issuance of the permit for the post-improvement development site.
2. Site Requirements: Post-improvement development sites that fall within an excess capacity improvement district or districts or will use an improvement covered by an excess capacity agreement shall provide the following:
 - a. Sanitary Sewer Improvement District: Number and type of living units, lots, sleeping units, or participants projected for the site. The projected peak day wastewater flow for the site when required, and the method that the flow was calculated on.
 - b. Payment of Fees: Payment of excess capacity fee or fees with plat submission, or with other permits when a plat is not involved.

F. Capital Recovery Payments:

1. Excess Capacity Fees: The city shall account for the excess capacity fees for each capital recovery improvement separately. Five percent (5%) of all fees collected shall be retained by the city for administration. The city shall provide notice to developers of record of active improvement districts of fees collected for amounts of one thousand dollars (\$1,000.00) or more. Developers of record may then file a claim for payment of fees, less the city's five percent (5%) administrative fee.
2. Unclaimed Fees: Fees not claimed by the developer within one year of the second notice of fees on file shall become the property of the city, but failure to collect fees in one year does not terminate the developer's right to collect in subsequent years.
3. Nonliability or Obligation of City: The City shall not be liable for payment of any excess capacity fees not collected. The sole obligation of the City to any developer shall be to require the payment of excess capacity fees as required by this chapter.

- G. Term of Capital Recovery District: Recovery of capital recovery fees is available for a term of twenty (20) years from the date of acceptance of the improvement by the city. Provided, however, that recovery will be terminated prior to the term of twenty (20) years whenever the entire allowable recovery cost has been collected.
- H. City Use: The City shall have the right to make such connections or use of any public improvement, as it may deem necessary.
- I. Variances: Prior to payment of capital recovery fees, any person that can show they have an interest in property in a drainage area of a capital recovery project and that such property is substantially unique, and that the capital recovery fee is a substantial hardship due to the unique qualities, may file a request for variance with the board of adjustment. The board, upon hearing a request, must determine that there is a substantial unique condition that makes the proposed capital recovery fee a substantial hardship on the property before taking any action. The actions that may be taken include reduction of the capital recovery fee, waiving the fee, deferring the fee or taking no action. The decision of the board shall be final.
- J. Restrictions and Reservations: The following restrictions and reservations apply to projects proposed under this chapter:
1. Project Restrictions:
 - a. Diversion of wastewater flow from one drainage area to another by gravity may not be approved if such diversion would cause the capacity of any eight inch (8") sewer under gravity flow to exceed a peak daily flow of four hundred sixty thousand (460,000) gallons or if the diverted peak daily flow would exceed two hundred thirty thousand (230,000) gallons.
 - (1) For tracts or lots that are within the drainage area, but are abutting or adjoining a sewer system not covered by the capital recovery improvement, an owner may connect to either system, provided it does not conflict with subsection A1 of this section and adequate capacity exists in the receiving line.
 - (2) For tracts or lots that are within the drainage area but do not abut or adjoin a separate sewer line, but are so situated that a separate sewer system would provide a lower sewer service line elevation at the building, the owner may extend a public line in order to connect to the separate sewer system; provided, that:
 - (a) Subsection A1 of this section is complied with;
 - (b) The separate sewer system has adequate capacity; and

- (c) The extension does not cross, parallel or otherwise conflict with the covered sewer system or the Enid sanitary sewer master plan.
- b. If the owner connects to sewer not covered by the capital recovery improvement, then no capital recovery fee shall be due.
- 2. Limitation on Effect of Provisions: Nothing herein shall be construed to obligate the City to give or continue to give sewer service to any person, firm or corporation, or to any particular tract of land, other than pursuant to its other ordinances and regulations.
- 3. Exemption: Section 8-3A-5C of this code will not apply to properties within a capital recovery for sanitary sewer boundary district until the recovery of capital recovery fees is terminated. (Ord. 2010-14, 12-14-2010)

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 V: Codification. This ordinance shall be codified as 10, Chapter 4, Section 10-4-5 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 _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

4.

Meeting Date: 08/18/2015

Submitted By: Derek Smith, Executive Assistant

SUBJECT:

DISCUSS THE ORDINANCE GOVERNING ACCESSORY BUILDINGS.

BACKGROUND:

N/A

RECOMMENDATION

N/A

PRESENTER:

Andrea L. Chism

Attachments

Accessory Building Ordinance.

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE A, ENTITLED "R-1 RESIDENTIAL (ESTATE) DISTRICT," SECTIONS 11-6A-2, 11-6A-4 AND 11-6A-5 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE B, ENTITLED "R-2 RESIDENTIAL (SINGLE FAMILY) DISTRICT," SECTIONS 11-6B-2, 11-6B-4 AND 11-6B-5 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE C, ENTITLED "R-3 RESIDENTIAL (MOBILE HOME NEIGHBORHOOD) DISTRICT," SECTIONS 11-6C-3, 11-6C-5 AND 11-6C-6 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE D, ENTITLED "R-4 RESIDENTIAL (DUPLEX OR TWO-FAMILY DWELLING) DISTRICT," SECTIONS 11-6D-2, 11-6D-4 AND 11-6E-5 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE E, ENTITLED "R-4A FOUR-FAMILY RESIDENTIAL DISTRICT," SECTIONS 11-6E-2, 11-6E-4 AND 11-6E-5 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE F, ENTITLED "R-5 TOWNHOUSE DISTRICT," SECTIONS 11-6F-2 AND 11-6F-6 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE G, ENTITLED "R-6 MOBILE HOME PARK DISTRICT," SECTION 11-6G-3 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 6, ENTITLED "RESIDENTIAL DISTRICTS," ARTICLE H, ENTITLED "R-7 RESIDENTIAL (MULTI-FAMILY) DISTRICT," SECTION 11-6H-2 TO REMOVE REFERENCES TO ACCESSORY BUILDINGS; CREATING TITLE 11, ENTITLED "ZONING," CHAPTER 16, ENTITLED "RESIDENTIAL CARPORTS AND ACCESSORY BUILDINGS," SECTIONS 11-16-1 THROUGH 11-16-5 TO PROVIDE GENERAL STANDARDS AND MAXIMUM SIZES FOR ACCESSORY BUILDINGS, GENERAL STANDARDS FOR CARPORTS AND TO PROVIDE A FINE FOR VIOLATIONS OF THE CHAPTER; 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 6, Article A, Section 11-6A-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6A-2: PERMITTED USES:

General gardening.

Golf and country club.

Golf course.

Group home limited in density to five (5) or fewer residents not including staff.

Home occupation.

One-family dwellings.

Plant nursery.

Private and public parks.

Watershed protection.

Section II: That Title 11, Chapter 6, Article A, Section 11-6A-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6A-4: AREA REGULATIONS:

A. Yards:

1. Front yard - twenty five feet (25'), except when abutting a principal or minor arterial, in which case the front yard setback shall be forty feet (40').
2. Side yard - ten feet (10').
3. Rear yard - thirty five feet (35'), except when abutting a principal or minor arterial, in which case the rear yard setback shall be forty feet (40').

B. Lots:

1. Minimum frontage of lot - seventy five feet (75').
2. Minimum lot area per family - one-half ($\frac{1}{2}$) acre.

Section III: That Title 11, Chapter 6, Article A, Section 11-6A-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6A-5: HEIGHT REGULATIONS:

Principal building - thirty five feet (35').

Section IV: That Title 11, Chapter 6, Article B, Section 11-6B-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6B-2: PERMITTED USES:

Group home limited in density to five (5) or fewer residents not including staff.

"Home occupation", as defined in section [11-1-7](#) of this title.

One-family dwellings.

Public park or playground.

Section V: That Title 11, Chapter 6, Article B, Section 11-6B-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6B-4: AREA REGULATIONS:

A. Yards:

1. Front yard - twenty five feet (25').
2. Side yard - five feet (5').
3. Rear yard - twenty feet (20'); however, platted lots with common area and open space adjacent to the rear property line may use the open space as a rear yard setback to obtain fifteen feet (15') of the twenty feet (20'); provided: a) a recorded, irrevocable easement running with the land is granted limiting the use of all of the open space to an open area without buildings or structures for which a building permit is required thereon and providing for maintenance thereof; and b) the common area is at least forty feet (40') in width.

B. Lots:

1. Minimum frontage of lot: Fifty feet (50'). Lots platted on cul-de-sacs shall have a lot width of not less than fifty feet (50') at the building line.
2. Minimum lot area per family: Six thousand (6,000) square feet.

Section VI: That Title 11, Chapter 6, Article B, Section 11-6B-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6B-5: HEIGHT REGULATIONS:

Principal building: Thirty five feet (35').

Section VII: That Title 11, Chapter 6, Article C, Section 11-6C-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6C-3: PERMITTED USES:

"Home occupation" as defined in section [11-1-7](#) of this title.

One-family dwellings.

One mobile home per lot.

The use, occupancy or location of travel trailers, and camp trailers within mobile home neighborhoods is prohibited.

Public park or playground.

Section VIII: That Title 11, Chapter 6, Article C, Section 11-6C-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6C-5: AREA REGULATIONS:

A. Yards:

1. Front yard - twenty five feet (25').
2. Side yard - five feet (5').
3. Rear yard - twenty feet (20').

B. Lots:

1. Minimum frontage of lot - fifty feet (50'). Lots platted on cul-de-sacs shall have a lot width of not less than fifty feet (50') at the building line.
2. Minimum lot area per family - six thousand (6,000) square feet.

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

11-6C-6: HEIGHT RESTRICTIONS:

Principal building - thirty five feet (35').

Section X: That Title 11, Chapter 6, Article D, Section 11-6D-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6D-2: PERMITTED USES:

Group home limited in density to ten (10) or fewer residents not including staff.

"Home occupation", as defined in section [11-1-7](#) of this title.

Living quarters for one family constructed above a private garage where the garage is accessory to the principal dwelling.

One- and two-family dwellings.

Public park or playground.

Section XI: That Title 11, Chapter 6, Article D, Section 11-6D-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6D-4: AREA REGULATIONS:

A. Yards:

1. Front yard - twenty five feet (25').
2. Side yard - five feet (5').
3. Rear yard - twenty feet (20').

B. Lots:

1. Minimum frontage of lot - fifty feet (50').
2. Minimum lot area per family - for every dwelling erected or structurally altered, there shall be provided a lot area of not less than six thousand (6,000) square feet in area for a one-family dwelling and not less than seven thousand (7,000) square feet for a two-family dwelling.

Section XII: That Title 11, Chapter 6, Article D, Section 11-6D-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6D-5: HEIGHT REGULATIONS:

Principal building: Thirty five feet (35').

Section XIII: That Title 11, Chapter 6, Article E, Section 11-6E-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6E-2: PERMITTED USES:

Any use permitted in the R-4 residential district.

Group home limited in density to twenty (20) residents not including staff.

"Home occupation", as defined in section [11-1-7](#) of this title.

Three- or four-family dwellings.

Section XIV: That Title 11, Chapter 6, Article E, Section 11-6E-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6E-4: AREA REGULATIONS:

A. Yards:

1. Front yard: Twenty five feet (25')
2. Side yard: Five feet (5').
3. Rear yard: Twenty feet (20').

B. Lots:

1. Minimum Frontage Of Lot: Fifty feet (50').
2. Minimum Lot Area Per Family: A lot occupied by a single-family dwelling shall contain an area of not less than six thousand (6,000) square feet. A lot occupied by a two-family dwelling shall contain a lot area of not less than seven thousand (7,000) square feet. A lot area occupied by a three- or four-family dwelling shall contain an area of not less than two thousand five hundred (2,500) square feet per family.

Section XV: That Title 11, Chapter 6, Article E, Section 11-6E-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6E-5: HEIGHT REGULATIONS:

Principal building: Thirty five feet (35').

Section XVI: That Title 11, Chapter 6, Article F, Section 11-6F-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6F-2: PERMITTED USES:

Any use permitted in the R-2, R-4 or R-4A districts.

"Home occupation", as defined in section [11-1-7](#) of this title.

Townhouses - dwelling units in detached, semidetached or attached structures.

Section XVII: That Title 11, Chapter 6, Article F, Section 11-6F-6 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6F-6: HEIGHT REGULATIONS:

Principal building - thirty five feet (35').

Section XVIII: That Title 11, Chapter 6, Article G, Section 11-6G-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6G-3: ACCESSORY USES:

- A. Service Facilities: Accessory building or structure containing service facilities, including the following and similar uses:
- Recreation facilities limited to those serving occupants of the park.
 - Restroom and sanitary facilities.
 - Storage of household goods.
 - Washroom laundry facilities.
- B. Office: One mobile home within a mobile home park may be used as an administrative office. Other administrative offices and service buildings for housing sanitation, laundry, or other facilities shall be of permanent structure, complying with all pertinent provisions of this code relating to construction and maintenance, for the use of all the park.
- C. Repair Facility Or Home Business: No repair facility or home business of any kind shall be permitted, authorized, maintained or allowed within a mobile home park.
- D. Commercial Sale Of Mobile Homes: The commercial sale of mobile homes within a mobile home park in conjunction with the maintenance and operation of a mobile home

park shall be conducted only on land that has been appropriately zoned in which such sales are permitted. (Ord. 80-29, 12-16-1980 as amended)

Section XIX: That Title 11, Chapter 6, Article H, Section 11-6H-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-6H-2: PERMITTED USES:

Any use permitted in the R-4A residential district.

Childcare center.

Condominium or cooperative housing.

Educational institutions.

Fraternity or sorority houses.

Group home.

Home occupation.

Housing for the elderly which may contain common services comprising, but not limited to, central dining rooms, recreational areas, central lounge, and workshops.

Multi-family dwellings and apartment houses.

Nursing home.

Philanthropic institutions.

Private clubhouse.

Public library, public buildings, public utility, but not to include storage yards, transformer stations, substations, or gas regulators.

Public parks and playgrounds.

Religious institutions.

Rooming or boarding house.

Section XX: That Title 11, Chapter 16, of the Enid Municipal Code, 2014, is hereby created to read as follows:

RESIDENTIAL CARPORTS AND ACCESSORY BUILDINGS

Section XXI: That Title 11, Chapter 16, Section 11-16-1 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-16-1: DEFINITIONS:

Accessory Building – a building or structure which is subordinate to the principal building, serves a purpose clearly incidental and related to the principal building and located on the same lot as the principal building. An “accessory building” may include, but is not limited to, a detached garage, storage building, playhouse or greenhouse.

Carports – a permanently roofed structure, open on at least two sides, designed for occupancy by a private passenger vehicle.

Section XXII: That Title 11, Chapter 16, Section 11-16-2 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-16-2: GENERAL STANDARDS FOR ACCESSORY BUILDINGS:

- A. No person shall erect, place or construct an accessory building on a residentially zoned lot, in whole or in part, without first obtaining a building permit. An application for a permit shall be made by the owner or lessee of the residential property, or by an agent of either, or by a licensed contractor employed in connection with the proposed work.
- B. All accessory buildings shall be constructed, erected or installed in accordance with the building, electrical and other codes adopted by the City of Enid and which may be amended from time to time.
- C. All accessory buildings shall have an architectural design and appearance compatible with the principal building on the premises and shall have wall panels and trim items finished.
- D. No accessory building shall be constructed, erected or placed on a residentially zoned lot unless permitted by this Chapter. However, if an existing accessory building was legally constructed prior to November 1, 2015, reconstruction or renovation of such accessory building shall be permitted, provided that such reconstruction or renovation occurs only on the original footprint of the accessory building. No accessory building shall be permitted to be enlarged or expanded unless the accessory building complies with this Chapter.
- E. No accessory building shall be constructed upon a residential lot until the construction of the principal building has actually commenced.
- F. No accessory building shall be used unless the principal building on the lot is also in use and no accessory building may be constructed, placed or erected on a vacant lot.

- G. All accessory buildings, except those fewer than six hundred fifty (650) square feet must be on a permanent foundation.
- H. An accessory building may not be used as a residence.
- I. No more than two (2) accessory buildings may be located on any lot unless the primary building has no attached garage, in which case a third accessory building may be permitted if one (1) of the three (3) accessory buildings is a detached garage.
- J. The total square footage of multiple accessory buildings may not exceed the square footage allowed for the lot size.
- K. The minimum distance between an accessory building and the side lot line shall be five feet (5'). The minimum distance between an accessory building and the rear lot line shall be five feet (5').
- L. Accessory buildings shall be located behind the rear wall of the principle building on the lot.
- M. No accessory building shall exceed the square footage of the principle structure on the lot.
- N. Accessory buildings shall not exceed twenty-five (25) feet in height, measured to the top of the side wall fascia.

Section XXIII: That Title 11, Chapter 16, Section 11-16-3 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-16-3: MAXIMUM SIZES FOR ACCESSORY BUILDINGS:

- A. Lots less than one-half acre:
 - 1. The total square footage for all accessory buildings shall not exceed six hundred fifty (650) square feet.
 - 2. The maximum overhead door height shall not exceed fifteen (15) feet, measured from grade to the top of the door opening.
- B. Lots one-half acre and greater, but less than one acre:
 - 1. The total square footage for all accessory buildings shall not exceed eight hundred (800) square feet.
 - 2. The maximum overhead door height shall not exceed fifteen (15) feet, measured from grade to the top of the door opening.

- C. Lots one acre and greater, but less than two acres: The total square footage for all accessory buildings shall not exceed one thousand two hundred (1,200) square feet.
- D. Lots two acres and greater, but less than five acres: The total square footage for all accessory buildings shall not exceed two thousand five hundred (2,500) square feet.
- E. Lots five acres and greater: The total square footage for all accessory buildings shall not exceed three thousand (3,000) square feet.

Section XXIV: That Title 11, Chapter 16, Section 11-16-4 of the Enid Municipal Code, 2014, is hereby created to read as follows:

11-16-4: GENERAL STANDARDS FOR CARPORTS:

- A. No person shall erect, place or construct a carport on a residentially zoned lot, in whole or in part, without first obtaining a building permit. An application for a permit shall be made by the owner or lessee of the residential property, or by an agent of either, or by a licensed contractor employed in connection with the proposed work.
- B. Carports shall be located only over an existing driveway unless otherwise allowed by this Chapter.
- C. Carports shall be constructed, erected or installed in accordance with the building, electrical and other codes adopted by the City of Enid and which may be amended from time to time.
- D. Carports shall have an architectural design and appearance compatible with the principal building on the premises and shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.
- E. No carport shall be constructed, erected or placed on a residentially zoned lot unless permitted by this Chapter. However, if an existing carport was legally constructed prior to November 1, 2015, reconstruction or renovation of such carport shall be permitted, provided that such reconstruction or renovation occurs only on the original footprint of the carport. No carport shall be permitted to be enlarged or expanded unless the carport complies with this Chapter.
- F. No carport shall be constructed upon a residential lot until the construction of the principal building has actually commenced.
- G. No more than one (1) carport shall be allowed on a lot and shall be no larger than twelve (12) feet in width for a single car width driveway or twenty-four (24) feet in width for a double car width driveway. Under no circumstance shall any carport exceed twenty-four (24) feet in width, measured from eave line to eave line.

H. The minimum distance between a carport and the side lot line shall be five feet (5'). The minimum distance between a carport and the rear lot line shall be five feet (5').

I. Carports shall be located behind the front wall of the principle building on the lot.
Section XXV: That Title 11, Chapter 16, Section 11-16-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

11-16-5: Violation:

The violation of this Chapter shall be punishable by a fine of up to one hundred dollars (\$100.00) plus costs and fees. Each day that a violation continues shall constitute a separate violation.

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

Section XXVII: 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 XXVIII: 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 XXIX: Codification. This Ordinance shall be codified as Title 11, Chapter 16, Sections 11-16-1 through 11-16-5 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 _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT

City Commission Study Session

5.

Meeting Date: 08/18/2015

Submitted By: Derek Smith, Executive Assistant

SUBJECT:

DISCUSS AN ORDINANCE REQUIRING REGISTRATION OF ROOFING CONTRACTORS.

BACKGROUND:

N/A

RECOMMENDATION

N/A

PRESENTER:

Andrea L. Chism

Attachments

Roofing Contractors Ordinance

ORDINANCE NO. 2015_____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 2, ENTITLED "FINANCE AND TAXATION," CHAPTER 6, ENTITLED "FEE SCHEDULE," ARTICLE F, ENTITLED "BUILDING AND CONSTRUCTION," TO CREATE SECTION 2-6F-13 PROVIDING A FEE FOR ROOFING CONTRACTOR REGISTRATION; CREATING TITLE 3, ENTITLED "BUSINESS AND LICENSE REGULATIONS," CHAPTER 17, ENTITLED "ROOFING CONTRACTORS," SECTIONS 3-17-1 THROUGH 3-17-4 TO ADOPT OKLAHOMA LAW REGARDING ROOFING CONTRACTORS, REQUIRE ROOFING CONTRACTOR REGISTRATION, PROVIDE AN APPLICATION PROCESS AND TO PROVIDE A FINE FOR VIOLATIONS OF THE CHAPTER; 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 2, Chapter 6, Article F, Section 2-6F-13 is hereby created to read as follows:

2-6F-13: ROOFING CONTRACTORS:

- A. The fee for registration as a roofing contractor is ten dollars (\$10.00) per year.
- B. The penalty fee for late registration shall be one dollar (\$1.00) per day in addition to the annual fee.

Section II: That Title 3, Chapter 17, of the Enid Municipal Code, 2014, is hereby created to read as follows:

**CHAPTER 17
ROOFING CONTRACTORS**

Section III: That Title 3, Chapter 17, Section 3-17-1 of the Enid Municipal Code, 2014, is hereby created to read as follows:

3-17-1: ADOPTION OF OKLAHOMA LAW; COMPLIANCE:

- A. Adoption of Oklahoma Law: All applicable statutes, rules and regulations governing roofing contractors, as those statutes, rules and regulations may be amended from time to time, are hereby adopted and incorporated as if fully set out herein.

- B. Federal, State and Local Law: Licensee shall comply with all federal, state and local laws, rules and regulations governing roofing contractors.
- C. Provisions: The provisions of this Chapter are supplementary to all other ordinances.

Section IV: That Title 3, Chapter 17, Section 3-17-2 of the Enid Municipal Code, 2014, is hereby created to read as follows:

3-17-2: REGISTRATION REQUIRED:

No person shall engage in the business of, nor act in the capacity of, a roofing contractor within this City without first having registered with the City of Enid.

Section V: That Title 3, Chapter 17, Section 3-17-3 of the Enid Municipal Code, 2014, is hereby created to read as follows:

3-17-3: APPLICATION; FEE:

A. Application:

- 1. Every application for roofing contractor shall be on a form provided by the City Clerk and shall contain the following:
 - a. If the applicant is an individual, the name, date of birth, telephone number and address of the applicant; if a partnership, the business name of the partnership and the name, date of birth, telephone number and address of each partner; if a corporation, the names, telephone numbers and addresses of its principal officers and the names, telephone numbers and addresses of all directors thereof.
 - b. The names under which the applicant has, does and proposes to do business as a roofing contractor.
- 2. Applicants must also provide:
 - a. Proof that the applicant is licensed as a roofing contractor by the State of Oklahoma.
 - b. If business is a partnership or corporation, proof that the applicant is registered with the Oklahoma Secretary of State.
 - c. Copy of Oklahoma sales tax permit.

- B. Fee: Applications shall be accompanied by the appropriate fee, as set out in subsection 2-6F-13. This fee shall be waived through June 30, 2016.

Section VI: That Title 3, Chapter 17, Section 3-17-4 of the Enid Municipal Code, 2014, is hereby created to read as follows:

3-17-4: VIOLATION:

The violation of this Chapter shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs and fees. Each day that a violation continues shall constitute a separate violation.

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

Section VIII: 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 IX: 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 X: Codification. This ordinance shall be codified as Title 2, Chapter 6, Article F, Section 2-6F-13 and Title 3, Chapter 17, Sections 3-17-1 through 3-17-4 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 _____, 2015.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney

DRAFT