

**ORDINANCE NO. 3456**

**“AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE XIII, OVERLAY DISTRICTS, DIVISION 2, SPECIAL PURPOSE OVERLAY DISTRICT, TO AMEND SECTION 23-270, REQUIREMENTS; SECTION 23-273 DEVELOPMENT STANDARDS; AND SECTION 23-274 DURATION OF DESIGNATION; AND DECLARING AN EMERGENCY”**

*(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)*

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

**SECTION 1:** That the Stillwater City Code, Chapter 23, Land Development Code, Article XIII, Overlay Districts, Division 2, Special Purpose Overlay District, Section 23-270, Requirements, be amended to read as follows:

**Sec. 23-270. Requirements.**

The regulations in this division are designed to facilitate the specific purposes for and within the special purpose zoning overlay. The special purpose overlay district designation shall be applied to the following areas:

- 1) ~~exclusively to~~ Those areas of the city located inside the boundaries of a duly created and established business improvement district, OR
- 2) The following blocks:
  - a. The 300 and 400 Block of South Washington Street
  - b. The 600, 700, 800, and 900 Block of South Main Street
  - c. The 100 Block of West 7<sup>th</sup> Ave
  - d. The 100 Block of West 8<sup>th</sup> Ave
  - e. The 100 Block of West 9<sup>th</sup> Ave
- 3) Other blocks in the community as designated by the City Council by ordinance.

Symbol	Name of District
SPO	Special purpose overlay

**SECTION 2:** That the Stillwater City Code, Chapter 23, Land Development Code, Article XIII, Overlay Districts, Division 2, Special Purpose Overlay District, Section 23-273, Development Standards, be amended to read as follows:

**Sec. 23-273. Development standards.**

The following development standards are required in the special purpose overlay district:

- (1) At least ten percent of a building face along an exterior property line abutting a public street (excluding a public alley) must be on the property line and none of the building face shall be more than 15 feet from a property line abutting a public street. This standard shall not apply to any remodel of a building whenever there is no external structural alteration.
- (2) Metal facades are prohibited.
- (3) Renovation or alteration of existing buildings shall comply with the city existing building code; new construction shall comply with the International Residential Code and International Building Code as adopted and modified by the city.
- (4) Landscaping is permitted in the right-of-way throughout the district. Alternative treatments including, but not limited to, flower pots or hanging baskets, movable

planters, sculptures, canopies, brick pavers or tile walkways, murals, commercial scale benches and trash receptacle, or water features are identified as acceptable landscape (hardscape) features and recognized as acceptable substitutes to existing landscaping standards. Such hardscape features shall be indicated on any site plan required by existing codes.

- (5) Minimum lot size: None.
- (6) Maximum height requirement: None.
- (7) Signs. Signs may be mounted or painted on a building below the roof parapet. Signs may also be painted or otherwise placed on storefront windows, provided that any such sign does not exceed 50 percent coverage of the total window space per wall. No more than one sign type per street frontage per business shall be allowed. "Off-site" advertising is permitted provided that no such signage shall exceed eight square feet in size and dimension and complies with other requirements set forth in this section.
- (8) Special community events signage is permitted.
- (9) Off-street parking requirement: parking on the individual property is not required.
- (10) Sidewalk cafes are permitted in this overlay district, provided that such operations comply with the following:
  - a. All such operations shall be located in an area immediately adjacent to and contiguous with the food service enterprise operating it;
  - b. Facilities, including tables and chairs, shall not extend beyond the frontage of the building wherein the food service enterprise operating the sidewalk café is located; provided, however, if the property line provides more space, such operations shall not extend beyond these boundaries;
  - c. All such operations shall be maintained on a concrete or similar hard, all-weather surface;
  - d. Operations located on public sidewalks or rights-of-way must be configured to ensure that six feet of space remains completely clear of obstructions for pedestrian travel;
  - e. Decorative wrought iron fencing is permitted when identified on a site plan approved by the development services department;
  - f. Awnings or canopies extending over the sidewalk café shall be supported by internal or external connections to the building face. If ground support poles are necessary, the poles shall comply with all applicable building and structural requirements;
  - g. The owner/operator of a sidewalk café operated on a public sidewalk or right-of-way must carry general liability insurance in an amount sufficient to fully indemnify the city in case of personal injury or property damage. Such insurance coverage shall be in amounts equal to the liability limits for political subdivisions set forth in the Oklahoma Governmental Tort Claims Act,., and shall name the city as an additional insured in amounts equal to such liability limits.
  - h. Prior to commencing such operations, a scaled site plan showing the location of the building, right-of-way, sidewalks, curbs, utility poles, awnings or canopies, and all proposed fencing, seating and tables, as well as proof of insurance shall be submitted to development services for review. A sidewalk café permit will be granted upon approval.

(11) On-street parking stalls may be licensed for restaurant and bar table service under the following conditions:

- a. The parking stall(s) utilized for this purpose are in immediate proximity to the restaurant or bar providing the table service;
- b. The restaurant or bar table service area are enclosed by a clearly visible physical barrier;
- c. All tables, chairs and service related facilities are contained within the physical barrier;
- d. The physical barrier does not enclose any portion of the parking stall(s) that is within two feet (2') of the adjacent roadway;
- e. The on-street service area is ADA accessible;
- f. No portion of the on-street restaurant or bar service area encroaches on the adjoining sidewalk unless the business operating said area has a sidewalk permit as authorized by this chapter;
- g. Adjoining sidewalks are free of any obstruction related to the adjoining business or on-street restaurant or bar service area;
- h. The operator has appropriate licensing for the service of alcoholic beverages and the on-street service area is appropriately secured to prohibit the entry of minors if so required by state law or city ordinance; and

- i. The operator has executed a short-term lease as provided herein and the required insurance policies are in effect.

(12) Prior to commencing such operations, a scaled site plan showing the location of the building, right-of-way, parking stalls, sidewalks, curbs, utility poles, awnings and/or canopies, and all proposed fencing, seating and tables, as well as proof of insurance shall be submitted to development services for review. The site plan indicate the number and location of parking stalls to be utilized for on-street restaurant and bar table service.

(13) The owner/operator shall execute a short-term lease agreement with the city before taking possession of any parking stall(s) approved under this section. The initial lease term shall be for six (6) months and renewal thereafter may be for additional periods to be determined by the owner/operator and city manager. The rent for use of the parking stall(s) shall be ten dollars (\$10.00) per lease term. The city manager is hereby authorized to enter into and execute these lease agreements provided that the applicant meets all of the requirements set forth herein.

(14) The owner/operator of a sidewalk café operated on a public sidewalk or right-of-way must carry general liability insurance in an amount sufficient to fully indemnify the city in case of personal injury or property damage. Such insurance coverage shall be in amounts equal to the liability limits for political subdivisions set forth in the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 et seq., and shall name the city as an additional insured in amounts equal to such liability limits.

(15) If necessary, the city manager, after consultation with the development services director and city engineer, may close additional parking stalls in order to eliminate a potential hazard to pedestrians and patrons of commercial establishments within the special purpose overlay.

(16) The city manager may revoke any license issued under this section for violation of the provisions set forth herein or for violation of any State of Oklahoma, Payne County or City of Stillwater alcoholic beverage or health code or order.

**SECTION 3:** That the Stillwater City Code, Chapter 23, Land Development Code, Article XIII, Overlay Districts, Division 2, Special Purpose Overlay District, Section 23-274 Duration of Designation, be amended to read as follows:

**Sec. 23-274. Duration of designation.**

The term of this overlay zoning district shall end upon the following:

- 1) The expiration or dissolution of the underlying business improvement district; provided, however, that all development rights acquired by an owner of a parcel or tract of land located within the boundaries of the overlay zoning designation during the term of the overlay zoning district shall remain vested and shall continue in full force and effect until such time as the use is discontinued for a period of 12 consecutive months, OR
- 2) Other changes to this Ordinance by action of the City Council.

**SECTION 4. Emergency clause.** It being immediately necessary for the preservation of the peace, health and safety of the citizens of the City of Stillwater, Oklahoma, an emergency is hereby declared to exist, by reason whereof this ordinance shall become effective from and after the date of publication.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
TERESA KADAVY, CITY CLERK

\_\_\_\_ THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN E. DORMAN, CITY ATTORNEY

First Reading: 8-17-20  
Second Reading: