

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the Planning Department, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

POSTING DATE: Friday, August 16, 2024

AGENDA
PLANNING AND ZONING COMMISSION
AUGUST 19, 2024

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item.

When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body.

Under certain circumstances, items are deferred to a specific date or stricken from the agenda entirely.

REGULAR SESSION - 9:00 A.M. 3RD FLOOR COUNCIL CHAMBERS, MUNICIPAL BUILDING, 229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

ROLL CALL

1. Consider approval of the Planning Commission meeting minutes of August 5, 2024, or take necessary action.
2. Consider approval of the request for a lot split from the Charles Pearson Trust located at 3906 River Bend Road into two (2) tracts, or take other necessary action. (Jody King)
3. Hold a public hearing and consider a recommendation to the City Council for approval of a request for a Specific Use Permit to allow for a kennel (pet boarding) in a C-2 General Commercial Zoning District located near Hancock Street and Foltz Lane, or take other necessary action. (Jody King)
4. Hold a public hearing and consider a recommendation to the City Council for approval of Ordinance No. 4240-A, a rezone request from R-1 Single Family, R-4 Multi-Family, R-5 Mobile Home, and C-1 Local Commercial to a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map, or take other necessary action. (Jody King)

5. Hold a public hearing and consider a recommendation to the City Council for approval of Ordinance 4241-A, a request for Right-of-Way (ROW) closures within property owned by the Urban Renewal Authority, located in the Factory Addition within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map, or take other necessary action. (Jody King)

ADJOURN

Planning Commission

1.

Meeting Date: 08/19/2024

Initiator: Josie Graves, Admin I

Information

AGENDA ITEM TITLE:

Consider approval of the Planning Commission meeting minutes of August 5, 2024, or take necessary action.

LEGAL DESCRIPTION:

BACKGROUND:

RECOMMENDED STAFF ACTION:

Fiscal Impact

Attachments

24-0805 Minutes

MINUTES

OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MUSKOGEE, OKLAHOMA
MET IN COUNCIL CHAMBERS OF CITY HALL
AUGUST 5, 2024

The Planning and Zoning Commission of the City of Muskogee, Oklahoma, met in Regular Session at 9:00 a.m., on August 5, 2024, in the Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

The meeting was called to order and the roll was called as follows:

Present: Russell Sain, Chair; Judith Hoffman, Commissioner; Cynthia Kennedy, Commissioner; Lori Jefferson, Commissioner

Absent: D'Elbie Walker, Vice Chair; Betty Blackwell, Commissioner; Alexis Wallace, Commissioner

Staff Present: Jody King, Director of Planning and Community Development
Sarah Winkle, Deputy Director of Planning and Community Development

- 1 Consider approval of the Planning Commission meeting minutes of July 15, 2024, or take necessary action.

Motion was made by Commissioner Cynthia Kennedy, seconded by Commissioner Judith Hoffman to approve of the Planning Commission meeting minutes of July 15, 2024, or take necessary action.

AYE: Chair Russell Sain, Commissioner Judith Hoffman, Commissioner Cynthia Kennedy, Commissioner Lori Jefferson

Carried - Unanimously

- 2 Discussion of a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority south of Shawnee Street in the Factory and Reeves 2 Additions, or take other necessary action. (Mike Miller)

Jody King explained the purpose for the rezone from C1, R4, R1, and R5 to a PUD Planned Unit Development, to be a mixed use of commercial and residential structures. The goal of this PUD is to reduce restrictions on residential and commercial lot size

requirements, create flexible customer parking requirements, allow for architectural creativity, promote multi-modal transportation, encourage the use of open space and landscaping, and to help bring life back to the Reeves addition.

Russell Sain and Lori Jefferson expressed concern for the surrounding properties, if they could change their zoning to PUD and if they have been notified of what is happening and what they can do with their property.

Jody King states yes, they can change their zoning to PUD, but it will have to take place separately from this rezone.

Cynthia Kennedy asked if anyone is currently interested in this future PUD area to build.

Jody King states there is one economic development project interested in this area.

There being no further business, the meeting was adjourned.

RUSSELL SAIN, CHAIR

JOSIE GRAVES, SECRETARY

Planning Commission

2.

Meeting Date: 08/19/2024

Initiator: Jody King, Planning Director

Information

AGENDA ITEM TITLE:

Consider approval of the request for a lot split from the Charles Pearson Trust located at 3906 River Bend Road into two (2) tracts, or take other necessary action. (Jody King)

LEGAL DESCRIPTION:

TRACT I

A PARCEL OF LAND BEING ALL OF LOT 17 RIVER BEND II SUBDIVISION, MUSKOGEE COUNTY, OKLAHOMA AND A PART OF LOT 8 OF RIVER BEND III SUBDIVISION, MUSKOGEE COUNTY OKLAHOMA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID LOT 17 RIVER BEND II, THENCE N02°01'24"W 165.28 FEET TO THE NW CORNER OF SAID LOT 17 ALSO BEING THE SW CORNER OF SAID LOT 8 RIVER BEND III, THENCE N88°28'45"E ALONG A STEEL FENCE 155.70 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8, 20.52 FEET NORTH OF THE SE CORNER THEREOF, THENCE S01°39'20"E 165.91 FEET TO THE SE CORNER OF SAID LOT 17, THENCE S88°43'37"W 145.33 FEET TO A POINT OF CURVE, THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A DISTANCE OF 9.31 FEET TO THE POINT OF BEGINNING. CONTAINING 25,699 S.F. OR 0.59 ACRES

TRACT 2

A PART OF LOT 8, RIVER BEND SUBDIVISION, MUSKOGEE COUNTY OKLAHOMA, DESCRIBED AS BEGINNING AT THE SW CORNER OF SAID LOT 8, THENCE N02°01'24"W 165 FEET TO THE NW CORNER OF SAID LOT 8, THENCE N88°06'42"E 66.09 FEET, THENCE ON A CURVE RIGHT HAVING A RADIUS OF 290 FEET, A DISTANCE OF 92.15 FEET TO THE NE CORNER OF SAID LOT 8, THENCE S01°39'20"W 151.40 FEET TO A POINT THAT IS 20.52 FEET NORTH OF THE SE CORNER OF SAID LOT 8, THENCE S88°28'45"W 155.70 FEET TO THE POINT OF BEGINNING. CONTAINING 25,450.S.F.OR 0.58 ACRES

BACKGROUND:

The Charles Pearson Trust is requesting a lot split at 3609 River Bend Rd. (Tract 2). The split portion of Tract 2 will be consolidated into the adjoining parcel owned by Mr. and Mrs. Bruce and Shirley Shropshire (Tract 1) at a special call session of the Planning & Zoning Commission to be held on Tuesday, September 3, 2024 at 9:00 A.M. The portion of Tract 2 to be added to Tract 1 is being split and conveyed to the Shropshire's to make the platted parcels more uniform an even in size. The approximate size both tracts after the lot split and consolidation is roughly 24,000 square feet, more or less.

RECOMMENDED STAFF ACTION:

Approve the Lot Split

Fiscal Impact

Attachments

Staff Report

Planning & Community Development Staff Report

Consider approval of the request for a lot split from the Charles Pearson Trust located at 3906 River Bend Road into two (2) tracts and then to consolidate unto the property owned by Bruce and Shirley Shropshire located at 3608 North Country Club Circle, or take other necessary action.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Residential Use
- Property Address:
 - Lot Split Address – 3608 North Country Club Circle (tract 1)
 - Lot Consolidation Address – 3609 River Bend Road (tract 2)
- SW quarter of Section 8, Township 15 North, Range 19 East

Meeting Information:

- City of Muskogee Planning & Zoning Commission on Monday, August, 19, 2024 at 9:00 A.M. in Council Chambers on the Third Floor of City Hall located at 229 West Okmulgee Street, Muskogee, Oklahoma 74401

Legal Description:

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A PARCEL OF LAND BEING ALL OF LOT 17 RIVER BEND II SUBDIVISION, MUSKOGEE COUNTY, OKLAHOMA AND A PART OF LOT 8 OF RIVER BEND III SUBDIVISION, MUSKOGEE COUNTY OKLAHOMA DESCRIBED AS FOLLOWS:

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Background:

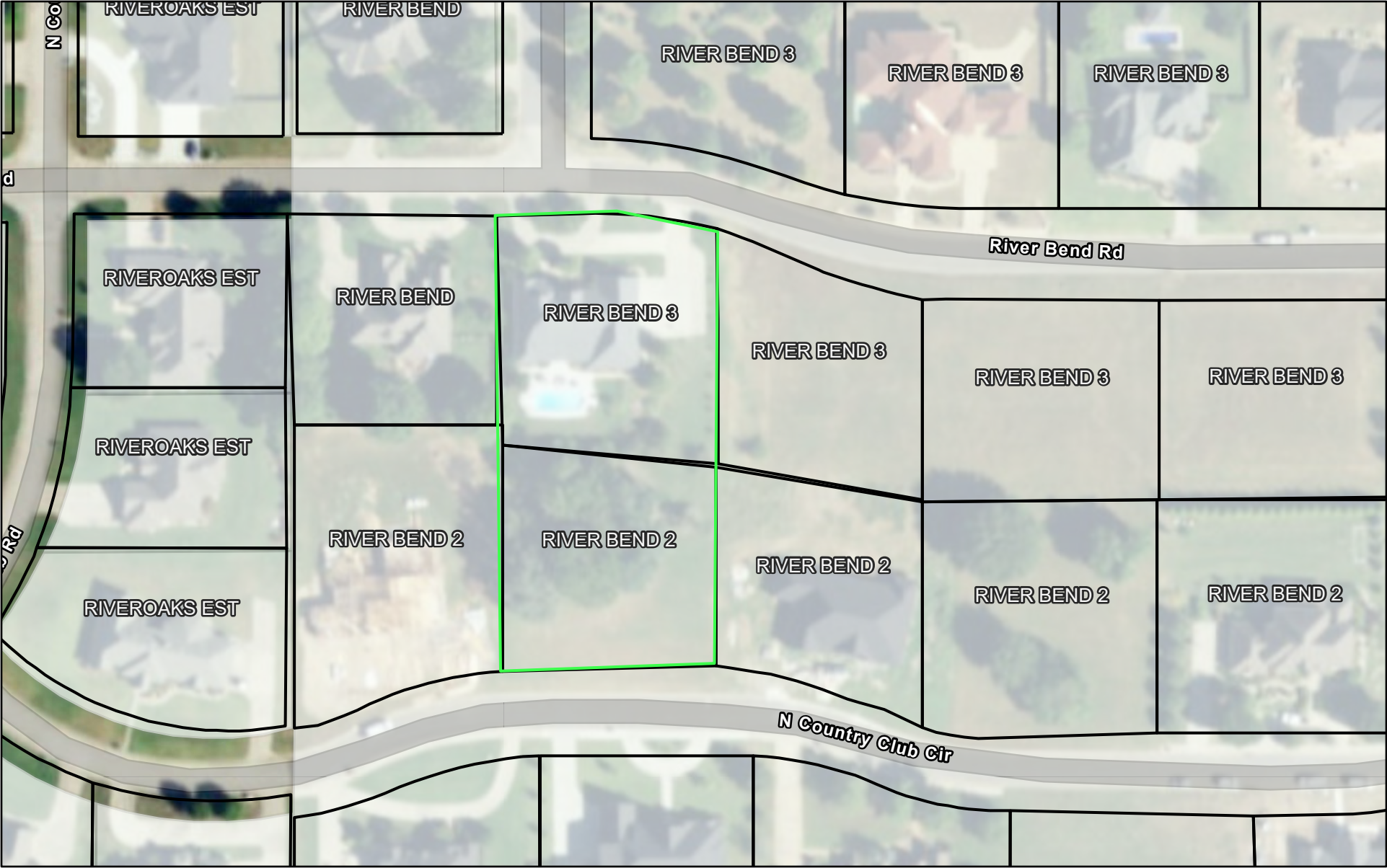
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RECOMMENDATION: Approve the Lot Split and Consolidation



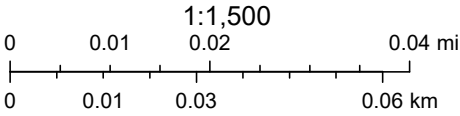


City of Muskogee Zoning



8/13/2024

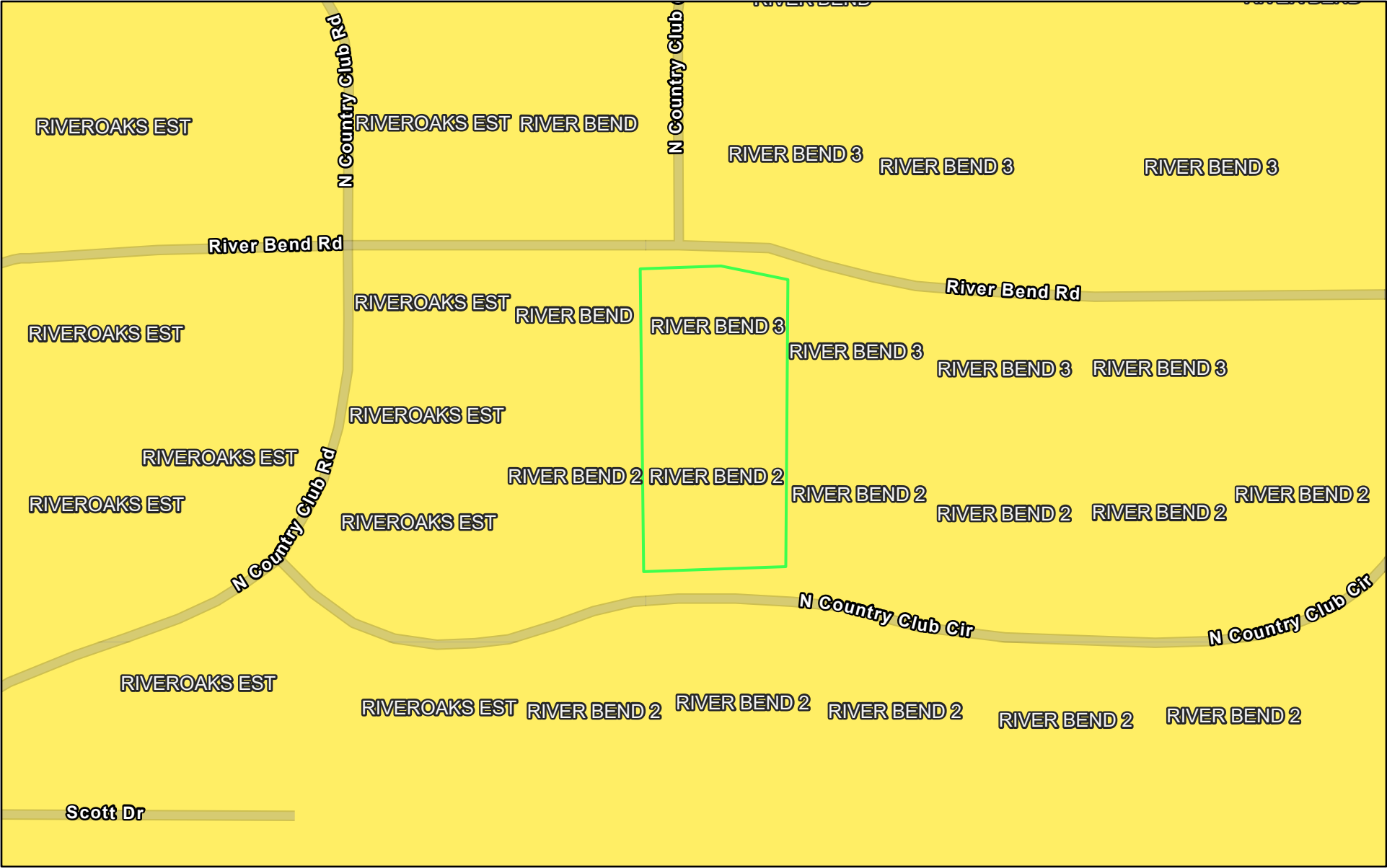
 Muskogee parcels Zoning
 R-1



Source: Esri, USDA FSA, Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Jody King, MPA
City of Muskogee Planning Department

City of Muskogee Future Land Use



8/13/2024

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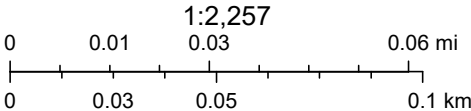
Muskogee parcels

Zoning

R-A

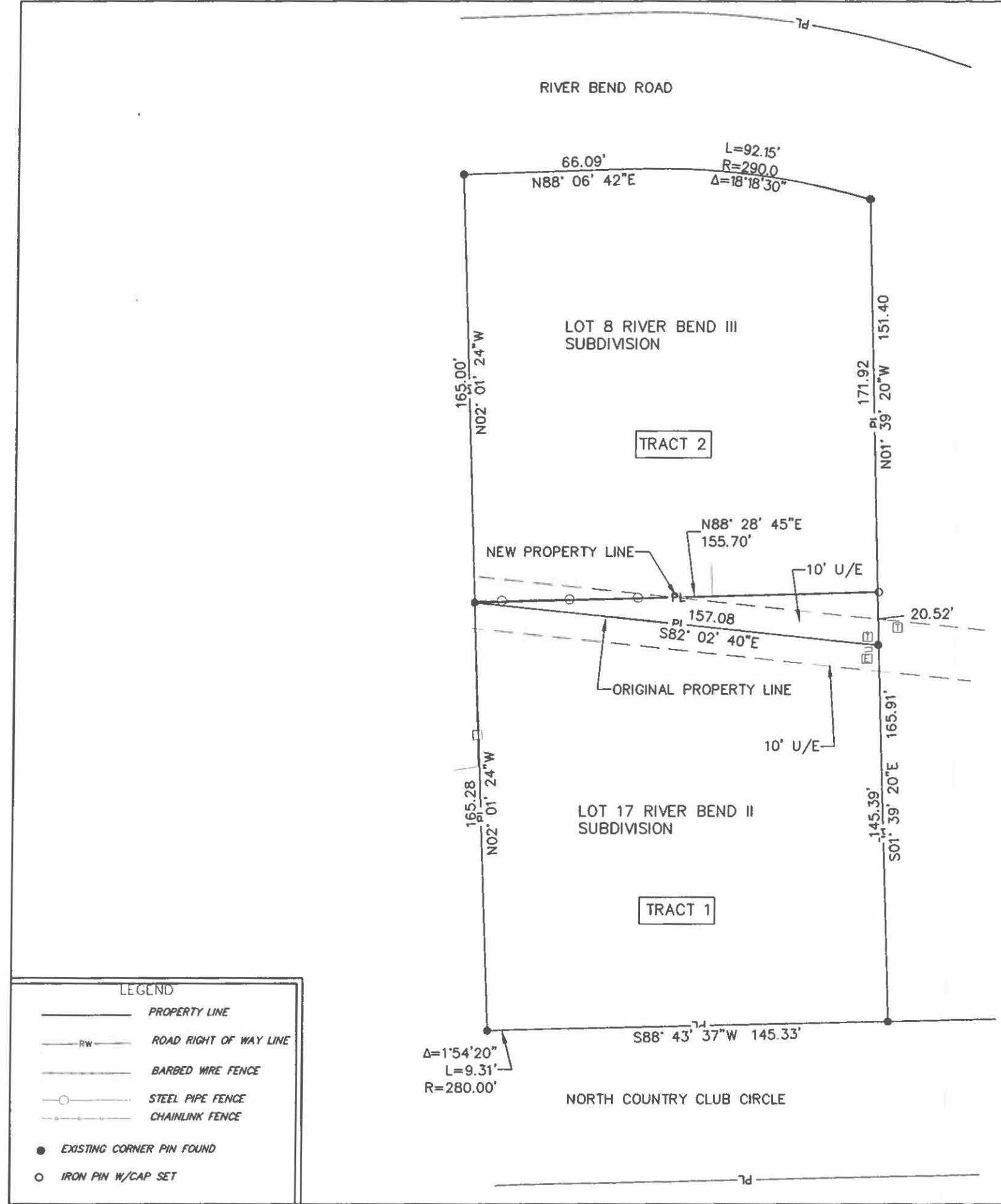
R-1

R-2



Source: Esri, USDA FSA, Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Jody King, MPA
City of Muskogee Planning Department



LOT CONSOLIDATION SURVEY

LEGAL DESCRIPTION

TRACT 1

A PARCEL OF LAND BEING ALL OF LOT 17 RIVER BEND II SUBDIVISION, MUSKOGEE COUNTY, OKLAHOMA AND A PART OF LOT 8 OF RIVER BEND III SUBDIVISION, MUSKOGEE COUNTY OKLAHOMA DESCRIBED AS FOLLOWS:

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I CERTIFY THAT THIS SURVEY ACCURATELY REPRESENTS THE ACTION OF THE CITY OF MUSKOGEE PLANNING AND ZONING COMMISSION TAKEN

ON _____
PLANNING COMMISSION CHAIRMAN _____ DATE _____

SURVEYOR CERTIFICATION

I, CHARLES WARREN CHASTAIN, CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING, AND THAT THE ABOVE DESCRIBED TRACT WAS SURVEYED UNDER MY DIRECT SUPERVISION

CHARLES W. CHASTAIN PLS 1352 DATE- 6/13/24

HOLLOWAY UPDIKE AND BELLEN



818 E. S. BLVD
MUSKOGEE OKLAHOMA 74402

OKLAHOMA C.A. NO. 219 EX-06/2023
PH 918 682 7811

LOT CONSOLIDATION

CLIENT: BRUCE AND SHIRLEY SHROPSHIRE

ADDRESS: 5730 ROLLING OAKS DR. MUSKOGEE OK. 74401

PHONE

BASIS OF BEARINGS

RECORDED PLATS OF RIVER BEND SUB. II AND III



DRAWING INFO

DRAWN BY: SCALE 1" = 50'
REVISION DATE-
DATE OF FIELD SURVEY 6/2024

Planning Commission

3.

Meeting Date: 08/19/2024

Initiator: Jody King, Planning Director

Information

AGENDA ITEM TITLE:

Hold a public hearing and consider a recommendation to the City Council for approval of a request for a Specific Use Permit to allow for a kennel (pet boarding) in a C-2 General Commercial Zoning District located near Hancock Street and Foltz Lane, or take other necessary action. (Jody King)

LEGAL DESCRIPTION:

LOTS 1 AND 2 OF ACT MD ADDITION IN SECTION 31, T15N, R19E, OF THE I.B.&M., CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA, CONTAINING 4.92 ACRES. MORE OR LESS.

BACKGROUND:

Shelley Leckwee (applicant) purchased and platted the ACT MD Addition early in 2024, approved by City Council. The property is split zoned C-2 General Commercial in the front and R-1 Single Family in the rear. Her plans for the property is to open a commercial pet boarding facility (kennel) on the front 2 acres (more or less) and build her own private residence on the remaining lot in the rear.

The Board of Adjustment approved the special exception request on Tuesday, August 13, 2024.

The reason a specific use permit is required for a commercial pet boarding business is that the size of the land the use may require or the specialized nature of the use is so intense, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

For a kennel to operate it must first, receive a special use exception from the Board of Adjustment, then it must adhere to the minimum requirements of Kennel Requirements found in Chapter 14-133 Kennel Requirements, of the City of Muskogee Code of Ordinances. These requirements include:

- The property must be properly zoned as "C-2" general commercial.
- The property must have the required fence screening; and
- If any dogs are not contained within a completely enclosed structure that meets the building code requirements, such dogs must be contained at least 40 feet from the nearest residential structure; the enclosed structure containing dogs must be 100 feet from the nearest residential structure.
- Code enforcement and building inspections shall have a right to inspect the premises during normal business hours.

Additionally, the planning commission may, in the interest of the public welfare and to assure compliance may recommend to the city council that certain safeguards and conditions are put in place. The planning department recommend the following be strictly adhered to during construction and operation of this commercial use:

1. Follow all the requirements of Chapter 70 for subdivisions unless otherwise approved by the

planning commission during the platting process. This will include:

- a. Concrete drive and parking lot that conforms to the minimum parking (lot) standards
 - i. Kennel/Pet grooming does not appear on our parking chart. The recommend number of spaces to conform with our code is the same a retail, general at 1 per 250sqft
 - ii. The proposed building is 2800, so 12 parking spaces. None of them have to be handicapped.
 - b. Sidewalk running along Hancock along the frontage of the business
2. All lights must shine into the property and cannot bleed into abutting residential districts.
 3. Buffer zone when commercial district abuts residential district.
 - a. Needs to be a minimum of 6 feet wide from the property line
 - b. 8ft sight proof fence running along the entirety of the rear and side buffer yards
 - c. Landscaping can also be done in these buffer yards to help in reducing the public nuisance created by this use. If no landscaping is done, the land shall be maintained as turf or other approved groundcover.
 - d. No other use shall be in the buffer yard except landscaping.
 4. All animals shall be kept indoors at sunset
0. Conform to Use Standards 90-13-04(J)
 - a. Exterior enclosures and runs shall provide protection against weather extremes. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
 - b. All animal quarters and runs are to be kept in a clean, dry and sanitary condition.
 - c. Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.
 - d. Noise shall be mitigated so as not to create a public nuisance for adjoining properties and shall comply with all noise regulations. This shall exclude noise from exercise or training while outdoors during the daytime.

This public hearing was sent to all property owners within a 300 foot radius or the property and published in the Muskogee Daily Phoenix on July 14, 2024.

Public Hearings will occur at the following meeting(s) in the City Council Chambers of the City of Muskogee City Hall, 3rd Floor at 229 West Okmulgee Avenue:

- Planning & Zoning Commission on Monday, August 19, 2024 at 9:00 A.M. CST
- City Council Meeting on Monday, August 26, 2024 at 5:30 P.M. CST

RECOMMENDED STAFF ACTION:

Approve the Specific Use Permit on the condition that the property owner follow all requests of the planning commission and a Certificate of Occupancy is obtained from the City of Muskogee Permitting Office.

Fiscal Impact

Attachments

Staff Report

Planning & Community Development Staff Report

City of Muskogee Planning & Zoning Commission, August 19, 2024 at 9:00 A.M.

Location: City of Muskogee City Hall, 229 W Okmulgee Ave., 3rd Floor Council Chambers

Consider approval of a request located near Hancock Street and Foltz Lane for a Specific use Permit to allow for a kennel (pet boarding) in a C-2 General Commercial Zoning District.

Planning Department Analysis

- Current Zoning & Use: C-2 General Commercial, Vacant Lot
- NW quarter of the NW quarter of Section 31, Township 15 North, Range 18 East of the Indian Meridian.

Legal Description:

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The Board of Adjustment [ruling] for the special exception request on Tuesday, August 13, 2024.

The reason a specific use permit is required for a commercial pet boarding business is that the size of the land the use may require or the specialized nature of the use is so intense, or they may more intensely dominate the area in which they are located or their effects on the general public are broader in scope than other types of uses permitted in the district.

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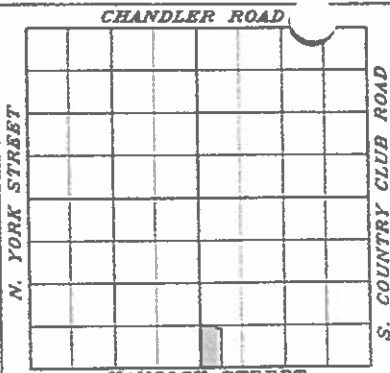
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RECOMMENDATION: Approve the Specific Use Permit on the condition that the property owner follow all requests of the planning commission and a Certificate of Occupancy is obtained from the City of Muskogee Permitting Office.

SITE PLAN

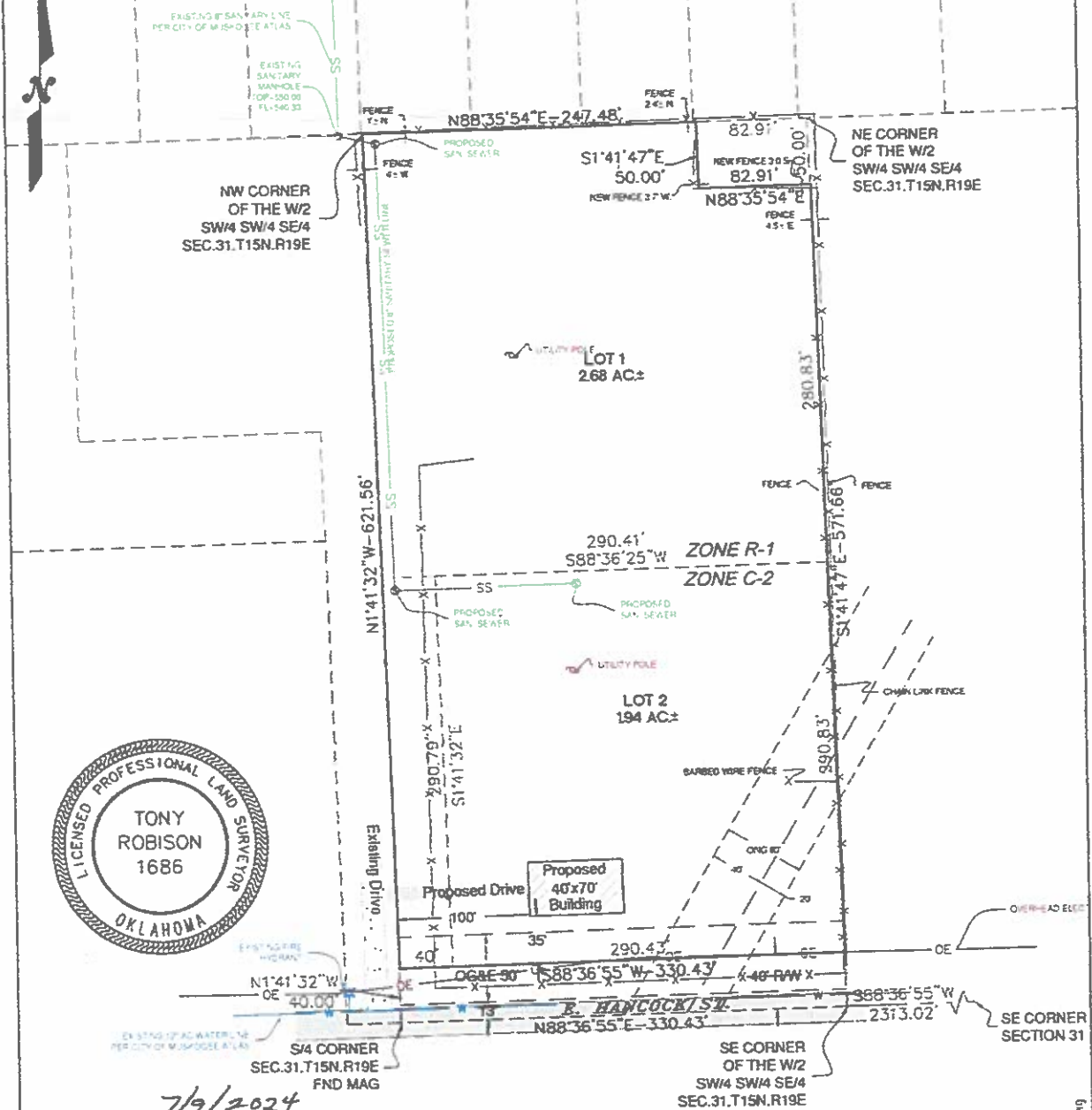
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SEC. 31 T 15 N, R 19 E

SCALE: 1" = 80'



7/9/2024

TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849

600 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401

(918) 682-7798

FOR: Shelley Leckwee

DATE: 7/9/2024

Bearings are based on NAD83 Oklahoma State Plane Coordinate System.

W.O.# 12300

SURVEYED BY: RT

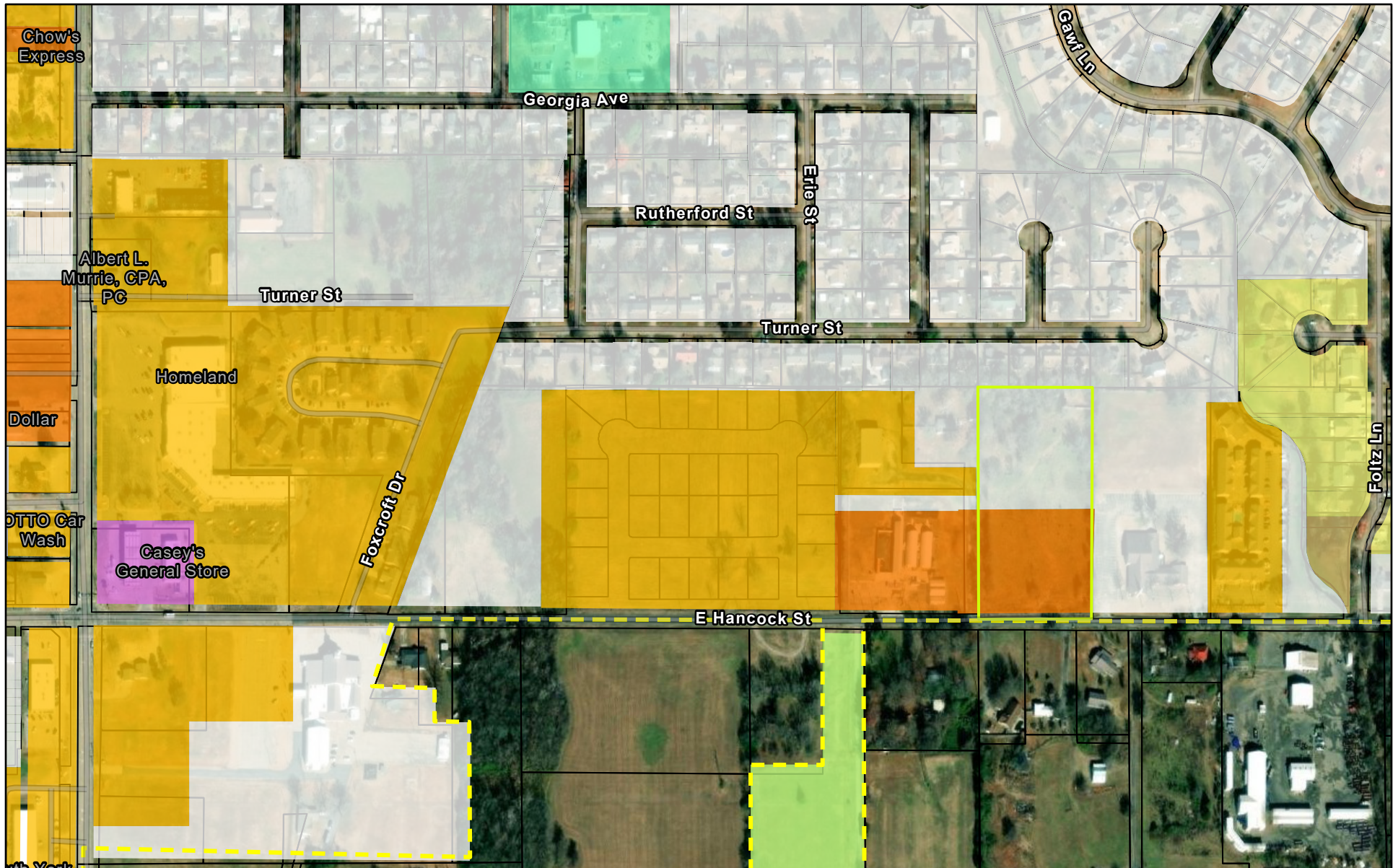
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Last Site Visit:

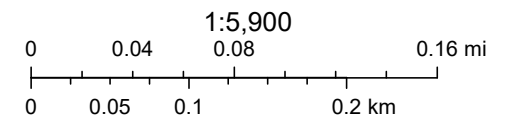
FILE NAME
Jul 09, 2024 - 3:19pm
S:\CAD - HEARTLAND - FILES\W012300.dwg

(918) 682-7798 THIS SURVEY MEETS OKLAHOMA MINIMUM SURVEY STANDARDS.

City of Muskogee Zoning Map



7/30/2024



Maxar, Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Jody King, MPA
City of Muskogee Planning Department

Planning Commission

4.

Meeting Date: 08/19/2024

Initiator: Jody King, Planning Director

Information

AGENDA ITEM TITLE:

Hold a public hearing and consider a recommendation to the City Council for approval of Ordinance No. 4240-A, a rezone request from R-1 Single Family, R-4 Multi-Family, R-5 Mobile Home, and C-1 Local Commercial to a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map, or take other necessary action. (Jody King)

LEGAL DESCRIPTION:

A tract of land situated in Reeves Addition, Reeves Addition Number 2 and in Factory Addition, and in the adjacent streets and alleys in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows;

Beginning at the SW Corner of Lot 23 in Block 12 of said Reeves Addition Number 2,

thence North along the East Right-of-Way of N. 11th Street to the NW Corner of Lot 18, Block 5, Reeves Addition Number 2;

thence East along the north line of Lot 18 and Lot 15 to NE corner of Lot 15 of Block 5;

thence North along the east line of Block 5 to the NE Corner of Lot 1 of Block 5;

thence East across the Right-of-Way of N. 10th Street and along the north line of Block 6 to a point on the west line of Three Rivers Plaza Addition;

thence South along the west line of Three Rivers Plaza Addition to the SW Corner of Three Rivers Plaza Addition;

thence East along the south line of Three Rivers Plaza Addition to the East Right-of-Way of N. 6th Street;

thence North along the East Right-of-Way of N. 6th St. to the NW Corner of Lot 20, Block 4, Factory Addition;

Thence East along the north line of Lot 20 to NE Corner of Lot 20;

Thence North along the east line of Lot 21 and Lot 22 to the NE Corner of Lot 22;

Thence East along the north line of Lot 11 and across the Right-of-Way of N. 5th St., and through Block 3 of Factory Addition, and across the Right-of-Way of Fairmont Street, to the NW Corner of Lot 22, Block 2, Factory Addition, and the East Right-of-Way of Fairmont Street;

Thence South along the East Right-of-Way of Fairmont Street to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the West Right-of-Way of N. 6th Street;

Thence North along the West Right-of-Way of N. 6th Street to the NE Corner of Lot 13, Block 9, Factory Addition;

Thence West along the north line of Lot 13 to the NW Corner of Lot 13;

Thence South along the west line of Lot 13 and Lot 14 to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the intersection of the west line of the 16-foot alley in Block 12 of Reeves Addition Number 2;

Thence North along the west line of the 16-foot alley to the SE Corner of Lot 23 of Block 12;

Thence West along the south line of Lot 23 to the SW Corner of Lot 23, Block 12, Reeves Addition Number 2, being the Point of Beginning.

LESS

Lot 1 in Block 12 of Reeves Addition Number 2, and Lots 27 and 28 of Block 11, Factory Addition.

BACKGROUND:

The properties currently owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions are covered by zoning classifications corresponding to the classifications in place when the properties were acquired. A proposed rezoning through the adoption of a Planned Unit Development (PUD) in accordance with 90-05-01 et seq. of the Muskogee City Code of Ordinances will make future redevelopment easier for developers by creating more flexible regulations and removing the burden of rezoning individual parcels. The PUD will cover parts of Blocks 3 and 4, and all of Blocks 5 and 6 and 12 of the Factory Addition, as well as parts of Blocks 9 and 11 and 12, and all of Blocks 6 and 10 of the Reeves 2 Addition.

A Planned Unit Development essentially creates a set of development standards for this subdivision that replaces existing standards found in the City of Muskogee zoning code. In the case of this PUD, which covers residential and commercial development across the included properties, standards covered include:

1. Reduces restrictions on residential and commercial lot size requirements
2. Creates flexible customer parking environments
3. Allows for architectural creativity
4. Promotes multi-modal transportation
5. Encourages the use of open space and landscaping

The Urban Renewal Authority met in regular session on Wednesday, July 17, 2024 to direct staff to make the application and prepare the PUD document.

Major Proposed Deviations from the Existing Zoning Code

A PUD is written to achieve a higher level of design and to create open space, amenities, and to promote development styles currently not allowed by the existing zoning code. We have made developmental changes that will ensure a mixed-use of residential and commercial structures to co-habitat in close proximity to promote development and walkability, but also to reduce the possibility of nuisances to protect the community. The following are the major changes made to the residential and commercial development standards to promote development in this PUD:

1. In the City of Muskogee Zoning Code, residential structures are broken up into various zoning districts that allow for most types of structures to be erected in the district.
 - a. This PUD allows for all types of housing, except for manufactured housing and tiny homes, to co-exist in this PUD given that proper screening and lighting standards are met for large apartment complexes that are adjacent to other types of housing.
 - b. This PUD reduces the setback requirements, lot size minimums, parking minimums, and increased the lot coverage requirements to promote all sizes of residential development.
 - c. This PUD encourages the use of Accessory Dwelling Units, Single-Room Occupancy, and Short Term Rentals to address the need for older and disabled relatives to live near their family and to promote tourism to the City of Muskogee.
2. Commercial Structures are similar to our existing zoning code, but deviate in four key areas.
 - a. This PUD is inclusive of most types of retail, restaurant, service oriented, and office development to best serve the nearby residential areas and the City of Muskogee as a whole. We will allow commercial to abut residential if they meet the screening and landscaping as outlined by this document to reduce nuisances. If a use is not on the included list, it may be permitted or determined to be a special use by the planning director.
 - b. Commercial businesses are encouraged to undergo creative architectural design by creating

flexibility into the document.

- c. This PUD reduces the setback requirements to zero lot lines and no minimum lot size to best maximize the use of land to encourage economic resilience and to promote new business growth and expansion.
- d. This PUD removes parking minimums on commercial businesses. The overuse of parking and parking minimums distracts the community from development and reduces economic resiliency by forcing a limited number of businesses to exist in a particular area because of the “seas of asphalt and concrete” which often are never filled to capacity.

Public Hearing was posted in the Muskogee Daily Phoenix and sent to property owners that reside or own property within a 300 foot radius of this area. Public Hearings will occur at the following meetings:

- Planning & Zoning Commission on Monday, August 19, 2024
- City Council, Monday, August 26, 2024

RECOMMENDED STAFF ACTION:

Recommend Approval to the City Council of the Rezone Request.

Fiscal Impact

Attachments

Staff Report

Ordinance No. 4240-A DRAFT

Planning & Community Development Staff Report

- **City of Muskogee Planning & Zoning Commission, Monday, August 19, 2024 at 9:00 A.M.**

Location: City of Muskogee City Hall, 229 W Okmulgee Ave., 3rd Floor Council Chambers

Consider approval of a rezone request from R-1 Single Family, R-4 Multi-Family, R-5 Mobile Home, and C-1 Local Commercial to a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map.

Planning Department Analysis

- **Current Zoning & Use:**
- Currently the area we are discussing is a 26 acre portion of the URA Area bounded by North 11th Street, West Shawnee Street, Chicago Street, and Talladega Street, south and east of the Three Rivers shopping Plaza where T.J. Maxx is located. The attached map shows the proposed area for a rezone to PUD. Currently, the area is a mix of zoning which includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial. 99% of the land is vacant and undeveloped. All lots are owned by the City. Three privately owned lots have been cut out from this rezone and will retain their current zoning and use category.
- Most of the SE and all of the SW quarter of the NW quarter of Section 23, Township 15 North, Range 18 West of the Indian Meridian and most of the SW of the NE Quarter of Section 23, Township 15 North, Range 18 East.

Legal Description:

A tract of land situated in Reeves Addition, Reeves Addition Number 2 and in Factory Addition, and in the adjacent streets and alleys in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows;

Beginning at the SW Corner of Lot 23 in Block 12 of said Reeves Addition Number 2,
thence North along the East Right-of-Way of N. 11th Street to the NW Corner of Lot 18, Block 5, Reeves Addition Number 2;
thence East along the north line of Lot 18 and Lot 15 to NE corner of Lot 15 of Block 5;
thence North along the east line of Block 5 to the NE Corner of Lot 1 of Block 5;
thence East across the Right-of-Way of N. 10th Street and along the north line of Block 6 to a point on the west line of Three Rivers Plaza Addition;
thence South along the west line of Three Rivers Plaza Addition to the SW Corner of Three Rivers Plaza Addition;
thence East along the south line of Three Rivers Plaza Addition to the East Right-of-Way of N. 6th Street;
thence North along the East Right-of-Way of N. 6th St. to the NW Corner of Lot 20, Block 4, Factory Addition;
Thence East along the north line of Lot 20 to NE Corner of Lot 20;
Thence North along the east line of Lot 21 and Lot 22 to the NE Corner of Lot 22;
Thence East along the north line of Lot 11 and across the Right-of-Way of N. 5th St., and through Block 3 of Factory Addition, and across the Right-of-Way of Fairmont Street, to the NW Corner of Lot 22, Block 2, Factory Addition, and the East Right-of-Way of Fairmont Street;
Thence South along the East Right-of-Way of Fairmont Street to the centerline of Talladega Street;
Thence West along the centerline of Talladega Street to the West Right-of-Way of N. 6th Street;
Thence North along the West Right-of-Way of N. 6th Street to the NE Corner of Lot 13, Block 9, Factory Addition;
Thence West along the north line of Lot 13 to the NW Corner of Lot 13;
Thence South along the west line of Lot 13 and Lot 14 to the centerline of Talladega Street;
Thence West along the centerline of Talladega Street to the intersection of the west line of the 16-foot alley in Block 12 of Reeves Addition Number 2;
Thence North along the west line of the 16-foot alley to the SE Corner of Lot 23 of Block 12;
Thence West along the south line of Lot 23 to the SW Corner of Lot 23, Block 12, Reeves Addition Number 2, being the Point of Beginning.

LESS

Lot 1 in Block 12 of Reeves Addition Number 2, and Lots 27 and 28 of Block 11, Factory Addition.

Background:

The properties currently owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions are covered by zoning classifications corresponding to the classifications in place when the properties were acquired. A proposed rezoning through the adoption of a Planned Unit Development (PUD) in accordance with 90-05-01 et seq. of the Muskogee City Code of Ordinances will make future redevelopment easier for developers by creating more flexible regulations and removing the burden of rezoning individual parcels. The PUD will cover parts of Blocks 3 and 4, and all of Blocks 5 and 6 and 12 of the Factory Addition, as well as parts of Blocks 9 and 11 and 12, and all of Blocks 6 and 10 of the Reeves 2 Addition.

A Planned Unit Development essentially creates a set of development standards for this subdivision that replaces existing standards found in the City of Muskogee zoning code. In the case of this PUD, which covers residential and commercial development across the included properties, standards covered include:

1. Reduces restrictions on residential and commercial lot size requirements
2. Creates flexible customer parking environments
3. Allows for architectural creativity
4. Promotes multi-modal transportation
5. Encourages the use of open space and landscaping

The Urban Renewal Authority met in regular session on Wednesday, July 17, 2024 to direct staff to make the application and prepare the PUD document.

Major Proposed Deviations from the Existing Zoning Code

A PUD is written to achieve a higher level of design and to create open space, amenities, and to promote development styles currently not allowed by the existing zoning code. We have made developmental changes that will ensure a mixed-use of residential and commercial structures to co-habitat in close

proximity to promote development and walkability, but also to reduce the possibility of nuisances to protect the community. The following are the major changes made to the residential and commercial development standards to promote development in this PUD:

1. In the City of Muskogee Zoning Code, residential structures are broken up into various zoning districts that allow for most types of structures to be erected in the district.
 - a. This PUD allows for all types of housing, except for manufactured housing and tiny homes, to co-exist in this PUD given that proper screening and lighting standards are met for large apartment complexes that are adjacent to other types of housing.
 - b. This PUD reduces the setback requirements, lot size minimums, parking minimums, and increased the lot coverage requirements to promote all sizes of residential development.
 - c. This PUD encourages the use of Accessory Dwelling Units, Single-Room Occupancy, and Short Term Rentals to address the need for older and disabled relatives to live near their family and to promote tourism to the City of Muskogee.
2. Commercial Structures are similar to our existing zoning code, but deviate in four key areas.
 - a. This PUD is inclusive of most types of retail, restaurant, service oriented, and office development to best serve the nearby residential areas and the City of Muskogee as a whole. We will allow commercial to abut residential if they meet the screening and landscaping as outlined by this document to reduce nuisances. If a use is not on the included list, it may be permitted or determined to be a special use by the planning director.
 - b. Commercial businesses are encouraged to undergo creative architectural design by creating flexibility into the document.
 - c. This PUD reduces the setback requirements to zero lot lines and no minimum lot size to best maximize the use of land to encourage economic resilience and to promote new business growth and expansion.
 - d. This PUD removes parking minimums on commercial businesses. The overuse of parking and parking minimums distracts the

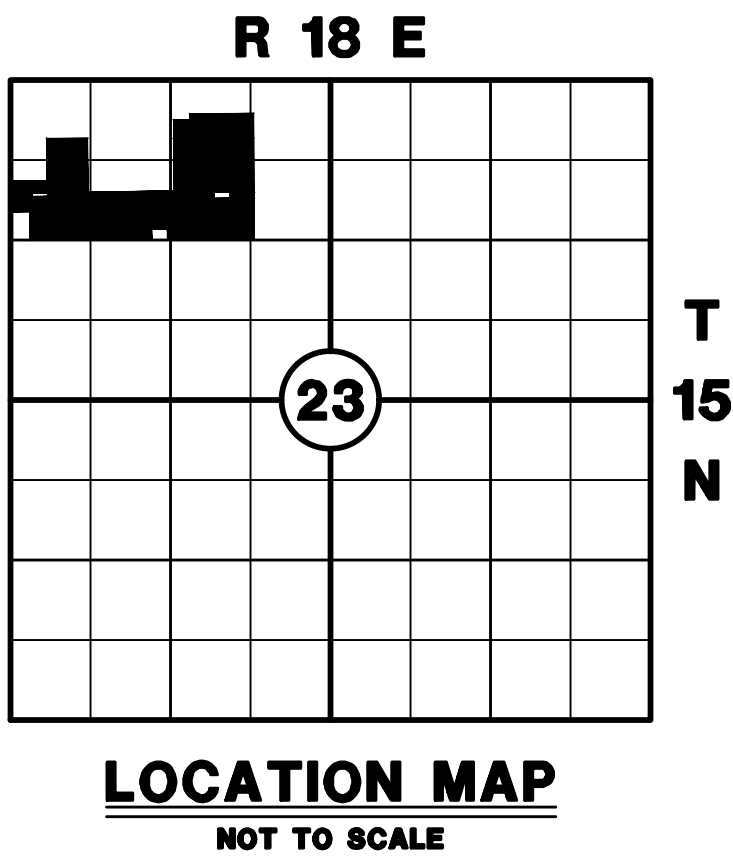
community from development and reduces economic resiliency by forcing a limited number of businesses to exist in a particular area because of the “seas of asphalt and concrete” which often are never filled to capacity.

Public Hearing was posted in the Muskogee Daily Phoenix and sent to property owners that reside or own property within a 300 foot radius of this area. Public Hearings will occur at the following meetings:

- Planning & Zoning Commission on Monday, August 19, 2024
- City Council, Monday, August 26, 2024

RECOMMENDATION: Approve the Rezone Request.

LEGAL DESCRIPTION TO REZONE URBAN RENEWAL AREA



LEGAL DESCRIPTION

A tract of land situated in Reeves Addition, Reeves Addition Number 2 and in Factory Addition, and in the adjacent streets and alleys in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows;

Beginning at the SW Corner of Lot 23 in Block 12 of said Reeves Addition Number 2;

thence North along the East Right-of-Way of N. 11th Street to the NW Corner of Lot 18, Block 5, Reeves Addition Number 2;

thence East along the north line of Lot 18 and Lot 15 to NE corner of Lot 15 of Block 5;

thence North along the east line of Block 5 to the NE Corner of Lot 1 of Block 5;

thence East across the Right-of-Way of N. 10th Street and along the north line of Block 6 to a point on the west line of Three Rivers Plaza Addition;

thence South along the west line of Three Rivers Plaza Addition to the SW Corner of Three Rivers Plaza Addition;

thence East along the south line of Three Rivers Plaza Addition to the East Right-of-Way of N. 6th Street;

thence North along the East Right-of-Way of N. 6th St. to the NW Corner of Lot 20, Block 4, Factory Addition;

Thence East along the north line of Lot 20 to NE Corner of Lot 20;

Thence North along the east line of Lot 21 and Lot 22 to the NE Corner of Lot 22;

Thence East along the north line of Lot 11 and across the Right-of-Way of N. 5th St., and through Block 3 of Factory Addition, and across the Right-of-Way of Fairmont Street, to the NW Corner of Lot 22, Block 2, Factory Addition, and the East Right-of-Way of Fairmont Street;

Thence South along the East Right-of-Way of Fairmont Street to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the West Right-of-Way of N. 6th Street;

Thence North along the West Right-of-Way of N. 6th Street to the NE Corner of Lot 13, Block 9, Factory Addition;

Thence West along the north line of Lot 13 to the NW Corner of Lot 13;

Thence South along the west line of Lot 13 and Lot 14 to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the intersection of the west line of the 16-foot alley in Block 12 of Reeves Addition Number 2;

Thence North along the west line of the 16-foot alley to the SE Corner of Lot 23 of Block 12;

Thence West along the south line of Lot 23 to the SW Corner of Lot 23, Block 12, Reeves Addition Number 2, being the Point of Beginning.

LESS

Lot 1 in Block 12 of Reeves Addition Number 2, and Lots 27 and 28 of Block 11, Factory Addition.



7/26/2024

TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849

800 Emporia St., Ste. "C"

Muskogee, Oklahoma 74401

(918) 685-7706



FOR: City of Muskogee

DATE: 7/26/2024

SHEET SIZE 24x36

W.O.# 12345

SURVEYED BY:

DRAWN BY: DR

Last Site Visit:

City of Muskogee Urban Renewal Area Planned Unit Development Agreement Executive Summary

Honorable Mayor and Members of the City Council:

It is my pleasure as the Director of Planning & Community Development to present to this body a Planned Unit Development to encourage development of the City's Urban Renewal Area.

Introduction and Purpose

The purpose of this Planned Unit Development (PUD) for the City of Muskogee Urban Renewal Area is to promote the 1984 Urban Renewal Plan. An urban renewal area is designed to promote the social, cultural, political, and economic development of an area that has been identified as blighted. This PUD is an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations.

Current Use and Zoning

Currently the area we are discussing is a 26 acre portion of the URA Area bounded by North 11th Street, West Shawnee Street, Chicago Street, and Talladega Street, south and east of the Three Rivers shopping Plaza where T.J. Maxx is located. "Attachment A" shows the proposed area for rezone to PUD. Currently, the area is a mix of zoning which includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial. 99% of the land is vacant and undeveloped. All lots are owned by the City. Three privately owned lots have been cut out from this rezone and will retain their current zoning and use category.

Proposed Deviations from the Existing Zoning Code

A PUD is written to achieve a higher level of design and to create open space, amenities, and to promote development styles currently not allowed by the existing zoning code. For items such as streets, traffic, water, sewer, stormwater and drainage, the standards written in this document mirror the City of Muskogee Code of Ordinances. We have made developmental changes that will ensure a mixed-use of residential and commercial structures to co-habitat in close proximity to promote development and walkability, but also to reduce the possibility of nuisances to protect the community. The following are the major changes made to the residential and commercial development standards to promote development and creativity in this PUD:

1. In the City of Muskogee Zoning Code, residential structures are broken up into various zoning districts that allows for most types of structures to be erected in the district. For this PUD, we have allowed for all types of housing, except for manufactured housing and tiny homes, to co-exist in this PUD given that proper screening and lighting standards are met for large apartment complexes that are adjacent to other types of housing. We have

also reduced the setback requirements, lot size minimums, parking minimums, and increased the lot coverage requirements to promote all sizes of residential development. We encourage the use of Accessory Dwelling Units, Single-Room Occupancy, and Short Term Rentals to address the need for older and disabled relatives to live near their family and to promote tourism to the City of Muskogee.

2. Commercial Structures are similar to our existing zoning code, but deviate in four key areas. First, this PUD is inclusive of most types of retail, restaurant, service oriented, and office development to best serve the nearby residential areas and the City of Muskogee as a whole. We will allow commercial to abut residential if they meet the screening and landscaping as outlined by this document to reduce nuisances. If a use is not on the included list, it may be permitted or determined to be a special use by the planning director. Second, commercial businesses are encouraged to undergo creative architectural design by creating flexibility into the document. Third, this document reduces the setback requirements to zero lot lines and no minimum lot size to best maximize the use of land to encourage economic resilience and to promote new business growth and expansion. Lastly, we are removing parking minimums on commercial businesses. The overuse of parking and parking minimums distracts the community from development and reduces economic resiliency by forcing a limited number of businesses to exist in a particular area because of the “seas of asphalt and concrete” which often are never filled to capacity.

Open Space and Accessibility

This PUD has been designed to encourage the creation of open space, sidewalks, bike paths, and other modes of transportation that reduce the dependence on cars and promote a safe, healthy built environment. Through this, we require the area to be ADA compliant in all aspects of its design and implementation. We also will use this document to promote community amenities to be built within the area which could include parks, gathering places, pools, etc.

It has been my pleasure to work on this document for the City of Muskogee and to promote development of our blighted areas. I am as optimistic now as ever that Muskogee can be a place for people to live, work, and play through encouraged development, collaboration, and public input. I want to thank the City Council, Planning Commission, and Urban Renewal Authority who wish to see the community prosper and to be resilient.

Sincerely,



Jody King, MPA
Director of Planning & Community Development

City of Muskogee Urban Renewal Area Planned Unit Development Agreement

PROJECT NAME: King's Crossing Plaza, City of Muskogee URA

ADDRESS/LEGAL DESCRIPTION:

BRIEF PROJECT DESCRIPTION: This is a multi-phase mixed-use residential and commercial development in which the goal is to eliminate blight in the City of Muskogee as identified by the Urban Renewal Plan and to promote development.

BASE ZONING: Range of mixed zoning that includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial.

Article I. Intent and Purpose

A. The purpose of this Planned Unit Development (PUD) for the City of Muskogee Urban Renewal Authority (Authority) is to promote the 1984 Urban Renewal Plan (URA Plan). An urban renewal area is designed to promote the social, cultural, political, economic development of an area that has been identified as blighted. This PUD is an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Muskogee Comprehensive Plan and planning policies of the City while departing from the strict application of the use and bulk regulations of the zoning title. The Planned Development is intended to permit and encourage such flexibility and to accomplish the following purposes:

1. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land.
2. To provide more efficient use of land.
3. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
4. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
5. To unify building and structures through design.
6. Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

B. Standards for Review

Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the Planned Development to the City or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a Planned Development, the Planning Commission

and/or the City Council, as the case may be, shall be required to make certain findings based on the following standards.

C. **Required Findings.** No application for a Planned Development shall be approved unless all of the following findings are made about the development:

1. *Comprehensive Plan.* The Planned Development shall conform with the general planning policies of the City as set forth in the Comprehensive Plan.
2. *Public Welfare.* The Planned Development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
3. *Impact on Other Property.* The Planned Development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
4. *Impact on Public Facilities and Resources.* The Planned Development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it at the cost of the developer in accordance with the Subdivision Regulations.
5. *Archaeological, Historical or Cultural Impact.* The Planned Development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
6. *Parking and Traffic.* The Planned Development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provide adequate access for emergency vehicles.
7. *Adequate Buffering.* The Planned Development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
8. *Signage.* Any signage on the site of the Planned Development shall be in conformity with the Sign Regulations.

D. **Modification Standards.** In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a Planned Development. These standards shall not be regarded as inflexible, but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

1. *Integrated Design.* A Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

2. *Beneficial Common Open Space.* Any common open space in the Planned Development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
 - a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - b. Dedicated streets, alleys and other public rights-of-way.
 - c. Vehicular drives, parking, loading and storage area.
 - d. Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
1. *Functional and Mechanical Features.* Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the Planned Development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
2. *Visual and Acoustical Privacy.* The Planned Development shall provide reasonable visual and acoustical privacy for each dwelling unit. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
3. *Energy Efficient Design.* A Planned Development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Development.
4. *Drives, Parking and Circulation.* Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
5. *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

Article II. Relation to the Comprehensive Plan

- A. The 2013 City of Muskogee Comprehensive Plan and Future Land Use Map (Comprehensive Plan) identify this area as proper for commercial and industrial development as a regional/commercial corridor and light industrial. Resolution 2455 was a resolution to amend the future land use plan from the Comprehensive Plan from these

designations to Urban Renewal Area (URA). This resolution allowed for future rezones and economic development to take effect as it pertained to the URA Plan by amending the Comprehensive Plan to include the URA so that any future would development would conform with the Comprehensive Plan as required by O.S. § 43-103. This resolution was adopted by the City of Muskogee City council on May 27, 2014.

Article III. Acreage

- A. The PUD area within this portion of the URA will consist of 26.6 acres (more or less).

Article IV. Land Uses

- A. **Current Land Use.** Land uses vary across the URA based on current zoning and use. This PUD will encompass 93 parcels of land. Below are the rough calculation of the percentage of land use by zoning:
1. *R-1 Single Family.* 92% of the PUD area is zoned R-1 with most lots being vacant.
 2. *R-4 Multi-Family.* 4% of the PUD area is zoned R-4 with all lots being vacant.
 3. *R-5 Mobile Home.* 2% of the PUD area is zoned R-5 with all lots being vacant.
 4. *C-1 Local Commercial.* 2% of the PUD area is zoned C-1 with the single lot being vacant.
- B. **Proposed Land Use.** The land use for this PUD shall consist of mixed used residential and commercial development. Ideally, this PUD would yield 4% of space allocated for a public square, 40% as residential, 20% as commercial, 30% as mixed-use, and 6% other or some combination of the aforementioned. A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Planning Director to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

USE	Permitted	Special Use
RESIDENTIAL		
Household Living		
Dwelling, Single-Family	X	
Dwelling, Two-Family	X	
Dwelling, Multi-Family	X	
Dwelling, Mixed Use (commercial downstairs, residential upstairs) ¹	X	
Dwelling, Townhouse	X	
Single Room Occupancy (SRO)	X	
Accessory Dwelling Unit (maximum of 1 per lot)	X	
Short-Term Rentals	X	

AGRICULTURAL		
Urban Agriculture	X	
Community Gardens	X	
INSTITUTIONAL		
Government and Educational		
School, Preschool—12th Grade	X	
Professional Services		
Day Care Home, Child		X
COMMERCIAL		
Eating and Drinking Establishments		
Café	X	
Catering Establishment	X	
Dairy Products or Ice Cream Store	X	
Delicatessen	X	
Restaurant (sit-down)	X	
Restaurant (drive-thru)	X	
Restaurant (drive-in)	X	
Amusement and Recreational Establishments Serving Alcoholic Beverages	X	
Nightclubs/Dance Halls Serving Alcoholic Beverages	X	
Tavern/Bar	X	
Restaurants with Private Clubs	X	
Private Clubs	X	
Pool Halls, Serving Alcoholic Beverages	X	
Tobacco/Cigar/Smoking Lounges, Serving Alcohol	X	
Entertainment and Spectator Sports		
Music Halls (indoor)	X	
Theater (indoor)	X	

Outdoor Amusement Enterprises	X	
Financial Services		
Bank	X	
Credit Unions or Bureaus	X	
Safe Depositories	X	
Savings and Loan	X	
Stock and Bonds Broker	X	
Trust Companies	X	
Food and Beverage Retail Sales		
Bakery, Retail (onsite production and sale)	X	
Convenience Food Store	X	
Fruit or Vegetable Stand		X
Grocery or Supermarket	X	
Meat Market	X	
Professional Office		
Professional Offices	X	
Office, Business	X	
Employment Agencies	X	
Abstract Companies	X	
Accountants	X	
Advertising Offices	X	
Collection Agencies	X	
Employment Agencies	X	
Finance Companies	X	
Medical Offices	X	
Messenger Services	X	
Protection Services	X	
Publicity Services	X	

Tax Consultants	X	
Utility Companies	X	
Professional Studio		
Arts Instruction	X	
Retail Stores		
Barbershop, Beauty Shop, Nail Salon, Day Spa	X	
Retail Sales, Goods Produced on the Premises	X	
Shopping Center	X	
Retail Goods Establishment	X	
Sports and Recreation		
Bowling Alley	X	
Recreation Clubs, Private or Non-Profit	X	
Dance Hall	X	
Roller Skating Rink	X	

Note:

Height restriction of 10 stories or 115 feet on mixed-use structures. Multi-story mixed-use structures may utilize up to the first three floors for commercial business, all remaining floors must be residential.

Section V. Development Standards.

A. **Existing Conditions.** An inspection of the property within the boundary of this PUD was conducted on Thursday, July 11, from the public right-of-way of a property inspection.

1. **Structures, Streets, and other Impervious Surfaces.**

a. **Structures.** There are no observed existing structures.

b. **Streets**

- i. North 11th Street
- ii. Talladega Street
- iii. North 6th Street
- iv. Miller Street
- v. Fairmont Street

c. **Impervious Surfaces.** There are no observed impervious surfaces that would interfere with development.

2. **Floodplain.** There are no flooding concerns in this area.

3. **Surrounding Zoning and Land Use.** See attached Attachment A, Zoning Map.

4. **Utilities.** There is utility access to water, sewer, gas, storm, and electric. See Attachment B: Utility Map.

B. Residential Development Standards.

1. All residential structures shall comply with the Building Code(s) adopted by the City of Muskogee.
2. Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located
3. **Bulk & Yard Standards**

BULK AND YARD	Single-Family Detached	Two-Family (Duplex)	Townhouse	Multi-Family (Apartments)
LOT DIMENSIONS				
Lot Width (min.)	None	None	None	None
Lot Area (min.)	None	None	None	None
SETBACKS				
Front (min.) ²	20 ft.	20 ft.	None	None
Side (min.) ³	5 ft.	5 ft.	None	None
Corner Lot (min.) ³	15 ft.	15 ft.	None	None
Rear (min.) ³	25 ft.	25 ft.	None	None
INTENSITY				
Lot Coverage (max.)	None	80%	80%	None
Building Height (max.)	2½ stories or 35 ft.	2½ stories or 35 ft.	3 1/2 Stories or 46 ft.	4 1/2 Stories or 63 ft.
Intensity of Use (max.)	2 dwellings per lot (principal + ADU/SRO)	2 dwellings per lot (principal + ADU/SRO)	None	None

- C. **Design Standards.** Development within the residential districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than 51 percent. Any other material type may be permitted as long as they are not a prohibited material in this section and the material is pre-approved by the Planning Director or the Building Inspector.

1. All residential structures shall comply with the Building Code(s) adopted by the City of Muskogee.
2. *Colors.* Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are

prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

3. *Roof Design*. Buildings shall comply with the following roof design standards:
 - a. Roofs shall be designed as an integral part of the façade design.
 - b. Roof Material. Roofs shall be constructed using:
 - i. Traditional asphalt shingles,
 - ii. Metal shingles,
 - iii. Clay, Tile, or other natural material,
 - iv. Wood Shingles,
 - v. Slate,
 - vi. Composite Roofing,
 - c. "Green roof" designs are encouraged.
4. *Permitted Building Materials*. Permitted building materials for exterior use are as follows:
 - a. Vinyl and insulated vinyl siding,
 - b. LP SmartSide,
 - c. Hardie Board Siding,
 - d. Composite Siding
 - e. Natural and Composite Wood,
 - f. Stucco,
 - g. Fiber Cement Siding,
 - h. Brick, Masonry, or a combination of masonry and other siding types,
 - i. Steel Lap Siding.
 - j. Glass curtain walls (non-load bearing glass wall extending more than one story).
5. *Prohibited Building Materials*. Prohibited materials for a predominant surface finish material are as follows:
 - a. Plain concrete block (allowed on rear of structure if not abutting a public street).
 - b. Utility-sized brick.
 - c. Exposed aggregate (rough finish) concrete wall panels.
 - d. Plastic.
 - e. Aluminum, steel or other metal sidings.
 - f. Metal wall panels.

D. Accessory Structures. Accessory structures are allowed in the rear yard of any single-family detached or two-family structure and must conform to the following requirements:

1. General Standards

- a. All accessory structures and related uses shall be subject to the following regulations, in addition to any other regulations within this Article and this Zoning Ordinance.
- b. An accessory use may not be established prior to the establishment of the principal use to which it is an accessory.
- c. The building height of any detached accessory structure shall not exceed eighteen (18) feet or the height of the principal building, whichever is less, unless located in the A-1 district or accessory structure height is otherwise permitted or limited by this Ordinance.

- d. No accessory structures may be located in a front yard or corner side yard setback.
- e. An accessory structure may not occupy more than 40% of the rear yard.
- f. Detached accessory structures (including overhangs) shall be located a minimum of ten (10) feet, or the minimum distance required by the City Building Codes, from the principal structure or another accessory structure.
- g. All accessory structures must be located a minimum of three (3) feet from any rear lot line and three (3) feet from an interior side lot line, unless otherwise permitted by this Ordinance.
- h. Accessory structures shall not be located within a public or private easement.
- i. On a reversed corner lot in a residential district, no detached accessory structure shall be closer to the side lot line abutting the street than the required front yard on the adjacent property to the rear. In addition, for such lots, all accessory structures shall be located no closer to the rear lot line than the minimum side yard of the adjacent residential property.
- j. If located partially or completely between the side lot line and the principal structure on the lot, a detached accessory structure shall meet the minimum side yard requirements established for the principal structure.

2. Detached Garages and Detached Accessory Structures.

- a. A detached garage or accessory structure shall not exceed a maximum height of one and a half stories, or eighteen (18) feet as measured from the garage floor to the peak of a pitched roof, whichever is lower.
- b. The square footage of any individual detached structure shall not exceed forty (40) percent, of the square footage, of the principle structure located on the property.
- c. The total of all detached structures shall not occupy more than forty (40) percent of the rear yard.
- d. Detached structures shall not to be located in the front yard setback.
- e. Detached structures shall be located a minimum of three (3) feet from any rear lot line or interior side lot line and shall not be located within the corner side yard setback.
- f. If located partially or completely between the side lot line and the principal structure on the lot, a detached garage shall meet the minimum side yard setback requirements established for the principal structure.
- g. Detached structures shall be located a minimum of ten (10) feet from the principal structure on a lot. The distance shall be measured from the walls of the structure.
- h. Detached structures shall have a hip or gable roof with a minimum 3:12 pitch and a minimum one (1) foot overhang finished with soffit material.
- i. In addition to the requirements of this Section, detached garages and all other detached accessory structures, larger than one hundred twenty (120) square feet, constructed with an exterior metal finish, and built after the adoption of this Section shall comply with the following design standards. Detached garages or detached accessory structure located within the PUD or carports that are open on three (3) or more sides located shall be exempt from this requirement.

- i. Side walls shall not exceed a height of ten (10) feet measured from grade to the top of the wall; and
- ii. The maximum overhead door height shall not exceed nine (9) feet measured from grade to the top of the door opening; and
- iii. Roof panels, wall panels and trim items shall have a Kynar or siliconized modified polyester (SMP) coating and a minimum thickness of twenty-six (26) gauge or a Class 4 rating.

3. **Accessory Dwelling Units (Granny Flats) and Single-Room Occupancies.**

- a. **Definition.** An Accessory Dwelling Unit is defined as a self-contained housing unit incorporated within a single-family dwelling or within an accessory structure to a single-family dwelling unit, being the primary residence, and complies with each of the criteria stated below. The intent of permitting accessory dwelling units is to:

- i. Provide older homeowners with a means of obtaining companionship, security, and services from family, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- ii. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- iii. Provide housing units for persons with disabilities;
- iv. Protect stability, property values, and the residential character of a neighborhood.

- b. **Procedural Requirements.**

- i. Accessory dwelling units can be occupied by members of the principal homeowners' extended family and as a rental property to single-persons only.
- ii. Approved accessory dwelling units which no longer complies the criteria and requirements in this section shall be discontinued or obtain approval through the Board of Adjustment.
- iii. Accessory dwelling units incorporated within a single family dwelling are permitted As-of-Right.
- iv. A Certificate of Occupancy must be on file with the City and approved by the Building Inspector. ADUs and SROs are required to renew their occupancy certificate every year, subject to an annual inspection by the Building Inspector.

- a. **Use and Dimensional Regulations.**

- i. The Building Inspections Department may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling or a Special Permit authorizing the installation and use of an accessory dwelling unit in a detached structure on a single-family home lot only when the following conditions are met:
 - a. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - b. Only one accessory dwelling unit may be created within a single-family house or house lot.

- c. The owner(s) of the residence or residential lot in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
- d. The gross floor area of an accessory unit shall not occupy more than 600 square feet and or, if located in an accessory structure, 40% of the rear yard or, whichever is less.
- e. The combined square footage of an accessory dwelling unit, primary residence and all other structures located on the property shall not cover more than thirty-five (35) percent of the lot.
- f. Any new separate outside entrance serving a detached accessory dwelling unit shall face the interior of the lot.
- g. [Reserved.]
- h. The accessory structure in which an accessory dwelling unit is located shall not exceed a maximum building height of one and a half stories, or eighteen (18) feet.
- i. An accessory dwelling unit shall not have a footprint larger than that of the principal residence to which it is accessory
- j. Once an accessory dwelling unit has been added to a single-family lot, the accessory dwelling unit shall never be enlarged beyond the 40% of the rear yard or 600 square feet, whichever is less, or exceed the maximum lot coverage allowed by this ordinance.
- k. The structure in which an accessory dwelling unit is located constructed after the date of adoption of this Ordinance shall be consistent with the architecture and design of the principal building. Consistency of design shall include use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.
 - l. An accessory dwelling unit may not be occupied by more than two (2) people, nor have more than one bedroom.
 - m. The construction of any accessory dwelling unit must be in conformity with the City Building Codes and all other applicable State and local regulations.
- ii. To encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Board of Adjustment may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.
- iii. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Official stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.
- iv. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the

premises as the owner's primary residence, except for bona fide temporary absences.

- v. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to any previously existing accessory structure or primary structure that is being converted for use as an accessory dwelling unit.

E. **Home Occupations.** A "Home occupation" is defined as any business, occupation or activity conducted for gain within a single-family dwelling, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities.

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
2. No more than thirty percent (30%) or six hundred (600) square feet of the residential dwelling, including any garage or accessory building, whichever is less, shall be used to conduct the home occupation.
3. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.
4. No person who is not a member of the family and residing on the premises shall be employed in the home occupation activity on the premises.
5. All home occupations shall be conducted entirely within an enclosed building. No materials or equipment associated with the home occupation shall be stored outside the building.
6. No sign other than a name plate not more than two (2) square feet in area, attached to the dwelling, shall be allowed. No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.
7. The conduct of any home occupation shall not eliminate the kitchen, living room, bathrooms, or all of the bedrooms of the dwelling.
8. The receipt, sale or shipment of deliveries shall not be made more than once a week and the deliveries shall not restrict traffic circulation within the neighborhood.
9. There shall be no display, activity or environmental manifestation that will indicate from the exterior of the residential dwelling in which a home occupation is being conducted that such residential dwelling is being used in whole or in part for anything other than residential purposes. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy within a residentially zoned district under normal circumstances where no home occupation exists.
10. Home occupations shall not generate refuse exceeding amounts typically produced by an average residential occupancy within a residentially zoned district under normal circumstances where no home occupation exists.
11. No alteration of any kind shall be made to the residential dwelling where a home occupation is conducted that would change its residential character, including, but

not limited to, the enlargement of public utility services, cooking facilities, or driveway or parkway areas beyond the capacities customarily required for residential use.

12. The home occupation shall not involve the use of commercial vehicles other than one vehicle not to exceed three-quarter ton owned by the resident of the dwelling, which shall be parked in an adequate off-street parking area.
13. The following businesses, occupations or activities are specifically prohibited home occupations:
 - a. Motor vehicle and accessory sales or rental, repair and/or painting and detailing, including trailer rental or sales.
 - b. Medical or dental clinics.
 - c. Restaurants.
 - d. Kennels (as defined under Article 90-18 of this Zoning Ordinance) and veterinary clinic.
 - e. Funeral homes.
 - f. Nursery schools, but not day care homes with seven (7) or fewer children.
 - g. Repair shops or service establishments, except the repairs of electrical appliances, cameras, lawnmowers, or other similar small items.
 - h. Beauty shops and barber shops, except when customer visits are by appointment only and are limited to no more than two customers at any given time. Beauty and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.
14. On the premises, retail sales shall be prohibited except for sales of products or goods produced or fabricated, or plants grown on the premises as a result of the home occupation, or for incidental retail sales made in connection with a home occupation. All sales shall occur within an enclosed building.

F. **Landscaping and Screening.** See Article 5, Section K, Landscaping and Screening

G. **Office Street Parking.** See Article 5, Section J, Parking

H. **Commercial Development Standards.**

1. All commercial structures shall comply with the Building Code(s) adopted by the City of Muskogee.
2. **Design Standards.** Development within the commercial districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than 51 percent. Any other material type may be permitted as long as they are not a prohibited material in this section and the material is pre-approved by the Planning Director or the Building Inspector.
 - a. *Façade Articulation.* Buildings shall comply with the following building articulation standards:
 - i. All sides of the structure's façade, except the rear of the structure unless the rear façade abuts a public street, where said façade is over 100 feet, shall include architectural features a maximum of every 75 feet, to minimize the appearance of blank walls. Such as, changes in wall texture, masonry patterns, windows, colonnade, columns or pilasters.
 - ii. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, shall be incorporated into,

- and compatible in design concept with, the overall design of the project and the main buildings on the site.
- iii. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black may be allowed as determined by the developers standard color palette as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.
 - b. *Window Design*. Reflective glass is prohibited.
 - c. *Roof Design*. Buildings shall comply with the following roof design standards:
 - i. Roofs shall be designed as an integral part of the façade design.
 - ii. When visible from the public street a roofline over 100 linear feet must be "broken up" by providing a change in height, or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, or articulations in the façade of the building, every 100 linear feet in building length that gives a visual appearance of the roofline being broken up.
 - iii. Parapet walls shall feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
 - iv. "Green roof" designs are encouraged.
 - d. *Entrances*. Buildings shall comply with the following entrance design standards:
 - i. Main entrances to the building shall be well defined.
 - ii. All public entrances shall make provision for pedestrian walkways and landscape areas.
 - e. *Permitted Building Materials*. Permitted building materials for exterior use are as follows:
 - i. Clay brick.
 - ii. Natural or cast stone.
 - iii. Stucco.
 - iv. Wood.
 - v. Architectural precast concrete.
 - vi. Exterior insulating finish systems (EIFS).
 - vii. Vinyl.
 - viii. Glass curtain walls (non-load bearing glass wall extending more than one story).
 - ix. Aluminum, steel or other metal sidings.
 - x. Metal wall panels.
 - xi. Any other material type may be permitted as long as they are not a prohibited material and the material is approved by the Planning Director.
 - f. *Prohibited Building Materials*. Prohibited materials for a predominant surface finish material are as follows:
 - i. Plain concrete block (allowed on rear of structure if not abutting a public street or is properly screened as determined by this document).
 - ii. Utility-sized brick.
 - iii. Exposed aggregate (rough finish) concrete wall panels.
 - iv. Plastic.

- v. Reflective surfaces that produce glare that are visible from a public street.

3. Bulk and Yard Standards

COMMERCIAL	
LOT DIMENSIONS	
Lot Width (min.)	None
Lot Area (min.)	None
SETBACKS	
Front (min.)	None
Side (min.) ¹	None
Corner Side (min.) ¹	None
Rear (min.) ¹	None
INTENSITY	
Lot Coverage (max.)	None
Building Height (max.)	10½ stories or 115 ft.

NOTES:

Where the side and/or rear lot line is adjacent to a residential use, then it shall be screened by a six-foot-high sight proof fence or dense hedge.

I. **Landscaping and Screening.** See Article 5, Section K, Landscaping and Screening

J. **Office Street Parking.** See Article 5, Section J, Parking

K. Water Lines

1. The subdivider shall install water lines and fire hydrants within his immediate subdivision. Installation shall be in accordance with these standards and the latest state department of environmental quality specifications.
 - a. The minimum water line size shall be as follows:
 - i. Water lines constructed on section lines shall be not less than 12 inches in diameter;
 - ii. Water lines constructed on one-half section lines shall not be less than eight inches in diameter;
 - iii. Water lines in residential areas shall be not less than six inches in diameter;
 - iv. Water lines in commercial and industrial areas shall be not less than eight inches in diameter;
 - v. Four-inch lines may be used in culs-de-sac for distances of not more than 300 feet.
 - b. In no case shall the pipe diameter be less than the diameter of the existing pipe being extended. The city may require the pipe size to be increased to accommodate future growth or meet distribution needs.

- c. Fire hydrants.
 - i. Residential spacing for hydrants shall not exceed 500 feet;
 - ii. Commercial and industrial area spacing shall not exceed 300 feet;
 - iii. Hydrants shall be located within ten feet of a roadway. Hydrant location shall be adjusted so that the hydrant is located on lot lines and street intersections;
 - iv. Hydrants shall not be installed on lines less than six inches in diameter;
 - v. A valve shall be installed between the main and the hydrant.
- d. Water mains shall be extended to the boundary of a subdivision. Mains shall be looped at intervals not exceeding 600 feet, unless approved by the city engineer. Dead-end lines will require a fire hydrant for flushing. A waterline may be capped and not placed into service if no connections are anticipated on the section of line and the line is a dead end for a future extension. Flushing hydrants will not be required in this case.
- e. All water mains shall be sized to supply a minimum of 45 psi and provide a fire flow of 1,500 gpm at a residual pressure of 20 psi at the point of service. Higher pressures and flows may be required as defined in NFPA 1231—Standard on Water Supplies for Suburban and Rural Fire Fighting, 1993 Edition. A Hardy-Cross analysis must be submitted with the final plat showing the proposed water line extensions meet these requirements.
- f. Isolation valves shall be installed at all pipe junctions so that each section of pipe can be isolated. Valves shall be installed at no less than 1,000 feet on a straight section of pipe.
- g. All creek and river crossings shall be encased in steel.
- h. Private service lines shall be installed to all lots where a street crossing is required. Service lines shall be installed within five feet of a lot line. Separate service will be required for each lot or tract. The location of the service line shall be marked on the top of the curb with a "W." The letter "W" shall be two inches wide and 2½ inches high, cut a minimum of one-half inch into the concrete curb.
- i. Water lines shall be located in the street right-of-way ten feet from the right-of-way line where possible.
- j. All plastic water lines shall have a tracer wire to be used for location purposes.
- 2. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of water line improvements.

L. Sanitary Sewer

- 1. Sanitary sewers shall be installed to serve each lot. No individual disposal system or treatment plant shall be permitted except as noted herein. The developer is required to connect to the public sewer system if the development is within 300 feet of the nearest public sewer line, measured from the subdivision boundaries or when subdivisions contain ten acres and more than ten lots.
- 2. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:
 - a. A lot on which a unit disposal system is located shall not be less than one acre in area if it is not served by a public water line, and two acres in area if it has a water well;

- b. No portion of any unit disposal system shall be located closer than 20 feet to the lot line of the lot on which the system is located;
 - c. All unit disposal systems and plat requirements shall comply with the recommendations and requirements of the state and county health departments; and
 - d. When a unit disposal system is proposed, the county health department must sign the plat indicating the site is suitable for such purposes.
1. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of sanitary sewer improvements. Sanitary sewers shall be installed in accordance with the latest state department of environmental quality specifications and these standards.
 - a. The depth and slope of sanitary sewer mains shall be designed so the maximum extension of the main can be made.
 - b. Manholes shall be provided at the ends of all main lines. If the line has potential for extension, one section of pipe shall be stubbed out.
 - c. Manholes located in low places, drainage ways or flood prone areas shall be raised so that water cannot enter. Watertight lids may be used with permission.
 - d. The maximum depth of flow in a sanitary sewer pipe line, including peaks, shall not exceed 60 percent of the diameter of the pipe for design purposes.
 - e. Private service lines shall be installed to all lots or tracts where a street crossing is required. The location of the service line shall be marked on the top of the curb with an "L." The letter "L" shall be two inches wide and 2½ inches high, cut a minimum of one-half inch into the concrete curb.
 - f. Sanitary sewer mains shall be located, where possible, in the street right-of-way on the opposite side of the street from the water line. The main shall be ten feet from the right-of-way line where possible. Vehicle access to all manholes is important. All other line locations not conforming to the requirements of this subsection must have prior approval of the city engineer. All weather access roads or driveways may be required to provide access to manholes.
 - g. All creek and river crossings shall be encased in steel.
 - h. No public sanitary sewer line shall be less than eight inches in diameter.
 - i. When it is necessary to change pipe diameters, the pipe elevations shall be adjusted at the manhole so the tops of the pipes match. Discharge into a smaller pipe with a larger pipe will not be allowed.

M. Storm Sewer and Drainage

1. *General requirements and nature of storm sewers and drainage facilities.* The subdivider shall install all storm sewers and drainage improvements, and such improvements shall be designed and constructed in accordance with these standards.
 - a. Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided an easement adequate to contain the runoff from a 100-year rainfall event. The easement shall include all of the land within the subdivision that has an elevation below the 100-year rainfall event. The maximum water surface elevation shall be determined using appropriate engineering methods such as an HEC-2 model. Dedicated drainage ways shall be provided with adequate vehicular ingress and egress for maintenance purposes. If said drainage way is less than 150 feet, the minimum width

required will be the floodplain plus an additional width of 15 feet on each side of the floodplain. The city engineer may allow easement widths other than specified in this subsection when storm drainage improvements, topographic conditions, or floodplain permits are allowed.

- i. U.S. Weather Bureau Technical Paper No. 40 and National Weather Service HYDRO-35 (June 1977) shall be used for rainfall information.
- ii. All drainage way systems shall be designed to receive and pass the runoff from a 100-year frequency rainstorm with full urbanization. The collector system shall be designed either:
 - a. To pass a minimum of a ten-year frequency storm in a pipe network with overland flow capacities so the combination of any two will pass the runoff from a 100-year frequency storm event;
 - b. Or pass the entire 100-year flood in the pipe network.
- b. In the event that a street has a slope greater than one percent, the allowable stormwater depth shall not be deeper than the height of the curb of the street for the 100-year design rainfall. The depth of water at sump locations shall be contained within the existing right-of-way for the 100-year design rainfall for full urbanization.
- c. The overland flow portion of the collector system shall be confined to the dedicated right-of-way, or restricted drainage easements to ensure that stormwater can pass through the development without inundating the lowest level of any building, dwelling or structure. Restricted drainage easements shall be shown on the plat.
 - i. Borrow ditches along type "C" streets shall not exceed four feet in depth. Culverts shall be designed to handle the ten-year rainfall event.
 - ii. All storm drainage and hydraulic calculations will be submitted to the engineering office for review and approval. This shall include sizing of catch basins, pipe, channels, bridges and stormwater routing and volume calculations.
 - iii. The rational method can be used to calculate runoff from areas less than 25 acres or closed pipe networks with discharges up to 400 cfs. For discharges more than 400 cfs a unit, hydrograph method will be used. U.S. Soil Conservation Service models can be used on all areas.
 - iv. Piping from roof drains, French drains, swimming pools or sump pumps directly into a gutter by cutting the concrete curb will not be allowed.
 - v. The duration of the design storm shall not be less than two times the time of concentration or six hours.
 - vi. The loss rates in determining the runoff hydrograph shall be an initial loss of 0.5 inches and a uniform loss of 0.08 inches per hour for the subsequent hours once the initial losses are satisfied.
- d. Location. The developer may be required by the planning commission and the city engineer to carry away by pipe or open channel any spring, or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with these construction standards. Drainage

easements shall extend from the street right-of-way to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

- i. Accommodation of upstream drainage areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The city engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of full urbanization.
 - ii. The city engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area subdivision. Drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility.
1. *Detention facilities.* On-site detention may be required when a public drainage way designed to handle full urbanization is not available or the downstream basin is experiencing flooding. Private detention facilities will not be allowed unless it is designated as a common area in a "PUD" or "R-T-C" zoning district. A detention facility may also be allowed when it is located on the same lot or tract as the development being served. The detention facility cannot be separated from the improvement it serves.
 - a. Detention requirements shall be determined by taking the proposed runoff after development for only the development minus the existing runoff of the site. Peak release rates from the development should not exceed the natural runoff that occurred before developments for all storms up to and including the 100-year storm. Areas suitable for on-site detention include parking lots and landscaped areas.
 - b. An owner may at his option contribute to the estimated or actual cost of a regional or sub regional detention facility to be constructed in lieu of constructing on-site detention as provided in this subsection (b) unless it is determined by the city engineer that on-site detention should be required because of physical facts in the area. This option is only available if a plan for a regional or sub regional detention facility has been adopted or constructed by the city council.
 - c. The city shall determine the amount of the contribution or fee based on the type of development as defined using the Runoff Coefficients for the Rational Method published by the American Society of Civil Engineers and its relative impact on the drainage area versus the cost of the public improvement for that drainage basin. This shall be done by dividing projected flow for the development by the projected flow for the total area contributing to the regional detention facility determined by methods described in this section. This ratio times the total cost of the regional detention facility will determine the owner's

contribution. The projected flows shall be based on the 100-year storm for a fully urbanized area.

- d. When using an estimated cost, the cost shall be adjusted yearly, based on Engineering News Record Construction Cost Index and recognizing changes in land costs in the Muskogee area on the annual anniversary of the ordinance from which this chapter is derived. The city engineer will review and approve the estimated project cost and all calculations relating to contributions in lieu of on-site detention.
 - e. The boundaries of watersheds and priority of acquisition of regional and sub-regional detention facilities and construction of said detention facilities shall be established by the city engineer and approved by the planning commission.
 - i. Detention facilities must be designed for ease of maintenance. Side slopes should not be steeper than three horizontal units to one vertical unit, and the preferred slope is 4:1. All areas of an earthen basin must have a minimum of six inches of topsoil with established grass cover. A paved trickle channel from the inlet to the outlet structure to transmit low flows shall be provided. The channel width must be capable of containing the normal low flow.
 - ii. An access way at least 15 feet wide shall be provided to any required detention facility.
 - iii. The maximum allowable depth for water storage in a parking lot will be six inches for parking areas and eight inches for driving areas. Drains will be designed to minimize the potential for clogging.
 - iv. Detention facilities plan sheets shall show existing and final contours, typical cross sections through the facility, including five- and 100-year water levels, details of inlet and outlet structures, a back water profile for the existing and proposed topography and a summary of the design calculations.
 - f. The Snyder synthetic unit hydrograph method or the Soil Conservation Service derivative thereof, shall be used for the design of all detention facilities.
 - g. All detention facilities must be designed in a dry state unless a variance is granted by the city engineer.
 - h. If a tract of land being developed is located in more than one watershed, grading work to divert flows from one watershed to another will not be allowed and compensatory storage will not be permitted in one watershed for that required in another.
 - i. In designing the dams for detention facilities, the book titled Design of Small Dams by the U.S. Department of the Interior, Bureau of Reclamation, shall be used. An analysis shall be furnished of any proposed earthen dam construction soil. A boring of the foundation for the earthen dam may be required.
 - j. All detention dams or dikes shall be constructed as earth filled and non-overflow type dams. Spillways shall be constructed to pass the 500-year flood event with a minimum of one foot of freeboard on the earth dam structure.
1. *Closed conduit storm sewer systems.*

- a. All pipe systems shall be designed using methods to ensure maximum water tightness. Pipe joints must have gaskets. Connections into manholes must be grouted with a no shrink grout.
- b. Stormwater inlets shall be installed so that water is collected from the gutters at approximately 500-foot intervals. Stormwater inlets shall be sized according to Drainage of Highway Pavements by the Federal Highway Administration, Hydraulic Engineering Circular No. 12, March 1984. All inlets shall be designed according to Hydraulic Design of Highway Culverts by the Federal Highway Administration, Hydraulic Design Series No. 5, September 1985. Provide all calculations for review.
- c. Inlets shall be located in such a manner that no portion of the inlet will encroach upon the curb radius within the street intersection. When possible, the inlet should be located upstream of the intersection and crosswalks, to intercept street flow before the flow can enter the intersection. Inlets should be located on local streets in advance of intersections, to intercept in-street flows before they run into collector or arterial streets.
- d. All outlets shall have concrete head walls.
- e. Manholes shall be located at all pipe junctions, bends and spaced no more than 500 feet apart.
- f. When it is necessary to change pipe diameters the pipe elevations shall be adjusted at the manhole so the tops of the pipes match. Discharge into a smaller conduit or pipe with a larger conduit or pipe will not be allowed.
- g. When storm sewers are constructed in fill areas, all materials in fill areas shall be compacted to a 95 percent standard proctor density prior to the laying of the pipe.
- h. A maximum time of concentration of ten minutes to the first inlet shall be used for single-family and multifamily residential areas. A maximum time of concentration of five minutes to the first inlet shall be used for commercial and industrial areas.
- i. A manhole or junction box will be required at all changes in grade, alignment, elevation or when two or more different size pipes or conduits join together.
- j. Stormwater conduits should typically be located in the centerline of the street unless previous improvements will not allow said location.
- k. The horizontal distance between storm sewer pipes being placed in the same trench shall be a minimum of two feet or one-third the diameter of the largest pipe, whichever is greater. This would include multiple pipe crossings for culvert purposes.
- l. Radius pipes will not be used on storm sewers having a diameter less than 36 inches. Radius pipes will be used on storm sewers larger than 36 inches. The radius of the curve shall be not less than five times the diameter of the pipe. The degree of deflection shall be no more than $7\frac{1}{2}$ degrees per joint of radius pipe.
- m. Manholes of five feet inside diameter shall be used whenever possible. If the diameter of the manhole exceeds five feet, junction boxes will be used. The rim elevation shall be indicated on all manholes and junction boxes. Manhole and junction boxes may be precast or cast in place.

- n. Drainage pipes shall not enter manholes with four feet inside diameter in the Corbel (neck down) section. The size of pipe entering or leaving a four-foot diameter manhole shall not exceed 24 inches.
 - o. A minimum of six inches cover shall be provided over pipes and box culverts to the bottom of the subgrade of the street except when box culverts are built with the top at the same grade of the street.
 - p. All storm sewers shall be shown in profile, showing flow line, size, type, grade and the design discharge. Profiles shall show the natural and proposed ground line at the centerline of the storm sewer.
 - q. The radius of curve for a box structure shall be a minimum of three times the maximum width of the box structure, but not less than 50 feet.
 - r. Box culverts and bridges shall have adequate capacity to pass 100-year fully urbanized flows with one-foot freeboard. Backwater analysis shall be provided by the consulting engineer to illustrate compliance with this requirement.
 - s. All head walls shall be broken-back design except for culverts under roadway embankments where the purpose of the head wall is primarily to retain earth.
 - t. Storm sewer conveyance systems shall be closed-conduit up to 60-inch diameter pipe or its hydraulic equivalent. Exceptions may be made to this requirement for lands being developed for park purposes and type "C" street sections.
 - u. Connections from roof drains, French drains and sump pumps will be made at junction boxes, manholes, storm sewer inlet boxes and where stub out connections have been provided. Direct connections to the conduit pipe will generally not be allowed.
1. *Open channel flow.*
- a. Minimum velocity in an open channel, having a roughness coefficient less than or equal to 0.015, shall be 2.5 fps to avoid sedimentation. Use Manning's Equation to determine the normal depth for the design flow and check to see if the critical depth is greater. Critical depth must always be less than normal depth. If the critical depth is greater than normal depth, the channel slope is too steep and must be changed.
 - b. All improved channels shall be provided with a minimum of one foot of freeboard.
 - c. The centerline radius of a curve on an improved channel shall be a minimum of three times the maximum top width at the design flow elevation.
 - d. The maximum allowable side slope for an improved channel with earthen slopes shall be three units horizontal to one unit vertical. Channel slopes steeper than three to one shall be protected using concrete, fabric form or other similar methods approved by the city engineer.
 - e. A trickle channel will be required on all channel improvements that have flat bottoms. The trickle channel must be wide and deep enough to contain the normal dry-weather flow but not less than five feet.
 - f. All earthen side slopes will receive a minimum of six inches of topsoil and be protected against erosion using sod, sprigging or seeding with protective geotextile matting. Where channel velocities are excessive special erosion

control measures will be used to protect the channel. These measures will include grouted riprap, concrete lining, hydraulic jumps, and flow restrictions.

- g. All open channels shall be designed for ease of maintenance and access to all points.
- h. Water surface profiles will be required for large drainage channels where flows exceed 1,500 cfs. Profiles shall be computed using HEC-2.
- i. Valley gutters at street intersections are not desirable and should never extend across a collector or arterial street.

The city engineer will maintain standard details and an approved list of allowable materials for the construction of storm sewer improvements.

N. Streets and Traffic

1. **Streets and Sidewalks.** The developer within this PUD shall lay out, grade, and otherwise improve all streets that are designated within the URA in accordance with the following provisions:
 - a. The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the state department of transportation, but in no case shall the standards be less than the applicable city specifications.
 - b. Public and private street construction standards and right-of-way widths shall be in conformance with the requirements set forth in Tables 1, 1A and 2 that follow. The standards set forth in these tables are considered to be the minimum standards. Site conditions and traffic projections might dictate the need to increase these minimum requirements.
 - c. The use of the type "B" and "C" street improvement shall be used within this PUD.
 - d. Sidewalks will be required on both sides of any public or private street improvement that is contained within the PUD amongst residential uses. Sidewalks may be limited to one side of the street for commercial or mixed-uses to ensure access to the business. Sidewalks must meet all ADA requirements. Sidewalks shall be constructed in accordance with applicable standard specifications of the city. Sidewalks shall be five feet in width and shall be located adjacent to the curb of the street.
 - e. All streets shall consist of a curb and gutter that is in compliance with this code
 - f. In addition to the provisions set forth in this section, the subdivider may be required to improve, resurface, repair or replace off-site streets that directly serve the PUD. The extent of the off-site street improvements must be approved by the city council. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of street improvements.

TABLE 1. STREET IMPROVEMENTS

Design Element	Primary Arterial	Secondary Arterial	Collector Local	Low Volume Residential Streets		
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Design speed				Type "A"	Type "B"	Type "C"
Outlying areas	65 mph	45 mph	35 mph	35 mph	35 mph	35 mph
Urbanized area	55 mph	45 mph	35 mph	35 mph	35 mph	35 mph
Minimum radius	1650	950	400	250	150	150
Maximum grade	5%	5%	8%	8%	8%	8%
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Stopping sight distance	550'	375'	275'	275'	275'	275'
Number of lanes	4	4	3	2	2	2
Lane width	12'	12'	11'	11'	9.5'	10'
Parking	none	none	1 side	1 side	None	None
Minimum street width measured to face of curbs	52'	50'	32'	26'	22'	
Width of shoulder or parking lane	10'	10'	10'	8'	None	3'
Right-of-way width	120'	80'	60'	60'	60'	60'
Access control	Planned	Planned				
Structure design load	HS-20	HS-20	H-15	H-15	H-15	H-15
Vertical clearance	17.5'	15.5'	15.5'	15.5'	15.5'	15.5'
Minimum allowable lot size	No minimum required				1 acre	2 acres

Minimum required lot frontage	No minimum required				150'	200'
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Note: All streets have six-inch curbs and enclosed storm drainage, except type "C."

TABLE 1A. PAVING DESIGN

Paving design type	CC	CA	RC	RA	RUEA
Street classification	Arterial and local		Local (only)		
Use	Commercial subdivisions		Residential subdivisions		Urban estates
Surface material	Concrete	Asphalt	Concrete	Asphalt	Asphalt
Paving thickness	8"	8"	6"	6"	4"
Concrete strength	3,500 psi		3,500 psi		
Asphalt type "A"		5"		4"	2"
Asphalt type "B"		3"		2"	2"
Base material	Base rock	Base rock	Base rock	Base rock	Base rock
Base thickness	4"	6"	4"	6"	8"
Subgrade compaction	95%	95%	95%	95%	95%
Subgrade thickness	8"	8"	8"	8"	6"
Subgrade stabilization					
PI less than 15	None	None	None	None	None
PI between 15 and 28	Fly-ash	Fly-ash	Fly-ash	Fly-ash	Fly-ash

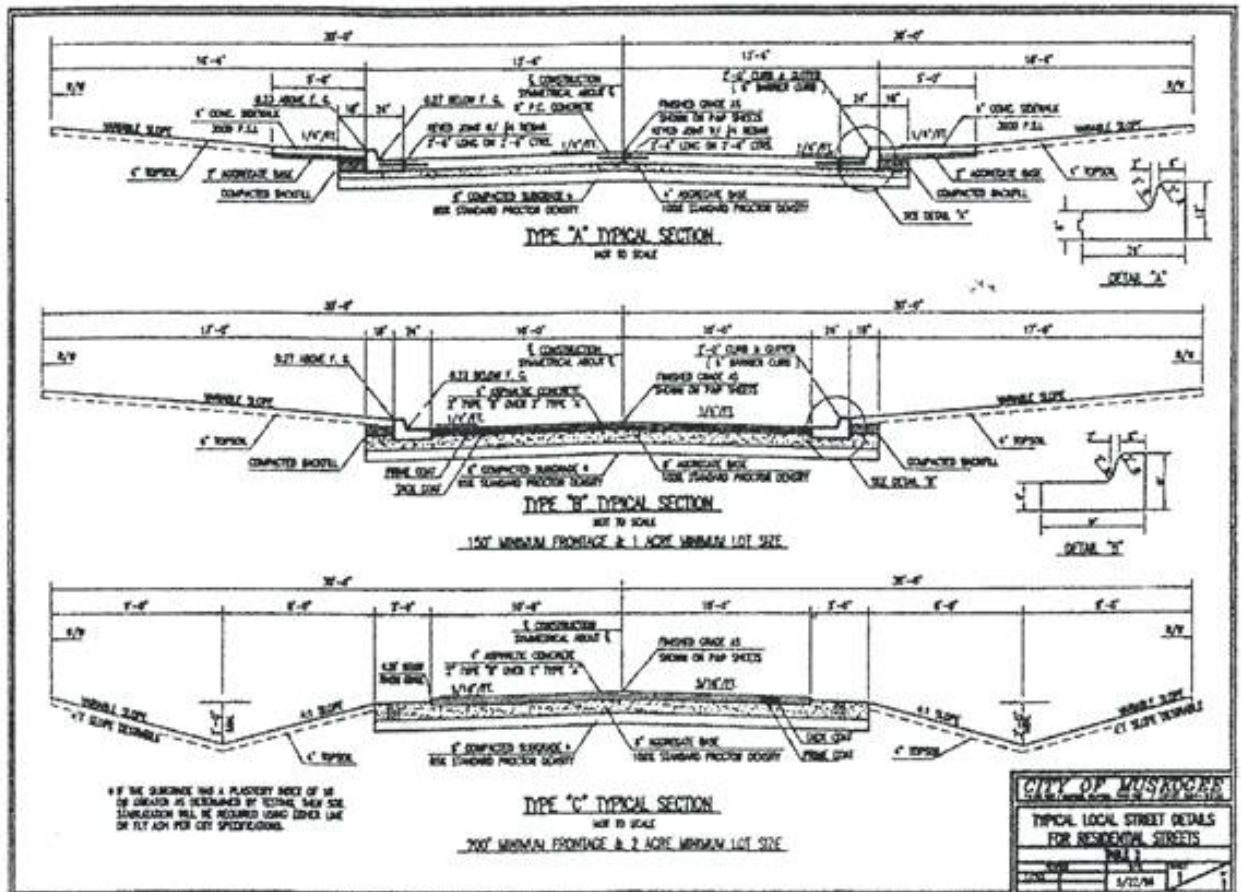
PI greater than 28	Paving design by registered engineer is required				
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Notes:

Liquid limit. Liquid limit is the lowest moisture content at which soil tends to flow when disturbed slightly. The change from plastic to liquid is expressed in percentage of water by weight to the weight of dry soil.

Plastic limit. Plastic limit is the lowest percentage of water that will allow rolling a sample to one-eighth-inch diameter without crumbling. It is given in terms of percentage of water by weight to the weight of dry soil.

Plasticity index (PI). Plasticity index is the difference between the plastic and liquid limits.



P. Street Lighting

1. Street lighting in a subdivision shall be addressed at the time the subdivision is platted. All easements required to provide service to street lights shall be shown on the plat. Standard street lighting in residential subdivisions will be one 9,500-lumens high-pressure sodium light on a 28-foot wood pole.
2. Only one light shall be required at street intersections and crosswalks required by the planning commission. Higher density lights, additional lights, or decorative lights may be allowed with approval from the public works director. Before permission can be granted, the property owner must furnish a written agreement between the

adjoining property owner and the local electric company which insures payment of electric service and maintenance by the property owner.

3. Street lighting will be installed when the subdivision is 80 percent occupied. If the developer wants street lights installed prior to 80 percent occupancy, the developer must furnish a written agreement between the adjoining property owners and the local electric company which insures payment of the electric service and maintenance by the property owner until the city accepts responsibility for payment. Acceptance shall occur on 80-percent occupancy. Occupancy is based on issuance of certificates of occupancy in accordance with local building codes.

Q. Street Signs

1. All traffic signs and street name signs shall be furnished by the developers. Their locations may be approved by either the subdivision review committee or the public works department. Regulatory signs (stop, speed limit, etc.) shall meet the city specifications and conform with the Manual on Uniform Traffic Controls. The color of signs will be the standard green background with white reflective letters. In the approved historical area, the signs shall have a brown background with white reflective letters. Private streets shall have a blue background with white reflective letters. The city will install the appropriate signs in new subdivisions at the developer's expense or the developer may install the signage with the approval of the public works department.
2. The public works director will maintain standard details and an approved list of allowable materials for sign construction.

R. Utility Locations.

1. Survey coordinates will be established to locate all city-owned and city-maintained utilities. Accuracy shall be to the nearest 0.5 foot. The following items shall be located and identified by horizontal coordinates based off the city's survey system: manholes, valves, tees, crosses, fire hydrants, air release valves, outfalls, catch basins, vaults and other appurtenances.
2. Vertical control will be established for all gravity pipe lines. Accuracy shall be to the nearest 0.1 foot. Benchmarks will be established to third order accuracy.
3. Utility Easement shall be located along right-of-ways and shall not be in the rear yard of a lot.
4. All utilities shall be buried along the right-of-way in the established easement to ensure ease of access in the need of maintenance.
5. Utility location information will be denoted on the plan sheets by a table showing the description of the utility point and north-south, east-west coordinates. The engineer will submit a reproducible location map in hard-copy and a copy of the map in magnetic media format drawn with AUTOCAD using the city's horizontal and vertical control system.

- S. Easements and Right-of-Way Dedications.** Utility easements must be dedicated to the city by the landowners when public rights-of-way or easements are not available. The recommended width for an easement to service a single utility is 20 feet. If more than one public utility is placed in the easement, the recommended width is 30 feet. The widths specified in this subsection are considered to be recommendations and additional width may be required by the city.

- T. **Permits.** For construction sites, the permitting process is conducted according to the rules established under the Oklahoma Pollution Discharge Elimination System (OPDES), as promulgated under OAC 252:605. The state department of environmental quality (DEQ) has an active stormwater general permit for construction activities. All stormwater general permits may be obtained by submitting an application, notice of intent (NOI), and terminated by submitting a notice of termination (NOT) to the DEQ. All stormwater general permits require the applicant to complete, implement and maintain a stormwater pollution prevention plan (SWPPP). The SWPPP has to meet the requirements set forth in the general permit and must be designed to meet the specific site's specifications and requirements. All holders of general permits pay an annual fee for the life of the permit as required in OAC 252:605-3-61. A permit is in place and effective until the applicant provides a notice of termination to the DEQ.
- U. **Parks, Open Space, and Public Amenities**
1. **Minimum Open Space Allocation**
 - a. All mixed-use PUDs shall allocate a minimum of 20% of the total land area to open space.
 - b. The open space shall be distributed throughout the development to ensure accessibility for all residents and visitors.
 2. **Types of Open Spaces**
 - a. Open spaces may include, but are not limited to, parks, playgrounds, community gardens, plazas, courtyards, greenways, and natural preserves.
 - b. At least 50% of the open space must be usable for passive or active recreation, with the remainder preserved as natural areas or landscaping features.
 3. **Design Standards**
 - a. Open spaces shall be designed to be visually appealing, functional, and safe for public use.
 - b. Landscaping, seating, lighting, and pathways shall be incorporated to enhance usability and aesthetics.
 - c. Open spaces shall be designed to promote environmental sustainability, incorporating features such as native plantings, stormwater management systems, and habitat preservation.
 4. **Accessibility and Connectivity**
 - a. For this PUD, all parks and open spaces shall be easily accessible to all residents and visitors, including individuals with disabilities.
 - b. Pedestrian and bicycle pathways shall be integrated to connect open spaces with residential, commercial, and other areas within the PUD.
 - i. **Establishment of Bike Lanes**
 - a. The City shall develop and maintain a network of bike lanes throughout the municipality, prioritizing connectivity to schools, parks, commercial areas, and public transportation hubs.
 - b. The City shall implement protected bike lanes on all new major road projects and during significant road maintenance or resurfacing projects, where feasible.
 - ii. **Design Standards**

- a. Bike lanes shall meet the design standards established by the National Association of City Transportation Officials (NACTO) and the Federal Highway Administration (FHWA).
 - b. Bike lanes shall be a minimum of 5 feet in width. Protected bike lanes shall include a buffer zone of at least 3 feet between the bike lane and motor vehicle traffic.
 - c. Appropriate signage and pavement markings shall be installed to clearly indicate the presence of bike lanes.
 - iii. **Maintenance of Bike Lanes**
 - a. The City shall ensure regular maintenance of bike lanes, including but not limited to, debris removal, pavement repairs, and snow clearance.
 - b. Maintenance schedules and protocols shall be established to ensure bike lanes remain safe and functional year-round.
 - a. Open spaces shall be connected to the broader community and regional greenway systems where feasible.
 - b. Design must allow for access to public transportation options within a reasonable proximity to community amenities and services
- 5. **Community Amenities.**
 - a. This PUD shall have community amenities which could include, but are not limited to, clubhouses, fitness centers, and swimming pools, community recreational area, community gathering space, courtyards, childcare facilities, playgrounds, community meeting rooms and event spaces, or any other type of public square.
 - b. The following space shall be allocated for these described uses:
 - i. At least 1 acre of this PUD shall be reserved for the development of a public gathering place and must have:
 - a. 50% of total space allocated to a "green space."
 - b. Covered stage.
 - c. Public restroom to be accessible during hours determined by the City of Muskogee Parks and Recreation Department and/or during special events.
 - d. Amenities designed to provide entertainment.
 - e. Place for food trucks to park for events and regular food service.
 - ii. Any apartment complex shall provide a fitness center and swimming pool to be accessible to the citizens of the apartment complex.
 - a. The complex shall also be made available to other residents of the boundary of this PUD for a fee to be set by the developer and approved by the Subdivision Review Committee.
- V. **Parking.** This PUD will have no parking minimums or computations as determined by the City. The developer may determine the amount of parking necessary for their development to better allow for multi-modal transportation and open space development.

Article VI. Landscaping and Screening

- A. **Purpose.** The purpose of the landscape requirements is:
 - 1. To promote the beautification of the city and to enhance its aesthetic quality.

2. To promote reasonable preservation and replenishment of valued trees.
 3. To aid in establishing the ecological balance by contributing to air purification and oxygen regeneration.
 4. To break up large expanses of pavement for appearance and reduce summer heat gain within parking and paved areas.
- B. **Applicability.** These requirements shall apply to paved areas for off-street parking, vehicular access and vehicular maneuvering when said combined areas have a minimum of 2,500 square feet of pavement. An exception from the number of trees required will be allowed for new and used car dealers. However, these requirements do not apply to one-family or two-family dwellings.
- C. **Site Plan Requirements.** A site plan showing the development of the property shall be submitted to the city for review and approval with a building permit application. The following items related to parking lot landscaping must be shown on the plan.
1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Building Inspector.
 2. The location, quantity, size, name and condition, both scientific and common, of all proposed and existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
 3. Dimensions of planters and type of six-inch barrier enclosing the planter.
 4. The existing and proposed grading of the site indicating contours at one (1) foot intervals.
 5. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site.
 6. Elevations, cross-sections, and other details as determined necessary by the Building Inspector.
 7. Watering system.
- D. **City's Issuance of a Certificate of Occupancy.** Prior to the city's issuance of a certificate of occupancy for a building or use of the off-street parking and maneuvering areas, all landscape requirements must be complete.
- E. **Minor Changes to Approved Landscape Plans.** Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Building Inspector. Changes to the size and amount of plant materials of an approved landscape plan shall not be considered a minor change. Major changes shall be approved by the body granting approval of the landscape plan initially.
- F. **Selection.** Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.
1. All planting materials used shall be of good quality and meet American Nursery & Landscape Association (ANLA) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of northeastern Oklahoma, as well as the individual site microclimates.
 2. The use of species native to northeastern Oklahoma shall be encouraged.

3. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
 4. Where appropriate, the use of drought tolerant plant material is preferred.
 5. Trees shall be maintained in a living condition.
- G. **Plant Material Selection and Quality.** The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.
- H. **Installation.** All landscaping materials shall be installed in accordance with the current planting procedures established by the American Nursery & Landscape Association (ANLA). All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.
1. Trees shall be planted in a location to ensure that they will reach their intended size at normal maturity and no closer together than the following spacing requirements:
 - a. Small trees: 20 feet;
 - b. Medium trees: 30 feet; and
 - c. Large trees: 40 feet.
 2. Landscaping location and species should allow for good visibility so not to obstruct driver vision at turns or pedestrian crossings.
 3. No tree, other than those species listed as small trees, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water, sewer, or transmission line or other utility.
 4. Minimum tree sizes at time of planting shall be as follows:
 - a. Shade trees shall be not less than 2 inches in caliper. Caliper shall be measured six inches above ground level. Each tree shall be planted in a pervious area not less than six feet in diameter.
 - b. Evergreen trees shall be not less than six feet in height above ground level.
 - c. Ornamental trees shall be not less than one inch in caliper.
 - d. Every five shrubs shall be planted in a pervious area not less than 80 square feet with any one side no less than four feet.
 - e. Ground covers within the planters are required to prevent dust, maintain moisture and facilitate growth of trees. Acceptable ground covers are grass or sod, bark, and decorative rock. Living ground covers and low-growing shrubs such as sedum, English ivy, vinca and certain junipers are also acceptable when placed in sufficient quantities. The ground cover to be used must be noted on the site plan.
- I. **Required Element.** Landscape materials depicted on landscape plans approved by the City shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.
- J. **Maintenance.** All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy or missing plants shall be replaced within six (6) months of notification by the City or the next reasonable available growing/planting season. All fences, steps, retaining walls and similar landscaping elements required within the

landscaping plan shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.

K. **Landscape design standards.** Landscape plans, with parking lots having one-hundred (100) or more spaces, shall be prepared by a licensed Landscape Architect, registered in the State of Oklahoma, and evaluated and approved based on the following design criteria.

1. **Shade Trees.** All deciduous shade trees shall have a minimum trunk size of two (2) inches in caliper at planting, unless otherwise specified.
2. **Evergreen Trees.** Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.
3. **Ornamental Trees.** Single stem ornamental trees shall have a minimum trunk size of one inch in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.
4. **Shrubs.** Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.
 - a. Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity.
 - b. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.
5. **Softening of Walls and Fences.** Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail. Where said walls and fences are over one-hundred (100) feet in length, on any side, shall include plant material features a maximum of every seventy-five (75) feet.
6. **Planting Beds.** Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials.
7. **Approved tree list.** The following list constitutes the allowed tree or ornamental species for parking lot landscaping in the city. No species other than those included in the list may be planted without permission of the City.

PERMITTED TREES	
COMMON NAME	SCIENTIFIC NAME
Ash, Green	Fraxinus pennsylvanica
Black Gum	Nyssa sylvatica
Cypress, Bald	Taxodium distichum
Elm, Lacebark	Ulmus parvifolia
Golden Raintree	Koelreuteria paniculata

Hackberry	<i>Celtis occidentalis</i>
Kentucky Coffee	<i>Gymnocladus dioica</i>
Locust, Shademaster	<i>Gleditsia triacanthos</i> "Shademaster"
Locust, Thornless	<i>Gleditsia triacanthos inermis</i>
London Plane	<i>Platanus acerifolia</i>
Maple, Autumn Blaze	<i>Acer freemanii</i>
Maple, October Glory	<i>Acer rubrum</i>
Maple, Red Sunset	<i>Acer rubrum</i> "Franksred"
Oak, Live	<i>Quercus virginiana</i>
Oak, Red	<i>Quercus rubra</i>
Oak, Shumard	<i>Quercus shumardii</i>
Oak, Sawtooth	<i>Quercus acutissima</i>
Oak, Water	<i>Quercus nigra</i>
Oak, Willow	<i>Quercus phellos</i>
Pine, Austrian	<i>Pinus nigra</i>
Pine, Slash	<i>Pinus caribaea</i>
Pistache, Chinese	<i>Pistacia chinensis</i>
PERMITTED ORNAMENTALS	
COMMON NAME	SCIENTIFIC NAME
Redbud	<i>Cercis canadensis</i>
Pear, Aristocrat	<i>Pyrus calleryana</i> 'Aristocrat'
Maple, Amur	<i>Acer ginnala</i>
Smoketree	<i>Cotinus coggygria</i>
Olive, Russian	<i>Elaeagnus angustifolia</i>
Hawthorn, Washington	<i>Crataegus phaenopyrum</i>
PROHIBITED TREES	

COMMON NAME	SCIENTIFIC NAME
North American Elm	Ulmus americana
Female Cottonwood	Populus deltoides
Catalpa	Catalpa
Tree of Heaven	Ailanthus altissima
Sweetgum	Liquidambar styraciflua
Siberian or Chinese Elm	Ulmus pumila
Black Locust	Robinia pseudoacacia
Poplar	Populus
Willow	Salix
Mimosa	Albizia julibrissin
Boxelder	Acer negundo
Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

- L. **Irrigation.** Landscape design pursuant to the requirements of this section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize the use of water and shall be irrigated by one of the following methods:
1. An underground sprinkling system;
 2. A drip system; or
 3. An outside hose attachment within 100 feet of all landscaped areas.
- M. **Species Diversity.** Diversity among required plant material is encouraged not only for visual interest, but to reduce the risk of losing a large population of plants due to disease.
- N. **Berming.** Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum un-retained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.
- O. **Turf Required.** All areas within yards that are unpaved shall be landscaped primarily with turf (seed or sod) or live groundcover. Artificial turf is prohibited.

P. **Parking Areas.** All landscaped areas shall be protected with six-inch curbs or equivalent barriers.

Q. **Parking Lot Landscaping**

1. **Parking Lot Landscaping Design Guidelines.** All parking lots of ten (10) or more spaces are subject to site plan review and a landscape plan as a condition of obtaining a building permit.
 - a. **Perimeter Landscaping.** Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys.
 - b. **Interior Parking Lot Landscaping.** Interior parking lot landscaping is required for those lots of ten (10) or more spaces.
 - c. **Landscaping in Excess of Requirements.** Nothing in this section shall be deemed to prevent the applicant's voluntary installation of additional interior parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.
2. **Existing Parking Lots.** For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:
 - a. A new principal building.
 - b. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.
 - c. When an existing parking lot less than ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.
 - d. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.
 - e. When an existing parking lot is required to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of the Article and this Code, such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Planning Director shall make the determination that all or a portion of required landscaping does not have to be installed.
3. **Parking Lot Landscaping Design Requirements.** Landscaping is required for all parking lots. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover. The landscaped area shall be improved as follows:
 - a. **Quantity of Landscape Material.** One tree from the list of permitted trees or two ornamentals from the list of permitted ornamental trees shall be provided for every 2,500 square feet of paved area. For new and used car dealers only, five shrubs in lieu of each tree will be allowed. The minimum amount of trees and shrubs required by this section shall be located within the parking lot islands or landscaped areas. The required trees shall not be located in the right-of-way.

- b. **Landscaped Areas.** No portion of a parking space shall be located more than fifty (50) feet from a landscaped area or parking lot island and all rows of parking spaces shall be terminated by a parking lot island or landscaped area.
 - c. **Design of Planting Areas.** Parking lot islands or landscaped areas shall be at least one-hundred eight (108) square feet in area, with no side being less than six (6) feet, and at least six (6) inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
 - d. **Type of Landscape Material.** Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility conflicts for vehicles and pedestrians. The remaining area shall be planted in turf or other live groundcover, perennials or ornamental grasses.
- R. **Buffer Yards.** Buffer yards are required when a commercial use directly abuts a residential use and shall conform to the following:
 - 1. A buffer yard shall be a minimum of six (6) feet in width.
 - 2. All plantings in the buffer yard shall be in accordance with the design standards of this Section. The minimum size and improvement of buffer yards shall be as follows:
 - 3. An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge, at least six (6) feet in height, shall be erected along one hundred percent (100%) of the yard length.
 - 4. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.
- S. **Screening Requirements**
 - 1. **Refuse Disposal Dumpsters and Refuse Storage Areas.** All refuse containers shall be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall six (6) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.
 - 2. **Loading Berths.** Loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six (6) feet in height.
 - 3. **Outdoor Storage and Display Areas.** All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-

way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.

- a. When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.
 - b. All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.
 - c. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way meeting the requirements of Paragraph 2 above, but such plantings may be clustered. However, the screening may consist of small shrubs and/or a low pedestrian wall, rather than shade or evergreen trees, to optimize the view of motor vehicles for sale.
4. **Drive-Through Facility.** Drive aisles of drive-through facilities shall be effectively screened from view when adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.
5. **Fences, General Requirements.**
 - a. All fences shall be measured from existing grade, unless otherwise specified.
 - b. For the purposes of this section, masonry walls shall be considered solid fences.
6. **Fence Construction and Design Requirements:**
 - a. All fence posts shall be placed on the inside of the fence.
 - b. A fence or wall, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located.
 - c. Fences shall only be constructed of the following materials:
 - i. Treated wood, cedar or redwood
 - ii. Simulated wood
 - iii. Decorative brick or stone
 - iv. Wrought-iron or aluminum designed to simulate wrought-iron
 - v. Galvanized or coated chain link, brown, black or green in color (permitted in rear and interior side yard only)
 - vi. Vinyl
 - vii. Metal Panel Fencing may be allowed for commercial purposes only and shall be approved by the Planning Director prior to installation. The property owner must create a rendering of the fence and the location of the fence on a site plan created by a licensed professional prior to approval.

7. Fencing for Residential Use

- a. Fences or walls, to a maximum height of eight (8) feet, are permitted along the lot (property) line, except as follows:
 - i. No fence greater than four (4) feet in height shall be permitted in a front yard, or reversed corner side yard, or rear yard setback of a double-fronted lot.
 - ii. No opaque fence or wall may be located in a front yard, or reversed corner side yard, or rear yard setback of a double-fronted lot. An opaque fence shall be defined as a fence that blocks or otherwise prevents the passage of light through fifty percent (50%) or more of its surface area.
 - iii. When a residential lot abuts a commercial or industrial zoning district, the residential lot owner is permitted to erect a fence of up to eight (8) feet in height along the rear or interior side lot lines that abut such districts.
 - iv. In all zoning districts, public or quasi-public buildings and facilities essential to the physical welfare of an area, such as electrical distribution substations, pipeline pumping stations, gas regulator stations, water storage facilities and similar uses may be surrounded by a fence having a height above grade not more than twelve (12) feet.
- b. All fences and walls shall comply with the provisions regarding Corner Visual Clearance. At all intersections, at a point of twenty (20) feet in any direction from the point of intersection of the street right-of-way, no sign, wall, fence, hedge, shrub or other object may exceed a height of three (3) feet above the established street grade.

8. Fences for Commercial Use

- a. Fences and walls are permitted along the property lines.
- b. Fences in non-residential districts shall be erected at a minimum height of six (6) feet to reduce nuisances when commercial uses are adjacent to residential use.

9. Fences Installed in Utility or Drainage Easements. Fences may be installed or constructed across or upon certain utility or drainage easements located on the owner's property provided that the following conditions are met:

- a. No fence shall be installed or constructed across or upon any access easement.
- b. No drainage easement, stormwater management easement, drainage swale, overland flow path, or storm inlet (individually and collectively referred to in this chapter as "drainage easement") shall be altered or in any way impeded by such fence. A minimum clearance of three (3) inches from the bottom of the fence to the ground shall be maintained at all times on fences installed or constructed within the drainage easement.
- c. Prior to digging postholes within the utility or drainage easement, the property owner or contractor shall notify Oklahoma One-Call System, Inc. (Okie) of the proposed work and obtain from Okie all information relating to the location and depth of all underground pipes, conduits, wires and other apparatus within the utility or drainage easement.
- d. All owners of the property on which the fence is installed or constructed and contractors performing work thereon shall be jointly and severally responsible for any damage to any pipes, conduits, wires and other apparatus within the utility or drainage easement.

- e. It is the property owner's obligation to promptly remove the fence or such portion of the fence as may be necessary upon notice from the City or public utility company in order for the City or public utility company to install, repair, remove, replace, maintain or do other work on such pipes, conduits, wires or other apparatus within the utility or drainage easement. If the property owner fails to do so in a timely manner or if there is an emergency as determined by the City or public utility company, the City or public utility company may remove the fence or such portion of the fence as may be necessary to do work within the utility or drainage easement.
- f. The City or public utility company and their contractors, employees and agents shall have no liability for the removal or damage to such fence in the course of performing any work on such pipes, conduits, wires or other apparatus within the utility or drainage easement and the property owner shall be responsible, at his/her cost, for the repair or reinstallation of any portion of the fence damaged or removed.

10. **Nonconforming Fences.** Any fence that is nonconforming, must be brought into conformance when repaired, reconstructed or expanded.

T. **Lighting.** Lighting on a given site shall adhere to the following standards. City staff and officials may request submittal of a formal lighting plan at their discretion, the content of which shall be determined at the time that such a request is made.

1. **Light Trespass and Distraction.** Lighting shall be provided in such a way as to not interfere with roadway traffic or spill over on adjacent properties.

a. Specifically, the following types of light trespass are prohibited:

- i. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
- ii. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.

b. **Unshielded Lighting.** The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved sale of seasonal goods, carnivals, fairs or other similar activities are held and only when such activities are taking place.

c. **Light Pole and Building-Mounted Lighting Heights.** The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, shall be as specified below. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:

i. **Non-Residential Uses**

- a. Lights poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts shall not exceed thirty (30) feet in height.
- b. Light poles for outdoor recreational facilities shall not exceed sixty (60) feet in height. If light poles that exceed sixty (60) feet are necessary, such light poles are subject to special use approval.

ii. **Residential Uses**

- a. Light poles shall not exceed twelve (12) feet in height.

- b. Lighting mounted on a dwelling shall not be mounted higher than fifteen (15) feet above grade.
 - d. **Automatic Teller Machine Lighting.** The operator, owner, or other person responsible for the automated teller machine shall provide lighting during the hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation.
- U. **Signs.** See Chapter 90-16, Signs in the City of Muskogee Code of Ordinances.
- V. **Solar Energy Collectors.** A solar energy collector and heat storage unit of size needed to supply the building to which it is appurtenant shall be considered an accessory use and be so regulated. Solar energy collectors shall be mounted so that they cannot be seen from adjacent residential uses or the public right-of-way, except that they may be visible from an alley.
 - 1. **Building-Mounted Solar Energy Collectors.**
 - a. A Building-Mounted Solar Energy Collector may have a maximum height of ten feet (10') as measured from the roof surface on which the system is mounted to the highest edge of the system provided, however, that the system does not extend above the peak roof height or façade height.
 - 2. **Ground-Mounted Solar Energy Collectors.**
 - a. The maximum height of a Ground-Mounted Solar Energy Collector shall be six feet (6') as measured from the average grade at the base of the system to the highest edge of the system and screened so it is not visible from a public right-of-way or adjacent properties.
 - b. All parts of any Ground-Mounted Solar Energy Collectors shall be set back at least five feet (5') from interior side and rear property lines.
 - 3. **Removal.** If the Solar Energy Collector(s) remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed discontinued and shall constitute a public nuisance. The owner/operator shall remove the abandoned system at their expense. Removal includes the entire system and mounting hardware, including panels, equipment, and fencing from the property.

Article VII. Property Maintenance

- A. **Purpose.** The purpose of this article is to articulate the requirements of property maintenance to prevent this PUD from falling into disrepair and becoming blighted.
- B. **Minimum Standards.** The City of Muskogee has adopted the International Property Maintenance Code which stands as the minimum required to maintain a property in conjunction with the adopted building codes of the City of Muskogee.
- C. **Maintenance Responsibilities**
 - 1. **Developer Responsibilities**
 - a. Initial development and landscaping of common areas.
 - b. Installation of infrastructure, amenities, and public spaces.
 - c. Preparation of a detailed maintenance plan prior to project completion.
 - 2. **Homeowners' Association (HOA) Responsibilities**
 - a. Ongoing maintenance of common areas, including parks, trails, and open spaces.
 - b. Upkeep of recreational facilities and community amenities.

- c. Enforcement of property maintenance standards among residents and commercial entities.
- 3. **Commercial Entity Responsibilities**
 - a. Maintenance of individual commercial properties and adjacent sidewalks.
 - b. Compliance with landscaping and exterior appearance standards.
 - c. Regular upkeep of commercial signage and lighting.
- 4. **Individual Property Owners**
 - a. Maintain property both the yard and structure as to be in compliance of this article.
 - b. The property owner shall be responsible for mowing any right-of-way, alley, storm drain, or other easement that abuts their property.

D. Maintenance Standards

- 1. **Landscaping, Green Spaces, and Yards**
 - a. Regular mowing, trimming, and watering of lawns and landscaped areas. Property shall be free of weeds and grass in excesses of eight (8) inches and maintenance shall be required as follows:
 - i. Maximum mowing height of two (2) inches.
 - ii. All property lines, driveways, patios, and structures shall be cut with a clean edge. Failure to edge may result in a code violation pursuant to this article.
 - b. Pruning of trees and shrubs to ensure safety and aesthetic appeal.
 - c. No tree, shrub, or other woody debris shall encroach on neighboring property. If such violation is found, the property in which the tree, shrub, or other woody debris originated shall be liable for abatement.
 - i. If trees or branches fall from one property to another, the property owner in which the debris originated shall be liable.
 - ii. In the event of severe weather, property owners will be given 30 days to clean up storm debris plus any additional time given by the City Council through an emergency declaration.
 - d. Replacement of dead or diseased plants and trees within 30 days of identification.
- 2. **Buildings and Structures**
 - a. Regular inspection and repair of building exteriors, including roofs, walls, and windows.
 - b. Maintenance of paint, siding, and other exterior finishes to prevent deterioration.
 - c. Prompt repair of any structural damage to ensure safety and integrity.
- 3. **Recreational Facilities and Amenities**
 - a. Routine cleaning and maintenance of playgrounds, sports courts, and fitness areas.
 - b. Regular inspection and repair of equipment and facilities to ensure safety and functionality.
 - c. Seasonal preparation and maintenance of swimming pools and water features.
- 4. **Pedestrian Trails and Bike Paths**
 - a. Regular cleaning and debris removal from trails and paths.
 - b. Inspection and repair of pavement and signage to ensure safe usage.

- c. Maintenance of lighting along trails and paths for visibility and safety.
- 5. **Public Utilities and Infrastructure**
 - a. Regular inspection and maintenance of stormwater management systems.
 - b. Upkeep of street lighting, sidewalks, and roads within the PUD.
 - c. Prompt repair of any utility issues to prevent service disruptions.
- E. **Compliance and Enforcement**
 - 1. The HOA shall conduct regular inspections of common areas, residential properties, and commercial entities to ensure compliance with maintenance standards.
 - 2. Building Inspections shall be conducted annually by a City of Muskogee Building Inspector, with additional inspections as needed based on complaints or observed violations.
 - 3. Code Violations will be regularly monitored by the City of Muskogee Code Enforcement Division and action will be taken as needed based on complaints or observed violations.
 - 4. The timeline and requirements for noticing and/or hearing for abatement of any of the following mentioned in this article shall be governed by the City of Muskogee Code of Ordinances and/or the State of Oklahoma.

Article VIII. Conclusion

- A. **Summary of Benefits.** This PUD is designed to promote development in an area of blight within the City of Muskogee and will have the following benefits:
 - 1. Enhanced quality of life for residents and visitors.
 - 2. Promotion of sustainable, healthy lifestyles.
 - 3. Contribute to the overall development and growth of the community.
 - 4. Increasing the City's tax base with more retail opportunities.
 - 5. Creating a walkable environment to reduce the dependences on vehicles.
 - 6. Promotion of multi-modal transportation.
- B. **Final Remarks.**
 - 1. The City of Muskogee is committed to the development of this PUD to promote a cohesive, vibrant community with integrated residential, commercial, and recreational spaces; enhance quality of life through the inclusion of pedestrian trails, bike paths, and open spaces; encourage sustainable development and healthy lifestyles.
 - 2. It is understood that developers or property owners who develop within this PUD shall conform to the standards of this document and if a particular item related to development is not listed in this document, the developer shall conform to the City of Muskogee Code of Ordinances.

ORDINANCE NO. 4240-A

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE AS PROVIDED BY CHAPTER 90, SECTION 01-03, OF THE MUSKOGEE CITY CODE, SEPTEMBER 2014, BY RE-ZONING PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA (URA). THE TRACT OF LAND IS IN SECTION 23, TOWNSHIP 15 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING TWENTY-SIX (26) ACRES MORE OR LESS, AND PROVIDING FOR SEVERABILITY. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS:

A tract of land situated in Reeves Addition, Reeves Addition Number 2 and in Factory Addition, and in the adjacent streets and alleys in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows;

Beginning at the SW Corner of Lot 23 in Block 12 of said Reeves Addition Number 2,
thence North along the East Right-of-Way of N. 11th Street to the NW Corner of Lot 18, Block 5, Reeves Addition Number 2;
thence East along the north line of Lot 18 and Lot 15 to NE corner of Lot 15 of Block 5;
thence North along the east line of Block 5 to the NE Corner of Lot 1 of Block 5;
thence East across the Right-of-Way of N. 10th Street and along the north line of Block 6 to a point on the west line of Three Rivers Plaza Addition;
thence South along the west line of Three Rivers Plaza Addition to the SW Corner of Three Rivers Plaza Addition;
thence East along the south line of Three Rivers Plaza Addition to the East Right-of-Way of N. 6th Street;
thence North along the East Right-of-Way of N. 6th St. to the NW Corner of Lot 20, Block 4, Factory Addition;
Thence East along the north line of Lot 20 to NE Corner of Lot 20;
Thence North along the east line of Lot 21 and Lot 22 to the NE Corner of Lot 22;
Thence East along the north line of Lot 11 and across the Right-of-Way of N. 5th St., and through Block 3 of Factory Addition, and across the Right-of-Way of Fairmont Street, to the NW Corner of Lot 22, Block 2, Factory Addition, and the East Right-of-Way of Fairmont Street;
Thence South along the East Right-of-Way of Fairmont Street to the centerline of Talladega Street;
Thence West along the centerline of Talladega Street to the West Right-of-Way of N. 6th Street;
Thence North along the West Right-of-Way of N. 6th Street to the NE Corner of Lot 13, Block 9, Factory Addition;
Thence West along the north line of Lot 13 to the NW Corner of Lot 13;

Thence South along the west line of Lot 13 and Lot 14 to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the intersection of the west line of the 16-foot alley in Block 12 of Reeves Addition Number 2;

Thence North along the west line of the 16-foot alley to the SE Corner of Lot 23 of Block 12;

Thence West along the south line of Lot 23 to the SW Corner of Lot 23, Block 12, Reeves Addition Number 2, being the Point of Beginning.

LESS

Lot 1 in Block 12 of Reeves Addition Number 2, and Lots 27 and 28 of Block 11, Factory Addition.

(Urban Renewal Authority, Applicant)

FROM R-1 Single Family, R-4 Multi-Family, R-5 Mobile Home, and C-1 Local Commercial

TO

Planned Unit Development (PUD)

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held August 19, 2024, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation, NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

A tract of land situated in Reeves Addition, Reeves Addition Number 2 and in Factory Addition, and in the adjacent streets and alleys in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows;

Beginning at the SW Corner of Lot 23 in Block 12 of said Reeves Addition Number 2,

thence North along the East Right-of-Way of N. 11th Street to the NW Corner of Lot 18, Block 5, Reeves Addition Number 2;

thence East along the north line of Lot 18 and Lot 15 to NE corner of Lot 15 of Block 5;

thence North along the east line of Block 5 to the NE Corner of Lot 1 of Block 5;

thence East across the Right-of-Way of N. 10th Street and along the north line of Block 6 to a point on the west line of Three Rivers Plaza Addition;

thence South along the west line of Three Rivers Plaza Addition to the SW Corner of Three Rivers Plaza Addition;

thence East along the south line of Three Rivers Plaza Addition to the East Right-of-Way of N. 6th Street;

thence North along the East Right-of-Way of N. 6th St. to the NW Corner of Lot 20, Block 4, Factory Addition;

Thence East along the north line of Lot 20 to NE Corner of Lot 20;

Thence North along the east line of Lot 21 and Lot 22 to the NE Corner of Lot 22;

Thence East along the north line of Lot 11 and across the Right-of-Way of N. 5th St., and through Block 3 of Factory Addition, and across the Right-of-Way of Fairmont Street, to the NW Corner of Lot 22, Block 2, Factory Addition, and the East Right-of-Way of Fairmont Street;

Thence South along the East Right-of-Way of Fairmont Street to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the West Right-of-Way of N. 6th Street;

Thence North along the West Right-of-Way of N. 6th Street to the NE Corner of Lot 13, Block 9, Factory Addition;

Thence West along the north line of Lot 13 to the NW Corner of Lot 13;

Thence South along the west line of Lot 13 and Lot 14 to the centerline of Talladega Street;

Thence West along the centerline of Talladega Street to the intersection of the west line of the 16-foot alley in Block 12 of Reeves Addition Number 2;

Thence North along the west line of the 16-foot alley to the SE Corner of Lot 23 of Block 12;

Thence West along the south line of Lot 23 to the SW Corner of Lot 23, Block 12, Reeves Addition Number 2, being the Point of Beginning.

LESS

Lot 1 in Block 12 of Reeves Addition Number 2, and Lots 27 and 28 of Block 11, Factory Addition.

(Urban Renewal Authority, Applicant)

FROM R-1 Single Family, R-4 Multi-Family, R-5 Mobile Home, and C-1 Local Commercial

TO

Planned Unit Development (PUD)

AND that this change be so ordered and declared by the City Council.

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection,

sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AND THIS **MONDAY, AUGUST 26, 2024.**

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this _____ day of _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

Planning Commission

5.

Meeting Date: 08/19/2024

Initiator: Jody King, Planning Director

Information

AGENDA ITEM TITLE:

Hold a public hearing and consider a recommendation to the City Council for approval of Ordinance 4241-A, a request for Right-of-Way (ROW) closures within property owned by the Urban Renewal Authority, located in the Factory Addition within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map, or take other necessary action. (Jody King)

LEGAL DESCRIPTION:

LEGAL DESCRIPTION OF STREET CLOSURE

Part of Martin Street, Miller Street, and North 5th Street within Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows: Beginning at the SW Corner of Block 6 in said Factory Addition, thence North along the west line of Block 6 and across Martin Street to the SW Corner of Block 3, thence west across N. 5th Street and along the south line of Block 4 to the SW Corner of Block 4, thence south across Martin Street to the NW Corner of Block 5, thence east along the north line of Block 5 to the NE Corner of Block 5, thence south along the east line of Block 5 to the SE Corner of Block 5, thence east across N. 5th Street to the SW Corner of Block 6 to the Point of Beginning.

LEGAL DESCRIPTION OF ALLEY CLOSURE

The 15 foot Alley in Block 5 of Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma.

BACKGROUND:

Roughly around the area between 5th and 6th streets and Martin and Miller Street sits Urban Renewal Authority owned lots for economic development. To best accommodate development, closure of Miller Streets, 5th Street and an alleyway are necessary.

OG&E and AT&T verified they have lines in the alley way, but will relocate them when needed. AT&T also has a conduit lines that runs from Shawnee Street to Talladega along 5th Street. All other easement/franchise holders do not have any assets that would be impacted by the closure. An easement will be retained over the closed rights-of-ways in the existing dimensions of the property.

A public notice was published in the Muskogee Daily Phoenix and all property owners within a 300 foot radius were notified of this closure request. Also noticed were all potential easement holders within a period that was at least 30 days prior to potential adoption of this ordinance on August 26, 2024. A formal public hearing will be held at the following meetings:

- Planning & Zoning Commission, Monday, August 19, 2024.
- City Council, Monday, August 26, 2024.

RECOMMENDED STAFF ACTION:

Recommend Approval of the Ordinance for the Right-of-Way Closure.

Fiscal Impact

Attachments

Staff Report

Ordinance No. 4241-A DRAFT

Planning & Community Development Staff Report

Consider approval of Ordinance 4241-A, a request for a Right-of-Way (ROW) closure among property owned by the Urban Renewal Authority, located in the Factory Addition within Section 23, Township 15 North, Range 18 East, and if approved, authorize city staff to update the official city map, or take other necessary action.

Planning Department Analysis

- Current Zoning & Use: Mixed Residential and Commercial; Vacant Block
- The NE quarter of the NW quarter of Section 23, Township 15 North, Range 18 East

Meeting Information:

- Public Hearing to be conducted at the City of Muskogee Planning & Zoning Commission on Monday, August, 19, 2024 at 9:00 A.M. in Council Chambers on the Third Floor of City Hall located at 229 West Okmulgee Street, Muskogee, Oklahoma 74401;
- Public Hearing to be conducted at the City of Muskogee City Council Meeting on Monday, August, 26, 2024 at 5:30 P.M. in Council Chambers on the Third Floor of City Hall located at 229 West Okmulgee Street, Muskogee, Oklahoma 74401.

Legal Description:

LEGAL DESCRIPTION OF STREET CLOSURE

Part of Martin Street and Miller Street within Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows: Beginning at the SW Corner of Block 6 in said Factory Addition, thence North along the west line of Block 6 and across Martin Street to the SW Corner of Block 3, thence west across N. 5th Street and along the south line of Block 4 to the SW Corner of Block 4, thence south across Martin Street to the NW Corner of Block 5, thence east along the north line of Block 5 to the NE Corner of Block 5, thence south along the east line of Block 5 to the SE Corner of Block 5, thence east across N. 5th Street to the SW Corner of Block 6 to the Point of Beginning.

LEGAL DESCRIPTION OF ALLEY CLOSURE

The 15 foot Alley in Block 5 of Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma.

Background:

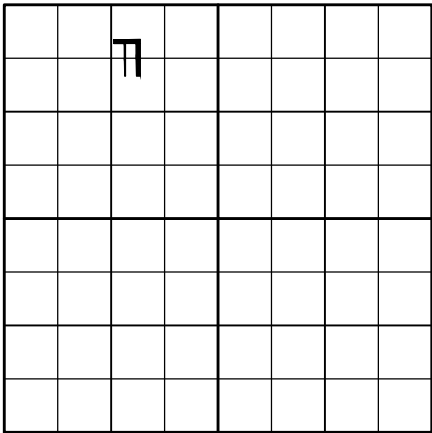
Roughly around the area of between 5th and 6th streets and Martin and Miller Street sits Urban Renewal Authority owned lots for economic development. To best accommodate development, closure of Miller Streets, 5th Street and an alleyway are necessary.

OG&E and AT&T verified they have lines in the alley way, but will relocate them when needed. AT&T also has a conduit lines that runs from Shawnee Street to Talladega along 5th Street. All other easement/franchise holders do not have any assets that would be impacted by the closure. An easement will be retained over the closed rights-of-ways in the existing dimensions of the property.

A public notice was published in the Muskogee Daily Phoenix and all property owners within a 300 foot radius were notified of this closure request. Also noticed were all potential easement holders within a period that was at least 30 days prior to potential adoption of this ordinance on August 26, 2024. A formal public hearing will be held at the following meetings:

- Planning & Zoning Commission, Monday, August 19, 2024.
- City Council, Monday, August 26, 2024.

RECOMMENDATION: **Approve the Ordinance for the Right-of-Way Closure.**



LOCATION MAP

SEC. 23 T 15 N, R 18 E

Street and Alley Closure

LEGAL DESCRIPTION OF STREET CLOSURE

Part of Martin Street and Miller Street within Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows:
Beginning at the SW Corner of Block 6 in said Factory Addition, thence North along the west line of Block 6 and across Martin Street to the SW Corner of Block 3, thence west across N. 5th Street and along the south line of Block 4 to the SW Corner of Block 4, thence south across Martin Street to the NW Corner of Block 5, thence east along the north line of Block 5 to the NE Corner of Block 5, thence south along the east line of Block 5 to the SE Corner of Block 5, thence east across N. 5th Street to the SW Corner of Block 6 to the Point of Beginning.

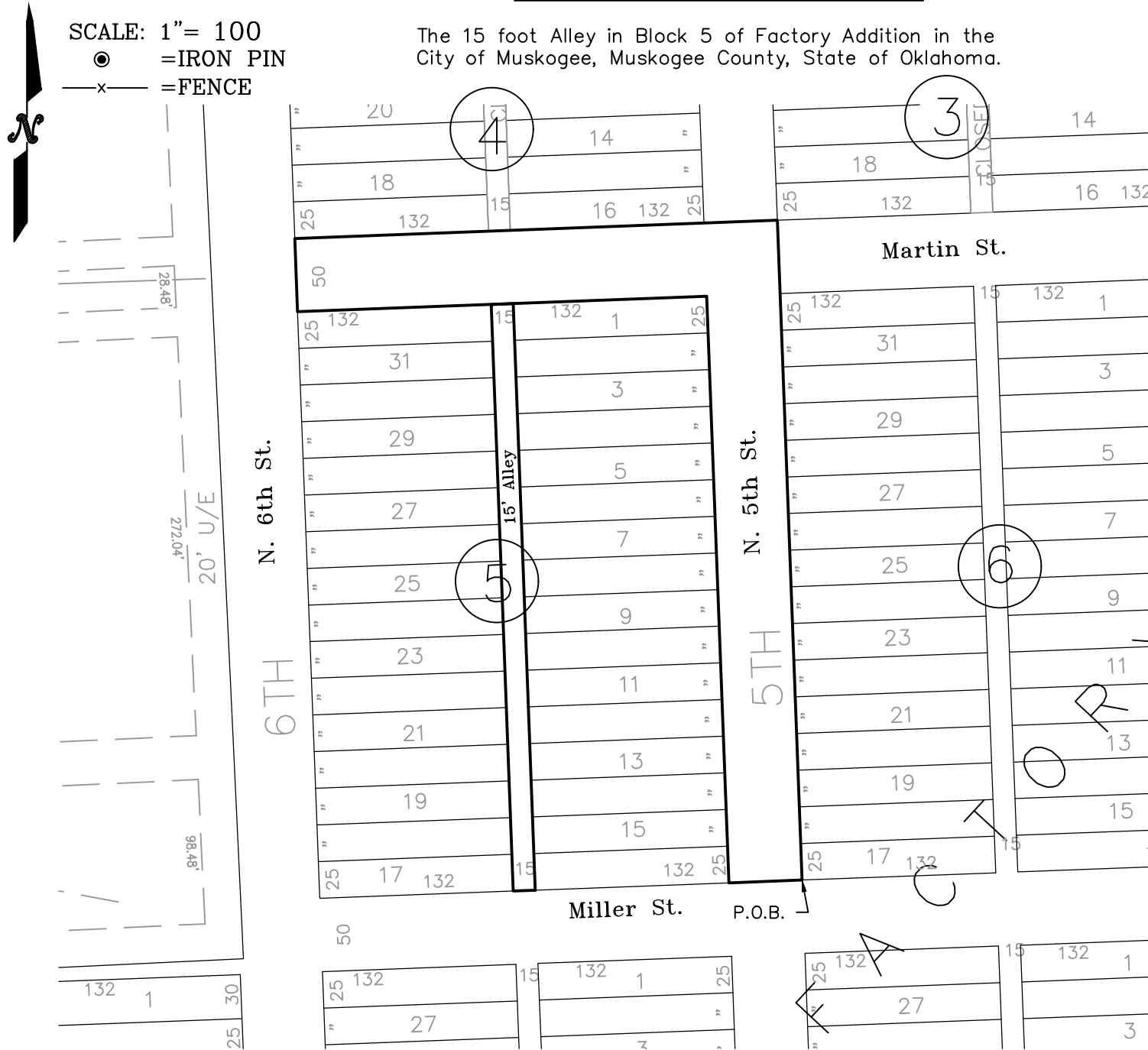
LEGAL DESCRIPTION OF ALLEY CLOSURE

The 15 foot Alley in Block 5 of Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma.

SCALE: 1" = 100

● = IRON PIN

—x— = FENCE



TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849

600 Emporia St., Ste. "C"
Muskogee, Oklahoma 74401
(918) 682-7796

FOR: City of Muskogee

DATE: 7/25/2024

This survey was performed without the benefit of a title commitment being furnished and may contain easements or rights of ways not shown.

SHEET SIZE 8.5x14

W.O.# 12345

SURVEYED BY: _____

DRAWN BY: DR

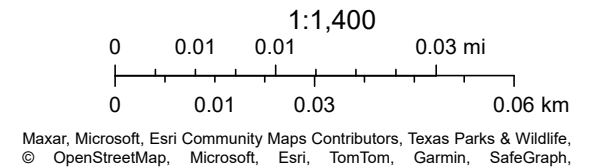
Last Site Visit: _____

FILE NAME
Jul 26, 2024 - 1:02pm
S:\CAD - HEARTLAND-FILES\W012345-Street Closure.dwg

URA Map



7/19/2024



ORDINANCE NO. 4241-A

AN ORDINANCE CLOSING THE LEGAL DESCRIPTION HEREIN MENTIONED; AND PROVIDING FOR SEVERABILITY. (City of Muskogee Urban Renewal Authority, Petitioner)

WHEREAS, a petition has been filed by the property owner requesting said parts of Martin Street, Miller Street, North 5th Street, and the associated alley, as stated, be closed and discontinued from public use, and;

WHEREAS, utility easement shall be retained over the aforementioned property in the existing dimensions of the rights-of-way, and;

WHEREAS, the City of Muskogee Planning & Zoning Commission in a meeting held August 19, 2024, did approve the petition and did recommend approval of official action by closing a public Right of Way as stated;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1: PART OF MARTIN STREET AND MILLER STREET WITHIN FACTORY ADDITION IN THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF BLOCK 6 IN SAID FACTORY ADDITION, THENCE NORTH ALONG THE WEST LINE OF BLOCK 6 AND ACROSS MARTIN STREET TO THE SW CORNER OF BLOCK 3, THENCE WEST ACROSS N. 5TH STREET AND ALONG THE SOUTH LINE OF BLOCK 4 TO THE SW CORNER OF BLOCK 4, THENCE SOUTH ACROSS MARTIN STREET TO THE NW CORNER OF BLOCK 5, THENCE EAST ALONG THE NORTH LINE OF BLOCK 5 TO THE NE CORNER OF BLOCK 5, THENCE SOUTH ALONG THE EAST LINE OF BLOCK 5 TO THE SE CORNER OF BLOCK 5, THENCE EAST ACROSS N. 5TH STREET TO THE SW CORNER OF BLOCK 6 TO THE POINT OF BEGINNING; AND, THE 15 FOOT ALLEY IN BLOCK 5 OF FACTORY ADDITION IN THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA; AND PROVIDING FOR SEVERABILITY is hereby closed, annulled and discontinued from public use.

AND that this change be so ordered and declared by the City Council.

Section 2: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3: SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 4: EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after date of publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS 26th DAY OF AUGUST 2024.

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY