PLANNING COMMISSION MEETING AGENDA
SEPTEMBER 12, 2023

723 S. Lewis St., Room 1122 B
Stillwater, OK 74074
5:30 PM

Chair Jana Phillips, Vice-Chair Mark Prather, Commissioner Mike Shanahan, Commissioner Riley Williams, and Commissioner Andrew Van Leuven.

NOTE: Members of the Planning Commission and City Staff will gather prior to the regular meeting in Room 1121 beginning at 5:00 PM. No Planning Commission business will be discussed or otherwise acted upon at this time. This is not a closed session, and members of the public and press are welcome to attend.

1. Call Meeting to Order
2. Public Hearing
   The Planning Commission will hear public comments, discuss, and take action including a vote or series of votes on each item unless otherwise indicated.
   a. **SHORT TERM RENTAL (STR-0124),** consideration, discussion, and possible action, including recommendation approval or denial of an application for a Short Term Rental from Cameron Moore for property addressed as 3417 West 31st Avenue in the Single Family Small Lot Residential (RSS) district**.**
   b. Stillwater Housing Development Corporation, **MAP AMENDMENT (MA23-04)**, consideration, discussion, and possible action, including recommending approval or denial to rezone approximately 0.49 acres of property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM).
   c. Stillwater Housing Development Corporation, **SPECIFIC USE PERMIT (SUP23-06)**, consideration, discussion, and possible action, including recommending approval or denial of an application to allow conventional single-family in a Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue.
   d. **TEXT AMENDMENT (TXT22-02)** consideration, discussion, and a possible text amendment to Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setbacks for fences, etc; projections into yards.
3. Miscellaneous Items From Staff, Planning Commissions of City Attorney for Discussion and Possible Action
   Announcements, appointments, and remarks about matters of general interest may be made by Staff, Commissioners, or the City Attorney at this time. Items of City business that may require discussion or action (including a vote or series of votes) are listed below.
   a. Next Planning Commission Meeting is September 19, 2023.

4. Adjourn

On _____ at _____, a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S Lewis Street, Stillwater, OK.

The Planning Commission may take action, including a vote or series of votes on all items listed on the agenda, unless the item specifically indicates that no action will be taken. The City of Stillwater encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, please notify the Community Development Desk at least 48 hours prior to the meeting by calling 405.742.8220.

- Meetings are televised on AT&T U-verse channel 99 and Suddenlink channel 14.
- Find meeting agendas and minutes online at Agendas and Minutes
- Official minutes are archived in the Office of Community Development.

Stillwater OKLAHOMA
stillwaterok.gov

MEMORANDUM

DATE: 9/12/2023
TO: Stillwater Planning Commission
FROM: Jacquelyn Porter, City Planner
SUBJECT: Short-Term Rental (STR) Application Review

Under the recent Ordinance 3435, short-term rentals (STR) are to be licensed with the City if located within RSL, RSS, or RT zoning districts. As part of the licensing process, property owners within 300-feet of the subject property are notified of the STR application and have 30-days within which to file an appeal to the licensing.

At this time, appeal(s) have been filed on STR application requests:

- **3417 West 31st Avenue** in the RSS zoning district

The Planning Commission is the hearing body for STRs. The hearings will be held as a Specific Use Permit hearing except there is no staff report or presentation. The criteria by which the Planning Commission is to review the STR applications is Section 23.180, attached with the consideration criteria highlighted. The applicant for the STR has the burden for their case.

A question of private restrictions/covenants is likely to arise. The City cannot enforce private restrictions/covenants but the Planning Commission can give weight to them as part of the deliberative process.

The City of Stillwater OKLAHOMA

Application for RESIDENTIAL SHORT-TERM RENTAL

Property Owner: Cameron Moore Mailing Address: 3417 W 31st Ave Stillwater, OK

Owner Contact Information: Phone: 918-510-5130 Email: Moorehomes14@gmail.com

Property Management Contact Name: NA

Phone: NA Email: NA

Property Street Address: 3417 W 31st Ave Stillwater OK 74074

Zoning Classification: RSS Number of Bedrooms Offered for Rent: 4

URL for an advertisement of the rental. airbnb.com

Required documents to be submitted with the residential short-term rental application.

SUBMITTED BY APPLICANT	DOCUMENT	VERIFIED BY CITY
	Completed Application form	
	Typewritten list & electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within 300 feet of the subject property. List shall be prepared no more than 30 days prior to submission.	EMAILED
	Initial application fee of $100.00. NOTE: Licenses expire January 31 of each year or upon change of ownership. The annual renewal fee is $10.00.	✓ UPSTAIRS
	Completed Notarized Affidavit form verifying working smoke detectors, working carbon monoxide detector, and functioning fire extinguisher.	✓
	Floorplan depicting the location of: • Rooms provided for rent • Smoke detectors • Carbon monoxide detector • Fire extinguishers	✓
	Proof of Ownership by either a recorded deed, a recorded homestead exemption, or a screenshot of the ownership record from the Payne County Assessor (Payne County Assessor website)	✓
	Sales Tax Permit issued by State of Oklahoma or evidence tax collection is done by a rental agent. Evidenced by either a completed and executed contract or notarized statement from the rental agent.	✓

APPLICANT SIGNATURE: [signature] DATE: 06/30/2023

Date Application Received: ~~6-30-23~~ 7-3-23 Application # STR-0124 Received by: AL

30-Day Objection Period: 8-4-23 Objection Filed: ☒ YES ☐ NO PC Hearing Date: 9-12-23

Approval Date: _____ Denial Date: _____

Revised 7.19.2019

AFFIDAVIT

(SWORN STATEMENT)

Date: June 30 2023

My legal name is **Cameron Moore** ("Affiant") and acknowledge I am:

a.) Age: 31 years old
b.) Address: 3417 W 31st Ave, Stillwater, Oklahoma, 74074
c.) Residency: Oklahoma

Being duly sworn, hereby swear under oath that:

I acknowledge that the property 3417 W. 31st Ave Stillwater, OK 74074 has working smoke detectors, carbon monoxide detectors and functioning fire extinguisher.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: _____ Date: 06/30/2023

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which the certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Oklahoma
County of Payne

On June 30, 2023, before me, Naomi Brown, personally appeared Cameron Moore who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oklahoma that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

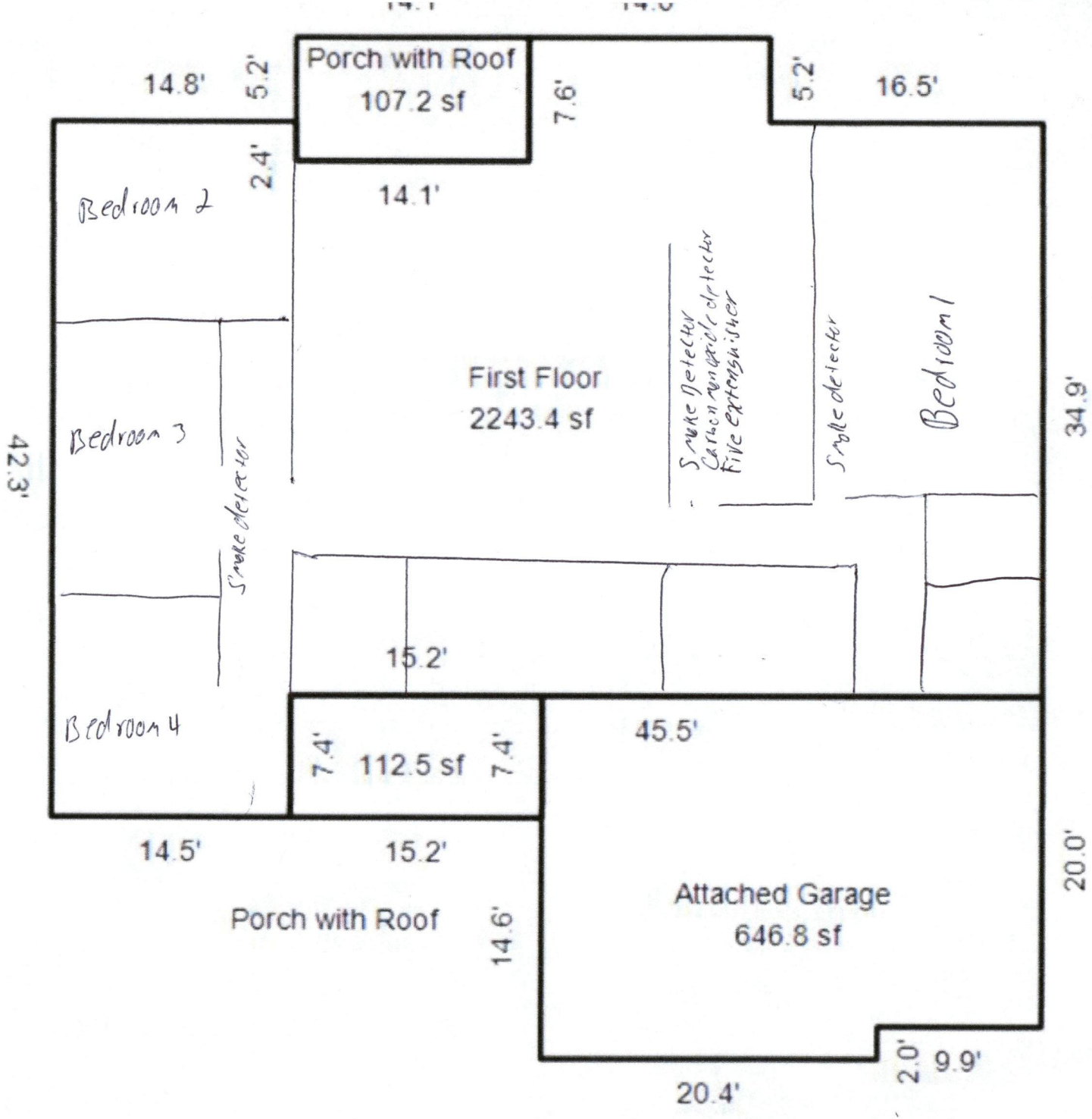
Naomi Brown
Notary Public

Print Naomi Brown

(Seal)

NAOMI BROWN
Notary Public
State of Oklahoma
Commission # 22009769

exp 7-18-26


Porch with Roof
107.2 sf
14.8'
5.2'
7.6'
5.2'
16.5'
2.4'
14.1'
Bedroom 2
Bedroom 3
Bedroom 4
First Floor
2243.4 sf
Smoke detector
Carbon monoxide detector
Five extinguisher
Smoke detector
Bedroom 1
42.3'
34.9'
Smoke detector
15.2'
45.5'
7.4'
112.5 sf
7.4'
14.5'
15.2'
Porch with Roof
14.6'
Attached Garage
646.8 sf
20.0'
2.0'
9.9'
20.4'

Payne County Oklahoma Assessor's Office

Payne County Oklahoma Assessor's Office

600074697
3417 W 31st Ave

Moore, Cameron E
3417 W 31st Ave
Stillwater OK 74074-2466

2023 Market Value
$357,310

KEY INFORMATION

Parcel ID	**19N02E-28-3-SE003-001-0012**		
Land Size	**1.00000**	Land Unit	**Lot**
Class	**UR**	School District	**Stillwater Town (016T)**
Exemption	-	Section	**28**
Township	**19N**	Range	**02E**
2023 Taxes (Estimated)	**$4,123**		
Neighborhood	**Stillwater Southwest**		
Legal Description	**EAGLE SUMMIT ADD BLK 1 LOT 12**		

2023 APPRAISAL DETAILS

Land Value	**$40,000**
Building Value	**$313,260**
Misc Imp Value	**$4,050**
Total Market Value	$357,310

SALES

SALE DATE	SALE PRICE	DEED BOOK	DEED PAGE	INSTRUMENT TYPE	GRANTOR
04/21/2022	$350,000	2693	558	Warranty Deed	Miller, Kathryn A Bender TTEE
07/13/2018	$273,000	2464	498	Warranty Deed	Yang, Xiaoming & Huang, Bei
03/29/2013	$256,000	2085	595	Warranty Deed	GIBBS CONSTRUCTION, INC
07/17/2012	$37,500	2031	591	Warranty Deed	MURRAY DEVELOPMENT COMPANY, LLC

BUILDING DETAILS

BUILDING (1) - 3417 W 31ST AVE

Type	**Single-Family Residence**	Style	**One Story**
Finished Living Area	**2,243 sf**	Basement	-
Quality	**Average +**	Condition	**Average**
Year Built	**2013**	Exterior Walls	**Veneer, Brick**

Help Center

Search how-tos and more

How-to · Host

How do taxes work for hosts?

As a host, depending on your location, you may be required to collect local tax or Value Added Tax (VAT) from your guests.

In this article

Local tax

VAT

Need to get in touch?

We'll start with some questions and get you to the right place.

Contact us

You can also give us feedback.

3417 W 31st Ave
Stillwater, OK 74074

Local tax

Listing URL:

https://www.airbnb.com/rooms/737778290912829143?guests=1&adults=1&s=67&unique_share_id=62a78397-e693-48ec-aee2-bf27753e827b

James C Cowan
Payne County Assessor

CERTIFICATE OF OWNERSHIP

Re: Account # 600074697
Address: 3417 W 31st Ave

PAYNE COUNTY ASSESSOR'S OFFICE does hereby certify that every effort is made to produce and publish the most current and accurate ownership information possible. The ownership information reflects the tax roll of record owners per instruments filed in the Payne County Clerk's Office. Said ownership is located within the Three Hundred feet of the following described property, to-wit:

Lot Twelve (12), in Block One (1), EAGLE SUMMIT ADDITION, a part of the East Half (E/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty-eight (28), Township Nineteen (19) North, Range Two (2) East, of the Indian Meridian, City of Stillwater, Payne County, Oklahoma, according to the recorded plat thereof.

Attached you will find the current year's tax roll list of ownership that is within the Three Hundred feet of described legal. The ownership information includes the owner's name, mailing address, legal description, and situs address of the property if available.

The Payne County Assessor's Office believes this information to be true and correct at the time of Certification; however, no liability is or can be assumed by the undersigned with reference to the interpretation or validity of an instrument. This report is finished and accepted with the specific understanding above set forth.

Dated this 29 day of June, 2023.

PAYNE COUNTY ASSESSOR'S OFFICE

BY: Crystal Ross

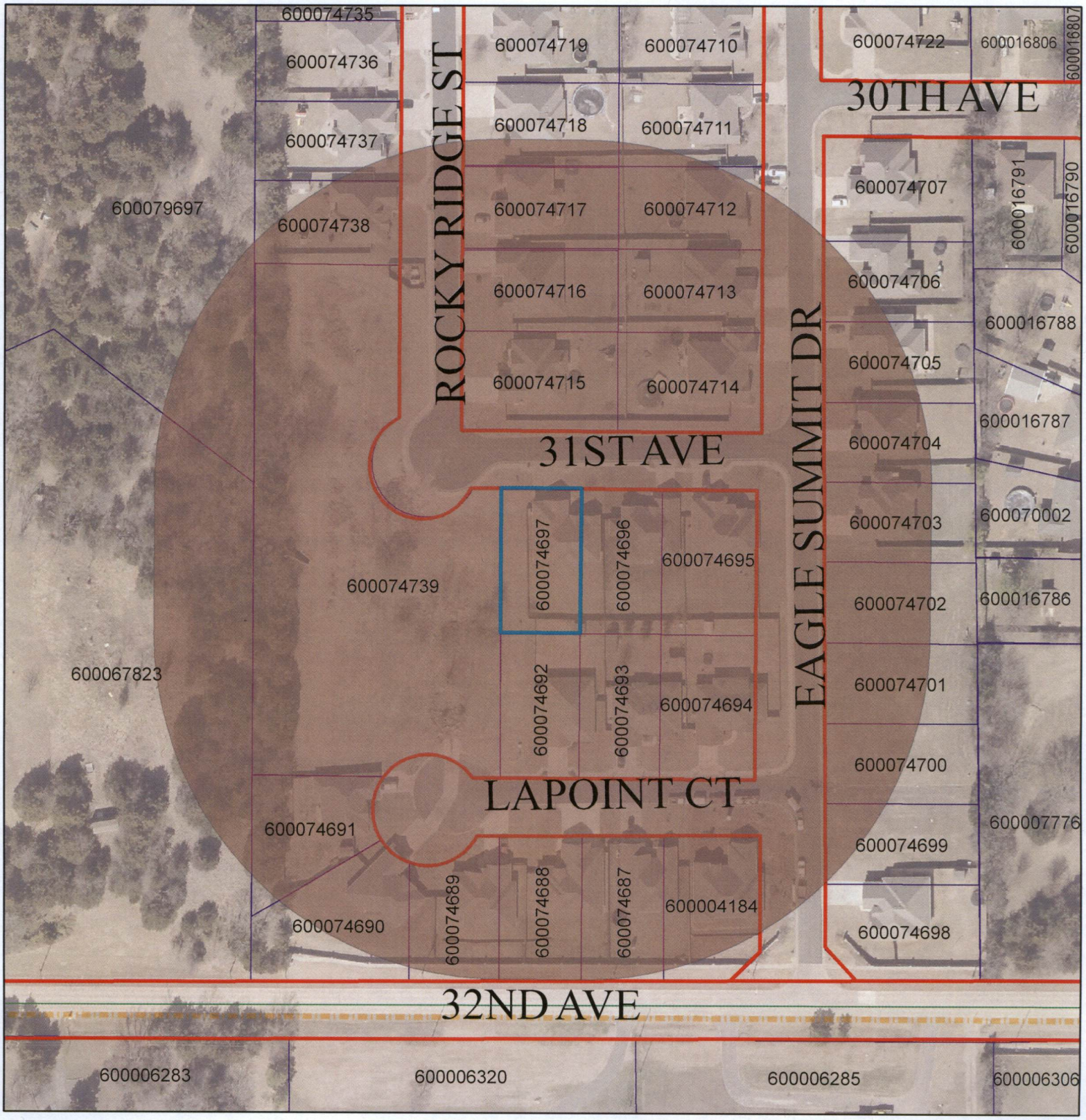
315 W 6th Ave, Ste #102 • Stillwater, Oklahoma 74074 • 405-747-8300
www.paynecounty.org

PropertyID	Cadastral	Owner1	Owner2	Mailing	City	State	ZipCode	PrimaryLoc	LegalDescr
600074739	SE003-000000-A00000	Murray Development Company, LLC		PO Box 2224	Stillwater	OK	74076	3050 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Outlot A
600004184	SE003-001001-000000	Rudloff, Kristena J & Peter		3403 W Lapoint Ct	Stillwater	OK	74074	3403 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 1
600074687	SE003-001002-000000	Rios, Jaime Sanchez Canamares & Rivas,	Veronica Hernandez	3409 W Lapoint Ct	Stillwater	OK	74074	3409 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 2
600074688	SE003-001003-000000	Tewell, Katherine A & Graham D		3415 W Lapoint Ct	Stillwater	OK	74074	3415 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 3
600074689	SE003-001004-000000	Billings, Joel M & Emily S		3421 W Lapoint Ct	Stillwater	OK	74074	3421 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 4
600074690	SE003-001005-000000	Murray, Cody J & Nataly		4019 Timberline Dr	Stillwater	OK	74074	3425 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 5
600074691	SE003-001006-000000	Gustafson, John E & Sofia M		3424 W Lapoint Ct	Stillwater	OK	74074	3424 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 6
600074692	SE003-001007-000000	McInturff, Ron & Jennie	C/O Judy Hannaford	3414 W Lapoint Ct	Stillwater	OK	74074	3414 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 7
600074693	SE003-001008-000000	Lyons, James R & Lyons, Branson N		3408 W Lapoint Ct	Stillwater	OK	74074	3408 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 8
600074694	SE003-001009-000000	Moss, Justin & Teresa		3402 W Lapoint Ct	Stillwater	OK	74074	3402 W Lapoint CtStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 9
600074695	SE003-001010-000000	Laxton, Stacy A & Brian H		3407 W 31st Ave	Stillwater	OK	74074	3407 W 31st AveStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 10
600074696	SE003-001011-000000	Wilmoth, Dayna R & Hoskins, Bryan L		3411 W 31st Ave	Stillwater	OK	74074	3411 W 31st AveStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 11
600074697	SE003-001012-000000	Moore, Cameron E		3417 W 31st Ave	Stillwater	OK	74074	3417 W 31st AveStillwater, OK 74074	Eagle Summit Add Blk 1 Lot 12
600074699	SE003-002002-000000	Meridian Technology Center		1312 S Sangre Rd	Stillwater	OK	74074	3125 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 2
600074700	SE003-002003-000000	Meridian Technology Center		1312 S Sangre Rd	Stillwater	OK	74074	3121 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 3
600074701	SE003-002004-000000	Meridian Technology Center		1312 S Sangre Rd	Stillwater	OK	74074	3115 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 4
600074702	SE003-002005-000000	Meridian Technology Center		1312 S Sangre Rd	Stillwater	OK	74074	3109 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 5
600074703	SE003-002006-000000	Griffin, April M		3103 S Eagle Summit Dr	Stillwater	OK	74074	3103 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 6
600074704	SE003-002007-000000	McNickle, Sandra R		3019 S Eagle Summit Dr	Stillwater	OK	74074	3019 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 7
600074705	SE003-002008-000000	Xavier, Joe C & Babita		3013 S Eagle Summit Dr	Stillwater	OK	74074	3013 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 8
600074706	SE003-002009-000000	Heisler, Jeffrey C & Jessica N		3007 S Eagle Summit Dr	Stillwater	OK	74074	3007 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 9
600074707	SE003-002010-000000	Robison, Brigit		3001 S Eagle Summit Dr	Stillwater	OK	74074	3001 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 2 Lot 10
600074711	SE003-003004-000000	Price, James & Jennifer		3000 S Eagle Summit Dr	Stillwater	OK	74074	3000 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 4
600074712	SE003-003005-000000	Peoples, Nathaniel C & Amber B		3006 S Eagle Summit Dr	Stillwater	OK	74074	3006 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 5
600074713	SE003-003006-000000	Kersten, Daniel D & Betty G TTEE		3012 S Eagle Summit Dr	Stillwater	OK	74074	3012 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 6
600074714	SE003-003007-000000	Thompson, John R & Chelsey R		3018 S Eagle Summit Dr	Stillwater	OK	74074	3018 S Eagle Summit DrStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 7
600074715	SE003-003008-000000	He, Hui & Lin, Dingbo		3021 S Rocky Ridge St	Stillwater	OK	74074	3021 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 8
600074716	SE003-003009-000000	Ku, Jaeun & Kim, Sun-Mi		3015 S Rocky Ridge St	Stillwater	OK	74074	3015 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 9
600074717	SE003-003010-000000	Prichard, Larry R & Jennifer N		3009 S Rocky Ridge St	Stillwater	OK	74074	3009 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 10
600074718	SE003-003011-000000	Delatte, Norbert J Jr & Margaret L		3003 S Rocky Ridge St	Stillwater	OK	74074	3003 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 3 Lot 11
600074737	SE003-004016-000000	Smith, Alexis		3002 S Rocky Ridge St	Stillwater	OK	74074	3002 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 4 Lot 16
600074738	SE003-004017-000000	Kirkpatrick, Jason T & Kimberly M		3008 S Rocky Ridge St	Stillwater	OK	74074	3008 S Rocky Ridge StStillwater, OK 74074	Eagle Summit Add Blk 4 Lot 17
600067823	SZ999-19N02E-28C516	Johnson, Charles E II & Crystal N		3111 S Sangre Rd	Stillwater	OK	74074	W 32nd AveStillwater, OK 74074	Misc Tr 28-19N-02E C-516 (4.88acm/l) Beg 360'E SW/C SW/4; N-308' N46^W-311.56' N66^E-312.73' S53^E-287.97' S-480' W-297.21' POB
600079697	SZ999-19N02E-28C517	Smith, Larry D & Kelsey		3001 S Sangre Rd	Stillwater	OK	74074	3001 S Sangre RdStillwater, OK 74074	Misc Tr 28-19N-02E C-517 (7.64acm/l) Beg 463.5'N SW/C SW/4; N-711.80' E-40' S57~ E-266.76' S73~ E-73.37' E-129.94' N48~ E-67.54' N81~ E-144.62' S-596.58' N53~ W-286.87' S66~ W-463.47' POB

Payne County

300' BUFFER

3417 W 31st Ave



This map is for assessment purposes only and is not intended for use in making conveyances or for prepairing legal descriptions.

James C Cowan
Payne County Assessor

CERTIFICATE OF OWNERSHIP

Re: Account # 600074697
Address: 3417 W 31st Ave

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Dated this 29 day of June, 2023.

PAYNE COUNTY ASSESSOR'S OFFICE

BY: Crystal Ross

315 W 6th Ave, Ste #102 • Stillwater, Oklahoma 74074 • 405-747-8300
www.paynecounty.org

CITY OF STILLWATER

Teresa Kadavy

From: Pokes "Pokes3828" <pokes3828@gmail.com>
Sent: Wednesday, August 2, 2023 4:49 PM
To: CityClerk
Subject: Objection to Short Term Rental: 3417 W. 31st Ave Stillwater, OK 74074

'23AUG2PM5:23
CITY CLERKS OFFICE

This email originated from an External Source. Please use proper judgement and Caution when opening attachments, clicking links, or responding to this email.

My name is Graham Tewell. My Wife and I own the home located at 3415 W Lapoint Ct in the Eagle Summit neighborhood. We are not in favor of having a home in this neighborhood used for a commercial purpose, especially a short-term rental property where there will be people consistently coming-and-going. We understand that individuals might want to rent a home to others, but we feel potential renters will not be vetted as throughly for a short-term rental as they would be for something more long term. This is a quiet neighborhood with a lot of families and children. The thought of having a steady stream of people with little-to-no known background information staying within 100 feet is worrisome.

Secondly, this is a neighborhood where mature couples, families, retirees, and generally people who are wanting someplace more quiet to live are going to be looking. The presence of a property that is dedicated for short-term rental/commercial use has the potential to make prospective buyers look elsewhere. This could not only impact property values in the neighborhood, but also make it more difficult for current residents to either upsize or downsize in a timely manner by increasing the time it takes to find a willing buyer.

Lastly, short-term rentals carry the potential for renters who are much less concerned with any impact they may have on the surrounding area. Loud noises/commotion at inappropriate hours, clogging up neighborhood streets, and less regard for trash/damage that might be left behind, to name a few. Maintaining civil and respectful relationships with neighbors is something long-term tenants are generally more concerned about than short-term renters.

In conclusion, we do not feel this is a suitable neighborhood for a short-term rental for the variety of reasons stated above. We strongly object to the approval of application STR-0124.

Sent from my iPhone

Teresa Kadavy

CITY OF STILLWATER
'23JUL25PM2:09
CITY CLERKS OFFICE

From: Jason Kirkpatrick <jtkirkpatrick68@gmail.com>
Sent: Tuesday, July 25, 2023 2:00 PM
To: CityClerk
Subject: Short Term Rental Letter

This email originated from an **External Source**. Please use proper judgement and **Caution** when opening attachments, clicking links, or responding to this email.

CITY OF STILLWATER
'23JUL25PM2:10
CITY CLERKS OFFICE

Good morning,

Not long ago, we received a notice in the mail from the city of Stillwater about a homeowner in our neighborhood making an application for a short term rental - application #: STR-0124

This email serves as my concern over that application and subsequent granting of approval for that short term rental.

We only recently moved into the neighborhood at Eagle Summit, and one of the reasons for choosing this area was due to the lack of rental property - long term and short term. We are concerned about the effect that short term rentals will have on property values.

Thank you,

Jason Kirkpatrick

Date of Meeting: September 12, 2023

Subject: Map Amendment: 716 West 11th Avenue

Purpose of Report: The applicant requests review and approval of a Map Amendment to rezone the property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM).

Background: The subject property is located on the southwest side of Stillwater, on the northeast corner of the intersection of West 11th Avenue and South Ramsey Street. Subject property is part of the Duncan Addition plat. This location is currently a vacant area. The applicant is requesting rezoning to RTM to allow for multiple residential units be developed on the subject property.

Application Processing Information:
Owner/Applicant – Stillwater Housing Development Corporation (SHDC)
Notice – Letters mailed to property owners within 300 feet, notice in the NewsPress and posted signage

Processing Track:
Submittal Date – July 24, 2023
Planning Commission – September 12, 2023
City Council – October 2, 2023

Project/Site Design Data/Details:
Zoning – Small Lot Single-Family Residential District (RSS), Section 23-137
Proposed Zoning – Two-Family and Multi-Family District (RTM), Section 23-139
Existing Use – Vacant Land
Total Lot size – 0.49 acres

Adequate Public Facilities Findings/Improvements:

- Streets/Traffic: The property currently has access off of West 11th Avenue and South Ramsey Street
- Transit Facilities/Bike Lanes or Trails/Sidewalks: Sidewalks are currently not available at this location. OSU Transit Services – Scarlet Route currently runs along 12th between the Stillwater Library and the intersection of South Adams Street with a couple of stops on near the clinic on both side West 12th Avenue.
- Water Service: City water service is available.
- Sanitary Sewer Service: City sewer is available.
- Electric: City electric is available

Applicable City Plans/Policies:
The Future Land Use Map within the Comprehensive Plan indicates that the desired land use within this part of the community is Low Density (10-3).

Discussion: The applicant requests review and approval of a Map Amendment to rezone the property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM). The current zoning of the property is Small Lot Single-Family Residential (RSS) with similar zoning to the immediate north and east with Public (P) located to the south and west. Two-Family and Multi-Family District (RTM) is located north of East 10th Avenue between South Hester Street and South Ramsey Street.

Findings:

1. The Land Development Code allows for rezoning of land via Map Amendments.
2. Two-Family and Multi-Family District (RTM) zoning is located in the vicinity area.
3. The Comprehensive Plan calls for Low Density use at the property's location.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed map amendment as presented.
2. Find that the map amendment is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the map amendment.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by:	Jacquelyn Porter, City Planner
Reviewed by:	Josh Brown, Project Manager
Date of Preparation:	August 23, 2023
Attachments:	Area Map, Application, Zoning Comparison Table
Map Designation:	SW

N
W E
S

Stillwater OKLAHOMA
stillwaterok.gov

Project Type: MA23-04 – Map Amendment
Request: Rezone from RSS to RTM
Address: 716 West 11th Avenue
Applicant: Stillwater Housing Development Corporation

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
APPLICATION FOR REVIEW/ACTION

ZONING:
- X Map Amendment
- _____ Planned Unit Development
  - _____ Preliminary
  - _____ Final
  - _____ Subdivision
  - _____ Amendment
- _____ Specific Use Permit
- _____ Annexation

SITE PLANS:
- _____ Minor Amendment
- _____ Final Drill Site Development Plan

SUBDIVISION:
- _____ Lot Split
- _____ Commercial Minor Subdivision
- _____ Minor Subdivision
- _____ Preliminary Plat
- _____ Final Plat

OTHER:
- _____ Closing
- _____ Improvement Plans
- _____ Drainage Plans/Study
- _____ Drilling Permit

COMMERCIAL USE-BY-RIGHT: Complete a Commercial Building Permit Application **AND** Commercial Use-By-Right Checklist

Title of Subdivision/Plan/Use: SHDC Housing Project
Owner(s) of Property: Stillwater Housing Development Corporation
Owner(s) Address: 807 S. Lowry, Ofc. Stillwater, OK 74074
Owner(s) Phone/Fax/Email: (405)372-4906 ext. 1500 (405)372-1416 toni@stillwaterhousing.org
Applicant/Developer of Property: Stillwater Housing Development Corporation (SHDC)
Applicant/Developer Address: 807 S. Lowry, Ofc. Stillwater, OK 74074
Applicant/Developer Phone/Fax/Email: (405)372-4906 ext. 1500 (405)372-1416 toni@stillwaterhousing.org
Design Engineer address/phone/fax/email & Registration No.: Gose & Associates 113 E. 8th St. Stillwater, OK 74074 (405)743-4907 (405)743-4908 roger@gose-associates.com OK 11052

Surveyor address/phone/fax/email & Registration No.: Crossroads Survey Company, LLC P.O. Box 1772 Cushing, OK 74023 (918)225-0345 crossroadssurveycompany@gmail.com

Address or Description of Property to be Subdivided/Developed: Lots seven (7), eight (8), and nine (9) in Block Five (5), Duncan's Additions to the City of Stillwater

Original Tract Deed Book and Page Number: B2655 pg. 823 - 825
Number of Acres in Development: 0.49 ac
Number of Lots Created: 0
Current Zoning/Requested Zoning: RSS/RTM
Reason for zoning request/use permit/map amendment (describe project):
To allow multiple units on the subject tract

This application must be accompanied by the appropriate checklist for the type of item being submitted for review. This application must be completed, signed, and dated by the Applicant and Owner(s).

We do hereby certify that the information provided herein is both complete and accurate to the best of our knowledge, and we understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Toni Broyles Toni Broyles 07/13/2023
Applicant/Preparer Date

Toni Broyles Toni Broyles 07/13/2023
Owner/Agent (with documentation) Date

_____ _____
Applicant/Preparer Date

_____ _____
Owner/Agent (with documentation) Date

For City of Stillwater Use Only: CASE NO#: _____

Submission Date: _____ Processing Tract: IRC 8/9, PC 9/12, CC 10/2
Approval Date: _____ Fees: _____ Number of Copies: _____

City of Stillwater
Map Amendment Checklist
Chapter 23, Article 3

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

Zoning district boundaries created under the authority of the City of Stillwater may be amended to change the zoning classification on one or more properties by the City Council. This CHECKLIST identifies the items needed. All items indicated as SUCH are required for the submittal to be considered complete.

APPLICANT	REQUIREMENTS	CITY
	Section 23.58	✓
	COMPLETED APPLICATION FORM AND CHECKLIST	✓
	TYPED LEGAL DESCRIPTION SENT TO DIGITALS@STILLWATER.ORG	✓
	FILING FEE OF $250.00 PLUS $2.00/ACRE	✓
	A TYPEWRITTEN LIST AND ELECTRONIC/DIGITAL COPY, CERTIFIED BY THE PAYNE COUNTY ASSESSOR, LICENSED ABSTRACTOR, ATTORNEY, ENGINEER OR ARCHITECT, OF ALL PROPERTY OWNERS WITHIN THREE HUNDRED (300) FEET OF THE SUBJECT PROPERTY. THE OWNERSHIP LIST SHALL HAVE BEEN PREPARED NO MORE THAN THIRTY (30) DAYS PRIOR TO SUBMISSION.	✓ Sent by Roger. 7/17

Certification: I hereby certify that the information provided herein is both complete and accurate to the best of my knowledge and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Soni Broyles 07/13/2023

Preparer's Signature Date

ZONING COMPARISON CHART		
	RSS (Residential Single Family Small Lot)	**RTM (Residential Two-family and Multi-family)**
Min Lot Size	5000 square feet	20,000 square feet
Min Lot Width/Depth	50/100 feet	100/130 feet
Max Structure Height	35 feet	35 feet
Min Front Yard	20 feet/10 feet from alley	20 feet/10 feet from alley
Corner lot optional setback	Front: 20 feet Street Side: 15 feet	N/A
Min Side Yard - boundary with:		
Residential district	5 feet	5 feet
Commercial district	15 feet	15 feet
Industrial district	15 feet	15 feet
Min Rear Yard - boundary with:		
Residential district	20 feet	20 feet
Any other district	20 feet	20 feet
Max Lot Coverage	No max limit	40 percent
Landscaping/Screening (earth berms, shrubs, fences, decorative man-made materials, trees)	No requirements	Required for parking lots only
Permitted Uses by Right (Uses in *italic* are allowed in both zoning districts)	• Conventional single-family • Residential design manufactured homes	• Boarding House/Rooming House • Church and Religions Institutions • Multiple-family with a maximum gross density of 20 units per acre • Townhome • Two-family (duplex)

Stillwater OKLAHOMA stillwaterok.gov	*REPORT TO:* *STILLWATER PLANNING COMMISSION* *No.* *SUP23-06*
	ISSUED BY THE COMMUNITY DEVELOPMENT DEPARTMENT - STILLWATER, OKLAHOMA

Date of Meeting: September 12, 2023

Subject: Specific Use Permit: 716 West 11th Avenue

Purpose of Report: The applicant requests review and approval of a Specific Use Permit to allow conventional single family homes in the Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue.

Background The subject property is located on the southwest side of Stillwater, on the northeast corner of the intersection of West 11th Avenue and South Ramsey Street. Subject property is part of the Duncan Addition plat. This location is currently a vacant area. The applicant is requesting a specific use permit to allow conventional single family structures in a RTM zoned district. The conceptual plans show eight (8) one bedroom conventional single family homes on the subject site. Section 23-139.e.4 allows for more than one principal residential structure on a lot in the RTM zoned district.

Application Processing Information:
Owner/Applicant – Stillwater Housing Development Corporation (SHDC)
Notice – Letters mailed to property owners within 300 feet, notice in the NewsPress and posted signage

Processing Track:
Submittal Date – August 18, 2023
Planning Commission – September 12, 2023
City Council – October 2, 2023

Project/Site Design Data/Details:
Zoning – Two –Family and Multi-Family District (RT), Section 23-139
Existing Use – Vacant Land
Proposed Use – 8 small conventional single family homes

Adequate Public Facilities Findings/Improvements:

- Streets/Traffic: The property currently has access off of West 11th Avenue and South Ramsey Street
- Transit Facilities/Bike Lanes or Trails/Sidewalks: Sidewalks are currently not available at this location. OSU Transit Services – Scarlet Route currently runs along 12th between the Stillwater Library and the intersection of South Adams Street with a couple of stops on near the clinic on both side West 12th Avenue.
- Water Service: City water service is available.
- Sanitary Sewer Service: City sewer is available.
- Electric: City electric is available

Applicable City Plans/Policies:
The Future Land Use Map within the Comprehensive Plan indicates that the desired land use within this part of the community is Low Density (10-3).

Discussion: Specific Use Permit to allow conventional single family in a Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue. The current zoning of the property is Two-Family and Multi-Family District (RTM) with Small Lot Single-Family Residential (RSS) located to the immediate north and east and Public (P) located to the south and west. Two-Family and Multi-Family District (RTM) is located north of East 10th Avenue between South Hester Street and South Ramsey Street.

Findings:
1. The Land Development Code allows the use of conventional single family homes in Two-Family and Multi-Family District (RTM) with specific use permit.
2. Section 23-139.e.4 allows for more than one principal residential structure on a lot.
3. The Comprehensive Plan calls for Low Density use at the property's location.

Alternatives:
1. Accept findings and recommend that the City Council approve the proposed specific use permit as presented.
2. Find that the specific use permit is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Prepared by:	Jacquelyn Porter, City Planner
Reviewed by:	Jeff Mathews, Community Development Director Joshua Brown, Project Manager
Date of Preparation:	August 23, 2023
Attachments:	Application, Area Map, Conceptual Site Plan and Conceptual Floor Plans
Map Designation:	SW

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
APPLICATION FOR REVIEW/ACTION

ZONING:
- X Map Amendment
- _____ Planned Unit Development
  - _____ Preliminary
  - _____ Final
  - _____ Subdivision
  - _____ Amendment
- X Specific Use Permit – 8-10-23
- _____ Annexation

SITE PLANS:
- _____ Minor Amendment
- _____ Final Drill Site Development Plan

SUBDIVISION:
- _____ Lot Split
- _____ Commercial Minor Subdivision
- _____ Minor Subdivision
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- _____ Final Plat

OTHER:
- _____ Closing
- _____ Improvement Plans
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- _____ Drilling Permit

COMMERCIAL USE-BY-RIGHT: Complete a Commercial Building Permit Application **AND** Commercial Use-By-Right Checklist

Title of Subdivision/Plan/Use: SHDC Housing Project 716 W 11th Ave
Owner(s) of Property: Stillwater Housing Development Corporation
Owner(s) Address: 807 S. Lowry, Ofc. Stillwater, OK 74074
Owner(s) Phone/Fax/Email: (405)372-4906 ext. 1500 (405)372-1416 toni@stillwaterhousing.org
Applicant/Developer of Property: Stillwater Housing Development Corporation (SHDC)
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Design Engineer address/phone/fax/email & Registration No.: Gose & Associates 113 E. 8th St. Stillwater, OK 74074 (405)743-4907 (405)743-4908 roger@gose-associates.com OK 11052

Surveyor address/phone/fax/email & Registration No.: Crossroads Survey Company, LLC P.O. Box 1772 Cushing, OK 74023 (918)225-0345 crossroadssurveycompany@gmail.com

Address or Description of Property to be Subdivided/Developed: Lots seven (7), eight (8), and nine (9) in Block Five (5), Duncan's Additions to the City of Stillwater

Original Tract Deed Book and Page Number: B2655 pg. 823 - 825
Number of Acres in Development: 0.49 ac
Number of Lots Created: 0
Current Zoning/Requested Zoning: RSS/RTM – SUP
Reason for zoning request/use permit/map amendment (describe project):
To allow multiple units on the subject tract

This application must be accompanied by the appropriate checklist for the type of item being submitted for review. This application must be completed, signed, and dated by the Applicant and Owner(s).

We do hereby certify that the information provided herein is both complete and accurate to the best of our knowledge, and we understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Toni Broyles Toni Broyles 07/13/2023
Applicant/Preparer Date

Toni Broyles Toni Broyles 07/13/2023
Owner/Agent (with documentation) Date

_____ _____
Applicant/Preparer Date

_____ _____
Owner/Agent (with documentation) Date

For City of Stillwater Use Only: CASE NO#: SUP23-06

Submission Date: _____ Processing Tract: IRC _____, PC 9/19, CC 10/16
Approval Date: _____ Fees: _____ Number of Copies: _____

RECEIVED 08/17/23 CMG

City of Stillwater
Specific Use Permit (SUP)
Chapter 23, Article 6, Division 7

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

Because the uses identified as requiring specific use permits are more intense or have a greater impact than those permitted by right, such uses shall be evaluated based upon their ability to locate next to less intensive uses. This CHECKLIST identifies the items needed. All items indicated as SUCH are required for the submittal to be considered complete.

716 W 11th

APPLICANT	REQUIREMENTS	CITY
	Section 23-180	
✓	COMPLETED APPLICATION FORM AND CHECKLIST	cjg
350 38.40 - 250.00 due $138.40	FILING FEE: NEW CONSTRUCTION @ $350.00 PLUS $0.01/SQ FOOT OF BUILDING OR EXISTING BUILDING @ $250.00 SHALL BE PAID UPON VERIFICATION OF COMPLETE SUBMITTAL. 480 SF x 0.01 = 4.80 x 8 = $38.40	cjg $136.40
submitted	A TYPEWRITTEN LIST, CERTIFIED BY A LICENSED ABSTRACTOR, ATTORNEY, ENGINEER OR ARCHITECT OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE SUBJECT PROPERTY AND AN ELECTRONIC/DIGITAL COPY CAPABLE OF BEING REPRODUCED AS MAILING LABELS. THE OWNERSHIP LIST SHALL NOT HAVE BEEN PREPARED MORE THAN 30 DAYS PRIOR TO SUBMISSION OF APPLICATION.	cjg
submitted	TYPED LEGAL DESCRIPTION EMIALED TO DIGITALS@STILLWATER.ORG	cjg
None	COPY OF EXISTING OR PROPOSED RESTRICTIVE COVENANTS	
✓	BUILDING ELEVATION DRAWINGS AND CONSTRUCTION MATERIALS WHEN ABUTTING A RESIDENTIAL DISTRICT.	
emailed 8/16/23	ELECTRONIC PDF DRAWING, EMAILED TO DIGITALS@STILLWATER.ORG shall show the following:	cjg
✓	a. Dimensions of the site, including easements and rights-of-way, and location with respect to streets and adjacent properties; See Survey	
✓	b. Dimension of buildings and location with respect to property boundaries; See Site plan	
✓	c. Location and type of existing and proposed outdoor features such as signs, fences, landscaping, or outdoor light fixtures; shown	
✓	d. Location, arrangement, and dimensions of off-street parking and loading spaces and access drives; shown	
✓	e. Number of residential dwelling units, if any, per structure; 8 SF	
✓	f. Any other physical features or characteristics which may be unique to the property or particular use proposed; flood plane	
✓	g. Existing use of abutting/adjoining properties	
✓	h. Existing zoning of the subject property and the abutting/adjoining properties; RSS/P	
✓	i. Location of existing and proposed public utilities	
N/A	j. Distance from any public place as defined in Oklahoma Administrative Code Title 310, Chapter 681 (Per Ordinance No. 3416)	
N/A	COPY OF OKLAHOMA STATE DEPARTMENT OF HEALTH MEDICAL MARIJUANA LICENSE FOR ☐ COMMERCIAL GROWER ☐ PROCESSING/MANUFACTURING ☐ DISPENSARY/RETAIL (PER ORDINANCE NO. 3416)	
✓	FINAL DRAINAGE STUDY AND FINAL DRAINAGE PLAN (ARTICLE 19)	Drainage Ltr. cjg

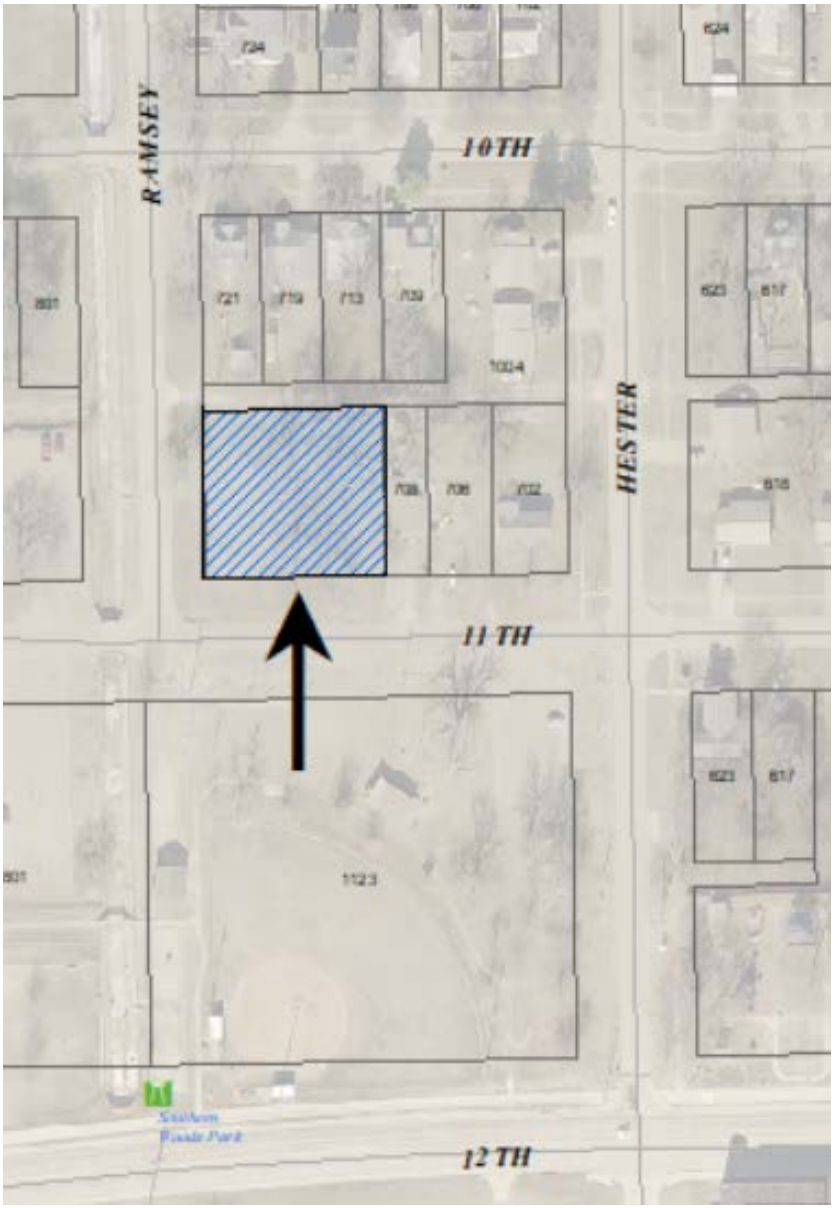
City of Stillwater
Specific Use Permit (SUP)
Chapter 23, Article 7, Division 7

INFORMATIONAL
Required fire flows. Appendix B (2009 IFC)
Hydrant spacing Section 507.5 and Appendix C (2009 IFC)
Sprinkler requirements, Section 903 (IFC)
Annual Inspections will occur to verify continual compliance with the conditions of approval of the SUP

Certification: I hereby certify that the information provided herein is both complete and accurate to the best of my knowledge and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

Preparer's Signature

8-13-2023
Date



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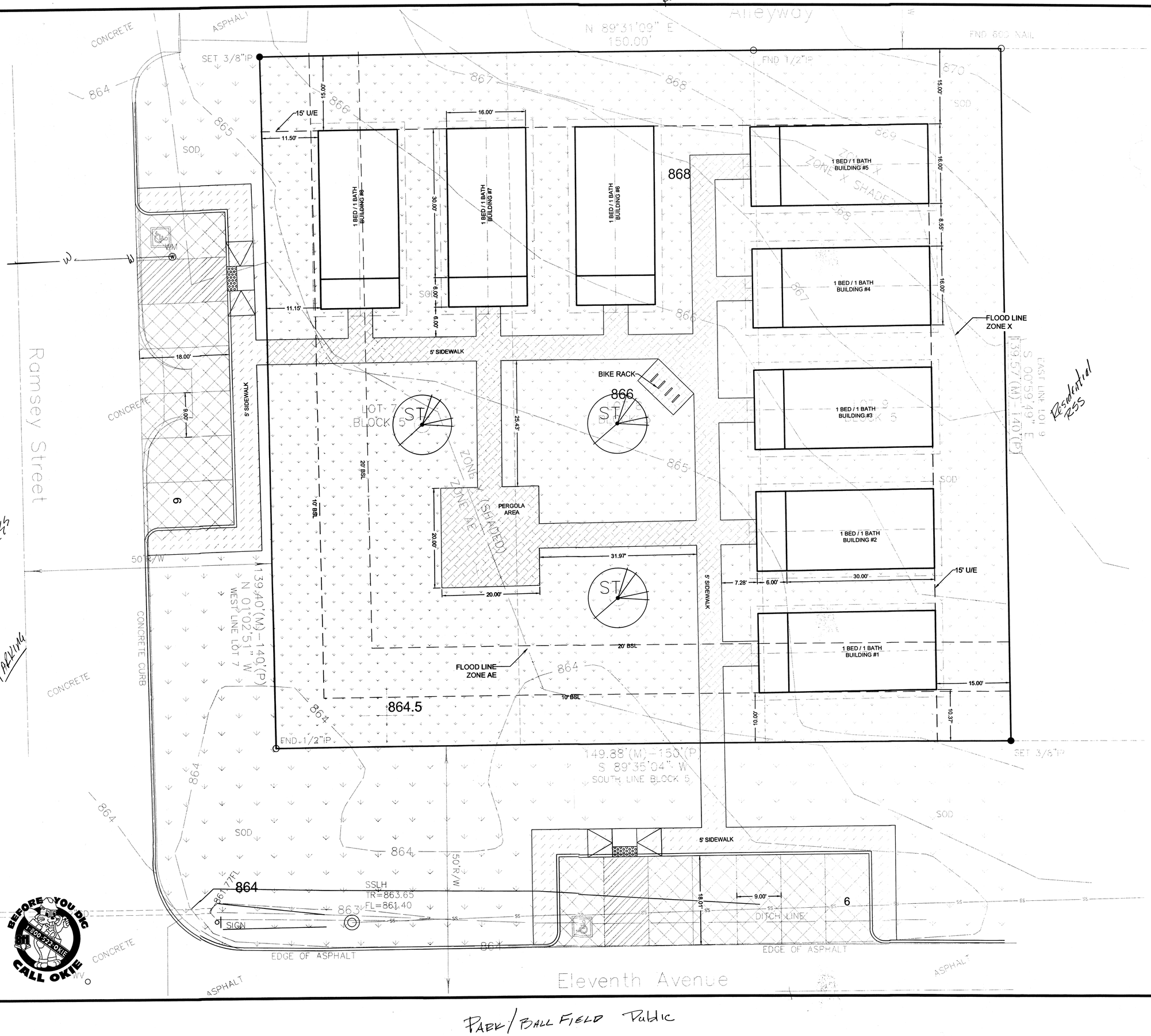
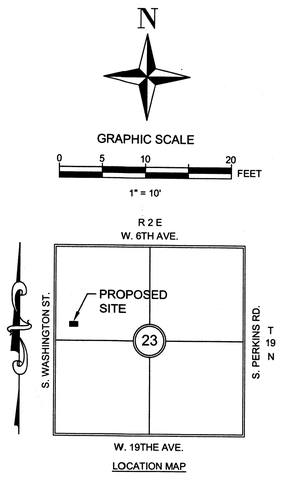
Stillwater OKLAHOMA
stillwaterok.gov

Project Type: SUP23-06
Request: Specific Use Permit
Address: 716 W. 11th Ave.
Applicant: Stillwater Housing Development Corporation

Residential RSS





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BENCHMARK
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NORTHING=405436.35
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ELEVATION=864.09

GENERAL NOTES

1. PAVEMENT DIMENSIONS AND RADII ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED.
2. RADII SHOWN ARE 3' UNLESS OTHERWISE NOTED.
3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
4. REFER TO MEP PLANS FOR SIGHT LIGHTING ELECTRICAL PLAN.

SITE DATA TABLE	
PROJECT DESCRIPTION	STILLWATER HOUSING DEVELOPMENT CORP. 11TH & RAMSEY
ADDRESS	798 W 11th AVE.
LOT ZONING	RSS
LOT SIZE	0.48 AC (20,913 SF)
BUILDING AREA	4,608 SF
BUILDING HEIGHT	13'-0"
PARKING	1 SPACE PER DWELLING UNIT
REQUIRED	8
PROVIDED VEHICLE	12
PROVIDED BIKE	6
FLOODPLAIN	FEMA FLOOD MAP #40119C0227F 05/16/2007

LEGAL DESCRIPTION

LOTS 7, 8, & 9, BLOCK 5, DUNCAN'S ADDITION

ENGINEER'S CERTIFICATE

I, STEPHEN C. GOSE, A LICENSED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT I HAVE PREPARED THE ACCOMPANYING SITE PLAN, TO THE BEST OF MY KNOWLEDGE AND ABILITY, IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF STILLWATER, THE COMPREHENSIVE PLAN, AND OTHER APPLICABLE ORDINANCES, LAWS, AND REGULATIONS GOVERNING THE DEVELOPMENT OF LAND WITHIN THE CITY OF STILLWATER OF WHICH I AM COMPLETELY FAMILIAR.

OWNER/DEVELOPER

STILLWATER HOUSING AUTHORITY CORP.
807 S. LOWRY ST.
STILLWATER, OK, 74074

BEFORE YOU DIG CALL OKIE 1-800-522-OKIE

Park / Ball Field Public

Gose & Associates

THIS DOCUM
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NATURE AND
A FINAL, SIGN
SEALED DOC
PREPARED UN
SUPERVISI
STEPHEN C.
OK P.E.#: 2
DATE: 01/15

JOB NUMBER SHDC 11TH & RAMSEY
DATE 01/15/2021
SCALE: AS SHOWN

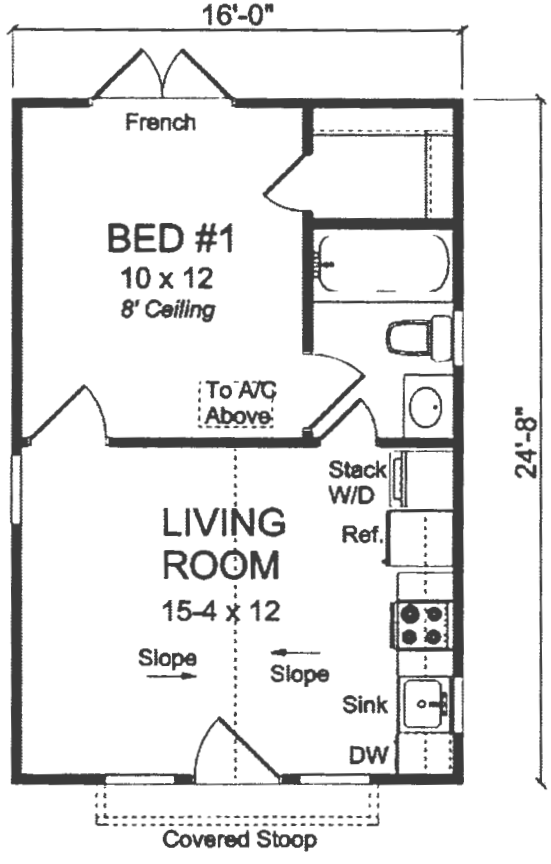
SITE PLAN

STILLWATER HOUSING DEVELOPMENT CORP. 11TH & RAMSEY SITE

SHEET NUM
C2.0

- Smart Side or Brick exterior walls
- Composition shingles
- Concrete slab on grade

SUP2306
RECEIVED
05/11/23



#24388 Floor Plan
Eastcreek

Date of Meeting: September 12, 2023

Subject: Text Amendment for Stillwater City Code, Chapter 23, Land Development Code, Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setback for fences, etc. projections into yards.

Purpose of Report: Review and Recommendation of a Text Amendment to the Land Development Code Chapter 23, Land Development Code Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setback for fences, etc. projections into yards, within the provisions of the Land Development Code.

Background: The proposed text amendment was first present to Planning Commission on February 14, 2023 was approved 4-1. After the Planning Commission meeting, members of the community voiced some concerns of the text and lack of clarity of the proposed text amendment. The item was requested to be pulled from City Council agenda. This item was originally developed by staff to address recurring cases presented to the Board of Adjustment in relation to the location of fences in the secondary front yard on corner lots. Staff has made some adjustments to the proposed text amendment and have worked with members of the community to help simplify and clarify the existing text. The major changes between the current code and the proposed text changed is the change of exempt in the table to "allowed" and clarified the location as "yards". In b.1, secondary front yard is defined and is stated that "A fence, hedge, or visual barrier four to eight feet in height may extend to within five feet of the secondary front yard of a corner lot in a residentially zoned district".

Application Processing Information:
Applicant – The City of Stillwater
Notice – Newspaper of general circulation
Assigned Planners – Jacquelyn Porter, City Planner
Diana Hood, Associate Planner

Processing Track:
Planning Commission – September 12, 2023
City Council, 1st Public Hearing – October 2, 2023

Findings:
1. A text amendment to the Land Development Code is needed to address the height limitations of fences in secondary front yards.

Alternatives:
1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that the Text Amendment is appropriate for the Definition with identified amendments and recommend the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a future Planning Commission meeting.
4. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

Prepared by:	Jacquelyn Porter, City Planner
Reviewed by:	Joshua Brown, Project Manager
Date of Preparation:	August 23, 2023
Attachments:	Draft Ordinance, Example Case, Original Code Section

ORDINANCE NO. 3526

"**AN ORDINANCE AMENDING STILLWATER CITY CODE BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 1, GENERALLY, SECTION 23-121, EXEMPTIONS; SETBACKS FOR FENCES, ETC.; PROJECTIONS INTO YARDS; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY**"

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

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

SECTION 1: That Stillwater City Code, Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally, Section 23-121, Exemptions; setbacks for fences, etc.; projections into yards, be amended to read as follows:

Sec. 23-121. Exemptions; setbacks for fences, etc.; projections into yards.

(a) *Exemptions.* The following are exempt from the provisions of this article:
- (1) Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities;
- (2) Property owned and used for governmental or university use by any branch of the county, state or federal government or by any publicly funded institution of higher learning. If such entity elects to participate in the city development review process, all applicable regulations shall be followed from beginning through completion of the application.

(b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter and except as provided in (1) below:

Type	Height	AllowedExempt
Fences	Zero to four feet	All yardssetbacks
Fences	Four to eight feet	All rear, and side and secondary front yardssetbacks
Hedges or required visual barriers	Zero to four feet	All yardssetbacks
Hedges or required visual barriers	Over four feet	All rear, and side and secondary front yardssetbacks

(1) No fence, hedge, or visual barrier taller than four feet shall extend into the front yard. A fence, hedge, or visual barrier four to eight feet in height may extend to within five feet of the secondary front yard of a corner lot in a residentially zoned district. Secondary front yard used here means the property line dividing the right of way from the street to which the address has not been assigned. ~~A side yard fence abutting a secondary right-of-way or road/access easement not opposite the front yard may be four to eight feet in height and shall meet the sideyard setback requirements for the applicable zoning district.~~

(c) *Projections into yards.* The following may project from a principal structure into a minimum setback:

(1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.

(2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.

(3) Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three feet into required yards.

(4) Canopies over commercial fuel pump and vehicle service islands may overhang a required front or exterior side yard a distance not to exceed one foot for each one foot in height, provided that the ground support structure is located entirely within the required minimum building setback line, and further provided the canopy extends no closer than five feet to the property line.

(5) Open terraces, decks, and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet into required yards, provided that such projection extends no closer than five feet to any interior side property line.

(6) Under no circumstances shall any portion of a structure project into an easement.

(d) *Exemption.* If the structure is developed within a PUD and there is adequate clearance provided.

SECTION 2: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

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

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2023.

_____
WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

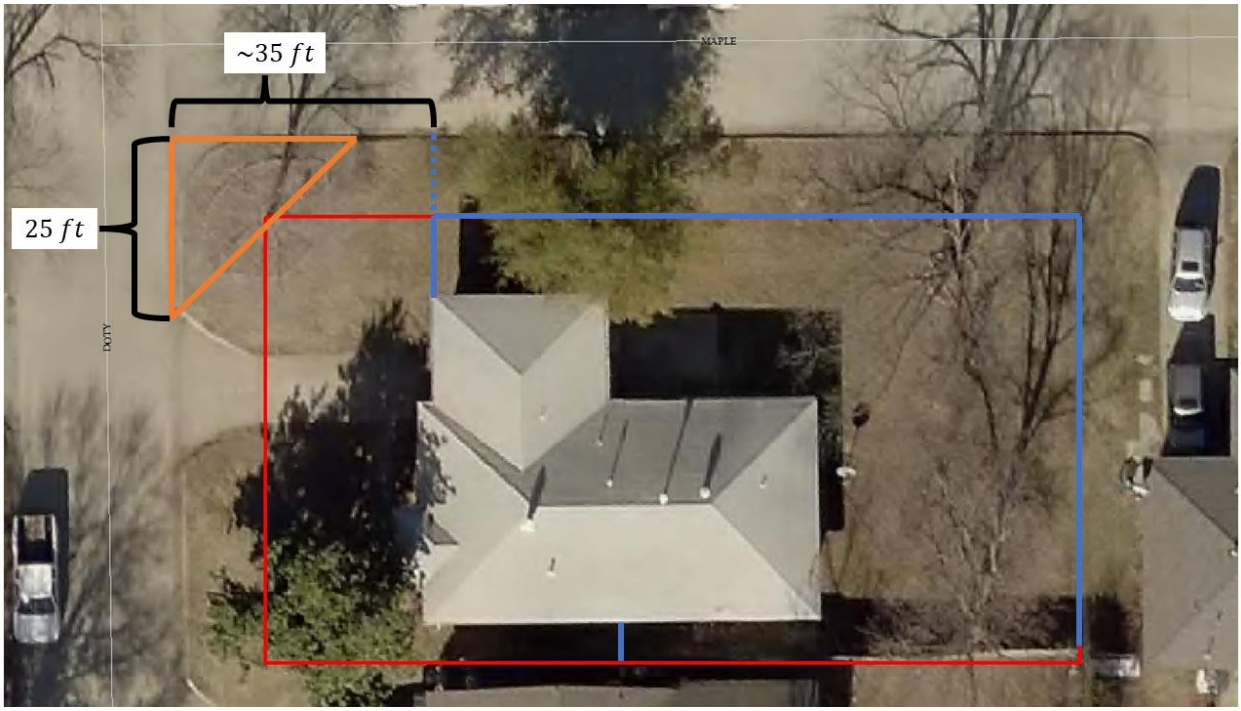
_____
TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2023.

_____
KIMBERLY CARNLEY, CITY ATTORNEY

First Reading:
Second Reading:

1123
VAR22-11
12TH
1201
1205
1209


~35 ft
25 ft
MAPLE
DOTY

Sec. 23-121. - Exemptions; setbacks for fences, etc.; projections into yards.

(a) *Exemptions.* The following are exempt from the provisions of this article:

(1) Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities;

(2) Property owned and used for governmental or university use by any branch of the county, state or federal government or by any publicly funded institution of higher learning. If such entity elects to participate in the city development review process, all applicable regulations shall be followed from beginning through completion of the application.

(b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter:

Type	Height	Exempt
Fences	Zero to four feet	All setbacks
Fences	Four to eight feet	All rear and side* setbacks
Hedges or required visual barriers	Zero to four feet	All setbacks
Hedges or required visual barriers	Over four feet	All rear and side* setbacks

*No fence, hedge, or visual barrier taller than four feet shall extend into the front setback.

(c) *Projections into yards.* The following may project from a principal structure into a minimum setback:

(1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.

(2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.

(3) Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three feet into required yards.

(4) Canopies over commercial fuel pump and vehicle service islands may overhang a required front or exterior side yard a distance not to exceed one foot for each one foot in height, provided that the ground support structure is located entirely within the required minimum building setback line, and further provided the canopy extends no closer than five feet to the property line.

(5)

Open terraces, decks, and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet into required yards, provided that such projection extends no closer than five feet to any interior side property line.

(6) Under no circumstances shall any portion of a structure project into an easement.

(d) *Exemption.* If the structure is developed within a PUD and there is adequate clearance provided.

(Ord. No. 3023, § 1(23.121), 3-3-2008; Ord. No. 3051, § 13(23-121), 12-15-2008)