

AGENDA
BOARD OF CITY COMMISSIONERS
May 19, 2014 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV RAY BELFORD
FIRST CHRISTIAN CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 17
 - b. Minutes from the May 5, 2014 regular meeting.
 - c. Budget Amendment – General Fund 001
To adjust police overtime for the Highway Safety Grant – It's a reimbursable grant and it is for the payment of OT for DUI enforcement and seatbelt enforcement
 - d. Budget Amendment – General Fund 001
Salaries and tax expense for terminating/retiring employee leave payout
 - e. Acknowledge the following minutes and reports:
 - Planning Commission minutes from April 2, 2014 meeting
 - Shawnee Civic and Cultural Development Authority minutes from March 20, 2014 meeting
 - Contract Review Committee minutes from March 26, 2014 meeting and May 9, 2014 meeting
(May 9, 2014 Draft Only not yet approved – for information only)
 - License Payment Report April 1-30, 2014
 - Project Payment Report April 1-30, 2014
 - f. Acceptance of safe room rebate grant from the American Red Cross and approval of grant program rules.
 - g. Acknowledge Oklahoma Municipal Retirement Fund Early Retirement for Charles Stephens.
 - h. Approve Community Service Contract Review Committee Recommendations for Fiscal Year 2014-2015.

- i. Acknowledge eligibility and application for the Edward Bynes Memorial Grant through the U.S. Department of Justice for the Police Department and the Sheriffs Office.
 - j. Approve proposal received from Trenton Marr, DVM, of Dogwood Veterinary Hospital, for a spay/neuter program through the Shawnee Animal Shelter.
 - k. Acknowledge denial of tort claim OMAG No. 136774-TW
– K. Butler
 - l. Acknowledge denial of tort claim OMAG No. 137216-TW
– G. Assell
3. Commissioners Comments
 4. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)
 5. A public hearing and consider amending a Planned Unit Development located at 3306 N. Kickapoo. Case #P06-14
Applicant: J. Michael Adcock
 6. A public hearing and consideration of approval of an ordinance to rezone property located at North Bryan from A-1; Agricultural to R-3; Multi-Family Residential. Case #P07-14 Applicant: Mike Langley
 7. A public hearing and consideration of approving an ordinance with a Conditional Use Permit for property located at 909 E. Independence from R-3; Multi-Family Residential District to C-1; Neighborhood Commercial with a Conditional Use Permit. Case #P08-14 Applicant: Kaye Harrod
 8. Consideration of approval of a Preliminary Plat for Panda Express located at 194 Shawnee Mall Drive. Case #S06-14 Applicant: Eric J. Abein
 9. Consideration of approval of a Final Plat for Panda Express located at 194 Shawnee Mall Drive. Case #S05-14 Applicant: Eric J. Abein
 10. Presentation, consideration and public hearing on revisions to the City of Shawnee Zoning Codes. Applicant: City of Shawnee
 11. Consider granting an access easement of 0.21 acres in size through City owned land located along Archery Range Road to Gary Chatham.
 12. Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 3961.17 feet; thence N89° 20' 49" East a distance of 2687.98 feet; thence N89° 26' 08" East a distance of 660.09 feet; thence N00° 10' 39" East a distance of 1305.87 feet; thence N00° 19' 37" East a distance of 1322.35 feet; thence S89° 24' 58" West a distance of 659.35 feet; thence N00° 22' 02" East a distance of 1322.55 feet; thence S89° 34' 06" West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:

Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 1029.53 feet; thence N84° 34' 29" East a distance of 612.68 feet; thence N03° 46' 04" West a distance of 972.52 feet; thence S89° 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

13. Discussion, consideration and possible action on acceptance of proposal for Parks Master Plan by Shafer, Kline & Warren, Inc.
14. Consider Oklahoma Municipal Retirement Fund Lump Sum payment from Defined Benefit Plan and refund of contributions from the Defined Contribution Plan for Stanley Howard.
15. Acknowledge Sales Tax Report received May 2014.
16. City Manager's Report
17. Consider Bids:
 - a. Sidewalk/ADA Handicap Ramps Project COS-PW-13-01 (Award)
 - b. Rehab Concrete Streets Project FY13-14 COS-PW13-02 (Open)
18. New Business
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
19. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

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

Regular Board of Commissioners

2. a.

Meeting Date: 05/19/2014

Open Bid Packets

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 17

Regular Board of Commissioners

2. b.

Meeting Date: 05/19/2014

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the May 5, 2014 regular meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MAY 5, 2014 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, May 5, 2014 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Pam Stephens
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Absent
Commissioner Ward 4

John Winterringer
Commissioner Ward 5

Steve Smith
Commissioner Ward 6

ABSENT: Keith Hall

INVOCATION

Rev. Leroy Kerbo

FLAG SALUTE

Led by Commissioner Stephens

AGENDA ITEM NO. 1: Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Agenda. Motion carried 6-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 2: Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 10
- b. Minutes from the April 21, 2014 regular meeting.
- c. Acknowledge the following minutes:
 - Traffic Commission minutes from October 22, 2013 meeting
 - Zoning Board of Adjustment minutes from June 20, 2013 meeting
 - Shawnee Urban Renewal Authority minutes from October 1, 2013 meeting
- d. Accept staff recommendation to deny tort claims of Harold James Graham.
- e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for David Rodriguez.
- f. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Rhonda Masquat.
- g. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Johnny Dodd.
- h. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Travis Gilbert.
- i. Approve recommendation to award 2014-15 health insurance to Blue Cross/Blue Shield, Delta Dental and VSP vision insurance.
- j. Mayor's Appointments:

PLANNING COMMISSION

David Bergsten	Re-appointment	1 st Full Term Expires 6-01-17
Link Cowen	Re-appointment	1 st Full Term Expires 6-01-17

ZONING BOARD OF ADJUSTMENT

Tom Bierd	Re-appointment	2 nd Full Term Expires 6-01-17
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Commissioner Agee requested an explanation of Consent Agenda Item No. 2(d) regarding denial of tort claims of Harold James Graham. City Attorney Mary Ann Karns said that the tort claim and denial would be provided beginning with the May 19, 2014 agenda packet.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve the Consent Agenda Item Nos. 2(a-j). Motion carried 6-0.

AYE: Harrod, Agee, Mainord, Winterringer, Smith, Stephens

NAY: None

AGENDA ITEM NO. 3: Commissioners Comments

Commissioner Winterringer asked that everyone please continue to shop at the businesses on Kickapoo Street.

AGENDA ITEM NO. 4: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

Johnny Reid stated that at 1015 Overland Court there is a half dead tree hanging over the street. He has spoken with Jared Cooper in the Code Enforcement office and been told that it is a civil matter. Mr. Reid said it is not a civil matter but a safety hazard. Community Development Director Justin Erickson will look into the issue and report back to Mr. Reid.

AGENDA ITEM NO. 5: Mayor's Proclamation:
"Community Action Month"
May 2014

Gloria Wallace accepted the Mayor's Proclamation for "Community Action Month" presented by Mayor Mainord.

AGENDA ITEM NO. 6: City Manager's Presentation of Employee of the Month to Jimmy Longest.

Jimmy Longest was present to accept the Employee of the Month Certificate presented by City Manager Brian McDougal.

AGENDA ITEM NO. 7:

Consider approval of a resolution authorizing the sale of not to exceed \$6,000,000 Oklahoma Baptist University Authority Bond Anticipation Revenue Note (Oklahoma Baptist University Project) Series 2014, designating the Note as Bank Qualified and approving the issuance of not to exceed \$6,000,000 in permanent financing Oklahoma Baptist University Authority Revenue Bonds or Notes to retire the Bond Anticipation Note and waiving competitive bidding.

Resolution No. 6464 was introduced.

APPROVAL OF SALE NOT TO EXCEED \$6,000,000.00 OKLAHOMA BAPTIST UNIVERSITY AUTHORITY, BOND ANTICIPATION REVENUE NOTE (OKLAHOMA BAPTIST UNIVERSITY PROJECT) SERIES 2014, DESIGNATING THE NOTE AS BANK QUALIFIED AND APPROVING THE ISSUANCE OF NOT TO EXCEED \$6,000,000 IN PERMANENT FINANCING OKLAHOMA BAPTIST UNIVERSITY AUTHORITY REVENUE BONDS OR NOTES TO RETIRE THE BOND ANTICIPATION NOTE AND WAIVING COMPETITIVE BIDDING.

Mr. John Waldo with BOSC, Inc. addressed the questions regarding the bond. Mr. Randy Smith with Oklahoma Baptist University (OBU) stated the money would assist in the construction of Stavros Hall for the College of Nursing.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a resolution authorizing the sale of not to exceed \$6,000,000 Oklahoma Baptist University Authority Bond Anticipation Revenue Note (Oklahoma Baptist University Project) Series 2014, designating the Note as Bank Qualified and approving the issuance of not to exceed \$6,000,000 in permanent financing Oklahoma Baptist University Authority Revenue Bonds or Notes to retire the Bond Anticipation Note and waiving competitive bidding. Motion carried 6-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 8:

Discussion, consideration and possible action on staff recommendation to increase

city contribution to employee health coverage.

City Manager Brian McDougal noted that a work session was held recently to discuss this item. He further noted that it appeared to be the consensus of the Commission to assist with the payment of 65% of the employees' health insurance increases. Staff also recommends that the City contribute 65% of the health insurance premium increase.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Stephens, to fund 65% of the increase in the health insurance this year for non-union City employees and to negotiate with the police and fire unions regarding this issue. Motion carried 6-0.

AYE: Harrod, Stephens, Agee, Mainord, Winterringer, Smith

NAY: None

AGENDA ITEM NO. 9: Presentation of budget for Fiscal Year 2014-2015.

City Manager Brian McDougal showed a video regarding the Shop Shawnee campaign and then presented a power point presentation of the budget. He explained the different city funds and estimated general fund revenue for the upcoming fiscal year. He stated that 74% of the city's budget revenue is from sales tax and staff is projecting a 3% general fund increase for FY 2014-15.

McDougal stated the budget includes merit raises at 2.5% for employees paid from the general fund and from Shawnee Municipal Authority and a 1.5% cost of living raise. There are no new positions budgeted.

McDougal also stated that the City saved \$447,000.00 in the general fund and approximately \$200,000.00 in the SMA fund due to changes made in employees' retirement plans.

Finance Director Cynthia Sementelli reported that the City's sales tax has grown 4.81% since 2011. The use tax and internet sales have also increased. She also presented Capital Fund budget showing \$859,177.73 available for new capital projects, however rollovers and funds that will not be necessary for the municipal pool this year will increase that amount by \$148,560.73.

Regarding the Shawnee Municipal Authority (SMA) budget, staff is projecting flat revenues for FY 2014-15.

The City Manager stated there is \$4,000,000.00 in the Rainy Day Fund and he would like to see that amount grow.

The public hearing for the budget will be on June 2, 2014.

AGENDA ITEM NO. 10:

Consider Bids:

- a. Sidewalk/ADA Handicap Ramps Project COS-PW-13-01 (Open)

<u>BIDDER</u>	<u>AMOUNT</u>
Parathon Construction LLC Edmond, Oklahoma	\$237,350.00
Rudy Construction Co. Oklahoma City, Oklahoma	\$509,100.00

Assistant City Engineer Michael Ludi read the bids into the record and requested that the bid award be deferred to the next meeting to allow staff to review and check references.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to defer the bid award to the May 19, 2014 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Winterringer, Smith, Stephens, Agee, Mainord

NAY: None

- b. Woodland Park Pool Improvements (Award)

Director of Operations James Bryce announced that four bids were received and after review and consideration it was staff's recommendation to waive the abnormality in the bid (failure to provide non-collusion affidavit with bid) and award the bid to Branco Enterprises of Neosho, Missouri in the total amount of \$3,670,000.00, including alternate options 1, 2 and 3.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to accept staff's recommendation and award the bid to Branco Enterprises in the total amount of \$3,670,000.00, including options 1, 2 and 3. Motion carried 6-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 11:

New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 12:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:00 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 05/19/2014

Budget Amendment - Police Overtime

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – General Fund 001

To adjust police overtime for the Highway Safety Grant – It's a reimbursable grant and it is for the payment of OT for DUI enforcement and seatbelt enforcement

Attachments

Budget Amend Grant for OT

Regular Board of Commissioners

2. d.

Meeting Date: 05/19/2014

Budget Amendment - Leave expense

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment – General Fund 001

Salaries and tax expense for terminating/retiring employee leave payout

Attachments

Budget Amend - Leave Payout

City of Shawnee
Budget Amendment - FY 2013-2014
GENERAL FUND
May 19, 2014

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance	Amount of	Balance
					Before	Amendment	After
					Amendment	(Decrease)	Amendment
001	3001			Fund Balance	6,476,625.00	90,449.26	6,567,074.26
Total						90,449.26	

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance	Amount of	Balance
					Before	Amendment	After
					Amendment	(Decrease)	Amendment
001	5-0130-5101			Salaries	139,280.00	929.54	140,209.54
001	5-0130-5111			Fica	8,697.00	57.63	8,754.63
001	5-0130-5112			Medicare	2,034.00	13.48	2,047.48
001	5-0210-5101			Salaries	256,281.00	16,034.44	272,315.44
001	5-0210-5111			Fica	18,501.00	994.14	19,495.14
001	5-0210-5112			Medicare	4,327.00	232.50	4,559.50
001	5-0510-5101			Salaries	408,137.00	2,704.40	410,841.40
001	5-0510-5111			Fica	25,557.00	167.67	25,724.67
001	5-0510-5112			Medicare	5,977.00	39.21	6,016.21
001	5-0620-5101			Salaries	2,538,424.00	498.76	2,538,922.76
001	5-0620-5112			Medicare	42,463.00	7.23	42,470.23
001	5-0640-5101			Salaries	131,781.00	2,340.84	134,121.84
001	5-0640-5111			Fica	8,607.00	145.13	8,752.13
001	5-06405112			Medicare	2,013.00	33.94	2,046.94
001	5-0650-5101			Salaries	38,063.00	613.81	38,676.81
001	5-0650-5111			Fica	2,103.00	38.06	2,141.06
001	5-0650-5112			Medicare	726.00	8.90	734.90
001	5-0660-5101			Salaries	422,282.00	5,323.67	427,605.67
001	5-0660-5111			Fica	28,831.00	330.07	29,161.07
001	5-0660-5112			Medicare	6,743.00	77.19	6,820.19
001	5-0720-5101			Salaries	2,184,969.00	36,946.11	2,221,915.11
001	5-0720-5112			Medicare	35,727.00	535.72	36,262.72
001	5-0810-5101			Salaries	329,922.00	16,486.10	346,408.10
001	5-0810-5111			Fica	20,615.00	1,022.14	21,637.14
001	5-0810-5112			Medicare	4,821.00	239.05	5,060.05
001	5-1210-5101			Salaries	312,041.00	1,241.82	313,282.82
001	5-1210-5111			Fica	20,492.00	77.00	20,569.00
001	5-1210-5112			Medicare	4,792.00	18.01	4,810.01
001	5-0110-5101			Salaries	165,075.00	3,214.95	168,289.95
001	5-0110-5111			Fica	10,607.00	31.13	10,638.13
001	5-0110-5112			Medicare	2,481.00	46.62	2,527.62
Total						90,449.26	

Approved by the City Commission this _____ day of May, 2014

Explanation of Budget Amendment:

Salaries and tax expense for terminating/retiring employee leave payout.

Approved:

Mayor

Attest:

City Clerk

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. e.

Meeting Date: 05/19/2014

Committee/Boards Minutes and Reports

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Planning Commission minutes from April 2, 2014 meeting
 - Shawnee Civic and Cultural Development Authority minutes from March 20, 2014 meeting
 - Contract Review Committee minutes from March 26, 2014 meeting and May 9, 2014 meeting
(*May 9, 2014 Draft Only not yet approved – for information only*)
 - License Payment Report April 1-30, 2014
 - Project Payment Report April 1-30, 2014
-

Attachments

Planning Commission Minutes

SCCDA Minutes

Contract Review Minutes 3-26-14

Contract Review Minutes DRAFT ONLY 5-9-14

License Payment Report

Project Payment Report

PLANNING COMMISSION MINUTES

DATE: APRIL 2ND, 2014

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, April 2nd, 2014 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO. 1: **Roll Call**

Upon roll call the following members were present:

Present: Bergsten, Carter, Hoster, Turner, Silvia, Cowen, Salter

Absent:

The meeting was called to order.

AGENDA ITEM NO. 2: **Approval of the minutes from the March 5th, 2014 Planning Commission Meeting**

Chairman Turner asked for a motion. Commissioner Silvia made the motion seconded by Commissioner Bergsten to approve the March 5th, 2014 minutes.

Motion passed:

AYE: Bergsten, Carter, Hoster, Turner, Silvia, Cowen

NAY:

ABSTAIN: Salter (absent)

AGENDA ITEM NO. 3: **Citizens Participation**

Chairman Turner opened the Citizens' Participation and asked if anyone would like to speak. No one came forward.

AGENDA ITEM NO. 4:

Case #S03-14 – Consideration of approval of a Preliminary Plat for Xpress Urgent Care Clinic located at 8 & 12 E. Macarthur

Applicant: James T. Kerr

Chairman Turner asked for the staff report. Justin Erickson presented the staff report.

Staff recommended approval of a preliminary plat.

Chairman Turner opened the public hearing asking if anyone wanted to speak for the proposal. Mr. Landes, with Landes Engineering, came forward to speak for proposal. He mentioned no storm water detention and that there were currently no plans for Lot 2. Chairman Turner asked Justin Erickson to follow up with the signage issues in regards to brightness and dimming during the evening hours.

Chairman Turner asked for a motion. Commissioner Cowen made a motion, seconded by Hoster to approve the preliminary plat as described by staff, with four recommendations.

Motion carries:

AYE: Bergsten, Carter, Hoster, Turner, Silvia, Cowen, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case #S04-14 – Consideration of approval of a Final Plat for Xpress Urgent Care Clinic located at 8 & 12 E. Macarthur

Applicant: James T. Kerr

Combined Staff Report. See above.

Chairman Turner asked for a motion. Commissioner Carter made a motion to approve as described by staff, with four recommendations, seconded by Commissioner Silvia

Motion carries:

AYE: Bergsten, Carter, Hoster, Turner, Silvia,
Cowen, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 6: Workshop: Zoning Code Revision

Chairman Turner asked for the staff report. Justin Erickson presented the staff report. Mr. Erickson went over multiple topics and briefly described the different zoning code sections that will be revised and they include but are not limited to: Animal grooming, retirement living, child care, repealing sex offender treatment with CUP, allowing adult novelty shops only with CUP in industrial zoning, residential zoned metal non-conforming structures removed completely, updating homeless shelter ordinances and standards, landscaping code revisions and the need for a CUP on A-1 zoned property for manufactured homes.

AGENDA ITEM NO. 7: Planning Director's Report

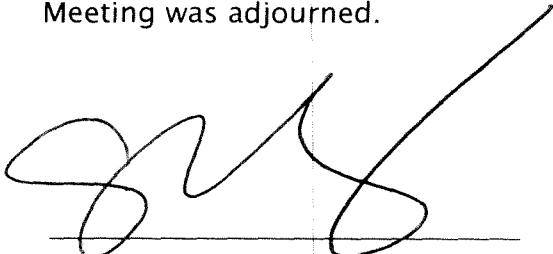
Justin Erickson presented the staff report. He stated that the office was busy with commercial projects and residential projects slowed with the cold weather. Mr. Erickson reported that Chick-Fil-A will be closing in the coming weeks with construction to begin shortly. Bike Lane signs have been ordered for the City and Staff will be scheduling date and time for Streetscape for near future.

AGENDA ITEM NO. 8: Commissioner's Comments and/or New Business

There were none.

AGENDA ITEM NO. 9: Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
MARCH 20, 2014
12:30 P.M.
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY MET FOR THEIR REGULAR SCHEDULED MEETING THURSDAY, FEBRUARY 20, 2014 AT 12:30 PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON 3/14/2014 AT 9:00AM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:35 PM BY MR. RANDY GILBERT, CHAIRMAN.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. KARL KOZEL
MR. RANDY GILBERT
MR. DAVID HARMON
MR. BRIAN MCDOUGAL
MR. TIM BARRICK

TRUSTEES ABSENT: MR. CASEY BELL
MRS. SUSAN HAVENS

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE CLOVER, STUART & CLOVER, MICHAEL MCCORMICK OF THE SHAWNEE NEWS STAR, KINLEE FARRIS OF THE CVB, AND SHELLY WELCH OF FINLEY & COOK.

AGENDA ITEM NO.3

DECLARATION OF A QUORUM

CHAIRMAN MR. RANDY GILBERT, DECLARED A QUORUM.

AGENDA ITEM NO.4

APPROVAL OF MINUTES OF FEBRUARY 2014 MEETING

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE HARMON TO APPROVE THE MINUTES OF THE FEBRUARY 2014 MEETING. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDOUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.6

APPROVAL OF MONTHLY FINANCIAL REPORT FEBRUARY 14

THE MOTION MADE BY TRUSTEE MCDOUGAL, SECONDED BY TRUSTEE KOZEL TO APPROVE THE MONTHLY FINANCIAL REPORT FOR FEBRUARY 2014. MOTION CARRIED.

AYE: GILBERT, BARRACK, HARMON, MCDOUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS.

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE BARRICK TO APPROVE THE GENERAL CLAIMS. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDOUGAL, KOZEL
NAY: NONE
ABSTAIN:

General Claims

A.	Allegiance Communications	\$199.95
B.	Veazey's Party Store	\$847.00
C.	Sparks Heat & Air	\$105.00
D.	Thyssenkrupp Elevator Corp	\$902.95
E.	City of Shawnee - Utilities	\$3,265.13
F.	Bobcat of OK	\$5,974.34
G.	Fuelman	\$1,674.49
H.	Charley's Golf Carts	\$10.00
I.	Express Professionals	\$460.80
J.	Grimsleys	\$681.53
K.	Freds Tire & Battery	\$75.52
L.	Automatic Fire Control	\$542.88
M.	Hunzicker Brothers	\$5.54
N.	Shawnee Milling	\$17.98
O.	Cintas	\$243.08
P.	NAPA	\$144.02
Q.	Finley & Cook	\$472.50
R.	John Deere Financial	\$159.13
S.	COX Systems Technology	\$627.50
T.	OK Tax Commission	\$1,701.77
U.	City f Shawnee — Surcharge	\$637.00
V.	RBC Insurance	\$7,443.00

Add On's

General Claims:

A.	Sirloin Club of OK	\$200.00
B.	Stuart & Clover	\$250.00
C.	Fresh Filtered Air	\$650.00
D.	AT&T	\$273.21

AGENDA ITEM NO. 8

APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE HARMON THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

Special Claims

Special Claims

- A. Your Competitor News \$1,440.00
- B. Mike McCormick \$300.00
- C. Western Sports Publishing \$1,974.50

Add On's

Special Claims:

- A. Vann & Associates \$1,633.34

AGENDA ITEM NO.9

APPROVAL OF SHAVINGS CLAIMS

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE HARMON THAT THE SHAVINGS CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

Shavings Claims:

- A. Xylo of OK \$3,780.00

AGENDA ITEM NO.10

DISCUSSION CONSIDERATION & POSSIBLE ACTION TO ACCEPT THE ENGAGEMENT LETTER FROM CBEW FOR THE YEARLY (2013) AUDIT PREFORMED ON THE SC&CDA.

THE MOTION MADE BY TRUSTEE BARRICK, SECONDED BY TRUSTEE HARMON THAT THE SHAVINGS CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.11

DISCUSSION CONSIDERATION & POSSIBLE ACTION TO AWARD SADDLE BID FOR IFYR 2014.

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE HARMON TO ACCEPT THE BID FOR 13 SADDLES FROM TWISTER SADDLES. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO. 12

DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON SETTING A PROCESSING FEE FOR ON LINE ENTRIES FOR IFYR 2014.

THE MOTION MADE BY TRUSTEE MCDUGAL, SECONDED BY TRUSTEE HARMON FOR THE REGISTRATION SERVICE FEE OF \$35 TO BE SET FOR IFYR TO ENSURE WE DO NOT INCURE MORE FEES THAN WE CAN COVER AND STILL STAY OUT OF THE RED. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMONS, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO. 13-18

IFYR UPDATE, COMMITTEE REPORTS, ADMINISTRATIVE REPORTS, OLD BUSINESS, NEW BUSINESS, PUBLIC & TRUSTEE COMMENTS-

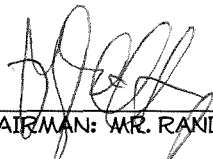
IFYR - ENTRIES OPEN APRIL 1ST AT MIDNIGHT ONLINE - NO COMMITTEE REPORTS - ADMINIDTRATIVE REPORTS - COMFORT STATION REMODELS ARE WELL UNDERWAY AND SHOULD BE FINISHED UP SHORTLY - TRUSTEE COMMENTS - APRIL MEETING TOUR IS PLANNED

AGENDA ITEM NO.19

ADJOURNMENT

THE MOTION MADE BY TRUSTEE MCDUGAL, SECONDED BY TRUSTEE KOZEL TO ADJOURN MEETING. MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: NONE


CHAIRMAN: MR. RANDY GILBERT


SECRETARY: MR. BRIAN MCDUGAL

COMMUNITY SERVICE CONTRACTS REVIEW
MEETING MINUTES
MARCH 26, 2014

COMMITTEE MEMBERS
IN ATTENDANCE:

Wes Mainord
Mary Ann Karns
Cynthia Sementelli
James Harrod
Marta Land
Matthew Griffith

COMMITTEE MEMBERS
ABSENT: None

OTHERS IN ATTENDANCE:

Phyllis Loftis, City Clerk
Lisa Lasyone, Deputy City Clerk
Brian McDougal, City Manager
Daniel Shaugnessy

Chairman Mainord called the meeting to order at 9:00 a.m. with all Committee members in attendance.

AGENDA ITEM NO. 1: Approval of minutes from April 23, 2013 and May 10, 2013 meetings.

A motion was made by James Harrod, seconded by Cynthia Sementelli, to approve the minutes of the April 23, 2013 and May 10, 2013 meetings. Motion carried 6-0.

AYE: Harrod, Sementelli, Land, Griffith, Mainord, Karns
NAY: None

AGENDA ITEM NO. 2: Discuss and consider renewal of the YMCA contract for FY 2014-15 for the management and operation of the Community Center.

Staff advised that they are getting engineer statements to remodel the Community Center. City of Shawnee is paying for the engineer's estimate and design. The YMCA has been awarded a grant with the Avedis Foundation for \$70,000.00 for the remodel. The YMCA is in the planning stages of opening an after school program at the Community Center in the future.

A motion was made by Matthew Griffith, seconded by Marta Land, to recommend renewal of the contract with the YMCA in the amount of \$36,000.00 for FY2014-2015. Motion carried 6-0.

AYE: Griffith, Land, Mainord, Karns, Sementelli, Harrod

NAY: None

AGENDA ITEM NO. 3: Discuss and consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2014-15.

During the discussion of this contract, it was noted that the funding request included approximately \$1,300.00 in additional funds for FY2013-2014. After review of the proposed budget, it was determined that there had been areas where the budget had been reduced and the increase was for the director and assistant to director's salaries.

A motion was made by Marta Land, seconded by James Harrod, to recommend renewal of the contract with the Seniors Citizens Center, Inc. in the amount of \$90,994.00 for FY2014-2015. Motion carried 6-0.

AYE: Land, Harrod, Griffith, Mainord, Karns, Sementelli

NAY: None

AGENDA ITEM NO. 4: Discuss and consider renewal of contract with Shawnee Economic Development Foundation for FY-2014-15

During the discussion, it was noted that Shawnee Economic Development Foundation is requesting an additional \$70,000.00 from last year's contract amount of \$196,000.00. It was discussed to increase the amount by \$35,000.00

A motion was made by Matthew Griffith, seconded by Mary Ann Karns, to recommend renewal of the contract with Shawnee Economic Development Foundation for FY2014-2015 in the amount of \$196,000.00, with an additional amount of \$35,000.00, added for a total of \$231,000.00. Motion carried 6-0.

AYE: Griffith, Karns, Sementelli, Harrod, Land, Mainord

NAY: None

AGENDA ITEM NO. 5: Discussion of contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit.

During the discussion, it was noted that due to Central Oklahoma Community Action Agency (COCAA) and Central Oklahoma Transit (COTS) not providing the required clean audit and a letter showing that their federal funding was reinstated, the City did not pay the \$56,000.00 that was earmarked to this agency for FY2013-2014.

The most recent audit provided by COCAA for consideration of their request for funding for FY2014-15 still showed many deficiencies and did not meet the City's financial requirements.

A motion was made by Matthew Griffith, seconded by Mary Ann Karns, to recommend not renewing the contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit. Motion carried 6-0.

AYE: Griffith, Karns, Sementelli, Harrod, Land, Mainord

NAY: None

AGENDA ITEM NO. 6: Discussion and consideration of request for funding from Safe Events for Families.

During the discussion, it was determined that the board needed more information before making a recommendation to fund the Safe Events for Families.

A motion was made by Mary Ann Karns, seconded by Matthew Griffith, to continue Agenda Item No. 6 and request that Safe Events for Families provide a budget to show where funds will be spent, a list of the board members and an audit when completed. Motion carried 6-0.

AYE: Karns, Griffith, Mainord, Sementelli, Harrod, Land

NAY: None

AGENDA ITEM NO. 7: Discussion of contract with Shawnee Convention and Visitors' Bureau.


A motion was made by Wes Mainord, seconded by James Harrod, to approval renewal of the contract with the Chamber of Commerce as it relates to the Shawnee Convention and Visitors Bureau for the FY2014-2015 or until formulation and approval of a new contract with a new entity replacing the Shawnee Convention and Visitors Bureau. Motion carried 6-0.

AYE: Mainord, Harrod, Land, Griffith, Karns, Sementelli
NAY: None

AGENDA ITEM NO. 8: Adjournment

The meeting was adjourned by the power of the chair at 10:17 a.m.




WES MAINORD, CHAIRMAN


PHYLLIS LOFTIS, CMC, CITY CLERK

DRAFT FOR INFORMATION ONLY

COMMUNITY SERVICE CONTRACTS REVIEW
MEETING MINUTES
MAY 9, 2014

COMMITTEE MEMBERS
IN ATTENDANCE:

Wes Mainord
Cynthia Sementelli
James Harrod
Matthew Griffith

COMMITTEE MEMBERS
ABSENT: Land, Karns

OTHERS IN ATTENDANCE:

Justin Erickson, Community Development Director
Brian McDougal, City Manager
Phyllis Loftis, City Clerk

Chairman Mainord called the meeting to order at 9:00 a.m. with four Committee members in attendance.

Agenda Item No. 1: Approval of minutes from March 26, 2014 meeting.

A motion was made by Harrod, seconded Sementelli, to approve the minutes from the March 26, 2014, Community Service Contracts Review meeting. Motion carried.

Agenda Item No. 2: Consider request from Safe Events for Families for funding of three events in FY-2014-2015. (SEFF requesting \$18,000)

After a discussion regarding the events and the expenses associated with each, a motion was made by Griffith, seconded by Sementelli, to pay up to \$12,000 of invoiced expenses relating to these events with the invoices being provided to the City of Shawnee for payment. Motion carried.

Agenda Item No. 3: Adjournment.

With no other business coming before the Committee, the meeting was adjourned by power of the chair at 9:25 a.m.

Wes Mainord, Mayor

Phyllis Loftis, City Clerk

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION	FEE	PAYMENT DISTRIBUTION			TOTAL PAI
			PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	8	200.00CR			200.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	16	240.00CR			240.00
BEER1	BEER CONSUMPTION ON PREMISE	1	20.00CR			20.00
BOATREG	BOAT REGULAR PERMIT	27	702.00CR			702.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	3	300.00CR			300.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	10	750.00CR			750.00
FISHANNUAL	FISHING ANNUAL FEE	37	555.00CR			555.00
IMERC	ITINERANT MERCHANT FEE	1	50.00CR			50.00
LAKE-IN	LAKE LEASE CITY RESIDENT	5	1,000.00CR			1,000.00
LAKE-OUT	LAKE LEASE NON RESIDENT	1	400.00CR			400.00
LAKEINSP	LAKE LEASE INSPECTION	3	225.00CR			225.00
LAKELEASE	LAKE LEASE	11	2,599.25CR			2,599.25
MECH1	MECHANICAL CONTRACTOR INTIAL	3	300.00CR			300.00
MECH2	MECHANICAL CONTRACTOR RENEW	14	1,050.00CR			1,050.00
MIXER	MIXED BEVERAGE RENEWAL	1	900.00CR			900.00
PLUM1	PLUMBING CONTRACTOR INITIAL	2	200.00CR			200.00
PLUM2	PLUMBING CONTRACTOR RENEW	6	450.00CR			450.00
REFUND	REFUND	3	645.75CR			645.75
RESAL	RESIDENTIAL SALE	98	980.00CR			980.00
SIGN	SIGN HANGERS LICENSE FEE	5	375.00CR			375.00
SNOWC	SNOW CONE STAND LICENSE FEE	3	75.00CR			75.00
STORM	STORM CELLAR LICENSE FEE	3	225.00CR			225.00
TOTAL			12,242.00CR			12,242.00

05/14/2014 8:58 AM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 4/01/2014 TO 4/30/2014
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	368.00CR
001-4202	BUILDING PERMITS	5,343.32CR
001-4203	PLUMBING PERMITS	720.00CR
001-4204	ELECTRICAL PERMITS	235.00CR
001-4205	ZONING PERMITS & APPLICATIONS	694.00CR
001-4206	HEATING & A/C PERMITS	1,840.00CR
001-4249	OTHER PERMITS	850.00CR
001-4822	OTHER MISC. REVENUE	46.00CR
101-4249	OTHER PERMITS	200.00CR
501-4510	WATER TAPS	450.00CR
799-1023	BANCFIRST GENERAL	10,746.32

05/14/2014 8:58 AM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 4/01/2014 TO 4/30/2014
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	2,661.18CR
B2-ADD	BUILDING CONSTRUCTION ADD	828.35CR
B3-REMODEL	BUILDING CONSTRUCTION REM	796.91CR
B4-OTHER	BUILDING CAPORT/SHELTER	1,886.88CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	280.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,910.00CR
P3-REMODEL	PLUMBING REMODEL	539.00CR
P4-WELL	WELL PERMIT	100.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	200.00CR
X-DEMO	DEMOLITION PERMIT	200.00CR
X-MOVING	MOVING PERMIT	200.00CR
X-PLATFIN	PLAT REVIEW FINAL	327.00CR
X-PLATREV	PLAT REVIEW PRELIM	227.00CR
X-SIGN	SIGN PERMIT	150.00CR
Z-BOAAPP	BOA APPLICATION	90.00CR
Z-OCCUP	OCCUPANCY PERMIT	300.00CR
Z-REZONING	REZONING REQUEST	50.00CR
TOTAL		10,746.32CR

Regular Board of Commissioners

2. f.

Meeting Date: 05/19/2014

Safe Room Rebate Grant

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acceptance of safe room rebate grant from the American Red Cross and approval of grant program rules.

Attachments

Safe Room Rebate Grant

City of Shawnee Memorandum



To: Honorable Mayor and City Commissioners
Through: Brian McDougal, City Manager
From: Donald D. Lynch, Emergency Management Director *D. L.*
Date: May 12, 2014
Re: Residential Safe Room Rebate Program

NATURE OF THE REQUEST:

I am writing to request your approval on a set of procedures for offering a residential safe room rebate program to citizens in Pottawatomie County.

STAFF ANALYSIS /CONSIDERATIONS:

Thanks to generous support from their donors, the American Red Cross has awarded us a grant in the amount of \$375,000 to conduct a residential safe room rebate program for Pottawatomie County. Attached are the program guidelines for your review and consideration. These guidelines are based upon what other communities in the OKC Metro area are doing in their rebate programs. Through these funds, we will be able to provide support to a minimum of 150 individuals/families in obtaining a safe room for their residence.

RECOMMENDATION:

Staff recommends approval.

BUDGET CONSIDERATION:

Staff is recommending that a part-time temporary worker be hired to assist with the paperwork as we will have to handle each application up to 5 times. There is money within the Emergency Management budget for FY 14 to cover the temporary labor cost for June, 2014.

Staff will be requesting an item in the FY 15 budget in the amount of \$26,000 to cover a temporary employee for one year to assist with program management, to reimburse the community development department for the cost associated with the

required final inspection of each approved safe room sub-grant award, and for copier and office supply expenditures in support of the program.

I will be asking the Pottawatomie County Board of County Commissioners to share the cost of the administration of the program on a 50/50 basis with the City. If they agree, staff will prepare an Inter-local agreement and submit to you and the Board of County Commissioners at a future meeting.

Thank you for your favorable attention to this request.



City of Shawnee and Pottawatomie County Residential Storm Shelter/Safe Room Rebate Program

Beginning on June 1, 2014, the City of Shawnee and Pottawatomie County will solicit applicants for a storm shelter/safe room installation rebate program. For those selected and approved, the program will provide a one-time rebate of up to \$2,500 after the applicant contracts for, installs, and has city inspector approval of a storm shelter/safe room which meets or exceeds the requirements established in FEMA Publication 361.

To be eligible, a person must be the homeowner and resident of a single-family residence located within Pottawatomie County. The residence where the storm shelter/safe room is installed must be the primary residence of the homeowner.

Residences destroyed on May 19, 2013 will be give first priority. Residences damaged on May 19th will be given second priority for a storm shelter/safe room rebate. All other residences will receive next priority. (Note that they must still meet the other eligibility requirements.)

Homeowners whose primary residences were destroyed in the May 19, 2013 tornado and who have already rebuilt and have incorporated a storm shelter/safe room will be eligible for a rebate. For all other residences that were only damaged (not destroyed) or not damaged at all, no shelter which has already been constructed will be eligible for a rebate.

All other eligibility requirements must be met, including ownership, primary residence, and conformance to FEMA standards.

If more persons apply for the program than funds are immediately available for, each registrant will be assigned a number and selection will be made via computerized random number generator.

Final authority for determination of priority status will rest with the program manager.

Registration

To apply for the rebate program, persons should register online at www.soonersafe.ok.gov, the State of Oklahoma's existing SoonerSafe program. The Oklahoma Department of Emergency Management will provide applicant information to the Rebate Program Manager for selection and processing.

Registration will begin June 1, 2014 and will conclude at Midnight on July 1, 2014.

The program and the call for applicants will be advertised via:

- Press release to Oklahoma City area broadcast media;
- Posting on the City of Shawnee website, Facebook page, and Twitter account;
- Press release to the Shawnee News-Star and County-Wide newspapers.
- Flyer distribution
- Other means determined by the rebate program staff

Application Verification/Vetting

All applications will be checked to verify the following information:

<i>Verification</i>	<i>By Whom</i>	<i>Authority</i>
Proper jurisdiction	Rebate Program staff	City and County maps
Ownership	Rebate Program staff	Pottawatomie County Assessor website
Floodplain	City of Shawnee and Pottawatomie County Floodplain managers	Floodplain maps
Environmental	SoonerSafe application	Oklahoma Dept of Environmental Quality
Historical	SoonerSafe application	Oklahoma Historical Society
Wetlands	SoonerSafe application	Army Corps of Engineers
Soil conservation	SoonerSafe application	Natural Resources Conservation Service

Selection / Approval

Once all applications are vetted, it will be determined how many valid applications remain. Each of these applications will then be assigned into either Phase 1 (homes destroyed on May 19th), Phase 2 (homes damaged on May 19th) or Phase 3 (homes not destroyed or damaged on May 19th). Each application in Phase 1 will then be assigned a number chosen at random by a computer application; then each application in Phase 2 will be assigned a number chosen at random by the computer application; finally each application in Phase 3 will be assigned a number chosen at random by the computer application. This number will then be the application's number in line.

The first 150 applications will then be selected for approval, based upon funding granted by the American Red Cross. These applicants will be sent a contract for signature to be returned to the City. Upon receipt of the signed contract, the applicant will be sent an approval package to begin the purchase and installation of their storm shelter/safe room. The approval package will include the approval notification, instructions for the storm shelter/safe room purchasing and installation, and a form to complete once the storm shelter/safe room is installed.

If additional funding becomes available, additional applications will be selected and processed as above.

Construction

Once the applicant receives the approval notification from the City, they are expected to:

- Contract with vendor of choice for provision and installation of storm shelter//safe room, within 45 days of approval notification;
- Apply for and receive a shelter building permit if required by the local government (may be done by vendor);
- Install their storm shelter/safe room, within 1 year of approval/go-ahead letter;
- Once the storm shelter/safe room is installed, request an inspection from the Rebate Program Manager;
- Complete and return the storm shelter/safe room Completion and Rebate Request form and other requested documentation to the Rebate Program Manager.

All storm shelter/safe rooms must meet or exceed standards as established by FEMA-361, ICC-500, City Code, and/or IBC-2009.

Completion and Rebate Request Form

This form will include:

- A signed and notarized statement from the storm shelter/safe room contractor that the installed storm shelter/safe room meets or exceeds standards as established by FEMA-361 and/or ICC-500;
- Signature of a City of Shawnee building official validating that the final installation has passed inspection (this applies to applicant both inside and outside Shawnee City Limits);
- A picture of the storm shelter/safe room installation;
- Latitude/longitude information (GPS coordinates) for the door of shelter;
- A copy of the paid invoice for the storm shelter/safe room.

Completion and Rebate

Once a finished and signed Storm Shelter/Safe Room Completion and Rebate Request form is received, the rebate program manager will:

- Verify all completion paperwork;
- Submit any necessary forms and/or funding requests to the appropriate funding agency;
- Receive monies from funding agency;
- Cause issuance of rebate check from City to recipient;
- Deliver check to recipient. The check will be for the amount of the actual cost of the shelter/room as shown on the paid invoice, up to a maximum rebate of \$2,500.

The Rebate Program Manager will also provide funding agencies with status reports as needed and/or requested

Program Completion

The Storm Shelter/Safe Room Rebate program will continue until:

- All available funds are exhausted; or
- All valid applications have been serviced.

Non-Eligibility

Those who are NOT eligible for the program include:

- Apartment complexes, duplexes, and other multi-family residences are not eligible for this program;
- Rental properties are not eligible for this program;
- Secondary residences of a homeowner are not eligible for this program;
- Persons whose homes within Pottawatomie County were destroyed or damaged by the May 19th tornado, but who wish to install a storm shelter/safe room at a residence outside of Pottawatomie County are not eligible for this program.
- Persons who have already installed a storm shelter/safe room are not eligible to have this storm shelter/safe room covered by this rebate program. Please note an exception for homeowners whose primary residence was destroyed in the May 19th, 2013 tornado.
- Previously installed storm shelters/safe rooms are not eligible for rebate under this program.
- Persons who receive funding for their storm shelter/safe room under any other governmental rebate program or through any other entity funded by the American Red Cross grant program are not eligible for this rebate program.

Regular Board of Commissioners

2. g.

Meeting Date: 05/19/2014

Early Retirement - C. Stephens

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund Early Retirement for Charles Stephens.

Regular Board of Commissioners

2. h.

Meeting Date: 05/19/2014

Contract Review Committee Recommendations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve Community Service Contract Review Committee Recommendations for Fiscal Year 2014-2015.

Attachments

Recommendations

YMCA Agreement

Senior Citizens Agreement

SEDF Agreement

COCAA COTS Audit Management Letter

SEFF

CVB Agreement

COMMUNITY SERVICE CONTRACT REVIEW COMMITTEE
RECOMMENDATIONS TO THE CITY COMMISSION
FOR FISCAL YEAR 2014-2015

1. Discuss and consider renewal of the YMCA contract for FY 2014-2015 for the management and operation of the Community Center.

RECOMMENDATION: To approve the contract with the YMCA for operation of the Community Center for FY 2014-2015 in the amount of \$36,000.

2. Discuss and consider renewal of the contract with Senior Citizens Center, Inc. for operation of the Municipal Auditorium for FY 2014-2015.

RECOMMENDATION: To approve the contract with Senior Citizens, Inc. for FY 2014-2015 in the amount of \$90,994.00 (\$1,281.00 INCREASE)

3. Discuss and consider renewal of contract with Shawnee Economic Development Foundation for FY-2014-2015.

RECOMMENDATION: To renew the contract with Shawnee Economic Development Foundation for FY 2014-2015 in the amount of \$231,000.00 (\$35,000.00 INCREASE).

4. Discussion of contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit.

RECOMMENDATION: To not renew a contract with the Central Oklahoma Community Action Agency/Central Oklahoma Transit for FY 2014-2015.

5. Discussion and consideration of request for \$18,000 in funding from Safe Events for Families for three events in FY 2014-2015.

RECOMMENDATION: To pay up to \$12,000 in invoiced expenses, with said invoices to be provided to the City of Shawnee for payment for events planned for FY 2014-2015.

6. Discussion of contract with Shawnee Convention and Visitors' Bureau

RECOMMENDATION: To renew the contract with the Shawnee Convention and Visitors Bureau for the FY 2014-2015 or until formulation and approval of a new contract with a new entity replacing the Shawnee Convention and Visitors Bureau.

AGREEMENT

This Agreement entered into this 1st day of July, 2014, by and between the City of Shawnee, Oklahoma, hereinafter the "City", and the Shawnee YMCA, a 501(C)(3) United Way Partner Agency, hereinafter called "YMCA".

WITNESSETH

WHEREAS, the City and YMCA both acknowledge that recreation plays an important role in our society and the development of mankind; and

WHEREAS, the City and YMCA are both desirous of providing recreational and leisure programs for the benefit of both adults and children to help improve the quality of life in Shawnee; and

WHEREAS, the City owns a certain facility known as the Shawnee Community Center which lends itself to recreational, social and educational purposes, and

WHEREAS, YMCA has the personnel, experience and clerical support necessary to provide scheduling and operation of the Shawnee Community Center, and

WHEREAS, the City and YMCA are both desirous of providing opportunities for the fulfillment of the need for the operational management of the Shawnee Community Center for social, educational and recreational programs which play an important role in our society and development of mankind.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties that:

1. The City shall designate the scheduling of social, educational and recreational events at the Shawnee Community Center to be managed by persons designated by YMCA beginning July 1, 2014.

2. The City shall also provide for the maintenance of the building of the Shawnee Community Center as may be appropriate. Cleaning and maintenance supplies shall be supplied by the City to the YMCA requisitioning said supplies as necessary.

3. YMCA personnel shall supervise and manage the Shawnee Community Center in accordance with the policy and procedure set forth by the YMCA Director.

4. YMCA personnel shall be responsible for securing the Shawnee Community Center and turning off lights at the close of activities each day.

5. YMCA will be responsible for scheduling social, educational and recreational programs such as may be requested by families and organizations. All programs requiring financial assistance from the City must be approved by the City prior to the program going into effect. Groups using the Shawnee Community Center shall provide adequate supervision and security for the event. First priority shall be given to non-profit groups and organizations. Charges for use of the space shall be determined by the YMCA with oversight of City of Shawnee.

6. Community Center's activities and recreation program for groups and organizations will occur between the hours of 6:00 o'clock a.m. to 10:00 o'clock p.m. Monday through Sunday for the duration of this agreement.

7. YMCA will require a deposit for clean-up from each group or organization taking part in a program at the Shawnee Community Center. This fee shall be refundable upon adequate clean-up as designated by YMCA personnel inspection. The deposit shall be determined by the YMCA with City of Shawnee oversight.

8. In exchange for the provision of operational management, program supplies and financial assistance for the Shawnee Community Center, and for assuming custodial/janitorial services at the Community Center, the City agrees to pay to YMCA the sum of Thirty-six Thousand, and No/100 Dollars (\$36,000.00) to be paid in monthly installments of Three Thousand Dollars (\$3,000.00). Program sustaining funds will have the ability to be accrued from month-to-month dependent upon program planning and budget projections. A full accounting of financials will be reviewed monthly by the Subcommittee and approved by the YMCA Board of Directors.

9. The City shall not be liable to any third party for any responsibility of YMCA pursuant to this agreement, and YMCA hereby agrees to indemnify the City for any damages or costs, including reasonable attorney's fees, incurred as a result of the recreation programs being conducted at the Shawnee Community Center.

10. YMCA agrees to furnish to the City such invoices and other documents that the City requires in connection with payment procedure prior to receiving each monthly payment. YMCA understands and agrees that the City requires YMCA to segregate its funds received from the City for auditing purposes. YMCA agrees to furnish monthly financial statements conducted by a CPA to the City, as well as its annual audit.

11. Both parties agree that YMCA is an independent contractor for purposes of this contract and is not an employee of the City. YMCA will be responsible for its own insurance, payroll taxes and setting of salaries within the amounts paid by the City. Nothing in this contract establishes an agency relationship or any other legal relationship between YMCA and City, other than the provisions stated in this contract.

12. This agreement comprises all the terms agreed to by the parties, and any modification, amendment or alteration of this agreement must be in writing and executed by both parties.

14. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

15. This agreement shall expire on June 30, 2015. This agreement may be renewed or extended by agreement of both parties thereafter.

16. This agreement may be terminated by either party without cause upon sixty (60) days written notice directed to the other party. For purposes of this paragraph, the notice shall be sent to either the City Manager of the City of Shawnee or the Chief Executive Officer of the Shawnee YMCA.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

THE CITY OF SHAWNEE
A Municipal Corporation

By: _____
BRIAN MCDOUGAL, CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC. CITY CLERK

SHAWNEE FAMILY YMCA
A 501 (c) (3) non-profit organization

By: _____
PRESIDENT
YMCA BOARD OF DIRECTORS

CONTRACT AGREEMENT

This Agreement made and entered into as the 1st day of July, 2014, by and between the Senior Citizens of Shawnee, Inc., a non-profit corporation, organized and existing under and by virtue of the laws of the State of Oklahoma, Pottawatomie County, Oklahoma, hereinafter referred to as "SCSI", and the City of Shawnee, Oklahoma, a municipal corporation, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, SCSI IS incorporated for the purpose of fostering and conducting programs for the benefit of older persons in the City of Shawnee and the mobilization of those persons to benefit others in the area of information and referral advocacy, volunteerism, socialization, nutrition, financial guidance, legal services, transportation and employment, and

WHEREAS, SCSI is also incorporated for the purpose of managing and directing the program of the Senior Center of Shawnee and to enter into contracts, hire and supervise employees, coordinate the various facets of the programs and to evaluate program effectiveness, and

WHEREAS, the City is the owner of a certain building generally known as the Municipal Auditorium located at 400 North Bell Street, in the City of Shawnee, Oklahoma, as well as a certain addition thereto to house senior citizens' activities, which addition carries the street address of 401 N. Bell Street, and

WHEREAS, the parties desire to enter into an agreement pursuant to which said facilities constructed by the City for the benefit of senior citizens may be effectively operated for the benefit of the senior citizens of Shawnee, and

WHEREAS SCSI has the personnel and support staff necessary to provide maintenance and custodial services for the Shawnee Municipal Auditorium, and

WHEREAS, the City and SCSI are both desirous of providing recreational opportunities for persons of all ages at the municipal auditorium, and

WHEREAS, SCSI appears to be the most appropriate entity to operate the senior citizens' center and municipal auditorium.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, it is hereby agreed by and between the parties hereto that:

1. The City hereby agrees to authorize SCSI to operate the senior citizens program in the above described facility located at 401 North Bell, Shawnee, Oklahoma until this agreement is terminated by either party by written notices.

2. The City hereby agrees to authorize SCSI to use that portion of 401 North Bell, more commonly known as the Municipal Auditorium (gym area and restroom area) for walking

and senior citizens programs as long as it does not interfere with programs approved by the City of Shawnee. Their annual functions such as town hall type meetings will be allowed. All other activities conducted within the above mentioned facility will be considered and approved under the discretion of the City of Shawnee. All special functions approved by the City of Shawnee that require additional restroom space due to the number of participants shall have access to restroom in the Senior Citizens Center.

3. SCSI agrees to develop, supervise and manage programs for senior citizens in Shawnee, Oklahoma, and for the purpose of this agreement, a senior citizens is defined as any person fifty years of age or older.

4. SCSI agrees to employ a Center Director, who will be responsible for the overall management of the programs. Said Director will have offices in the facility at 401 North Bell, Shawnee, Oklahoma. Said director shall be responsible for coordinating specific Senior Center programs with the City and its programs in the community.

5. SCSI agrees to administer contracts that furnish senior citizen services that the City enters into with other entities. SCSI agrees to keep reasonable and necessary records, make reports to the City and to schedule programs and activities in the facility at 401 North Bell, Shawnee, Oklahoma.

6. It is understood and agreed by the parties, SCSI shall have responsibilities and privileges pursuant to the terms of this agreement at the facility located at 401 North Bell, Shawnee, Oklahoma, but at no other location or address where senior citizens activities are conducted by the City.

7. SCSI agrees to be responsible for booking meetings in the facility to other senior citizen groups.

8. SCSI agrees to exercise reasonable care for all properties owned by the City, including office equipment and supplies, and to maintain an ongoing inventory of all property, equipment and supplies, which inventory shall be available to the City at all reasonable times.

9. The City agrees to provide the building facility with furniture, fixtures and equipment calculated to reasonably serve the needs of SCSI in administering its duties as provided herein.

10. The City will allow SCSI to coordinate activities and the recreation program at the Municipal Auditorium at 400 North Bell Street in Shawnee. This will include a recreation program for groups and organizations of all ages. Any group or organization using the facility must provide adequate supervision and security.

11. SCSI's activities and recreation programs for groups and organizations will occur between the hours of 6:00 a.m. to 12: a.m. Monday through Sunday for the duration of this agreement.

12. SCSI will require a deposit for clean up from each group or organization taking part in a program at the Municipal Auditorium. SCSI will also require a fee from each group or organization participating in the evening program. This fee will be refundable to any non-profit organization. This deposit and fee shall be determined by the Community Service Contract Committee and a representative of SCSI to be designated by SCSI.

13. SCSI assumes responsibilities for securing the auditorium and turning off lights at the end of the day.

14. All custodial responsibilities for the municipal auditorium will be assumed by SCSI.

15. The City agrees to pay to SCSI the sum of Ninety Thousand, Nine Hundred ninety-four Dollars (\$90,994.00) at the rate of Seven Thousand Five Hundred Eighty-two and 83/100 Dollars (\$7,582.83) per month during the term of this agreement payable in advance on the third Wednesday of each month. This sum will be full payment for all operational, maintenance and custodial services to be provided by SCSI for the benefit of the Senior Citizen Center and Municipal Auditorium.

16. SCSI agrees to file a proper claim with the City for each payment.

17. SCSI agrees to pay from the monies paid to it by the City all salaries of its employees and for janitorial services.

18. Upon submitting each payment claim, SCSI agrees to supply the City with documentation and accounting for the expenditure of the funds from the previous payment, as well as specific projections as to how the funds for the next requested payment will be spent. Should the City determine there is insufficient accounting of the City's funds by SCSI, the City can withhold payment of the next installment and terminate the balance of the contract without further notice and without further liability. SCSI understands the City requires SCSI to segregate funds received from the City for auditing purposes. SCSI agrees to furnish the City with its annual audit or an agreed-upon procedures engagement conducted by a CPA. SCSI further agrees to furnish monthly reports to the City containing its revenues, expenditures, assets, liabilities, grants and activities.

19. The City agrees to provide telephone service, water service, electricity and natural gas to the facility located at 401 North Bell, Shawnee, Oklahoma.

20. The City acknowledges that SCSI receives funds from the rental of the Senior Citizen Center as well as occasional fundraising activities participated in by SCSI. The City agrees to establish a special revenue fund for deposit of money from the occasional fundraising activities and that the monies contained in the special fund are to be used only for those purposes requested by SCSI.

21. SCSI agrees to furnish the City with copies of all minutes of SCSI's meetings.

22. It is understood and agreed that this agreement may be terminated for no cause by either party upon thirty days written notice to the other party.

23. This Agreement terminates automatically on June 30, 2015. This agreement may be renewed or extended by agreement of both parties any time prior to that date.

24. It is further understood and agreed by the parties that the City shall have the right to appoint a member of the Board of Directors of SCSI by and through its Mayor and confirmed by the City's Board of Commissioners.

EXECUTED BY:

The City of Shawnee, Oklahoma, this _____ day of _____, 2014

Senior Citizens of Shawnee, Inc., this _____ day of _____, 2014

THE CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation

BY: _____
BRIAN MCDUGAL, CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

SENIOR CITIZENS OF SHAWNEE, INC.

BY: _____
PRESIDENT

ATTEST:

SECRETARY

**AGREEMENT FOR OPERATION OF THE
SHAWNEE ECONOMIC DEVELOPMENT FOUNDATION**

This Agreement made and entered into this ____ day of _____, 2014, is between the City of Shawnee, a municipal corporation ("CITY"), and the Shawnee Economic Development Foundation ("SEDF").

I. DUTIES AND RESPONSIBILITIES OF SEDF

A. Services Provided by SEDF. The purpose of this engagement is for the CITY to strive toward the fulfillment of both the long range strategic plan for economic and industrial development for the CITY and the present economic development goals and priorities of the Mayor and Board of City Commissioners and as such plan, goals and priorities may be hereinafter amended from time to time. For purpose of this contract said plan, goals and priorities are here adopted and incorporated herein by reference. SEDF shall use its good faith and best effort to fulfill as much of the plan, goals and priorities as possible within the limitation of its budget. Such scope for work includes but is not limited to SEDF using its best efforts to accomplish the following general objectives:

1. Expanding the economic base of the CITY and Pottawatomie County by seeking diversification of employment opportunities to balance the area's dependency on petroleum-based industry and agriculture.
2. Encouraging and assisting resident industry to maintain and expand employment opportunities.
3. Implementing a comprehensive and aggressive marketing program to attract new industrial manufacturing jobs to CITY.
4. Providing materials including graphics and photos where appropriate to those individuals or companies evaluating the CITY for industrial and commercial investments.
5. Creating a variety of marketable industry facilities by making best use of existing industrial potential and the development of new facilities where required.
6. Providing additional employment opportunities.
7. Encouraging and assisting state installations and federal installations in CITY to maintain employment and seek way to expand those facilities and attract new facilities.

8. SEDF shall use its best efforts to prepare and develop industrial team visits, travel to various meetings, to encourage industrial prospect visits, state sponsored industrial team and international trade team visits and to train personnel, both professional and lay, to fulfill the purposes of job creation and job retention in the CITY as provided for by the budget in this Agreement.

9. SEDF shall have full responsibility for the filing of any tax documents necessary, keeping of records and detailed statements, keeping a detailed activity report, records for expenditures for training, travel and development account, and any other necessary record documentation.

10. The SEDF shall undertake retail recruitment and attraction on behalf of the City. These duties shall include but not be limited to: development of marketing materials tied to the development of retail and commercial sites, to be used in recruitment or attraction of retailers, interaction with retailers, retail brokers, retail site selectors and developers, retail consultants, and City staff, and additionally develop and maintain a database of available properties, (land and buildings), suitable for retail development. The SEDF staff shall, as deemed necessary or appropriate, and within the constraints of its budget, actively participate at the professional retail trade shows and become a member of the ICSC.

B. CITY Representation on SEDF Board of Trustees. At least three (3) CITY Representatives, (Mayor and two Commissioners), shall serve as Trustees of SEDF. No member of the Board of Commissioners shall hold any employment with SEDF or receive compensation for services rendered with SEDF.

C. Incentive Program. SEDF, in conjunction with the CITY, shall prepare an incentive program for the retention, recruitment and expansion of businesses within the CITY.

D. Employees. SEDF agrees to provide a qualified and competent staff to carry out a program of work that will meet the goals and objectives set out by the SEDF and the CITY. All employees carrying out tasks pursuant to this Agreement are employees of the SEDF and are not employees of the CITY.

E. Expenses of Operation. SEDF agrees to maintain office and work space suitable for its operation, and shall be responsible for all expenses relating thereto.

F. Records and Reporting.

1. **Reports.** SEDF will provide a written monthly report of its activities to the CITY. SEDF will also provide quarterly report in an appearance before the CITY Commission. The report will include a financial report as well as accomplishments in the previous quarter and plans for the upcoming quarter.

2. **Inspection and Audit.** SEDF agrees to keep its books and records pertaining to its operation open during regular business hours for inspection by the CITY's Director of Finance, any designee, or persons designated by CITY to perform audits. SEDF agrees to include the funds paid to it pursuant to this Agreement in its annual audit and to provide a copy of that audit to CITY no later than September of each year. Copies of books and records shall be furnished to CITY, its staff, auditors, and elected officials at no additional charge.

3. **Compliance with Open Meeting and Open Records Laws.** All meetings of the SEDF shall be subject to the provisions of the Open Meeting Law (25 O.S. §§ 301-314). The records of the SEDF relating to its operation shall be subject to the provisions of the Open Records Law (51 O.S. §§ 24A 1-29 *et seq.*). SEDF staff shall post agendas for its meetings on the CITY's website. Copies of records shall be provided to CITY and its staff and elected officials without charge. Nothing in this Agreement shall require the disclosure of confidential or propriety information submitted by any person or firm submitted in connection with the expansion, relocation, incentives or other support from SEDF.

G. Budget. SEDF will submit its request for funding each year to the CITY's Contract Review Committee, which shall review the request in accordance with its procedures and make its recommendation to the Mayor and CITY Commission. The submission is due April 1 and, as part of its submission to the Contract Review Committee, SEDF shall submit a clean, unqualified audit of its financials and be prepared to substantiate the annual services rendered and discuss general operations items of the previous year. The Contract Review Committee shall forward a recommendation to the CITY Commissioners for its consideration. CITY agrees its Contract Review Committee will meet in a timely fashion so as not to delay recommendation for budget and renewal.

III. TERM OF AGREEMENT, NO TRANSFER OR ASSIGNMENT

A. Effective Date. This Agreement shall take effect on July 1, 2014, and shall remain in effect until June 30, 2015. All modifications to this Agreement must be in writing and approved by SEDF and by the CITY. The Agreement will be reviewed annually in conformance with the budget request and

appropriation as set out above. Approval of a budget and appropriation of funds shall be deemed to be a one-year renewal of the Agreement.

B. Transfer of Rights and Responsibilities. No party to this agreement can transfer or assign its rights and responsibilities without approval of the other parties.

C. Payment from the CITY to SEDF. The CITY will pay to SEDF on a monthly or quarterly basis a sum certain as specified in accordance hereunder to fund the marketing program and activities as SEDF in carrying out its duties on behalf of the CITY during the operation of the program. The CITY will provide the sum of \$231,000 annually, and SEDF will actively pursue raising similar funds from the private sector.

III. NON-DISCRIMINATION

A. Non-Discrimination Agreement. SEDF agrees not to discriminate against any employee, applicant for employment, or party seeking the services of SEDF because of race, creed, color, national origin, gender, ancestry, disability, or SEDF membership. SEDF shall take affirmative action to insure that employees are provided equal opportunity in employment, promotion, demotion, transfer, or termination, rates or pay, or other forms of compensation, and selection for training.

IV. WAIVER

The waiver by any part of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

V. BREACH OF AGREEMENT

If either party to this Agreement fails, refuses, or neglects to abide by its duties and responsibilities hereunder, the other party may give notice of such breach. The breaching party shall be notified, in writing, of its alleged breach and shall be given ninety (90) days (unless such time is extended by the non-breaching party) to cure the breach. If the breach is due to violation of law or mismanagement or embezzlement of funds by the SEDF, the Agreement shall terminate immediately. If the breach is not remedied, the other party may terminate the Agreement. The notice period shall not operate to extend the Agreement beyond its current term.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2014.

Shawnee Economic Development Foundation

BY: _____
CHAIRMAN OF THE BOARD

ATTEST:

SECRETARY

APPROVED by the Mayor and the City Commissioners of the City of Shawnee this ____ day of _____, 2014.

THE CITY OF SHAWNEE, OKLAHOMA
A MUNICIPAL CORPORATION

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED as to form and legality ____ day of _____, 2014.

MARY ANN KARNS, CITY ATTORNEY

CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC.
Shawnee, Oklahoma

MANAGEMENT LETTER

March 31, 2013

1. INTERNAL CONTROLS RELATED TO VENDORS

During our examination of controls over maintenance of the vendor file and review of the processes involved in adding new vendors, we noted the duties are not appropriately segregated. The same position originates and maintains the vendor listing without any mandatory third party intervention. The opportunity of setting up inappropriate/bogus vendors is enhanced when there is a lack of adequate segregation of duties with parties that do not have access to vendor listings. Without such segregation of duties, the risk is increased for false and non-existent vendors to be set up and not detected in the normal course of business.

SAUNDERS & ASSOCIATES, PLLC recommends COCAA evaluate the current procedures related to vendors and implement processes where at least two parties are required to set up or maintain the vendor list. Additionally, at least one party has to be someone outside the fiscal department who has no access to the vendor system. Any changes to the vendor list should be submitted to management for approval.

2. INTERNAL CONTROLS RELATED TO PETTY CASH

During our examination of petty cash procedures and transactions, we noted instances of petty cash funds not being reported in the general ledger, checks for petty cash replenishments are not being made out to a custodian, reconciliations of the petty cash activity were not being signed as approved by two individuals and audits of the petty cash accounts at the satellite offices were not conducted as mandated by organizational policies.

SAUNDERS & ASSOCIATES, PLLC recommends procedures over petty cash be improved and enforced. Improvements to policies should include requirements that all activity be reconciled and recorded in the general ledger and that checks should only be written to the designated petty cash custodian for replenishment.

3. INTERNAL CONTROLS RELATED TO REVIEW AND APPROVAL OF BANK RECONCILIATIONS

Sound internal controls include an independent review of bank reconciliations by someone other than the individual who prepared them or whose duties do not include the bookkeeping function. The reconciliations are not being reviewed or are not being documented as being reviewed by someone outside the bookkeeping function. Also, the statements and reconciliations should be reviewed by the board's audit/finance committee on a routine basis as part of an ongoing monitoring program. Any unusual items should be noted, investigated and fully resolved each period.

4. INTERNAL CONTROLS RELATED TO PO APPROVAL

During our review of expenses of the Agency, it was noted that a purchase order (PO) was routinely used for transactions; however, we noted that the PO was not always approved by the program director or his/her designee. Additionally, it was noted individuals were approving PO's for themselves. It was also noted where purchase orders are not being created consistently for travel account transactions.

A purchase order should be prepared and accompany all transactions for approval, except those specifically identified. The purchase order should be approved by the appropriate persons as outlined in the Agency's disbursement procedures.

CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC.
Shawnee, Oklahoma

MANAGEMENT LETTER

March 31, 2013

5. INDIRECT COST ALLOCATION PLAN

COCAA has a cost allocation plan which is specific in guidance on the distribution of indirect costs. The plan, however, has not been utilized. Instead, costs are only charged directly to those programs that can bear the administrative costs.

SAUNDERS & ASSOCIATES, PLLC recommends COCAA re-evaluate the current cost allocation methodology and align those efforts with the plan adopted and to more equitably distribute indirect costs.

AGREEMENT

This Agreement is entered into this 1st day of July, 2014, by and between the City of Shawnee, Oklahoma, hereinafter the "CITY", and Safe Events for Families, hereinafter called "SEFF".

WITNESSETH

WHEREAS, the CITY is in need of certain goods and services, and

WHEREAS, SEFF has represented that it possesses the skills and abilities to provide such goods and services.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1. SEFF agrees to provide and furnish such goods and services, to wit: the development of family oriented events providing a safe and entertaining community atmosphere. Those events shall be limited to Shawnee Trail Days, Boo on Bell Street, and the Downtown Christmas Parade.

2. SEFF agrees to provide and furnish such goods and services to commence on 1st day of July, 2014, and to continue until the 30th day of June, 2015.

3. The CITY agrees to fund SEFF's events as follows:

(a) The CITY will pay to SEFF up to \$12,000 in invoiced expenditures within the agreed fiscal year.

(b) The CITY will require SEFF to provide those invoices to the city for direct payment. Payments will be submitted to the accounting department of the City of Shawnee.

3. SEFF agrees to furnish to the CITY copies of all minutes of SEFF meetings.

4. SEFF and CITY acknowledge and agree that mutual cooperation is necessary for the success of this contractual arrangement. To that end SEFF agrees to meet and consult with the City Manager's office concerning all events and activities that SEFF will sponsor at least 60 days prior to the date of said event or activity and complete the event permitting process.

5. CITY acknowledges that it cannot bind future commissions to a financial decision beyond the present fiscal year .

6. This agreement may be terminated by either party upon thirty (30) days written notice prior to the end of the contract period.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

THE CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation

BY: _____
BRIAN McDOUGAL, CITY MANAGER

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

SAFE EVENTS FOR FAMILIES

BY: _____
PRESIDENT

ATTEST:

SECRETARY

AGREEMENT FOR OPERATION OF CONVENTION & VISITORS BUREAU

This Agreement made and entered into this ____ day of _____, 2014, is between the City of Shawnee, a municipal corporation ("City"), and the Greater Shawnee Area Chamber of Commerce ("Chamber"). It sets forth the duties and responsibilities of each of the parties for the operation of a Convention and Visitor's Bureau ("CVB") under the auspices of Chamber.

I. DUTIES AND RESPONSIBILITIES OF CHAMBER

A. Operation of CVB. Chamber agrees to operate CVB for the purposes of encouraging, promoting, and fostering conventions, conferences, and tourism development in the City of Shawnee consistent with Sections 25-226 through 25-239, inclusive, of the Shawnee Municipal Code and the Resolutions and Ordinances of the City. Chamber shall be responsible for the day-to-day management of the CVB consistent with this Agreement, policies, and procedures established by Chamber upon recommendation of the Tourism Advisory Committee (TAC), the annual program of work developed by Chamber upon recommendation of TAC, and the budget approved by City.

B. Employees. Chamber agrees to provide a qualified and competent staff to be assigned to CVB and to provide all the management and administrative services required to present a viable promotional program including, but not limited to, the gathering and dissemination of information, ideas, research, promotional programs, servicing conventions (including all normal convention support services and equipment), representing local business, negotiating civic and hotel interests with associations and other convention groups, and assisting in development and promotion of local activities and attractions designed to enhance the City's tourist desirability. Staff assigned to CVB shall provide assistance to TAC in carrying out its obligations under this Agreement.

Chamber shall hire the employees to carry out its obligations in this Agreement. The salary and benefits of Chamber employees assigned to CVB functions shall be paid entirely from proceeds of the Hotel Tax pursuant to the procedures in Article V of this Agreement.

All employees carrying out tasks pursuant to this Agreement are employees of the Chamber and are not employees of TAC or the City of Shawnee.

C. Facilities. Chamber agrees to provide office and work space for the operation of CVB, including maintenance (interior and exterior), janitorial services, building identification, signage, and all utilities (except telephone). Chamber shall be reimbursed for overhead costs based on indirect cost allocations as determined by Chamber and approved by TAC, set out in the Annual Operating Budget, and from the proceeds of the Hotel Tax. Payment shall be made pursuant to the procedures in Article V of this Agreement. Chamber shall not charge rent for the office and work space provided.

D. Management Services. Chamber agrees to provide other equipment and management services for the operation of the CVB. It shall allow reasonable use of its files, data bases, records, and other information relative to convention and tourism activities, and access to its computer, audiovisual/technical/media equipment, and other equipment of the Chamber necessary to implement the said promotional program. The equipment shall include furniture, photocopier, postage machine, and telephone

equipment. The services shall include bookkeeping, accounting, auditing, reception, oversight, and human resources functions. All employees (whether assigned to CVB or provided as part of management services) shall be bonded, and Chamber shall carry insurance insuring both Chamber and City against all legal liability in amounts equal to those set out in the Oklahoma Governmental Tort Claims Act and workers' compensation laws. Proof of insurance and bonding shall be attached to this Agreement. The premiums for insurance and bonding shall be included in the management services fee set out in this paragraph. Chamber shall be reimbursed for management services based on indirect cost allocations as determined by Chamber and approved by TAC as set out in the annual operating budget, from the proceeds of the Hotel Tax. Payment shall be made pursuant to the procedures in Article V of this Agreement.

Chamber shall be reimbursed for the CVB's telephone and for actual postage used relating to the CVB. Payment shall be made pursuant to the procedures in Article V of this agreement.

E. Indirect Costs. Indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the CVB and the conduct of activities it performs..

F. Records and Reporting

1. Reports. Chamber will provide a monthly report of CVB's activities and finances (including income, expenditures, and balance) at the regular meetings of the TAC and to the City Treasurer or designee. Chamber will also provide quarterly report in an appearance before the City Commission. The report will include a financial report as well as accomplishments in the previous quarter and plans for the upcoming quarter.

2. TAC Minutes. Chamber shall be responsible for recording minutes of the meetings of the TAC that represent all views presented at a meeting, including those of ex-officio members. The minutes shall be distributed to the Chamber Executive Committee, the TAC, and City.

3. Inspection and Audit. Chamber agrees to keep its books and records pertaining to the operation of the CVB open during regular business hours for inspection by the TAC, the Director of Finance of the City, any designee, or persons designated by City to perform audits. Chamber agrees to include the funds paid to it pursuant to this Agreement in its annual audit and to provide a copy of that audit to City no later than April 30 of each year. Copies of books and records shall be furnished to City, its staff, auditors, and elected officials at no additional charge.

4. Compliance with Open Meeting and Open Records Laws. All meetings of the TAC shall be subject to the provisions of the Open Meeting Law (25 O.S. §§ 301-314). The records of the Chamber relating to the operation of the CVB shall be subject to the provisions of the Open Records Law (51 O.S. §§ 24A 1-29). CVB staff shall post agendas for TAC meetings on the City of Shawnee website. Copies of records shall be provided to City and its staff and elected officials without charge.

G. Budget. Chamber will advise TAC no later than the TAC's March meeting of each year of any proposals to increase or decrease the amount charged for rent, management services, or reimbursables for the next fiscal year to allow time for negotiations and agreement for submission of a budget to City. City's Contract Review Committee shall review the request in accordance with its procedures and make its recommendation to the Mayor and City Commission. The submission is due April 1 and, as part of its submission to the Contract Review Committee, Chamber shall submit a clean, unqualified audit of its financials and be prepared to substantiate the annual services rendered and discuss general operations items of the previous year. The budget request shall be prepared in accordance with the requirements set out in II(G). The Contract Review Committee shall forward a recommendation to the City Commissioners for its approval.

II. DUTIES AND RESPONSIBILITIES OF TAC

A. General. TAC shall continue to have all the powers, duties, and responsibilities consistent with Sections 2-171 through 2-176 and Sections 28-65 through 28-86 of the Shawnee Municipal Code and any other Resolutions and Ordinances of the City.

B. Program of Work. TAC, aided by Chamber staff, shall prepare goals and objectives for the CVB and shall create an annual program of work. These documents will be presented to the Chamber no later than the February meeting to enable approval of the program of work by the Chamber and appropriate budget preparation.

C. Policies and Procedures. The TAC shall recommend such policies and procedures as it deems necessary to the Chamber for approval. The CVB shall operate consistently with this Agreement and the established policies and procedures and annual program of work.

D. Communications. TAC shall report any problems with the operation and management of the CVB or the employees providing services pursuant to this Agreement to the Chamber CEO, the Chamber Executive Committee, and to the City Manager.

E. Expenditures. TAC shall monitor revenues and expenses of the CVB and report any concerns to the Chamber CEO, the Chamber Executive Committee, the City's Finance Director, the City Manager, and the Mayor.

F. Revenue. The TAC shall determine whether to charge for its services, including advertising, and to set those rates. Any revenue so generated shall be accounted for by the Chamber as part of the budget.

G. Budget. TAC shall participate in preparation of the budget for presentation to City for approval, but the final determination of budget to be presented shall be made by Chamber. The budget shall be detailed and shall set forth fees for management services and personnel costs, as well as line items for the program of work developed for the CVB. Advance approval of City is required for all capital expenditures and all expenditures in excess of \$5,000 for depreciable assets; and in excess of \$10,000 for services, publications, etc., or non-depreciable assets. Expenditures for event support shall not require advance approval of the City. Approval of a line item in the budget by

City will be deemed advance approval of the expenditure. The budget shall be submitted to City no later than April of each year. (See provisions of I(G) above.)

III. JOB DUTIES AND RESPONSIBILITIES OF TAC AND CHAMBER

A. Communication. The TAC chair shall serve as an ex-officio member of the Chamber Board of Directors. Conversely, Chamber chair shall serve as an ex-officio, non-voting member of the TAC. CVB staff, a representative of TAC and the City Manager or designee shall meet quarterly to discuss current and future projects, needs and challenges.

B. Contract Amendments. Request for changes may be made jointly or by only one party at any time. Requests for financial changes shall be made in the annual budget presentation.

IV. DUTIES AND RESPONSIBILITIES OF CITY OF SHAWNEE

A. Collection and Disbursement of Hotel Tax. City shall collect the Hotel Tax as set out by law. Each month the City shall distribute collections as follows:

1. One percent (1%) to the City of Shawnee as an administrative fee;
2. The sum of \$1,700.00 per month to the Shawnee Municipal Authority as reimbursement for the payment of the loan on the property described as:
 - a. The remaining funds to the Chamber.
 - b. The City's Finance Officer shall prepare an estimate of revenues for the year and furnish it to the City Manager, TAC, and the Chamber by February 1 each year. The City Commission shall review the Budget proposed by the Chamber for the operation of the CVB, the recommendation of the Contract Review Committee, the report of activities, and all other information it considers necessary, and then appropriate the funds in accordance with a budget for the Chamber's operation of the CVB. The City Commission shall appropriate 95% of the projected net proceeds for the ensuing year. Any unappropriated fund balances available at the end of the year shall be (i) carried over for budgeting in the next fiscal year; and/or (ii) kept as a reserved fund balance restricted to the uses set forth in the Hotel Tax ordinance; and/or (iii) used to reimburse the SMA for its assumption of the debt existing on the Chamber's purchase of land for a Visitor's Center.
 - c. The City may amend the budget for the operations of the CVB during the year in the same manner as it would any other budget based upon revenues collected.

B. Staff Assistance. City will provide advice and assistance upon request from its various departments in providing training and advice to the employees and volunteers who have responsibilities under this Agreement. Specifically, the City's Finance Department, on request, will provide assistance in the preparation of budgets, budget

amendments, and requirements from the City's auditor. The City Attorney shall provide legal advice to TAC pursuant to Section 2-172 of the Shawnee Municipal Code. The advice shall include the review of contracts for form and legality (but not substance); the adequacy of notices and agenda for compliance with Open Meeting law; review of open records request for assistance in responding in compliance with law; preparation of standard forms; and any other matter in which there is no ethical conflict related to the City Attorney's representation of the City. In the event of a conflict, upon notice and request of TAC or Chamber, the Commission will either engage other counsel for the TAC at City's expense; authorize the payment of counsel from tax revenues; or reserve the determination of payment of outside counsel fees until the resolution of the dispute.

C. City Manager. The City Manager shall make himself or a designee available for the quarterly meetings required in III (A) above.

D. Contract Review Committee. City agrees its Contract Review Committee will meet in a timely fashion so as not to delay recommendation for budget and renewal.

V. INVESTMENTS AND ACCOUNTING

A. Investment of Funds; Allocation of Interest. The Hotel Tax shall be invested in interest bearing accounts and all interest earned from such investment shall be maintained in the account. If there are unencumbered funds at the close of the fiscal year, the TAC may recommend in its budget to carry the unencumbered balance forward or to establish a reserve fund as it deems prudent and necessary. Unencumbered funds remain the property of City and in no event will become the property of Chamber.

In the event this Agreement or any successor agreement is terminated, all funds in the possession of Chamber relating to the Hotel Tax shall be returned to City.

B. Accounting of Proceeds. Chamber shall place the proceeds in CVB accounts, designated for the purposes set out by the ordinance, and spent as follows:

1. Chamber shall be reimbursed after each payroll for salary and related expenses for the personnel assigned to the CVB. The request for reimbursement shall be accompanied by records showing hours worked, leave taken, leave accumulated to date, and a listing of amounts paid to each employee in salary or on the employee's behalf as benefit.
2. The CVB account shall be invoiced for management services the sum of \$3,360.00 on the 1st of each month. Other reimbursable expenses shall be invoiced at the same time.
3. Proceeds may be used to pay for 50% of the Chamber's share of assessments pursuant to Chamber's Occupancy Agreement with the Shawnee Economic Development Foundation. A budget amendment, approved by the City, shall be required.
4. Except as set out elsewhere in this Agreement, expenses of the CVB not otherwise included in its annual budget shall be paid only after approval by City, through the Office of the City Manager. Chamber shall present to

City, not less often than quarterly, a detailed listing of expenditures provided by each vendor and, upon request by City, shall provide supporting documentation. Such documentation must contain sufficient information to determine that the expenses are appropriate under the Ordinance and this Agreement. Expenses not approved by City will be the fiscal responsibility of Chamber, and will not encumber proceeds of the Hotel Tax.

VI. EQUIPMENT

A. Equipment and Supplies. Equipment and supplies purchased with proceeds of the Hotel Tax shall become the property of City. Equipment and supplies purchased by Chamber as part of management services and as a part of providing space shall become Chamber's property. Property belonging to City shall be disposed of only by following the procedures set out for disposition of all City property.

B. Inventory. The individual assigned by Chamber to be the Executive Director of the CVB shall be responsible for preparing and insuring the accuracy of a list of equipment owned by the parties, which list is attached to this Agreement and made a part hereof. The inventory list shall be amended whenever property is acquired or disposed of. Property belonging to City shall be returned to City to be declared surplus and disposed of according to law.

C. Distribution of Equipment At End of Agreement. In the event this Agreement is canceled or terminated during the term hereof, or in the event the parties fail to enter into a similar agreement in subsequent years, all equipment, furniture, fixtures, and improvements to which City holds title that have been used for the operation of the CVB under the terms of this Agreement shall be returned to City. City shall pay to Chamber an amount equal to Chamber's remaining unpaid obligation, if any, incurred in the purchase of same and otherwise indemnify Chamber from any further such liability provided, however, this provision shall in no event be applicable to furniture, fixtures, and improvements owned by and inventoried to the Chamber, title to which shall be and remain in the Chamber. All files and work products of CVB shall be the property of City.

Unless there is specific agreement to the contrary at the time of purchase, all equipment purchased for \$2,500 or more shall be deemed equipment belonging to the City.

VII. TERM OF AGREEMENT, NO TRANSFER OR ASSIGNMENT

A. Effective Date. This Agreement shall take effect on the 1st day of July, 2014, and shall remain in effect until June 30, 2015, or until a replacement entity is created, at which time a new agreement shall be negotiated with that entity. All modifications to this Agreement must be in writing and approved by Chamber and City. The Agreement will be reviewed annually in conformance with the budget request and appropriation as set out above. Approval of a budget and appropriation of funds shall be deemed to be a one year renewal of the Agreement.

B. Transfer of Rights and Responsibilities. No party to this agreement can transfer or assign its rights and responsibilities without approval of the other parties.

C. Indemnification. Upon termination of this Agreement, whether pursuant to breach or nonrenewal by any party, the City shall indemnify the Chamber and hold it harmless from loss from all lawful contracts entered into by the CVB and Chamber in furtherance of this Agreement.

VIII. NON-DISCRIMINATION

A. Non-Discrimination Agreement. Chamber agrees not to discriminate against any employee, applicant for employment, or party seeking the services of CVB because of race, creed, color, national origin, gender, ancestry, disability, or Chamber membership. Chamber shall take affirmative action to insure that employees are provided equal opportunity in employment, promotion, demotion, transfer, or termination, rates or pay, or other forms of compensation, and selection for training.

B. Chamber Membership Not Required. Chamber membership shall not be required for any group, business, or individual to participate in or receive the services of the CVB.

IX. WAIVER

The waiver by any part of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

X. BREACH OF AGREEMENT

If any party to this Agreement fails, refuses, or neglects to abide by its duties and responsibilities hereunder, any other party may give notice of such breach to all parties. The breaching party shall be notified, in writing, of its alleged breach and shall be given ninety (90) days (unless such time is extended by the non-breaching parties) to cure the breach. If the breach is due to violation of law or mismanagement or embezzlement of funds by the Chamber, the Agreement shall terminate immediately. If the breach is not remedied, the other parties may terminate the Agreement. The notice period shall not operate to extend the Agreement beyond its current term. Should the Agreement be terminated prior to the end of its regular term, the parties shall be governed by the provisions of Paragraphs IV(B) and V.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2014.

GREATER SHAWNEE AREA CHAMBER OF
COMMERCE, A NON-PROFIT CORPORATION

BY: _____
CHAIRMAN OF THE BOARD

ATTEST:

SECRETARY

APPROVED by the Mayor and the City Commissioners of the City of Shawnee this ____ day
of _____, 2014.

THE CITY OF SHAWNEE, OKLAHOMA
A MUNICIPAL CORPORATION

MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2014.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

2. i.

Meeting Date: 05/19/2014

Grant Application - Police and Sheriff

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge eligibility and application for the Edward Bynes Memorial Grant through the U.S. Department of Justice for the Police Department and the Sheriffs Office.

Attachments

Police and Sheriff Dept Grant



Shawnee Police Department

Chris Thomas

Administrator of Support Services
P.O. Box 1448
Shawnee, Oklahoma 74804
Office (405)878-1638*Fax (405)878-1520
E-Mail cthomas@shawneeok.org



TO : Donna Mayo
Assistant City Clerk

FROM : Mr. Chris Thomas
Administrator of Support Services

SUBJECT : **Edward Byrnes Memorial Grant - \$24,987.00**

DATE : May 12, 2014

Cc : Chief Russell Frantz
Penny Kesler
City Clerk Phyllis Loftis

The City of Shawnee has received notification of the 2014 local solicitation of the Edward Byrnes Memorial Grant provided by the Department of Justice, Justice Assistance Grant (JAG) program. The grant is for \$24,987.00 and the City of Shawnee Police Department and the Pottawatomie County Sheriff's Office will share this grant as is required. This grant has been obtained every year for at least the last seven years and has always been shared by both agencies. A set amount is given and the agencies only have to apply for it.

Chris Thomas

Regular Board of Commissioners

2. j.

Meeting Date: 05/19/2014

Spay - Neuter Program

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve proposal received from Trenton Marr, DVM, of Dogwood Veterinary Hospital, for a spay/neuter program through the Shawnee Animal Shelter.

Attachments

Spay Neuter Program



Shawnee Police Department

Chris Thomas

Administrator of Support Services
P.O. Box 1448
Shawnee, Oklahoma 74804
Office (405)878-1638* Fax (405)878-1520
E-Mail cthomas@shawneeok.org



TO : Brian McDougal
Shawnee City Manager

City Commissioners
City of Shawnee

THROUGH : Russell Frantz
Chief of Police

FROM : Mr. Chris Thomas
Administrator of Support Services

SUBJECT : **Request for Spay/Neuter Award – DVM Trenton Marr**

DATE : April 15, 2014

Sir,

The City of Shawnee sent out to all of our local Veterinarians a "Request For Proposal" on a spay and neuter program we are wanting to do thru the Shawnee Animal Shelter. Two proposals came in and Trenton Marr DVM, of Dogwood Veterinary Hospital submitted the best pricing. We would like to award him with this project and partner with him in this worthwhile endeavor. The money donated to the City of Shawnee from Ms. Maxine Williamson, years ago will be used to provide funding for this project.

I am requesting that this be place on the next Consent Agenda so that the City of Shawnee Commission may vote to move in this direction.



Shawnee Police Department

Chris Thomas

Administrator of Support Services
P.O. Box 1448
Shawnee, Oklahoma 74802
Office (405)878-1638*Fax (405)878-1520
E-Mail cthomas@shawneeok.org



The City of Shawnee is seeking "Requests For Proposals" for a Spay and Neuter Program. To best manage funding and the amount of citizen participants, this program will be broken down into a number of opportunities. This program will include dogs and cats; however the first round will focus on dogs, as dogs come into the Shawnee Animal Shelter most often.

We would like to alter twenty (20) dogs for the first round and then ten (10) dogs & ten (10) cats during the second round approximately two months later, and so on. To keep things simple, the City of Shawnee is requesting that the RFP be a fixed/flat rate per dog and another fixed/flat rate per cat, of undetermined age, sex and size.

These RFPs need to be mailed, or turned into the Shawnee Animal Shelter located at 1502 North Leo, Shawnee, OK 74804 by 12 noon, Wednesday May 14th. RFPs will be opened on the 15th of May at 9:00 A.M. at the Shawnee Police Department in the Chief's conference room.

These RFPs are requested to be good for the 2014 calendar year. We hope to make this a yearly program as funds are available.

For questions, contact Shawnee Animal Shelter Supervisor Randy Newton at 878-1531.

PROPOSAL LIST FOR
SPAY AND NEUTER PROGRAM

DATE TO BE OPENED: MAY 15, 2014

Business Name: DOGWOOD VETERINARY CLINIC

Contact: _____

Address: 1415 N KENNEDY

SHAWNEE, OK

Telephone: _____

E-Mail: _____

Business Name: SHAWNEE ANIMAL HOSPITAL

Contact: _____

Address: 1509 N KICKAPOO

SHAWNEE, OK

Telephone: _____

E-Mail: _____

Business Name: TOWN & COUNTRY VETERINARY CLINIC

Contact: _____

Address: 4415 N BRYAN

SHAWNEE, OK

Telephone: _____

E-Mail: _____

Business Name: BEST FRIENDS ANIMAL HOSPITAL

Contact: _____

Address: 3601 N HARRISON

SHAWNEE, OK

Telephone: _____

E-Mail: _____

Business Name: ANGELS FOR ANIMALS

Contact: _____

Address: 14106 D ACME ROAD

SHAWNEE, OK

Business Name: TECUMSEH VETERINARY CLINIC

Contact: _____

Address: 2306 E WALNUT

TECUMSEH, OK

Business Name: HARDESTY VET

Contact: _____

Address: _____

Business Name: NORTH SIDE VET

Contact: _____

Address: _____

DOGWOOD VETERINARY HOSPITAL

1415 N KENNEDY

SHAWNEE, OKLAHOMA 74801

405.273.1975

April 29, 2014

RE: REQUEST FOR PROPOSALS- SPAY/NEUTER PROGRAM

Dogwood Veterinary Hospital would like to submit a RFP towards the Spay and Neuter Program the City of Shawnee will be implementing for the remaining calendar year of 2014.

Cats- \$40

Dogs - \$50

Thank you,

A handwritten signature in black ink, appearing to read "Trenton Marr DVM". The signature is written in a cursive style with a horizontal line above the first few letters.

Trenton Marr DVM

Dogwood Veterinary Hospital

Angels For Animals



Spay/Neuter Clinic

14106 D Acme Road Shawnee, OK 74801

Phone # **405-765-3223**

Prices for Shelter: Request For Proposal 2014

The clinic accepts cash, and credit or debit cards. Normally, payment is required before surgical procedures are performed. A timely payment arrangement will need to be in place prior to surgery.

Canine Surgeries: includes pre-op exam, injection of pre-op anti anxiety medication, general anesthesia, surgery, injection of pain medication, and toenail trim

Price: \$70.00

Dogs over 90 lbs would be an additional \$10.00

Removal of retained testicles requiring a second incision is an additional \$15.00

Feline Surgeries: includes pre-op exam, general anesthesia, surgery, and injection of pain medication

Price: \$50.00

No additional fees for in heat or pregnant animals.

*Rabies Vaccinations are required for all animals three months and older. Proof of a rabies vaccination certificate from a licensed veterinarian or a current rabies tag is required at the time of surgery or a rabies vaccination will be given.

Other Services Available:

Rabies	\$10.00
DHPP Vaccine (Distemper Combo for dogs)	\$10.00
FVRCP Vaccine (Distemper Combo for cats)	\$10.00
Heartworm Test	\$25.00
FIV, Feline Leukemia Test	\$35.00
Flea treatment- lasts 30 days	\$10.00
General De-wormer	\$10.00
Tapeworm De-wormer	\$10.00
E Collar	\$8.00
Take Home Pain Medication- 3 days	\$15.00
Ear Mite treatment	\$10.00
Express Anal Glands	\$10.00
Umbilical Hernia Repair	\$20.00 extra fee

Regular Board of Commissioners

2. k.

Meeting Date: 05/19/2014

Tort Claim OMAG No. 136774-TW

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge denial of tort claim OMAG No. 136774-TW
– K. Butler

Attachments

Tort Claim 136774-TW

NOTICE OF TORT CLAIM

OKLAHOMA MUNICIPAL ASSURANCE GROUP - MUNICIPAL LIABILITY PROTECTION PLAN

A. CLAIMANT REPORT

To the City of Shawnee
Public entity you are filing this claim against.

IMPORTANCE NOTICE: To be valid your claim must be submitted to the clerk of the entity within one year from the date of the incident. It will then be sent to OMAG Claims Dept. for investigation. You may expect them to contact you. Other limitations to your claim may apply (See Oklahoma Statutes Title 51, Section 151-172).

CLAIMANT(S) Katherine Butler CLAIMANT(S) SOCIAL SECURITY NO. 441-96-4012
ADDRESS 103982 S 3414 Rd CLAIMANT(S) DATE OF BIRTH 4-18-89
Meeker OK 74855 PHONE: HOME() BUS: 1405-777-6651

1. DATE AND TIME OF INCIDENT 1-20-14 13:00 a.m. (p.m. Continue on another sheet if needed for any information requested)

2. LOCATION OF INCIDENT Wolverine Rd and Kickapoo

3. DESCRIBE INCIDENT I was driving home from St Anthony's hospital when I hit a very large hole in the road. It instantly blew out my tire. So I pulled over at my nearest safe spot. I then called K3B towing to have my vehicle towed to my home in Meeker.

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES:

BODILY INJURY: WAS CLAIMANT INJURED? YES NO If yes, complete this section
Describe injury
WERE YOU ON THE JOB AT THE TIME OF INJURY? YES NO If so, please give name, address and phone number of company
NAME OF DOCTOR OR HOSPITAL
ALL MEDICAL BILLS (attach Copies) \$
LIST OTHER DAMAGES CLAIMED \$
TOTAL BODILY INJURY. \$

PROPERTY DAMAGE: Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.

VEHICLE NAME Acura TL BODY TYPE TL YEAR 2012
NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.
IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSS

PROPERTY DAMAGE (Attach repair bills or two estimates) \$
LIST OTHER DAMAGES CLAIMED \$
TOTAL PROPERTY \$ 1,044.38

5. NAME OF YOUR INSURANCE CO. POLICY NO. AMOUNT CLAIMED AMOUNT RECEIVED
Farmers Insurance

6. The names of any witnesses known to you.
Brian Butler 103982 S 3414 Rd Meeker 74855 405 401-7665
Name Address Phone Number

Name Address Phone Number

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.
TOTAL CLAIM \$ 1,044.31
Katherine Butler 2-3-5-14
SIGNATURE(S) DATE

CONTINUE ON THE BACK

3. THIS SECTION IS FOR USE BY THE PUBLIC ENTITY WHICH RECEIVES THE CLAIM

To inquire about this claim you may write to OMAG Claims Dept. or call 1-800-234-9461; or in Oklahoma City call 525-6624

This Notice of Tort Claim was received by Lisa Lasyone (via regular mail)
Title) Deputy City Clerk, on March 7, 2014.

For further information on this claim contact Tim Dibler (tdibler@shawneeok)
Title) Street Supervisor, by telephone at (405) 878-1597

The following reports, statements or other documentation, which support our understanding of the facts relating to this claim, are attached:

title, picture, tire replacement + repair estimates, rim repair estimate, towing bill

Persons who have knowledge of the circumstances surrounding this claim are:

	Name	Title/Position	Telephone
1.			
2.			
3.			
4.			

Submitted by: Dana Shelburne Date 3-7, 2014

Title: Legal Assistant

AFTER THE PUBLIC ENTITY HAS RECEIVED THIS CLAIM, PLEASE PROVIDE INFORMATION REQUESTED ABOVE AND IMMEDIATELY SEND TO:

OMAG Claims Dept.
4130 N. Lincoln Blvd
Oklahoma City, OK 73105-5209
Fax (405) 525-0009



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

RECEIVED
MAY 02 2014
CITY ATTORNEY

May 1, 2014

Ms. Katherine Butler
103982 S. 3414 Rd
Meeker, OK 74855

RE: Member : City of Shawnee
Claimant : Katherine Butler
Date of Loss : 01/20/14
Claim No. : 136774-TW

Dear Ms. Butler:

As the adjuster for the Oklahoma Municipal Assurance Group, the general liability insurer for the City of Shawnee, I am recommending denial of this claim and find no liability on the City's part for this claim.

A municipality may be liable only if it had prior notice of a defect or problem and failed to take appropriate remedial action within a reasonable time before the damage occurred.

The City of Shawnee had no notice of this pothole prior to your incident.

Sincerely,

Tiara Wallace
Claims Adjuster

cc: City of Shawnee ✓

Regular Board of Commissioners

2. I.

Meeting Date: 05/19/2014

Tort Claim OMAG No. 137216-TW -G. Assell

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge denial of tort claim OMAG No. 137216-TW
– G. Assell

Attachments

Tort Claim 137216-TW

NOTICE OF TORT CLAIM

OKLAHOMA MUNICIPAL ASSURANCE GROUP - MUNICIPAL LIABILITY PROTECTION PLAN

A. CLAIMANT REPORT

To the Shawnee

Public entity you are filing this claim against.

PLEASE PRINT OR TYPE AND SIGN

IMPORTANT NOTICE: The filing of this form with the City Clerk's office is only the initial step in the claim process and does not indicate in any manner the acceptance of responsibility by the City or its related entities. Written notice is required by law and shall be filed with the City Clerk within one (1) year from the date of occurrence. It will then be sent to OMAG Claims Dept. for investigation. You may expect them to contact you. Failure to file within such time frame may result in the claim being barred in its entirety. Other limitations to your claim may apply (See Oklahoma Statutes Title 51, Section 151-172).

CLAIMANT(S) GEORGE M. ASSELL CLAIMANT(S) SOCIAL SECURITY NO. 375-62-3545
ADDRESS 1123 N BROADWAY CLAIMANT(S) DATE OF BIRTH 06/21/1955
PHONE: HOME () BUS. ()

- 1. DATE AND TIME OF INCIDENT 3/7/14 (x) a.m. () p.m. Continue on another sheet if needed for any information requested)
2. LOCATION OF INCIDENT BASEMENT
3. DESCRIBE INCIDENT MY DRAIN IN BASEMENT BACKED UP AND LEAKED INTO BARNMENT. I HIRED PLUMBER TO CLEAN OUT MY DRAINS (SNARE) IT DIDNT SOLVE PROBLEM PLUMBER CALLED CITY WATER TO COME OUT AND CITY SEWER WAS CLOGGED WHICH WAS CAUSE OF PROBLEM

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES:

BODILY INJURY: WAS CLAIMANT INJURED? YES ___ NO ___ If yes, complete this section
Describe injury
WERE YOU ON THE JOB AT THE TIME OF INJURY? YES ___ NO ___ If so, please give name, address and phone number of company
NAME OF DOCTOR OR HOSPITAL
ALL MEDICAL BILLS (attach Copies) \$
LIST OTHER DAMAGES CLAIMED \$
TOTAL BODILY INJURY..... \$

PROPERTY DAMAGE: Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.
VEHICLE NAME BODY TYPE YEAR
NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.
IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSS
PROPERTY DAMAGE (Attach repair bills or two estimates) \$ 160.00
LIST OTHER DAMAGES CLAIMED \$
TOTAL PROPERTY..... \$ 160.00

Table with 4 columns: 5. NAME OF YOUR INSURANCE CO., POLICY NO., AMOUNT CLAIMED, AMOUNT RECEIVED

6. The names of any witnesses known to you.
Name TERI ASSELL Address 1123 N BROADWAY Phone Number 405-788-7690
Name ANY TIME PLUMBING Address Phone Number 405-275-2500

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.
TOTAL CLAIM..... \$ 160.00

SIGNATURE(S) [Signature] DATE 03/7/14

B. THIS SECTION IS FOR USE BY THE PUBLIC ENTITY WHICH RECEIVES THE CLAIM

To inquire about this claim you may write to OMAG Claims Dept. or call 1-800-234-9461; or in Edmond call 657-1400

This Notice of Tort Claim was received by Lisa Laszone

(Title) Deputy City Clerk, on March 7, 20 14.

For further information on this claim contact Brad Schmidt

(Title) Maintenance Mgr., by telephone at (405) 878-1513

The following reports, statements or other documentation, which support our understanding of the facts relating to this claim, are attached:

asell: repair receipt
City: Questionnaire, 3 statements, sewer database, work ticket

Persons who have knowledge of the circumstances surrounding this claim are:

	Name	Title/Position	Telephone
1.	<u>Keith Budka</u>	<u>Waste/Water Supt.</u>	<u>405-878-1547</u>
2.	<u>Tim Babbitt</u>	<u>Crew</u>	<u>"</u>
3.	<u>Wayne Lowery</u>	<u>Crew</u>	<u>"</u>
4.	<u></u>	<u></u>	<u></u>

Submitted by: Dana Shellbourn Date 4-11-14, 2014

Title: Legal Assistant

AFTER THE PUBLIC ENTITY HAS RECEIVED THIS CLAIM, PLEASE PROVIDE INFORMATION REQUESTED ABOVE AND IMMEDIATELY SEND TO:

OMAG Claims Dept.
3650 S. Boulevard
Edmond, OK 73013-5581
Fax (405) 657-1401



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

May 8, 2014

Mr. George Assell
1123 N. Broadway
Shawnee, OK 74801

RECEIVED
MAY 12 2014
CITY ATTORNEY

RE: Member : City of Shawnee
Claimant : George Assell
Date of Loss : 03/07/14
Claim No. : 137216-TW

Dear Mr. Assell:

As the adjuster for the Oklahoma Municipal Assurance Group, the insurer for the City of Shawnee, I am recommending denial of this claim and find no liability on the City's part.

Oklahoma law has consistently held that a municipality is not an insurer of its sanitary sewer system. This means that a municipality is not automatically liable for damages to property, which result from a sanitary sewer overflow. A municipality may be liable only if it had prior notice of a defect or problem in the sewer line and failed to take appropriate remedial action within a reasonable time before the damage occurred.

The City of Shawnee would not be liable for a plumber bill incurred prior to the City being notified of a sewer problem.

Sincerely,

Tiara Wallace
Claims Examiner

cc: City of Shawnee ✓

Regular Board of Commissioners

5.

Meeting Date: 05/19/2014

Amend PUD 3306 N Kickapoo P06-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consider amending a Planned Unit Development located at 3306 N. Kickapoo.

Case #P06-14

Applicant: J. Michael Adcock

Attachments

Amend PUD

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:

APPLICANT: J. Michael Adcock

FOR: PUD Amendment

LOCATION: 3306 N. Kickapoo

PROJECT#: 140291 Case# P06-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: PUD

REQUESTED CLASSIFICATION: PUD Amendment

PROPOSED PROPERTY USE: Medical Office Complex

PLANNING COMMISSION MEETING DATE: May 7th, 2014

PLANNING COMMISSION RECOMMENDATION: Motion carries with following conditions:

The proposed amendment is approved subject to these four conditions:

1. Removal of Section 14.4, " One sign identifying the members of the business shall be permitted provided it is approved by the City of Shawnee in its sign permit process."
2. Include in the new amendment a height limit of four (4') feet for ground mounted direction/instructional signs.
3. Wall signs shall have a maximum size of one-half (1/2) the base standard for aC-3 zoning district.
4. Removal of Section 14.4 of the amended design statement.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
COWEN			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
REZONE
CASE #P06-14

TO: Shawnee Planning Commission
AGENDA: May 7, 2014
RE: Planned Unit Development Amendment

PROPOSAL

The applicant is requesting an amendment to an existing Planned Unit Development (PUD). The PUD of Villagio was previously approved by the City of Shawnee on February 5, 2007, by Ordinance #2294N. The property is located on the west side of N. Kickapoo Street directly south of 36th Street. The proposed amendments pertain to Section 14.0: Signs, of the Design Statement of the Planned Unit Development of Villagio, Shawnee, Oklahoma.

GENERAL INFORMATION

Applicant	J. Michael Adcock
Owner	Villagio Inc.
Site Location/Address	<i>See Figure 1</i>
Current Site Zoning	Planned Unit Development
Proposed Zoning	Planned Unit Development (Amendment)
Property Area	Approximately 10.0 Acres
Current Use	Medical Office Complex
Proposed Use	Medical Office Complex
Comprehensive Plan Designation	Residential / Public

Existing Land Use	Planned Unit Development
Surrounding Land Use	North – Commercial (C-3) South – Commercial (C-3) West – Commercial (C-3) East – Commercial (C-3) & Residential (R-1)
Surrounding Zoning	Varies – please see zoning map. <i>(Figure 1)</i>

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval for an amendment to the Design Statement of the Planned Unit Development of Villagio, Shawnee, Oklahoma.

Section 14.0, Signs, currently allows for the following (Conditions to be amended shown in red):

1. One (1) private sign shall be allowed at the main entrance from Kickapoo off of the right-of-way.
2. One (1) pole sign and/or a sign on the building shall be allowed off the Kickapoo right-of-way identifying the location of a pharmacy to be located within Tract 1.
3. Directional and instructional signs shall be permitted within the property.
4. Ground mounted direction/instructional signs that are less than eight (8') square feet shall be considered incidental and allowed within this PUD.
5. **One (1) monument sign per building, to be located on grassy area off premises and no larger than 4' x 4' to identify the business.**
6. **With the exception of any structure built on Lot 1, no wall signs shall be allowed on any structure within this PUD.**

The proposed Sign Standards include (Amendments to conditions shown in red):

1. One (1) private sign shall be allowed at the main entrance from Kickapoo off of the right-of-way.
2. One (1) pole sign and/or a sign on the building shall be allowed off the Kickapoo right-of-way identifying the location of a pharmacy to be located within Tract 1.
3. Directional and instructional signs shall be permitted within the property.
4. Ground mounted direction/instructional signs that are less than eight (8') square feet shall be considered incidental and allowed within this PUD.
5. **Buildings located on Tract 2 and Tract 3, located along the Kickapoo right-of-way, shall each be allowed two wall signs, one on the west side, and one on the east side.**
6. **Buildings located on Tracts 4 through 6, located on the interior of the property, shall be allowed one (1) wall sign and may make application to the City of Shawnee for an additional sign.**

7. The building on Tract 7, also on the interior, shall be allowed one (1) wall sign and one (1) monument sign, no larger than 4' x 4', which may be located on a grassy area off premises, but on Tract 7.
8. One sign identifying the members of the business shall be permitted provided it is approved by the City of Shawnee.
9. All Lot owners must complete the sign permit process with the City of Shawnee before erecting any signs in Villagio.

The nature of a PUD allows for flexibility and consistency in design. The applicant wishes to allow wall signs within the PUD where they previously were not. If approved, all wall signs shall not exceed the maximum size allowance currently provided in the Shawnee Sign Code. To compensate for this addition, they have removed the allowance of one (1) monument sign, no larger than 4' x 4', for each building.

The amendment would allow two (2) wall signs on tracts that abut Kickapoo Street (Tracts 2 & 3) and one (1) wall sign on interior tracts. Tract 7 shall be allowed one (1) wall sign and one (1) monument as the signs are pre-existing to the amendment. Besides the one (1) monument sign on Tract 7, there is no allowance for monument signs on any other tract.

After review of the amendments to Section 14.0 of the Design Statement, Staff recommends removal of Section 14.4, "One sign identifying the members of the business shall be permitted provided it is approved by the City of Shawnee in its sign permit process" (Figure 5). Such a sign does not include size requirements and could be interpreted as monument signs, not attached to the building.

Staff does hereby recommend approval on all amendments made to Section 14.0 of the Design Statement of the Planned Unit Development of Villagio, Shawnee, Oklahoma, with a condition. It is staff's opinion that such amendments would cause no general change to the character of the PUD and surrounding businesses.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed amendments for the subject property, with the following conditions:

1. Removal of Section 14.4, "One sign identifying the members of the business shall be permitted provided it is approved by the City of Shawnee in its sign permit process."
2. Include in the new amendment a height limit of four (4') feet for ground mounted direction/instructional signs.
3. Wall signs shall have a maximum size of one-half (1/2) the base standard for aC-3 zoning district.
4. Removal of Section 14.4 of the amended design statement.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Figure 4: Original Design Statement, Section 14.0, Signs.
5. Figure 5: Amendment to the Design Statement, Section 14.0, Signs.
6. Figure 6: Site Plan



Figure 1: Aerial view of site – approximate total area outlined in red.

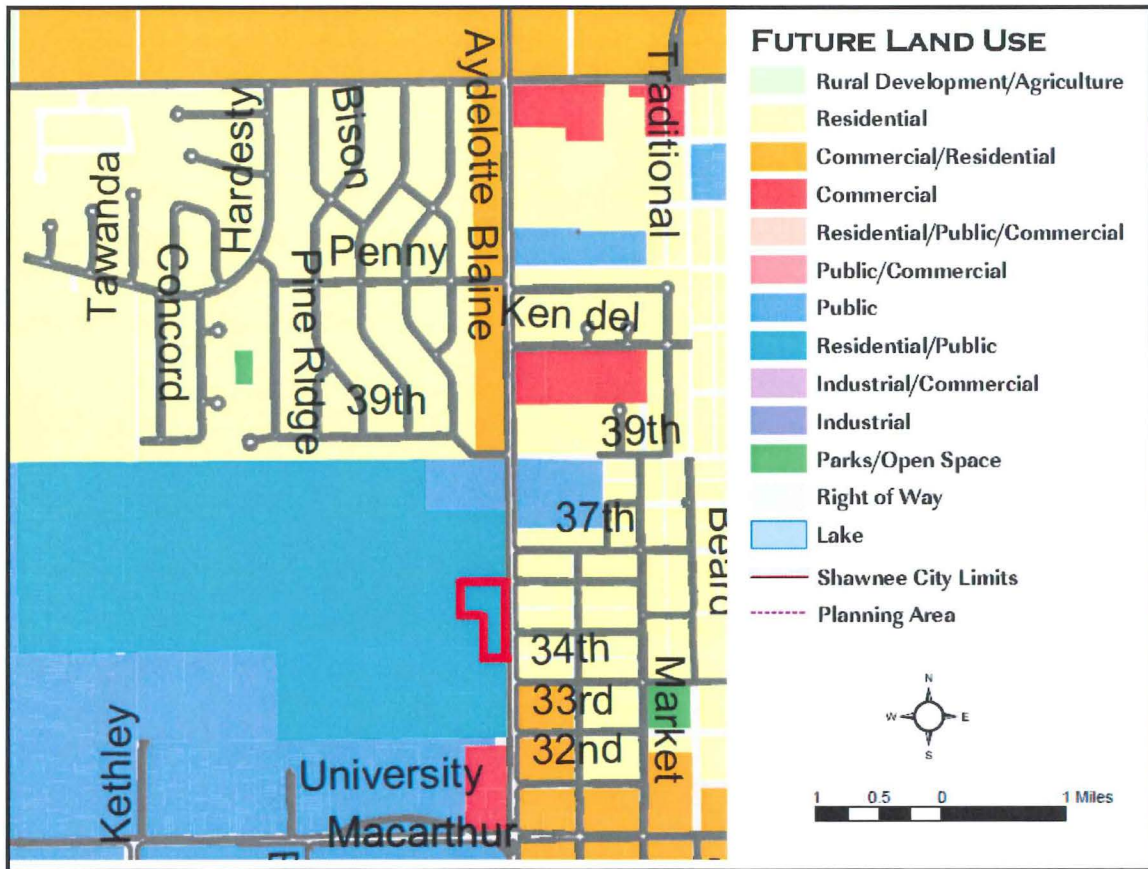


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).
Approximate area outlined in red.

Figure 4: Original Design Statement, Section 14.0, Signs.

14.0 SIGNS

- 14.1** One private sign identifying Villagio shall be allowed at the main entrance from Kickapoo off the right-of-way. Additionally, a pole sign and/or a sign on the building shall be allowed off the Kickapoo right-of-way identifying location of a pharmacy to be located within Tract 1.
- 14.2** Each building shall be allowed to have one monument sign identifying the business. Such monument sign may be located on grassy area off premises of the building itself. Such monument sign shall be no larger than 4'x4' and be constructed of like material to the building such sign identifies.
- 14.3** Directional and instructional signs shall be permitted within the property making up this PUD.
- 14.4** Ground mounted directional/instructional signs that are less than eight (8') square feet shall be considered incidental and allowed within this PUD.
- 14.5** With the exception of any structure built on Lot 1, no wall signs shall be allowed on any structure within this PUD.

Figure 5: Amendment to the Design Statement, Section 14.0, Signs.

**AMENDMENT TO THE DESIGN STATEMENT
OF THE PLANNED UNIT DEVELOPMENT
OF VILLAGIO, SHAWNEE, OKLAHOMA**

INTRODUCTION

The Planned Unit Development (“PUD”) of Villagio was previously approved by the City of Shawnee on February 5, 2007 by Ordinance #2294N.

Amendment to Section 14.0 Signs

- 14.1 One private sign identifying Villagio shall be allowed at the main entrance from Kickapoo off the right-of-way. Additionally, a pole sign and or a sign on the building shall be allowed off the Kickapoo right-of-way identifying the location of a pharmacy to be located within Tract 1.
- 14.2 The Buildings located on Tract 2 and 3 shall each be allowed to have two signs affixed to the building identifying the business, one sign on the west side and one sign on the east side. Tracts 4 through 6, both inclusive shall be allowed to have one sign affixed to the building identifying the business, and additionally, may make application to the City of Shawnee for an additional sign if it is determined that one sign is not sufficient to properly identify the business. Tract 7 shall be allowed to have one sign on the building identifying the business and one monument sign, no larger than 4’x4’, which may be located on a grassy area off premises, but on Tract 7.
- 14.3 Directional and instructional signs shall be permitted within the property comprising the PUD. Ground mounted directional/instructional signs that are less than eight square feet shall be considered incidental and allowed within this PUD.
- 14.4 One sign identifying the members of the business shall be permitted provided it is approved by the City of Shawnee in its sign permit process.
- 14.5 All lot owners must complete the sign permit process with the City of Shawnee prior to erecting any signs in Villagio.

OTHER REGULATIONS

All other provisions and regulations contained in the original PUD approved on February 5, 2007 by Ordinance #2294N, not specifically mentioned in this amendment, shall remain in full force and effect.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P06-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for approval of an amendment to a Planned Unit Development, which is a special zoning district, on property located within the City of Shawnee.

The applicant requests an amendment to a Planned Unit Development for the following described property:

THE VILLAGIO ADDITION, SECTION #1, being a subdivision of a part of the East Half of the Southeast Quarter (*E/2 SE/4*) of Section One (1), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>3306 N. Kickapoo</u>
Current Zoning Classification:	<u>Planned Unit Development</u>
Requested Zoning Classification:	<u>Planned Unit Development Amendment</u>
Proposed Use of Property:	<u>Medical Office Complex</u>
Applicant:	<u>J. Michael Adcock</u>

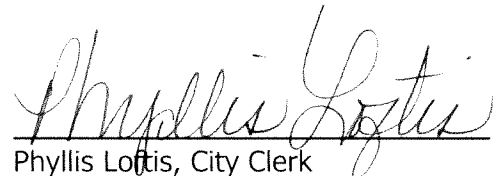
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

May 7 th , 2014 AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
May 19 th , 2014 AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the Planned Unit Development. The Commission reserves the right to limit discussion and debate on the proposed Planned Unit Development in the public hearing, in which event those persons appearing in support or opposition of the proposed Planned Unit Development will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 14TH day of April, 2014.




Phyllis Lotis, City Clerk

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described lands:

THE VILLAGIO ADDITION, SECTION #1, being a subdivision of a part of the East Half of the Southeast Quarter (E/2 SE/4) of Section One (1), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Two (2), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 31st day of January, 2014.

FIRST AMERICAN TITLE AND TRUST COMPANY

BY *Teresa Southard*
Teresa Southard, Licensed Abstractor #264

Order No. 1904017-SH99

Ownership List

Order No. 1904017-SH99

Date January 31, 2014

Page No. 1

Owner

Brief Legal:

BancFirst – P.O. Box 1608, Shawnee, OK 74802-1608

Lots 1 thru 32, Block 2, ARMOURDALE ADDITION to Shawnee

Jerry F. Matthews – 617 E. Main, Shawnee, OK 74801

Lots 5 thru 8, Block 3, ARMOURDALE ADDITION to Shawnee

Lionel L. O'Donley – 318 W. 35th, Shawnee, OK 74804

Lots 9 & 10, Block 3, ARMOURDALE ADDITION to Shawnee

Julia Curry – 15803 Grant Road, Shawnee, OK 74801

Lots 11 & 12, Block 3, ARMOURDALE ADDITION to Shawnee

John Gibson – 985 Inlet Loop, Coos Bay, OR 97420

Lots 13 & 14, Block 3, ARMOURDALE ADDITION to Shawnee

The Dudley Family Limited Partnership – 2102 N. Beard, Shawnee, OK 74804

Lots 15 & 16, Block 3, ARMOURDALE ADDITION to Shawnee

Allen Management, LL – c/o Carol Rhodes – 18 Glen Rock Dr., Austin, TX 78738

Lots 17 & 18, Block 3, ARMOURDALE ADDITION to Shawnee

Rebecca Webb – 105 S. Rangeline, Tecumseh, OK 74873

Lots 19 & 20, Block 3, ARMOURDALE ADDITION to Shawnee

Heather Holley and Kim R. Holley – 321 W. 36th, Shawnee, OK 74801

Lots 21 & 22, Block 3, ARMOURDALE ADDITION to Shawnee

James R. Dustman – 317 W. 36th, Shawnee, OK 74804

Lots 23 & 24, Block 3, ARMOURDALE ADDITION to Shawnee

Chris A. Koch – 313 W. 36th, Shawnee, OK 74804

Lots 25 & 26, Block 3, ARMOURDALE ADDITION to Shawnee

Larry Jackson Development, LLC – 27 W. MacArthur, Shawnee, OK 74804

Lots 27 & 28, Block 3, ARMOURDALE ADDITION to Shawnee

Jenny A. Ware – 310 W. 36th St., Shawnee, OK 74804

Lots 5 & 6, Block 6, ARMOURDALE ADDITION to Shawnee

Corey Rea and Rebecca Rea – 314 W. 36th St., Shawnee, OK 74804

Lots 7 & 8, Block 6, ARMOURDALE ADDITION to Shawnee

Donald G. London and Patricia A. London 2011 Revocable Trust – 3 Castle Creek Place,
Shawnee, OK 74804

Lots 9 & 10 & E 12½' Lot 11, Block 6, ARMOURDALE ADDITION to Shawnee

Silverthorne Properties, LLC – 1730 N. Broadway, Shawnee, OK 74804

W 12½' Lot 11 & All Lots 12 & 13, Block 6, ARMOURDALE ADDITION to Shawnee

Ownership List

Order No. 1904017-SH99

Date January 31, 2014

Page No. 2

Owner

Brief Legal:

Robert Saulsberry – 328 W. 36th St., Shawnee, OK 74804

Lots 14 thru 16, Block 6, ARMOURDALE ADDITION to Shawnee

Jump, LLC – 3309 N. Kickapoo, Shawnee, OK 74804

Lots 4 thru 7, Re-Plat of Block 14, WYANT'S 2ND ADDITION to Shawnee

BAS Holdings, LLC – 3701 N. Harrison, Shawnee, OK 74804

Part of Lots 1 & 2 Beg. 636' N & 33' W SE/C SE/4 Section 1, Township 10 North, Range 3 East; thence W 317'; thence N 689.07'; thence E 317'; thence S 688.89' to beg...GILMORE'S ADDITION to Shawnee & Beg. SE/C SE/4 Section 1, Township 10 North, Range 3 East; thence 1324.88' to beg; thence W 583'; thence S 825.44'; thence E 583'; thence N 824.87' to beg...LESS Tract & Lots 4 thru 6 & Lot A, THE VILLAGIO ADDITION, SECTION 1, to Shawnee

Oklahoma Baptist University – 500 W. University, Shawnee, OK 74804

Part of Lots 1 & 2 and All Lots 4 thru 6 and 9 thru 11, GILMORE'S ADDITION to Shawnee and Beg. SE/C SE/4 Section 1, Township 10 North, Range 3 East; thence N 1324.88' to the SE/C N/2 SE/4; thence W 583' to beg.; thence W 2048.84'; thence N 1326.38'; thence E 2633.65'; thence S 500'; thence W 583'; thence S 825.44' to beg.

Winegardner Holding Co., LLC – 3306 N. Kickapoo, Shawnee, OK 74804

Lot 1, THE VILLAGIO ADDITION, SECTION #1, to the City of Shawnee

Oklahoma Realty Ventures, LLC – 4050 W. Memorial Road, Oklahoma City, OK 73120

Lots 2 & 3, THE VILLAGIO ADDITION, SECTION #1, to the City of Shawnee

Shawnee Property Investments – 700 NW 7th, Suite 100, Oklahoma City, OK 73102

Lot 7, THE VILLAGIO ADDITION, SECTION #1, to the City of Shawnee

Living Word Church – P.O. Box 3044, Shawnee, OK 74802-3044

Beg. NW/C SW/4 Section 6, Township 10 North, Range 4 East; thence E 660'; thence S 330'; thence W 660'; thence N 330' to beg.

Hinson Insurance Agency, Inc. – P.O. Box 707, Prague, OK 74864

Beg. 330' S NW/C SW/4 Section 6, Township 10 North, Range 4 East; thence E 660'; thence S 165'; thence W 660'; thence N 165' to beg.

Regular Board of Commissioners

6.

Meeting Date: 05/19/2014

Rezone P07-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of approval of an ordinance to rezone property located at North Bryan from A-1; Agricultural to R-3; Multi-Family Residential. Case #P07-14 Applicant: Mike Langley

Attachments

P07-14 Rezone
Ordinance

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Mike Langley
FOR: Rezone
LOCATION: NE Corner of Bryan & Granada
PROJECT#: 140355 Case# P07-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural

REQUESTED CLASSIFICATION: R-3; Multi-family Residential

PROPOSED PROPERTY USE: Multi-family Residential

PLANNING COMMISSION MEETING DATE: May 7th, 2014

PLANNING COMMISSION RECOMMENDATION: Motion Carries

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER	X		X			
TURNER (CHAIRMAN)					X	
SILVIA (VICE-CHAIRMAN)		X	X			
COWEN			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
REZONE
CASE #P07-14

TO: Shawnee Planning Commission

AGENDA: May 7, 2014

RE: Rezone Request from A-1: Rural Agricultural to R-3: Multi-family Residential

PROPOSAL

The applicant is requesting to rezone the subject site of approximately five (5) acres to facilitate the construction of a multi-family residential development. The property is located south of MacArthur Street on the NE corner of Bryan Street and Granada Drive. Currently, the property is zoned A-1 (Rural Agricultural) and the requested zoning classification is R-3 (Multi-family Residential). The subject site is undeveloped.

GENERAL INFORMATION

Applicant	Mike Langley
Owner	Gary Mullins
Site Location/Address	NE Corner of Bryan and Granada
Current Site Zoning	A-1: Rural Agricultural
Proposed Zoning	R-3: Multi-family Residential
Property Area	5 acres
Current Use	Undeveloped
Proposed Use	Multi-family
Comprehensive Plan	Residential

Designation	
Existing Land Use	Undeveloped
Surrounding Land Use	North – Commercial (C-1) South – Residential (R-3) West – Agricultural (A-1) East – Residential (RE) & Agricultural (A-1)
Surrounding Zoning	Varies – please see zoning map. (<i>Figure 1</i>)

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval for a rezone from A-1 (Rural Agricultural) to R-3 (Multi-family Residential) for the construction of a multi-family development, which may include apartments or individual townhouses.

The Shawnee Comprehensive Plan designates the majority of Bryan Street as Residential (Figure 4.2). Within the Residential category there shall be an allowance for conventional one-family detached dwellings, two-family units such as duplexes, public uses including churches and schools, and when appropriate, “other uses may include multifamily residential activity and neighborhood commercial.” Staff feels, based on current development along Bryan Street, that the comprehensive plan for this area has also evolved. With senior living apartments developed a quarter of a mile south of the subject property and varying levels of Commercial development immediately north, this area has become far more appropriate for a Residential/Commercial designation in the Shawnee Comprehensive Plan. Staff feels that Bryan Street, being a four-lane arterial, is actually less conducive for Single Family Residential as perhaps suggested in the Shawnee Comprehensive Plan for this area.

Though the applicant has made no final determination on the type of multi-family design for this property, they have provided both site plan options and development renderings seen in figures 4-8. Based on discussions with the applicant and the figures provided, this development will be of low intensity for an R-3 zoning designation. In fact, the primary housing type appears to be townhouses. Also, this site will eventually have to be platted, so the Commission will see more details in the future.

Staff does hereby recommend the proposed zone change from A-1 (Agricultural) to R-3 (Multi-family Residential).

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from *A-1: Agricultural* to *R-3: Multi-family Residential* for the subject property.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: Future Land Use Map
4. Figure 4: Site Plan Option 1 (Conceptual)
5. Figure 5: Site Plan Option 2 (Conceptual)
6. Figure 6: Townhouse A (Conceptual)
7. Figure 7: Townhouse B (Conceptual)
8. Figure 8: Cottage Court (Conceptual)

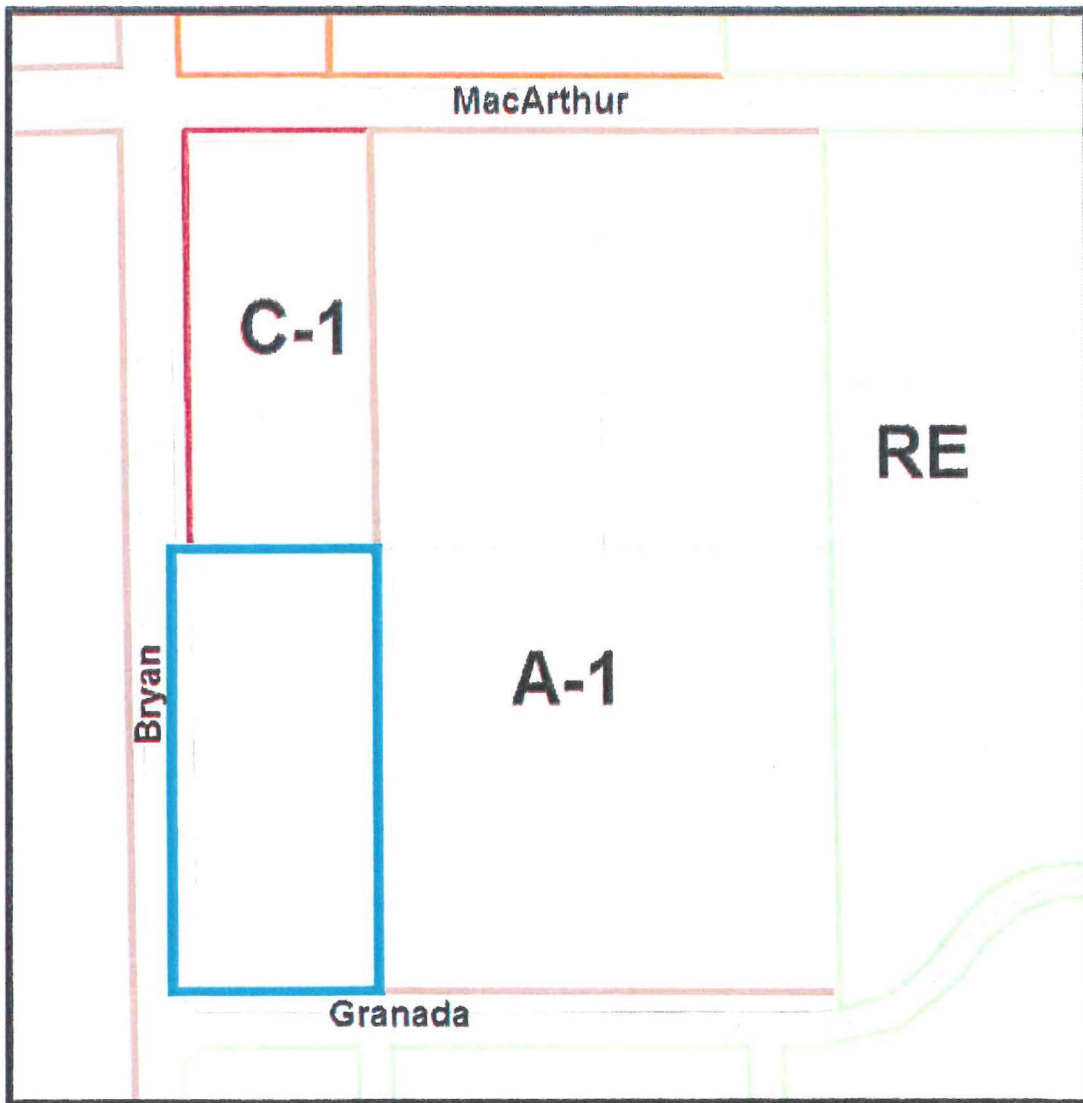


Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.

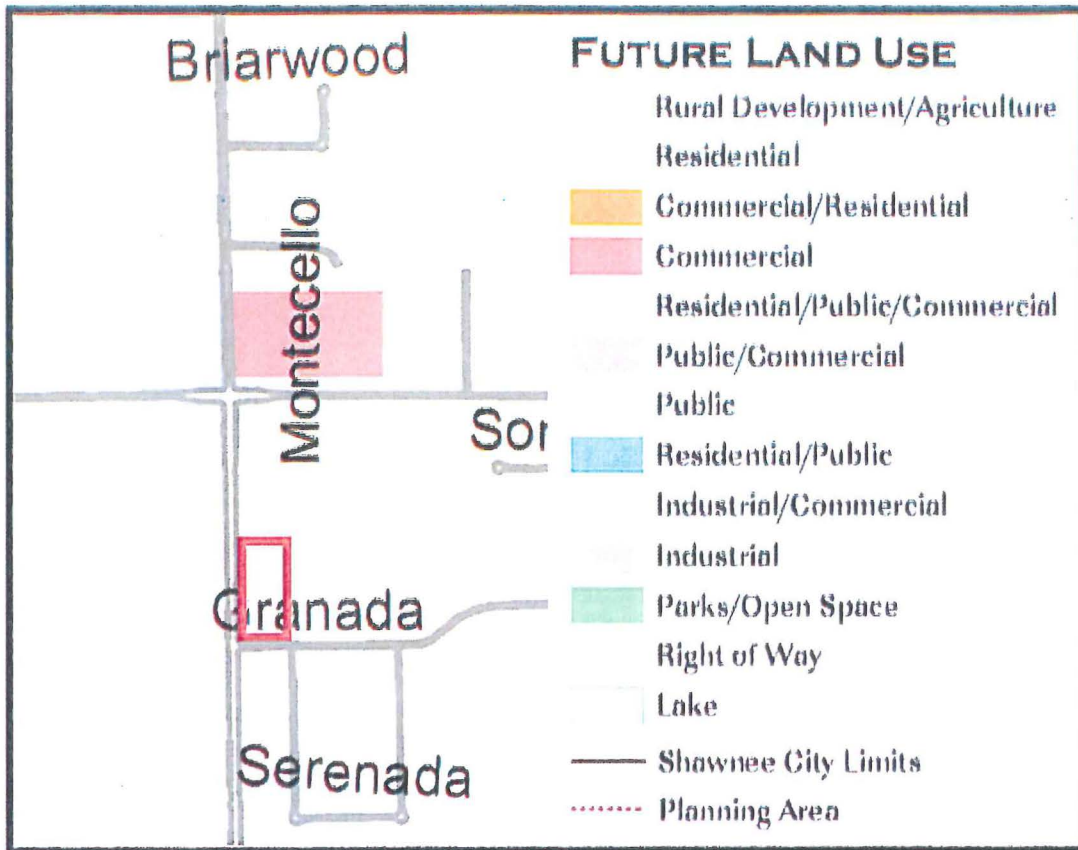


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).

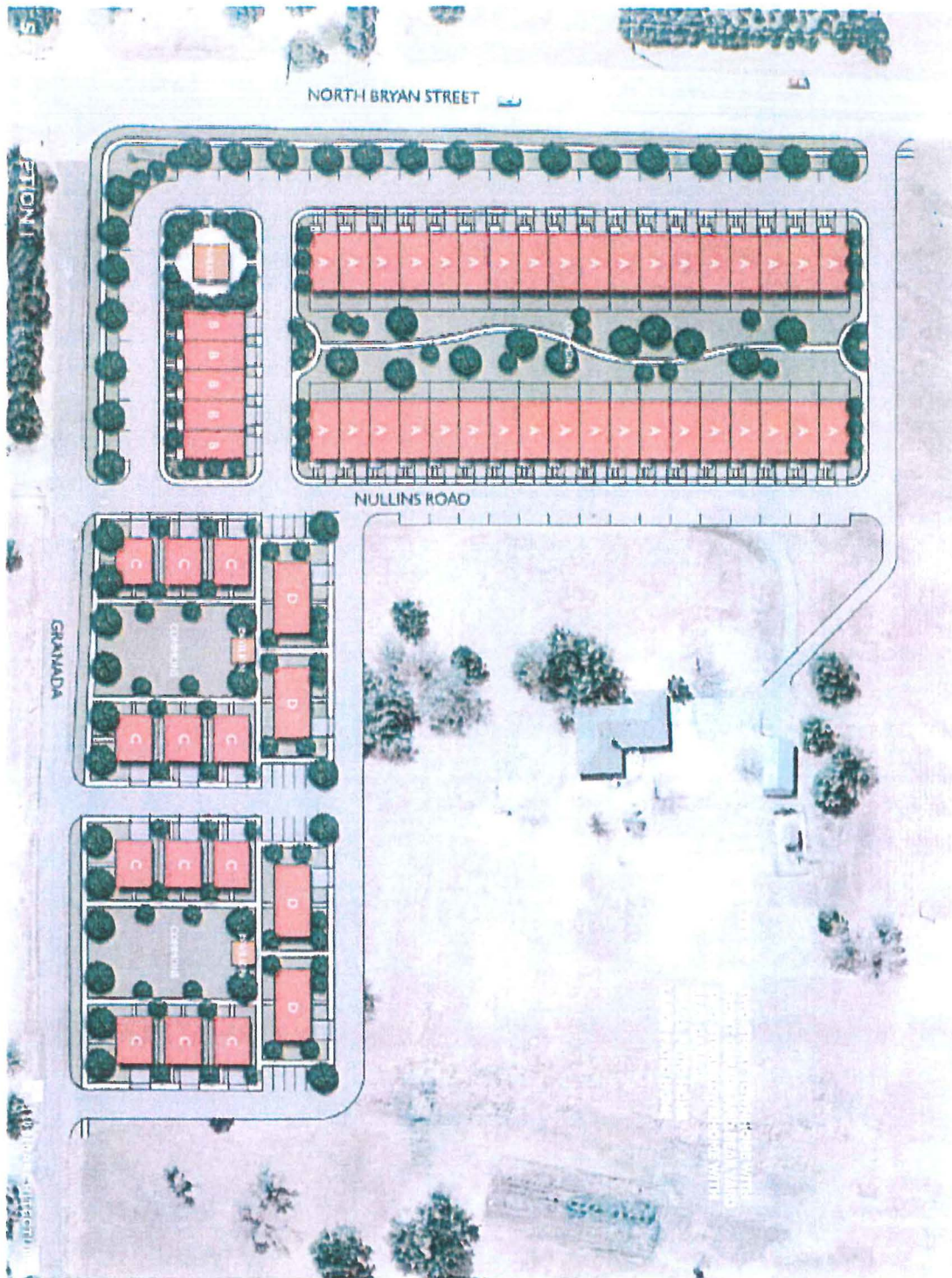


Figure 4: Site Plan Option 1 (Conceptual)

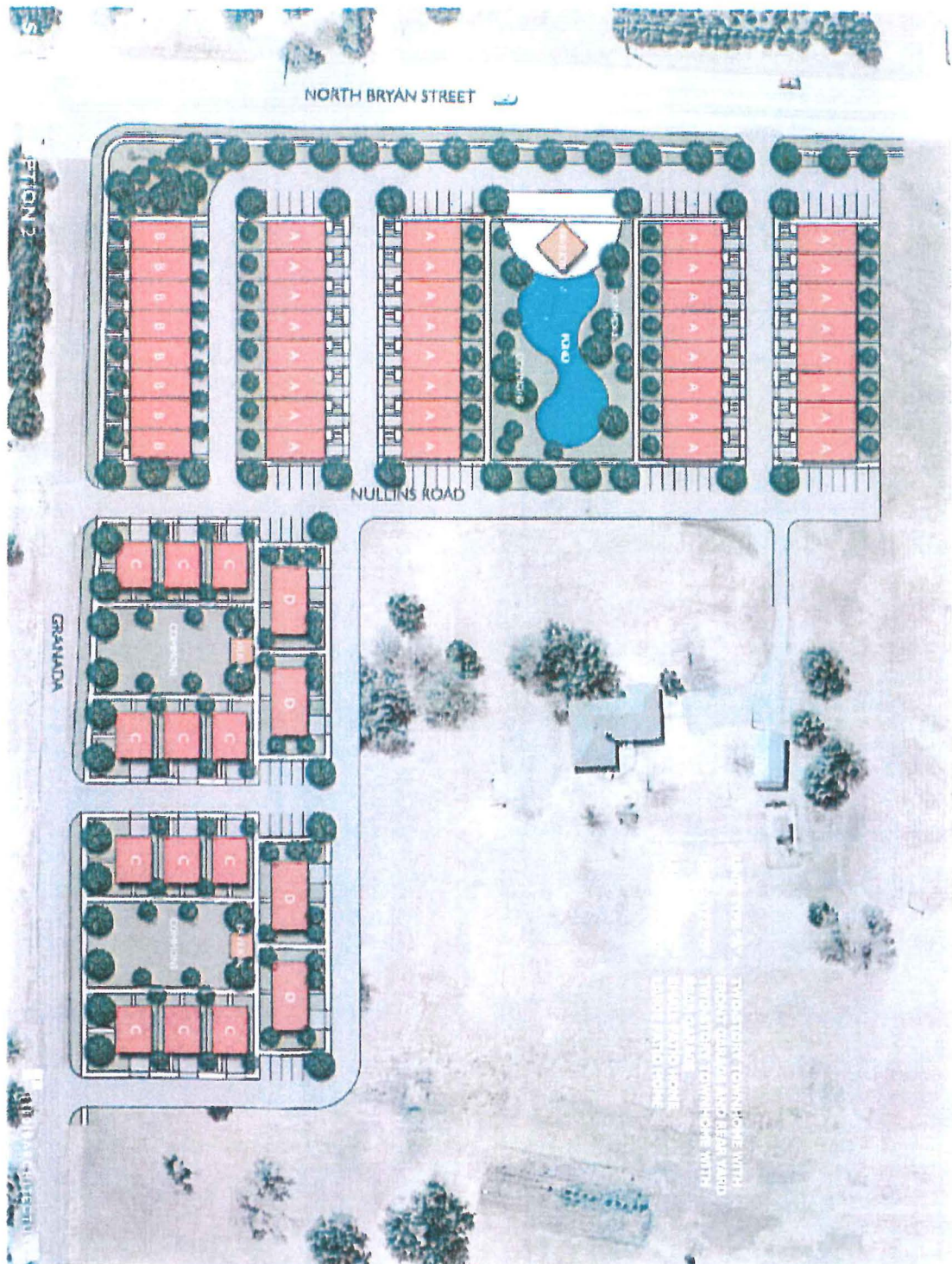


Figure 5: Site Plan Option 2 (Conceptual)



Figure 6: Townhouse A (Conceptual)



Figure 7: Townhouse B (Conceptual)



Figure 8: Cottage Court (Conceptual)

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P07-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

A tract of land described as beginning at a point 636.66 feet South of the Northwest Corner of Section Nine (9), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence East 331.47 feet; thence South 660.85 feet; thence West 331.61 feet; thence North 661.67 feet to the point of beginning.

General Location Known As:	<u>North Bryan Acreage</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>R-3; Multi-family Residential</u>
Proposed Use of Property:	<u>Multi-Family Residential</u>
Applicant:	<u>Mike Langley</u>

The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.


The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

May 7th, 2014 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 19th, 2014 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 8th day of April, 2014.

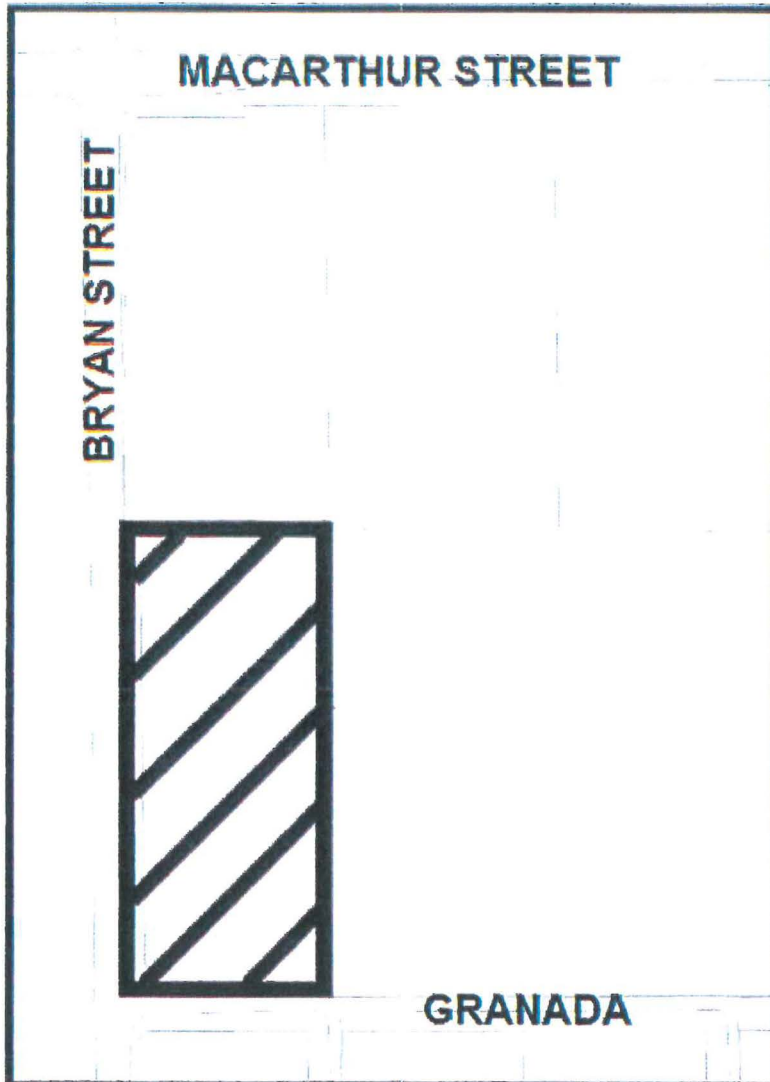




Phyllis Loftis, City Clerk

Location Map

Case P07-14



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 140355 CASE NO. P07-14

REQUEST:

Rezoning Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from _____ District to _____ District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): UNKNOWN

LEGAL DESCRIPTION: Attached

PROPERTY OWNER (S): GARY MULLIN

PROPERTY AGENT (APPLICANT): MIKE LANGLEY

APPLICANT'S ADDRESS: 1010 E. MacArthur

CITY: Shawnee **STATE:** OK **ZIP:** 74804

EMAIL ADDRESS: LANGLEYMB@HOTMAIL.COM

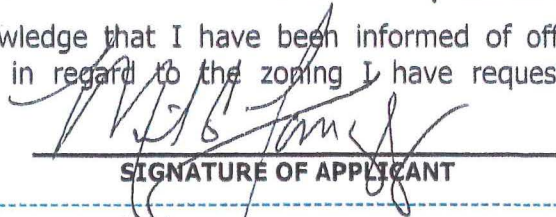
TELEPHONE NUMBER: (405) 275-7201 **CONTACT NUMBER:** ()

DIMENSIONS OF PROPERTY: AREA 5 ACRES WIDTH 331'
LENGTH 662' FRONTAGE _____

CURRENT ZONING: A1 **CURRENT USE:** undeveloped

PROPOSED ZONING: R3 **PROPOSED USE:** condos/apartments

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.


SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 28th day of March 20 14


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01586527

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ DATE: May 7th 2014
CITY COMMISSION ACTION: _____ DATE: May 19th 2014
PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

March 27, 2014

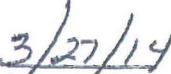
Mullins Family Trust
Gary Mullins

Subject Property: North Bryan Acreage
Legal: 27 SU Beg 636.66 NW/C E 331.47 S 660.85 W 331.61

To Whom It May Concern:

It is agreed by the Mullins family to allow Langley Management Company, Mike Langley, to proceed with rezoning of above subject property.


Gary Mullins
Seller


Date

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all direction of the following described lands:

A tract of land described as beginning at a point 636.66 feet South of the Northwest Corner of Section Nine (9), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence East 331.47 feet; thence South 660.85 feet; thence West 331.61 feet; thence North 661.67 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Two (2), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 19th day of March, 2014.

FIRST AMERICAN TITLE AND TRUST COMPANY

By *Teresa Southard*
Teresa Southard, Licensed Abstractor #264

Order No. 1918589-SH99

Ownership List

Order No. 1918589-SH99

Date March 19, 2014

Page No 1

OWNER

BRIEF LEGAL:

Jeanne Mullins – 6716 Edgewater Drive, Oklahoma City, OK 73116

Beg. 636.66' S NW/C Section 9, Township 10 North, Range 4 East; thence E 331.47';
thence S 660.85'; thence W 331.61'; thence N 661.67' to beg.

Nghiep Thi Yuong, Lynn Do, Gary Thien Do and Tuyet Ngoc Do-Ryks – 2908 Twin Lakes Dr.,
Moore, OK 73165

Beg. NW/C Section 9, Township 10 North, Range 4 East; thence E 331.47' thence S
636.35'; thence W 331.47'; thence N 636.66' to beg.

Emma Jeanne Mullins Living Trust – 6716 Edgewater Drive, Oklahoma City, OK 73116-1825

E/2 SW/4 NW/4 NW/4 & W/2 SE/4 NW/4 NW/4 Section 9, Township 10 North, Range 4
East...LESS TRACT

Reuben Peltier Properties, LLC – P.O. Box 3071, Shawnee, OK 74802-3071

Beg. 662.75' E NW/C Section 9, Township 10 North, Range 4 East; thence E 331.27';
thence S 635.80'; thence W 331.68'; thence N 636.07' to beg.

First Church of God, Inc. – 1025 E. 9th St., Shawnee, OK 74801

Beg. 331.47' E NW/C Section 9, Township 10 North, Range 4 East; thence E 331.28';
thence S 636.07'; thence W 331.28'; thence N 636.35' to beg.

Martha W. Parrott – 53 Serenada Lane, Shawnee, OK 74804

Lot 53, GRANADA COUNTRY ESTATES ADDITION to Shawnee

Charles Degraffenreid Revocable Trust – 54 Serenada Lane, Shawnee, OK 74804

Lot 54, GRANADA COUNTRY ESTATES ADDITION to Shawnee

Chester W. Phelps and Connie Jo Phelps – 36146 E. Highway 99A, Seminole, OK 74868

Beg. NW/C of Lot 55, GRANADA COUNTRY ESTATES ADDITION to Shawnee; thence E
260.01'; thence S 205'; thence W 260.01'; thence N 205' to beg.

Johnny Grandstaff and Darlene Grandstaff – 56 Serenada Lane, Shawnee, OK 74804

Lot 56 & Beg. NW/C Lot 56; thence N 15.8'; thence E 260.01'; thence S 13.15'; thence W
260' to beg., GRANADA COUNTRY ESTATES ADDITION to Shawnee

Richard D. Cullison and Darlene A. Cullison – 62 Serenada Court, Shawnee, OK 74801

N 55' Lot 61 & All Lot 62, GRANADA COUNTRY ESTATES ADDITION to Shawnee

Overland Communications, Inc. – c/o Danny Overland – 623 Pool Place, Shawnee, OK 74801

Beg. 1767.4' N & 450' W SE/C E/2 NE/4 Section 8, Township 10 North, Range 4 East;
thence N to Section Line; thence E 450' to NE/C NE/4; thence S to point 1767.4' N of SE/C E/2
NE/4 of Section; thence W 450' to beg.

Albert B. Rice and Linda Rice – 2300 N. Bryan, Shawnee, OK 74804

Beg. 1350' N SE/C E/2 NE/4 Section 8, Township 10 North, Range 4 East; thence W
417.4'; thence N 208.7'; thence E 417.4'; thence S 208.7' to beg.

Ownership List

Order No. 1918589-SH99

Date March 19, 2014

Page No. 2

OWNER

BRIEF LEGAL:

Kermit M. Milburn, Trustee – P.O. Box 1244, Shawnee, OK 74802-1244

Beg. 626.1' N SE/C SE/4 NE/4 of Section 8, Township 10 North, Range 4 East; thence W 626.1'; thence N 663.9'; thence E 626.1'; thence S 663.9' to beg.

Connie Bales Reed – 2302 N. Bryan, Shawnee, OK 74804

Beg. 1350' N & 417.4' W SE/C E/2 NE/4 Section 8, Township 10 North, Range 4 East; thence W 208.7'; thence N 417.4'; thence E 626.1'; thence S 208.7'; thence W 417.4'; thence S 208.7' to beg.

Michael D. Ervin and Johnna C. Ervin – 5 Mullins Drive, Shawnee, OK 74804

Beg. 651.65' W & 325.61' E NW/C NW/4 Section 9, Township 10 North, Range 4 East; thence E 382.82'; thence S 299.85'; thence W 301.95'; thence S 345.07'; thence W 80.86'; thence N 645.86' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA: A TRACT OF LAND DESCRIBED AS BEGINNING AT A POINT 636.66 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION NINE (9), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE EAST 331.47 FEET; THENCE SOUTH 660.85 FEET; THENCE WEST 331.61 FEET; THENCE NORTH 661.67 FEET TO THE POINT OF BEGINNING; FROM A-1; RURAL AGRICULTURAL TO R-3; MULTI-FAMILY RESIDENTIAL; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma, on the 19th day of May, 2014 upon an application to rezone certain property located in the City of Shawnee, Oklahoma from zoning classification A-1; Rural Agricultural to R-3; Multi-Family Residential.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be zoned as considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as beginning at a point 636.66 feet South of the Northwest Corner of Section Nine (9), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence East 331.47 feet; thence South 660.85 feet; thence West 331.61 feet; thence North 661.67 feet to the point of beginning, be and the same is hereby rezoned from classification A-1; Rural Agricultural to R-3; Multi-Family and the official zoning map heretofore adopted is hereby amended so as to include said property as R-3; Multi-Family Residential.

PASSED AND APPROVED this 19th day of May, 2014.

WES MAINORD, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

7.

Meeting Date: 05/19/2014

Rezone w CUP P08-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of approving an ordinance with a Conditional Use Permit for property located at 909 E. Independence from R-3; Multi-Family Residential District to C-1; Neighborhood Commercial with a Conditional Use Permit. Case #P08-14 Applicant: Kaye Harrod

Attachments

P08-14 Rezone with CUP

Ordinance

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Kaye Harrod
FOR: Rezoning
LOCATION: 909 E. Independence
PROJECT#: 140359 Case# P08-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-3; Multi-family Residential
REQUESTED CLASSIFICATION: C-1; Neighborhood Commercial
PROPOSED PROPERTY USE: Mini-Storage

PLANNING COMMISSION MEETING DATE: May 7th, 2014

PLANNING COMMISSION RECOMMENDATION: Motion carries

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
COWEN	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Kaye Harrod
FOR: Conditional Use Permit
LOCATION: 909 E. Independence
PROJECT#: 140359 Case# P08-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-3; Multi-family Residential

REQUESTED CLASSIFICATION:

C-1; with Conditional Use Permit

PROPOSED PROPERTY USE:

Mini-Storage

PLANNING COMMISSION MEETING DATE: May 7th, 2014

PLANNING COMMISSION RECOMMENDATION: Motion carries with following conditions :

1. The Independence St. fencing shall include landscaping between the sidewalk and any fencing erected.
2. Fencing along independence street shall consist of wrought iron style or similar decorative fencing and shall not exceed six feet in height. Fencing along Independence Street shall not be topped with barbed wire, or similar product. Standard chain link fence shall not be allowed along Independence St.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER	X		X			
HOSTER			X			
TURNER (CHAIRMAN)				X		
SILVIA (VICE-CHAIRMAN)		X	X			
COWEN			X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

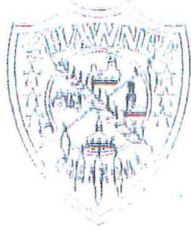
ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
REZONE & CUP
CASE #P08-14

TO: Shawnee Planning Commission

AGENDA: May 7, 2014

RE: Rezone Request from R-3: Multi-family Residential to C-1:
Neighborhood Commercial

Consideration of a *Conditional Use Permit* to allow the development of mini-storage facilities in C-1: Neighborhood Commercial.

PROPOSAL

The applicant is requesting to rezone the subject site of 1.9 acres (approximately) to facilitate the construction of a mini-storage facility. Also, a Conditional Use Permit (CUP) is requested for the development of said mini-storage facility, as required in any C-1 (Neighborhood Commercial) district. The subject property at 909 E. Independence Street is located east of Harrison Street on Independence. The site is currently zoned R-3 (Multi-family Residential) and the requested zoning classification is C-1 (Neighborhood Commercial). The property is currently undeveloped.

GENERAL INFORMATION

Applicant	Kaye Harrod
Owner	N/A
Site Location/Address	909 E. Independence
Current Site Zoning	R-3: Multi-family Residential
Proposed Zoning	C-1: Neighborhood Commercial (with CUP)

Property Area	1.9 Acres
Current Use	Undeveloped
Proposed Use	Mini-storage
Comprehensive Plan Designation	Commercial / Residential
Existing Land Use	Undeveloped
Surrounding Land Use	North – Commercial (C-3) & Residential (R-1) South – Cemetary West – Commercial (C-1) East – Commercial (C-1)
Surrounding Zoning	Varies – please see zoning map. (<i>Figure 1</i>)

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval for a rezone from R-3 (Multi-family Residential) to C-1 (Neighborhood Commercial) and a Conditional Use Permit (CUP) for the eventual construction of a mini-storage facility.

This site was previously rezoned by the owner in June, 2011 from C-1 (Neighborhood Commercial) to R-3 (Multi-family Residential) to facilitate high-density residential development on the site (apartments, etc.).

According to the Shawnee Zoning Code, “The uses designated under the various districts herein as “conditional uses” are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.” A review of some of the existing storage facilities in Shawnee reveals a wide divergence in styles and visual impact (see figures 4-7). Of particular concern is security fencing and how it appears upon public street frontage. Standard chain-link fencing and chain-link fencing topped with barbed-wire is not appropriate in Staff’s opinion and would cause substantial visual impact to the neighborhood and be detrimental to adjacent properties. Fencing above five or six feet in height would also not be appropriate in the opinion of Staff. Landscaping should also be utilized to “soften” the frontage and mitigate any visual impact. The City’s new façade ordinance (Ord. #2522) will require that any building façades that face Independence Street include non-metal elements such as brick to the amount of sixty (60%) percent.

With that said, a rezone to C-1 would be consistent with current zoning patterns in the area. The business located west of the subject property is a Tobacco Shop and is zoned C-1. The site located east of the subject property is zoned C-1, but is an apartment building. North of the subject property is a manufactured home community and a bank, also zoned C-1. According to the Shawnee Comprehensive Plan (Figure 4.2), this

immediate area is designated Commercial / Residential, allowing the requested zoning to remain consistent with future land use. Staff does have concerns associated with the allowance of a mini-storage facility, as previously addressed.

Staff does hereby recommend the proposed zone change from R-3 to C-1, as it is consistent with the Shawnee Comprehensive Plan and zoning patterns in the immediate area. However, Staff would recommend conditional approval on the CUP allowing a mini-storage facility in C-1.

STAFF RECOMMENDATION

Staff recommends approval of the proposed rezone from *R-3: Multi-family Residential* to *C-1: Neighborhood Commercial* for the subject property.

Staff recommends approval of the proposed conditional use permit to allow mini-storage facilities to be developed at the subject site with the following conditions:

1. The Independence St. fencing shall include landscaping between the sidewalk and any fencing erected.
2. Fencing along independence street shall consist of wrought iron style or similar decorative fencing and shall not exceed six feet in height. Fencing along Independence Street shall not be topped with barbed wire, or similar product. Standard chain link fence shall not be allowed along Independence St., but color coated chain link fence may be considered.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: Future Land Use Map
4. Figure 4: Storage facility located in the 900 Block of E. Cammack.
5. Figure 5: Storage facility located at 39300 W. MacArthur Street.
6. Figure 6: Storage facility located at 526 N. Bryan.
7. Figure 7: Storage facility located in the 900 Block of E. Wallace Street.

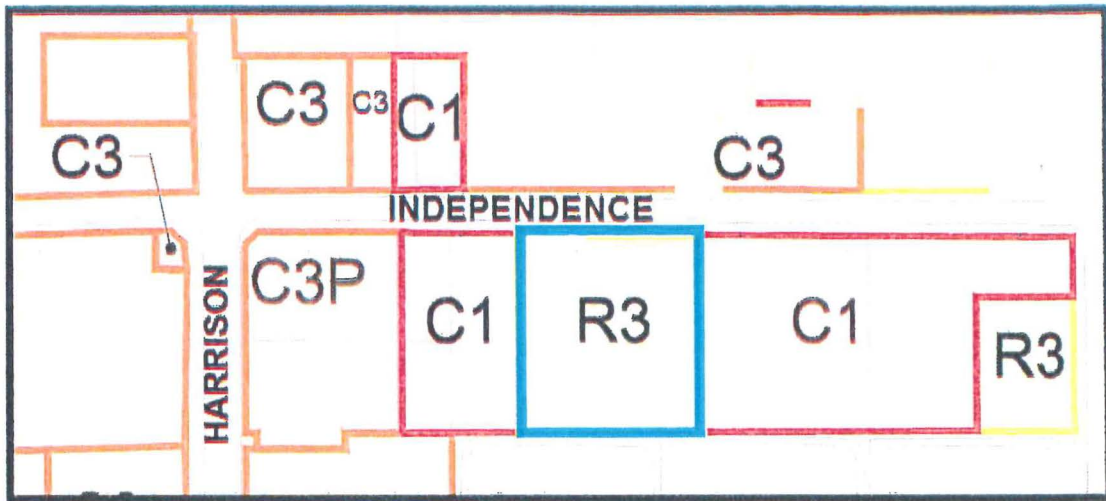


Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.

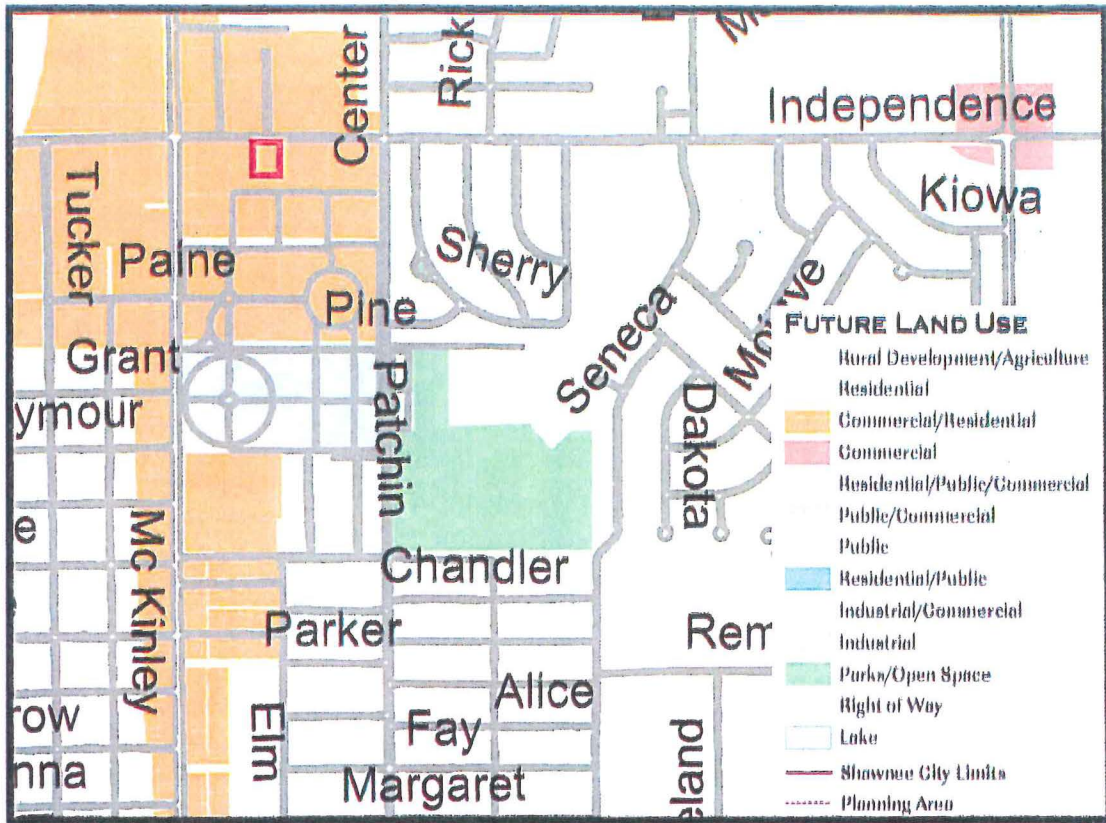


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).
Approximate area outlined in red.

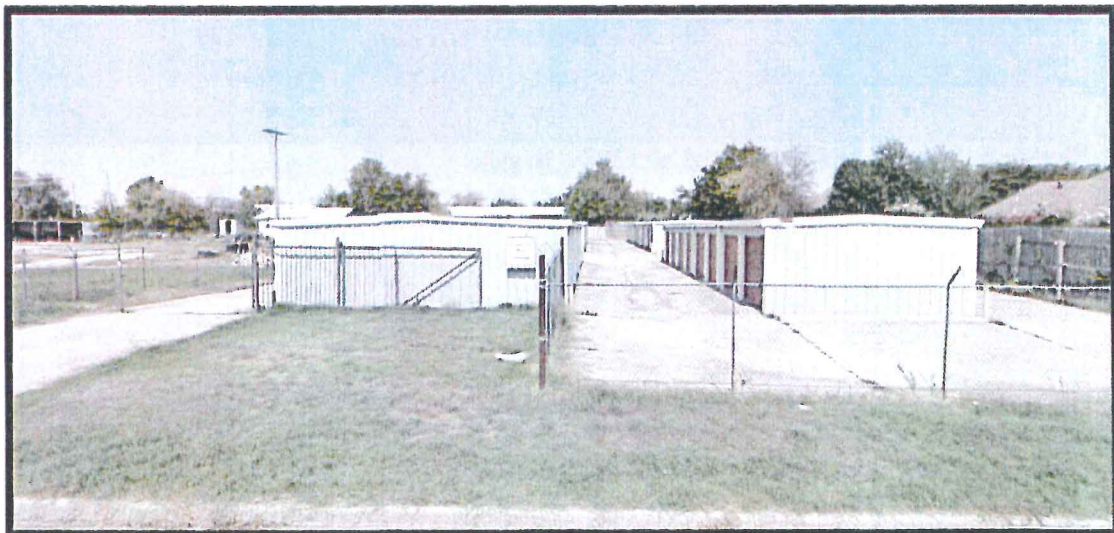


Figure 4: Storage facility located in the 900 Block of E. Cammack.



Figure 5: Storage facility located at 39300 W. MacArthur Street.



Figure 6: Storage facility located at 526 N. Bryan.



Figure 7: Storage facility located in the 900 Block of E. Wallace Street.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P08-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

The East 211.825 feet of the North Half (N/2) of Lot Four (4) and the West 63.175 feet of the North Half (N/2) of Lot Three (3), McDIVITT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

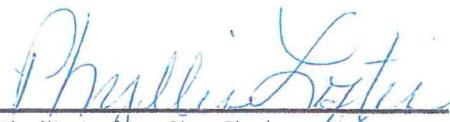
General Location Known As:	<u>909 E. Independence</u>
Current Zoning Classification:	<u>R-3; Multi-Family Residential District</u>
Requested Zoning Classification:	<u>C-1; with Conditional Use Permit</u>
Proposed Use of Property	<u>Mini -Storage</u>
Applicant:	<u>Kaye Harrod</u>

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

May 7th, 2014 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
May 19th, 2014 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 8th day of April, 2014.

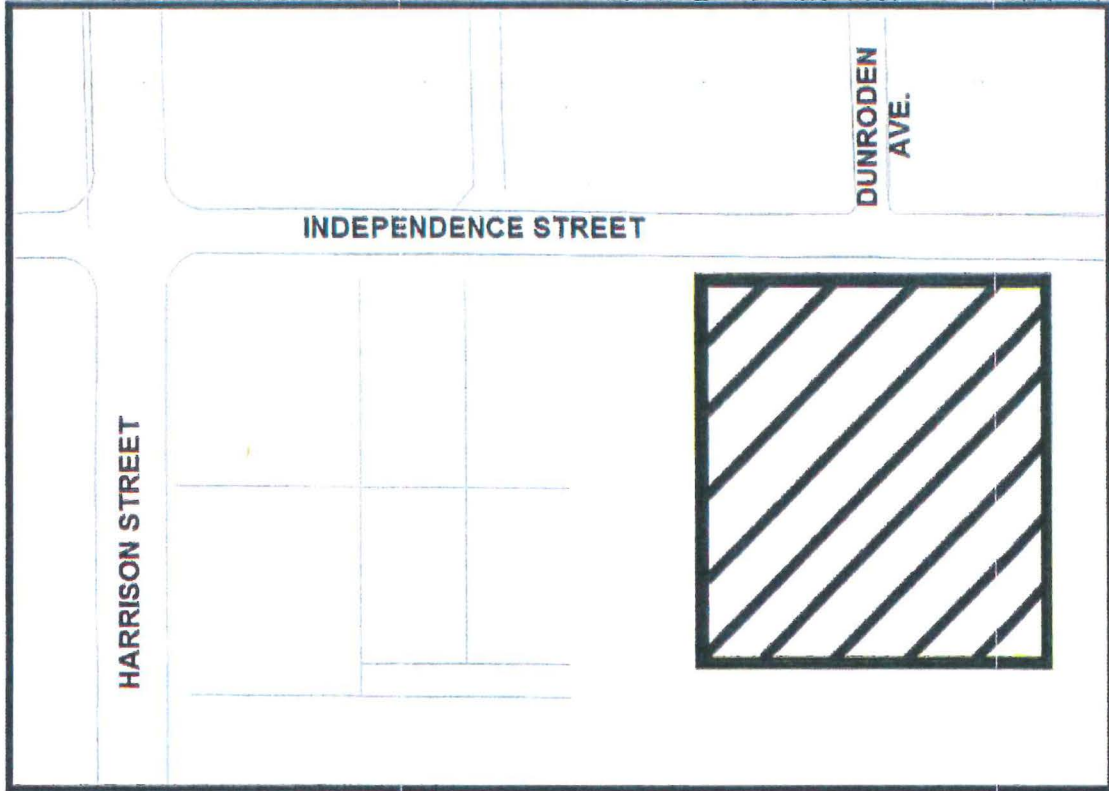


Phyllis Loftis, City Clerk



Location Map

CASE P08-14



Case # P08-14
Karee Hamad
909 E. Independence

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABSTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the Office of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described lands:

The East 211.825 feet of the North Half (N/2) of Lot Four (4) and the West 63.175 feet of the North Half (N/2) of Lot Three (3), McDIVITT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Two (2), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 19th day of March, 2014.

FIRST AMERICAN TITLE AND TRUST COMPANY

By *Teresa Southard*
Teresa Southard, Licensed Abstractor #264

Order No. 191881-SH99

Ownership List

Order No. 191881-SH99

Date March 19, 2014

Page No. 1

OWNER

BRIEF LEGAL:

Newport Companies, LLC – 1414 Waterplant Road, Duncan, OK 73533

Beg. 150' S NE/C Lot 5, McDIVITT'S ADDITION to Shawnee; thence S 150'; thence W 80.875'; thence N 150'; thence E 80.875' to beg.

LJL Holdings OK, LLC – c/o Walgreen Co. – P.O. Box 1159, Deerfield, IL 60015

Beg. 20' S NW/C Lot 5; thence S 277.15'; thence W 17'; thence S 28.84'; thence E 133'; thence N 26'; thence E 85'; thence N 300'; thence W 215'; thence S45°W 28.15' to beg.

O'Reilly Automotive Stores, Inc. – Attn: Becky Piland – P.O. Box 1156, Springfield, MO 65801-0998

Beg. 198' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220'; thence E 66'; thence S 220'; thence W 66' to beg.

City of Shawnee – P.O. Box 1448, Shawnee, OK 74802-1448

S/2 Lot 2, S/2 Lot 3 & S/2 Lot 4 & Lots 6 thru 9, McDIVITT'S ADDITION to Shawnee

Lone Star Property Ventures, LLC – 6127 Morgan Place, Loomis, CA 95650

E 252.7' N/2 Lot 3 & W 182.3' N/2 Lot 2, McDIVITT'S ADDITION to Shawnee

Kaye Steele Harrod Family Trust – 1303 W. Farrall, Shawnee, OK 74801

E 211.825' N/2 Lot 4 & W 63.175' N/2 Lot 3, McDIVITT'S ADDITION to Shawnee

Rick D. Thompson and Becky G. Thompson – P.O. Box 1486, Shawnee, OK 74802-1486

W 104.05' N/2 Lot 4, McDIVITT'S ADDITION to Shawnee

USA Trust for Sac & Fox Nation – Route 2, Box 246, Stroud, OK 74079

Beg. NE/C Lot 5; thence S 150'; thence W 70'; thence N 150'; thence E 70' to beg.,
McDIVITT'S ADDITION to Shawnee

Juanita Carpenter Trust – c/o Yummy Seafoods, LLC – 1024 Serpentine Lane #101, Pleasanton, CA 94566

N 155.8' of S 275.8' of Lot 5, McDIVITT'S ADDITION to Shawnee

Franchise Realty Interstate Co. – P.O. Box 182571, Columbus, OH 43218-2571

S 120' Lot 5, McDIVITT'S ADDITION to Shawnee & N/2 of vacated Chestnut Street

Four R's Inc. – c/o Donnie Romberg – P.O. Box 3125, Shawnee, OK 74802-3125

Beg. 301.8' N SE/C Lot 5, McDIVITT'S ADDITION to Shawnee; thence W 165.875'; thence S 26'; thence E 165.875'; thence N 26' to beg.

First State Bank & Trust Co. – Attn: Wendi Vansickle – P.O. Box 130, Durant, OK 74702-0130

Beg. 264' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 660'; thence E 243'; thence S 660'; thence W 243' to beg.

O'Reilly Automotive, Inc. – c/o Thompson Reuters Pts – P.O. Box 06116, Chicago, IL 60606-0116

Beg. SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220'; thence E 198'; thence S 220'; thence W 198'

Ownership List

Order No. 191881-SH99

Date March 19, 2014

Page No. 2

OWNER

BRIEF LEGAL:

Mark H. Cannon and Mary Jane Cannon, Trustees of Mark H. Cannon and Jane Cannon Trust – 5 Creek Dr., Shawnee, OK 74801

Beg. 516' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 292.16'; thence N30°W 45.88'; thence N 212.80'; thence E 153.08'; thence S 548.39'; thence W 144' to beg.

Housing Authority of the City of Shawnee – P.O. Box 3427, Shawnee, OK 74802-3427

Beg. 963.5' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence E 202.5'; thence N 660'; thence W 202.5'; thence S 660' to beg.

Kermit M. Milburn, Trustee - P.O. Box 1244, Shawnee, OK 74802-1244

Beg. 963.5' E & 160' N SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 170'; thence W 104.37'; thence S 170.13'; thence E 99' to beg.

United Pentecostal Church

Beg. 765.5' E SW/C SW/4; thence N 360'; thence E 99'; thence S 360'; thence W 99' to beg. & Beg. 765' E & 265' N SW/C SW/4; thence W 105.5'; thence N 95'; thence E 105.5'; thence S 95' to beg. & Beg. 660' E SW/C SW/4; thence N 265'; thence E 105.5'; thence S 265'; thence W 105.5' to beg. all in Section 8, Township 10 North, Range 4 East

Gary C. Hobbs and Cathy G. Hobbs Trust – 40 Granada, Shawnee, Ok 74804

Beg. 864.5' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 160'; thence E 100.94'; thence S 160'; thence W 99' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: THE EAST 211.825 FEET OF THE NORTH HALF (N/2) OF LOT FOUR (4) AND THE WEST 63.175 FEET OF THE NORTH HALF (N/2) OF LOT THREE (3), MCDIVIIT'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF: FROM R-3; MULTI-FAMILY RESIDENTIAL TO C-1P; NEIGHBORHOOD COMMERCIAL WITH CONDITIONAL USE PERMIT; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 19th day of May 2014, upon an application to rezone certain property and grant a permissive use permit on property located in the City of Shawnee, Oklahoma from R-3; Multi-Family Residential to C-1P; Neighborhood Commercial with a Conditional Use Permit.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: The East 211.825 feet of the North Half (N/2) of Lot Four (4) and the West 63.175 feet of the North Half (N/2) of Lot Three (3), MCDIVIIT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, to the City of Shawnee, Pottawatomie County, Oklahoma, be rezoned C-1P; Neighborhood Commercial with a Conditional Use Permit and the official zoning map heretofore adopted is hereby amended as to include said property C-1P; Neighborhood Commercial with a Conditional Use Permit.

PASSED AND APPROVED this 19th day of May 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

8.

Meeting Date: 05/19/2014

Preliminary Plat S06-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a Preliminary Plat for Panda Express located at 194 Shawnee Mall Drive.
Case #S06-14 Applicant: Eric J. Abein

Attachments

Preliminary and Final Plat

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Eric J. Abeln _____
FOR: Preliminary and Final Plat _____
LOCATION: 194 Shawnee Mall Drive _____
PROJECT NUMBER: 140450 **CASE NUMBER:** S06-14 & S05-14

PLANNING COMMISSION MEETING DATE:

May 7th, 2014

PLANNING COMMISSION RECOMMENDATION:

Motion Carries with following conditions:

1. The following development standards and engineering specifications shall be required unless otherwise modified by the City Engineer:
 - a. The six-inch sanitary sewer shown needs to be changed to an eight-inch sanitary sewer that will become a Public Line.
 - b. Plan and Profile Sheets for sanitary sewer plan need to be submitted for review. ODEQ permitting will be required, thus, application, engineering report and dollar fee to ODEQ will need to be submitted to the City.
 - c. The shown open trench installation across Union Street IS NOT Approved. Plans need to be changed to reflect that Union Street will be bored and the sewer line installed in a 14" steel casing with minimum thickness of 1/4 inch. Bore pit for sewer installation shall be no closer than 15' from back of curb of Union Street. Open trench installation of sanitary sewer shall be backfilled with crusher run rock in all areas where pavement will be put back over sewer location.
 - d. All public improvements shall be installed or otherwise bonded for prior to recording of the Final Plat. Upon satisfactory installation of sewer line, as-built plans and required two year Maintenance Bond will need to be submitted to the City for review and acceptance by City Commission of the City of Shawnee.
2. All other applicable City standards apply and no deviations are hereby approved.
3. Approval of the Final Plat is subject to approval of variance from the Zoning Board of Adjustment, allowing for the creation of a lot that does not directly front upon a public street as required by Section 604.4.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 7

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)		X	X			
COWEN	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

COMBINED STAFF REPORT
PRELIMINARY PLAT
FINAL PLAT
CASES #S05-14, #S06-14

TO: Shawnee Planning Commission
AGENDA: May 7, 2014
RE: Shawnee Mall Subdivision – Amended Plat (Panda Express)

PROPOSAL

The applicant is requesting preliminary and final plat approval to facilitate commercial development on the property. The subject site is part of the existing parking lot for Walmart and is located north of Shawnee Mall Drive and west of Union Street. A restaurant (sit down and drive-through) is the intended use and the proposed building is approximately 2,716 square feet. As submitted, one new lot is proposed, which will be 0.64 acres in size.

GENERAL INFORMATION

Applicant	Eric J. Abeln, Heights Venture Architects, LLP
Owner	CFT Developments, LLC
Site Location/Address	194 Shawnee Mall Drive
Current Site Zoning	C-3 (with CUP)
Property Area	0.64 acres
Current Use	Parking lot
Proposed Use	Restaurant (with drive-through)
Comprehensive Plan Designation	Commercial

Existing Land Use	Commercial
Surrounding Land Use	North – Large retail (Walmart) South – Parking, Interstate-40 West – Large retail (Shawnee Mall) East – Commercial
Surrounding Zoning	North – C-3P South – C-3P West – PUD, CP East – C-3

STAFF REVIEW AND ANALYSIS

Staff has reviewed the preliminary and final plat requests and finds that the plats meet all City requirements, excepting one: Section 604.4 of the Shawnee Zoning Ordinance requires that any C-3 lot abut upon a dedicated public street for a distance of not less than 60-feet. As proposed, the subject lot will abut a private street network internal to the Walmart site. The applicant has submitted a variance request with respect to this requirement, which will be heard by the Zoning Board of Adjustment on May 15.

The proposed preliminary plat creates one new building lot. With respect to utilities, a public waterline is located along the eastern property boundary, while public sewer is available to the east along Union Street. A public sewer line extension is required as conditioned herein. Because the site is already fully impervious and drainage/stormwater management was addressed during construction of Walmart, no additional review or mitigation is required. Copies of the proposed preliminary plat and final plat are attached.

Regarding the technical aspects of the submitted plat, the City Engineer has reviewed the submitted plans and engineering documents and has no objection to approval of the preliminary plat and final plat, provided the conditions recommended below are adopted.

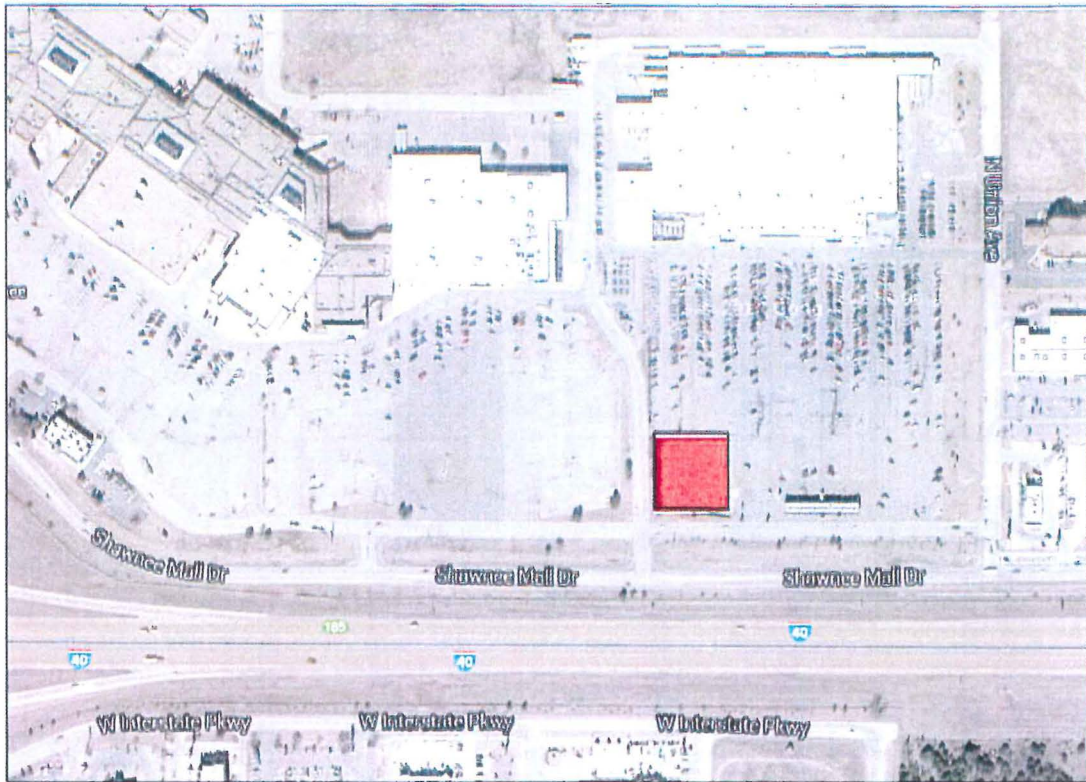


Figure 1: Aerial view of site and surroundings (approximate location in red).

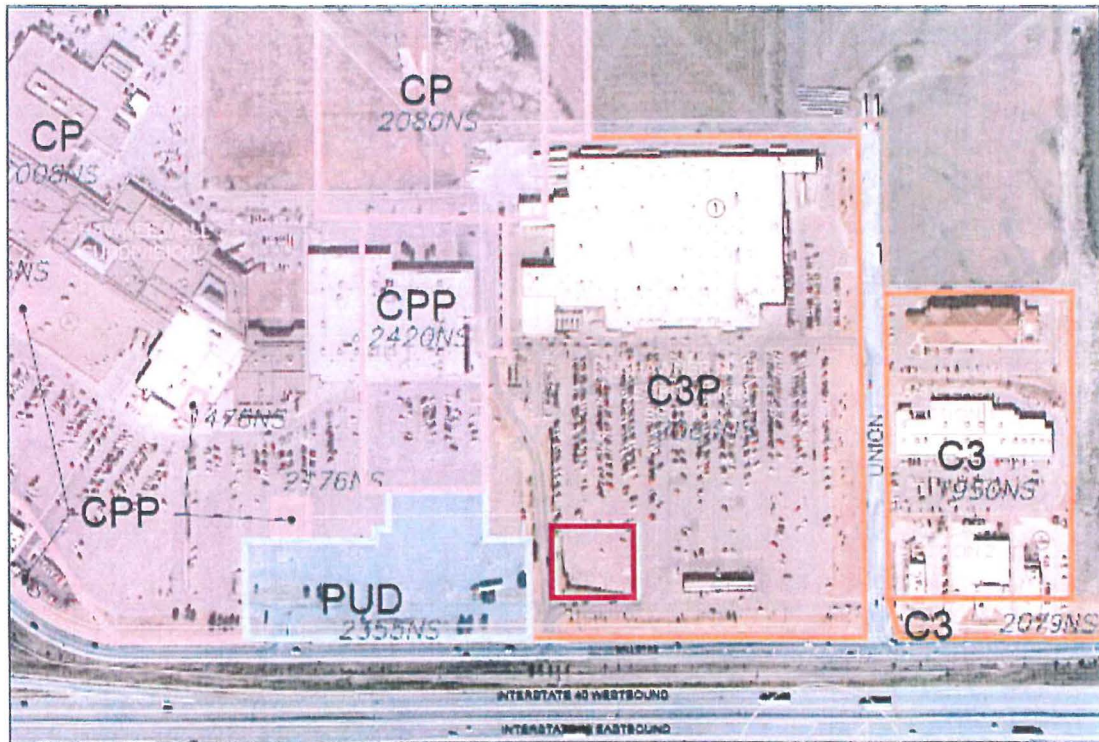


Figure 2: Zoning map of subject area (in red).

STAFF RECOMMENDATION

Staff recommends *approval of Lot 2, Block 1, Shawnee Mall Subdivision, Section 2 Preliminary and Final Plat*, subject to the following conditions:

1. The following development standards and engineering specifications shall be required unless otherwise modified by the City Engineer:
 - a. The six-inch sanitary sewer shown needs to be changed to an eight-inch sanitary sewer that will become a Public Line.
 - b. Plan and Profile Sheets for sanitary sewer plan need to be submitted for review. ODEQ permitting will be required, thus, application, engineering report and dollar fee to ODEQ will need to be submitted to the City.
 - c. The shown open trench installation across Union Street IS NOT Approved. Plans need to be changed to reflect that Union Street will be bored and the sewer line installed in a 14" steel casing with minimum thickness of 1/4 inch. Bore pit for sewer installation shall be no closer than 15' from back of curb of Union Street. Open trench installation of sanitary sewer shall be backfilled with crusher run rock in all areas where pavement will be put back over sewer location.
 - d. All public improvements shall be installed or otherwise bonded for prior to recording of the Final Plat. Upon satisfactory installation of sewer line, as-built plans and required two year Maintenance Bond will need to be submitted to the City for review and acceptance by City Commission of the City of Shawnee.
2. All other applicable City standards apply and no deviations are hereby approved.
3. Approval of the Final Plat is subject to approval of variance from the Zoning Board of Adjustment, allowing for the creation of a lot that does not directly front upon a public street as required by Section 604.4.

Attachments

1. Preliminary Plat (shown as "Utility Plan")
2. Final Plat

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

APPLICANT Eric J. Abeln, Heights Venture Architects, LLP

APPLICANT ADDRESS 1111 N. Loop West, Suite 800, Houston, TX 77008

APPLICANT PHONE NUMBERS 281.854.6119

EMAIL ADDRESS eric.abeln@hva.cc

NAME OF PLAT Lot 2, Block 1, of Shawnee Man Subdivision

LOCATION Southwest corner of Lot 1 Block 1 of Shawnee Man Jr (1916 Shawnee map da)

NUMBER OF ACRES 0.0375 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS n/a

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS n/a

TOTAL COST —

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 \$2.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS —

TOTAL COST \$227.00

OWNER/DEVELOPER INFORMATION:

NAME CFT DEVELOPMENTS, LLL

ADDRESS 1683 WALNUT GROVE AVE, ROSEMEAD, CA 91770

CONTACT NUMBERS 626-322-9151

EMAIL ADDRESS chris.pope@PandaRG.com

PROJECT ENGINEER INFORMATION:

NAME Matt Moore, P.E. of Clay Moore Engineering

ADDRESS 1105 Cheek Sparger Rd, Suite #1, Colleyville, TX 76034

CONTACT NUMBERS 817-281-0572

EMAIL ADDRESS matt@claymooreeng.com

FOR STAFF USE ONLY

PROJECT NUMBER: _____ CASE NUMBER: _____

DATE: _____ AMOUNT PAID: _____ RECEIPT NO. _____

**CITY OF SHAWNEE
PUBLIC HEARING NOTICE**

NOTICE IS HEREBY GIVEN that the City of Shawnee of Shawnee, Oklahoma, will conduct Public Hearings to consider revising the Shawnee Zoning Code, which was enacted by the City Commission on August 21, 1989 (Ordinance #1508NS) along with any other ordinances that provide supplemental zoning rules. The proposed changes are modifications to the City's zoning regulations, not to the zoning of any individual property or group of properties. The Planning Commission has held numerous meetings and workshops to develop these standards over the last 36 months.

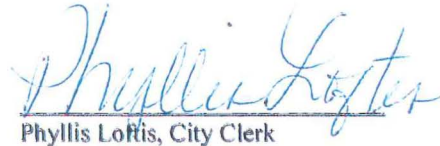
The PUBLIC HEARINGS will be held in the City Commission Chambers in City Hall located at 16 W. 9th St. Shawnee, OK as follows:

May 7, 2014 AT 1:30 P.M.:	City of Shawnee Planning Commission
May 19, 2014 AT 6:30 P.M.:	City of Shawnee City Commission

At this time, any interested citizens of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the proposed ordinance changes. The Commission reserves the right to limit discussion and debate on the proposed ordinance during the public hearing, in which event those persons appearing in support or opposition of the proposal will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or if you need additional information prior to the meeting, you may contact the Planning Department at 878-1665.

Copies of the proposed zoning rules are available for review in the Planning Department, City Hall Annex, 222 N. Broadway, Monday through Friday between 8:00 AM and 5:00 PM.

Witness my hand this 8th day of April, 2014.


Phyllis Loftis, City Clerk



FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map (kdrain@shawneeok.org) and filing fees upon submitting this application.

APPLICANT Eric J. Abeln, Heights Venture Architects, LLP

APPLICANT ADDRESS 1111 N. Loop West, Suite 800, Houston, TX 77008

APPLICANT PHONE NUMBERS 281.854.6119

EMAIL ADDRESS eric.abeln@hva.cc

NAME OF PLAT Lot 2, Block 1 of Shawnee Mall Subdivision

LOCATION Southwest corner of Lot 1, Block 1 of Shawnee Mall Subdivision

NUMBER OF ACRES 0.6375 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS N/A

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS N/A

TOTAL COST

FOR LESS THAN 2 ACRE LOTS: COST IS \$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 \$2.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS N/A

TOTAL COST \$327.00

OWNER/DEVELOPER INFORMATION:

NAME CFT DEVELOPMENTS, LLC

ADDRESS 1683 WALNUT GROVE AVE, ROSEMEAD, CA 91770

CONTACT NUMBERS 626-372-8151

EMAIL ADDRESS chris.pope@PandaRG.com

RECEIVED
APR 15 2014

PROJECT ENGINEER INFORMATION:

NAME Matt Moore, P.E. of Clay Moore Engineering

ADDRESS 1105 CHEEK SPARGER RD, SUITE #1, COLLEYVILLE, TX 76034

CONTACT NUMBERS 817-281-0572

EMAIL ADDRESS matt@claymooreeng.com

PLANNING DEPT

STATE OF OKLAHOMA)
) SS:
COUNTY OF POTTAWATOMIE)

-: AFFIDAVIT OF BONDED ABTRACTOR :-

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the Office of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described lands:

A tract of land lying in the North Half (N/2) of Section Thirty-one (31), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, and being described as follows: Commencing at the Southwest Corner (SW/C) of Lot 1, Block 1, FINAL PLAT OF SHAWNEE MALL SUBDIVISION, SECTION 2; thence N00°00'57"E, along the West line of said Lot 1, a distance of 62.17 feet; thence leaving said West line, S89°59'03"E a distance of 63.70 feet to the point of beginning; thence N00°00'00"E a distance of 165.64 feet; thence N90°00'00"E, a distance of 167.18 feet; thence S00°00'07"E, a distance of 165.58 feet; thence N89°40'44"W, a distance of 167.19 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to One (1), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 1st day of April, 2014.

FIRST AMERICAN TITLE AND TRUST COMPANY

By *Teresa Southard*
Teresa Southard, Licensed Abstractor #264

Ownership List

Order No. 1922584-SH99

Date April 1, 2014

Page No. 1

OWNER

BRIEF LEGAL:

Wal-Mart Property Tax Department – P.O. Box 8050 – MS 0555, Bentonville, AR 72712-8050
Part Block 1, Lot 1, SHAWNEE MALL SUBDIVISION, SECTION 2, to Shawnee

Wal-Mart Stores, Inc. – P.O. Box 8050 - MS 0555, Bentonville, AR 72712-8050
Part of Lot 1, Block 1, SHAWNEE MALL SUBDIVISION, SECTION 2, to Shawnee

Murphy Oil USA Inc. – P.O. Box 7000 – 200 Peach St., El Dorado, AR 71731
Beg. 339.27' E SW/C Lot 1, Block 1, SHAWNEE MALL SUBDIVISION, SECTION 2; thence N 133.72'; thence E 46.04'; thence N 43.04'; thence E 18'; thence S 43.04'; thence E 119.97'; thence S 134.66'; thence W 184' to beg.

State of Oklahoma – 200 NE 21st, Oklahoma City, OK 73105
Beg. SW/C SE/4 NE/4 NW/4 Section 31, Township 11 North, Range 4 East; thence N 335.13'; thence E 1320'; thence S 339.43' to SE/C SE/4 NW/4; thence W 1320' to beg.

Shawnee Brazos, LLC – 3100 Dundee Road, Suite 208, Northbrook, IL 60062
Part N/2 Section 31, Township 11 North, Range 4 East & Part of SHAWNEE MALL
SUBDIVISION to Shawnee

Regular Board of Commissioners

9.

Meeting Date: 05/19/2014

Final Plat S05-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a Final Plat for Panda Express located at 194 Shawnee Mall Drive. Case #S05-14 Applicant: Eric J. Abein

Regular Board of Commissioners

10.

Meeting Date: 05/19/2014

Shawnee Zoning Codes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation, consideration and public hearing on revisions to the City of Shawnee Zoning Codes.

Applicant: City of Shawnee

Attachments

Staff Report

Zoning Code Master Document



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT AND RECOMMENDATION
SHAWNEE ZONING CODE

AGENDA: May 19, 2014
TO: Shawnee City Commission
FROM: Justin Erickson, Planning Director
RE: Shawnee Zoning Code Update (complete rewrite)

SUMMARY

The Shawnee Planning Commission unanimously recommended approval of the new Shawnee Zoning Code on May 7, 2014. The code is the culmination of more than two years of intense work by the Planning Commission and Staff.

Individual zoning code sections were discussed at numerous public meetings/workshops and a formal public hearing was held on May 7. In addition, the Planning Department held an Open House and invited interested parties to hear a presentation, review the draft code, and ask questions on April 18. Attendees at the open house included individuals from the real estate, engineering/consulting and development community.

Approval of the proposed changes will substantially update a major component of the City's land use regulations. Additional work to be completed in 2014, includes the review and amendment of the Shawnee Subdivision and Development Standards. A comprehensive examination of the Shawnee Sign Code is planned for 2015.

BACKGROUND

The City's current zoning code was adopted in 1989 (Ordinance #1508) and has been modified in part through the approval of numerous ordinances adopted subsequently. It is adopted by reference and is not codified like other parts of the municipal code, which is somewhat cumbersome for Staff and the general public.

The City hired the consulting firm *Duncan Associates* to update the Zoning Code in 2006. Work continued on the code until late 2007 or early 2008, but the document was never adopted by the City Commission. It is Staff's opinion that the draft document considered at that time was overly complex and did not fully appreciate local preferences and development patterns.

PROPOSED CHANGES – HIGHLIGHTS

The existing Shawnee Zoning Code is approximately 203 pages in length. The proposed draft is 100 pages in length thanks to heavy use of tables and the consolidation of information and standards. It will be codified in Chapter 22 of the Shawnee Municipal Code. A summary of key elements is presented below:

1. The document has been substantially shortened and particular emphasis has been placed on readability and ease of use. For instance, the Commercial Use Table is now three pages instead of fifteen.
2. Consolidates all supplemental ordinances and provides consistency with State law.
3. Allowances made for triplexes and townhouses in the R-2 (medium density) zone.
4. Parking standards have been updated to reflect a more contemporary approach, recognizing that shared parking is common in commercial shopping complex development.
5. Specific standards for boarding/rooming houses and overnight shelters have been established.
6. Minor updates to the Airport Overlay Zone were made and reviewed by the Oklahoma Aeronautical Commission.
7. Child care uses and designations have been modified to be consistent with State law.
8. Landscaping standards have been updated and require additional landscaping for commercial sites, relative to parking lot landscaping and site perimeter.
9. Large commercial buildings (40,000 square feet and larger) require additional design review.
10. Building façade requirements along public streets are included for non-residential buildings, including non-residential buildings in residential zones.
11. The sale of low-point beer for off-premise consumption no longer requires a conditional use permit (e.g., the sale at a grocery store, convenience store, etc.).
12. Standards included to address traditional neighborhoods with special rules in place for infill development and specific uses.
13. Incidental sale of alcohol is permitted outright for eating establishments (e.g., like a “Chili’s” or “Red Lobster”). Bars, nightclubs, etc., still require conditional use permits and a public hearing.
14. Standards for the R-1 Zone (single-family residential) are essentially identical to current code relative to dimensional and other standards.

CONSISTENCY WITH COMPREHENSIVE PLAN

Staff has reviewed the proposed Zoning Code changes to ensure consistency with the Shawnee Comprehensive Plan (2005). The Comprehensive Plan includes a series of goals and objectives and speaks to the need to revise ordinances such as the Zoning Code to reflect the Plan, promote alternative site design, and incorporate a variety of housing types and densities (p. 9-9). The end goal is “high-quality development that promotes sensible development patterns... and is appropriate to achieve an efficient, diverse and balanced pattern of land uses” (p. 3-3).

The proposed Zoning Code has been designed to address local challenges and opportunities and at the same time, reflect contemporary land use planning principles that encourage economic growth, create great neighborhoods and promote a high quality of life.

RECOMMENDATION

Staff recommends approval of the revised Shawnee Zoning Code.

The City Commission meeting on May 19 will include a public hearing and discussion. The adopting ordinance will be on the June 2 meeting agenda for consideration.

Attachment

ZONING CODE



CITY

OF

SHAWNEE, OKLAHOMA

May 19, 2014 Final Draft

INDEX

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GENERAL PROVISIONS

SECTION 22-140

SECTIONS:

- 22-140.1 **SHORT TITLE**
- 22-140.2 **PURPOSE**
- 22-140.3 **APPLICATION**
- 22-140.4 **REGULATIONS OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES**
- 22-140.5 **FINAL PLATS AND DEVELOPMENT PLANS PREVIOUSLY APPROVED**
- 22-140.6 **COMPLETION OF APPROVED BUILDINGS**

SECTION 22-140.1 SHORT TITLE. This code, in pursuance of the authority granted by the Legislature of the State in Title II, Chapter 7, Sections 401-410 of the Oklahoma Statutes, is known as the Zoning Code of the City of Shawnee and may be cited as such.

SECTION 22-140.2 PURPOSE. The regulations contained in this code are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public facilities, and other facilities. In interpreting and applying the provisions of this code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 22-140.3 APPLICATION. This code classifies and regulates the land, buildings, and structures within the City Limits set forth in this code. The regulations contained in this code are necessary to promote health, safety, convenience, and welfare to the inhabitants by dividing the City into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

SECTION 22-140.4 REGULATIONS OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES. Except as otherwise provided in this code, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located in this code relating to any or all districts.

SECTION 22-140.5 FINAL PLATS AND DEVELOPMENT PLANS PREVIOUSLY APPROVED. All final subdivision plats and, site development plans, conditional use permits and planned unit developments submitted prior to the effective date of this code shall remain valid and intact subject to those provisions in effect at the time of its approval.

SECTION 22-140.6 COMPLETION OF APPROVED BUILDINGS. Nothing herein shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of this code or an amendment to this code, provided that actual construction of such building or structure commences in accordance with these provisions in effect at that time of the permit issuance and provided further that such construction and proposed use of such building or structure is not in violation of any other ordinance or law on the effective date of this code.

DEFINITIONS

SECTION 22-145

SECTIONS:

- 22-145.1 **GENERAL PROVISIONS**
- 22-145.2 **CLARIFICATION AND RELATIONSHIP OF TERMS**
- 22-145.3 **WORDS AND TERMS DEFINED**

SECTION 22-145.1 GENERAL PROVISIONS.

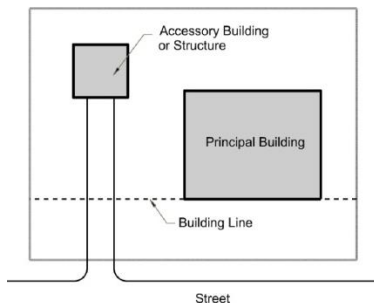
For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this chapter.

SECTION 22-145.2 CLARIFICATION AND RELATIONSHIPS OF TERMS.

1. For the purpose of these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural and words in the plural shall include the singular, except where the natural construction of the writing indicates otherwise. The word “shall” is mandatory and not directory, the word “should” is that which ought to occur, but is not mandatory. The word “should” allows for interpretation.
2. “Person” includes a corporation, a partnership, and an incorporated association of persons, such as a club; a “building” includes a part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”.
3. Words not herein defined shall conform to standard American-English usage.
4. Examples and lists shall not be considered to be all inclusive unless the content clearly states to the contrary.

SECTION 22-145.3 WORDS AND TERMS DEFINED.

1. **Accessory Building or Structure** - A subordinate structure detached from but located on the same lot as a principle building. The use of an accessory structure must be similar and accessory to the use of the principal building. Accessory structures include garages.

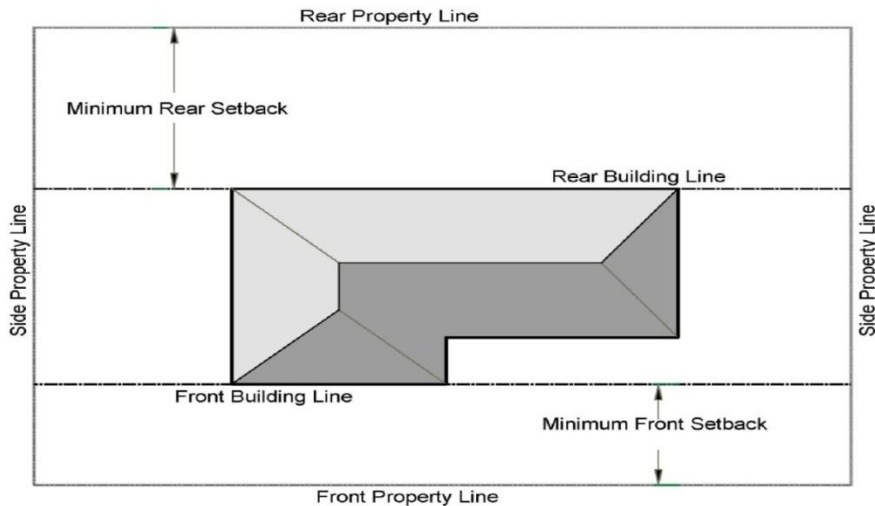


2. **Accessory Dwelling Unit** - A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

3. **Accessory Use** - A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.
4. **Adult Companion Home** - means any home or establishment, funded and certified by the Department of Human Services, which provides homelike residential accommodations and supportive assistance to three or fewer developmentally disabled adults.
5. **Adult Novelty Store** – A commercial establishment that displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices.
6. **Agriculture** - The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing produce; providing, however, that the operation, of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.
7. **Agricultural Animals** - Animals considered accessory to an agricultural use, whether for personal enjoyment or commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, duck, geese, pigs, goats, ostrich or emus.
8. **Alcohol Mixed Beverage Establishment** - A business which sells alcohol beverages by the individual drink for on-premises consumption who's alcohol sales make up more than fifty (50%) percent of sales. Typical uses might be a bar or night club.
9. **Alley** - A minor right-of-way dedicated to the public use not more than thirty (30') feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
10. **Animals: Grooming and Sales** - Grooming of dogs, cats, and other small animals. Typical uses include dog bathing and clipping salons, pet grooming shops or pet shops. No medical, training, or boarding services are permitted.
11. **Auctioning** - Auctioning of livestock on a wholesale or retail basis with incidental on-site storage of animals on a temporary basis not to exceed forty-eight (48) hour periods. Typical uses include animal auctions, livestock auctions or livestock auction yards.
12. **Assisted Living Facility** - A special combination of housing, supportive services, personalized assistance and health care designed to respond to individual needs of those who need help with activities of daily living. Interpreted definition shall be consistent with Oklahoma Continuum of Care and Assisted Living Act.
13. **Automobile Car Wash** - A building or structure designed primarily for washing automobiles using production line methods with a chain conveyor, blowers, steam cleaners, high pressure spray, or other mechanical devices. A self-service system may also be available for manual washing of vehicles.
14. **Automobile Wrecking or Salvage Yard** - An area outside of a building where motor vehicles are disassembled, dismantled, junked, or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.
15. **Basement** - A story partly or wholly underground. For purposes of height measurements, a basement shall be counted as a story when more than one-half (1/2) of its height is above the

average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes other than by a janitor employed on the premises.

16. **Bed and Breakfast** - A dwelling or area containing one or more structures occupied by the owner, where for compensation, lodging and breakfast are provided for up to a maximum of six (6) guest rooms per building; and the owner thereof intends that the same guest occupy the bed and breakfast facility for less than thirty (30) days.
17. **Billboard (including poster and panel types)** - Shall mean a non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.
18. **Block** - In describing the boundaries of a district, the word “block” refers to the legal description. In all other cases, the word “block” refers to the property abutting on one side of the street between two (2) intersecting streets or between an intersection street and a railroad right-of-way or between an intersecting street and a railroad right-of-way or between an intersecting street and a water course.
19. **Boarding House and Rooming House** - Where meals or lodging are provided for persons other than the family or their relatives and excluding facilities for transient persons such as hotels, motels, inns and other such facilities.
20. **Board of Adjustment** - The Board of Adjustment of the City of Shawnee, Oklahoma.
21. **Building** - Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.
22. **Building Coverage (Lot Coverage)** - The percentage of the lot area covered by the building. Overhanging roofs are not included in the area.
23. **Building Height** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the decline of a mansard roof or the average height of the highest gable of a pitch or hip roof.
24. **Building Line** - A line established beyond which no part of a building shall project, except as otherwise provided by this code.



25. **Building Site** - A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as required by this land use code.
26. **Cellar** - An underground structure separate from the foundation of the main building.
27. **Cemetery** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, excluding columbarium, crematories, mausoleums, and mortuaries.
28. **Child Care Center** – Facilities which provide care and supervision of children and which operate more than thirty (30) hours per week.
29. **Clinic** - A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises. The term “clinic” includes immediate care facilities, where emergency treatment is the dominate form of care provided at the facility.
30. **Club** - A non-profit association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized for some common purpose, but not including a group organized solely and primarily to render a service customarily carried on as a commercial enterprise.
31. **Community Development Director** – Also known as the Planning Director. Hereinafter referred to as, the “Director.”
32. **Comprehensive Plan** - The official plan of the City of Shawnee, Oklahoma, as adopted by the City Commission.
33. **Continuum of Care Facility** – means a home, establishment or institution providing nursing facility services as defined in Section 1-1902 of Title 63 of the Oklahoma Statutes.
34. **Convenience Goods and Personal Services** - Establishments or places primarily engaged in the provision of frequently needed, day to day retail commercial goods and services. Such uses are designed and intended to serve a limited local market, and to be generally within walking or short driving distance of a residential area.
35. **Court** - An open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such building or buildings.
36. **Coverage** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs. Paved areas are not considered improvements within the meaning of this provision.
37. **Drinking Establishment Sitdown, Alcohol Permitted** – Establishments or places of business where customers are seated and served and which are primarily engaged in the sale, mixing or dispensing of beverages containing more than five-tenths (0.5%) percent alcohol by volume for consumption on the premises. Typical uses include a tavern, bar, nightclub, or private club with minimal or no kitchen facilities and little or no food items served.
38. **Dry Cleaning or Laundry, Self-service** - Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

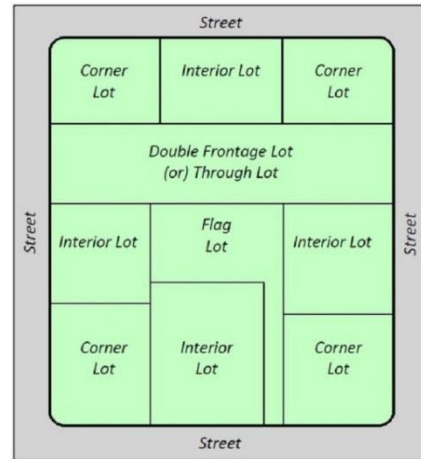
39. **Dwelling Unit** - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Not including a tent, cabin, travel trailer, boarding or rooming house, hotel or motel.
40. **Dwelling, Attached** - A dwelling having a portion of each of two (2) walls in common with adjoining dwellings.
41. **Dwelling, Four-plex** – A single structure containing four (4) dwelling units.
42. **Dwelling, Modular** - A relocatable living unit manufactured off-site and transported on an independent carrier unit, to a permanent site which has been constructed in accordance with the adopted building code.
43. **Dwelling, Multi-Family** - A building containing four or more individual dwelling units with independent living facilities, containing separate or joint entrances, including apartments and condominiums.
44. **Dwelling, Single Family** - A building containing one (1) dwelling unit and designed for or used exclusively by one (1) family.
45. **Dwelling, Townhouse** - A building on its own separate lot containing one (1) dwelling unit, with a private entrance, that occupies space from the ground to the roof and is attached to one or more other townhouse dwelling units by an approved wall.
46. **Dwelling, Triplex** – A building containing three individual dwelling units.
47. **Dwelling, Two-Family** - A building containing two (2) dwellings and designed for or used exclusively by two (2) families; also includes the word “duplex”.
48. **Dwelling Unit** - A room or group of rooms arranged, intended or designed as a habitable unit, containing kitchen, bath and sleeping facilities for not more than one (1) family living independent of any other family.
49. **Eating Establishments, Sitdown with no or incidental consumption of alcohol** - Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale, mixing or dispensing of beverages containing more than 0.5 percent alcohol by volume for on premise consumption as accessory to a restaurant operation. Annual receipts from the sale of permitted beverages containing alcohol may not exceed fifty (50%) percent of the combined total receipts from food and beverages. All requirements of Title 37 of the Oklahoma Statutes shall apply.
50. **Eating establishment: drive-in, drive-through restaurant (fast food)** – Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.
51. **Essential Services** - The erection, construction, alteration or maintenance by public utilities or municipal or other government agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories thereof, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

52. **Family** - One (1) or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding house or lodging house, hotel, club, or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.
53. **Family Child Care Home** - Offers care and supervision for up to seven (7) children in a family home for part of a 24-hour day. A **Large Family Child Care Home** means a residential family home that provides care and supervision for 8-12 children for part of a 24-hour day.
54. **Farmers Market** - The seasonal selling or offering for sale a retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sales.
55. **Fence, Sight-proof** - An opaque screen of earth, fencing or vegetation which conceals a required part of a parcel from view of an adjoining parcel or public way.
56. **Flood - One Hundred (100) Year Frequency** - A flood having an average frequency of occurrence once in 100 years although the flood may occur in any year, based on statistical analyses of the rainfall and run-off characteristics in the general region of the watershed, as determined by the City Engineer, or as determined by the U. S. Corps of Engineers and confirmed by the City Engineer or as determined by a registered professional engineer and certified by the City Engineer.
57. **Floodway** - The channel of a watercourse or drain way and those portion of the adjoining lands which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood.
58. **Flood Hazard Area** - The land areas adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater of the 100-year frequency flood based on full urbanization of the watershed.
59. **Floor Area** - The sum of the gross horizontal areas of the combined floors of a building or buildings, measured from the exterior faces of the exterior walls or from the center lines of walls separating two (2) buildings.
60. **Garage Apartment** - A Dwelling for one (1) family erected as a part of a private garage.
61. **Garage, Parking** - Any building or portion thereof used for storage of four (4) or more automobiles in which any services which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
62. **Garage, Private** - A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for storage of passenger vehicles, boats or trailers but not commercial vehicles on residential lots.
63. **Garage, Public** - The structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repairing or refinishing of any vehicles.
64. **Garage, Repair** - A building in which are provided facilities for the care, servicing repair or equipping of automobiles.
65. **Gasoline Service Station** - Any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental services including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

66. **Group Home** - means any establishment for not more than twelve (12) residents who are eighteen (18) years of age or older and who have developmental or physical disabilities, which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and which offers or provides supportive assistance to any of its residents requiring supportive assistance.
67. **Health Spa** - Means and includes any person, firm, corporation, organization, club or association engaged in a program of physical exercise, which includes the use of one or more of a sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or exercise rooms. Any interpretation of this definition shall be consistent with Oklahoma Statute, Title 59, Chapter 46.
68. **Home Occupation** - Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings.
69. **Homeowners Association** - An incorporated non-profit organization operating under recorded land agreements through which each lot and/or homeowner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and the charge if unpaid becomes a lien against the property.
70. **Hospital** - An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
71. **Hotel, Motel, or Inn** - A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied, intended, or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including a sanatorium, hospital, asylum, orphanage, or building where persons are housed under restraint.
72. **Incidental Repair-Automobile** - Accessory use of repairing automobiles which is incidental to main use of the building or structure.
73. **Industry** - The manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yard, warehouses, wholesale storage, and other similar types or enterprises.
74. **Institutional Uses** - Those uses organized, established, used or intended to be used for the promotion of a public, religious, educational, charitable, cultural, social, or philanthropic activity and normally operated on a non-profit basis.
75. **Junk or Salvage Yard** - A place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including all wrecking yards, house-wrecking yards, used-lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments.
76. **Kennel** - Establishment where three (3) or more dogs over four (4) months of age are boarded, trained, raised or bred for show or profit.

77. **Kennels and Veterinary, General** - Kennel and veterinary services for domestic animals, with incidental outdoor storage and runs permitted.
78. **Kennels and Veterinary, Restricted** - Kennel and veterinary services for small domestic animals, such as dogs, cats, or other household pets, with all operations and storage conducted within an enclosed building.
79. **Loading Space** - A space on the same lot as the principal use of at least ten (10') feet in width and thirty (30') feet in length and having a vertical clearance of at least fourteen (14') feet, designated for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
80. **Long-Range Plan/Comprehensive Plan** - The Long-Range Comprehensive physical development plan for the City of Shawnee which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, circulation, and community facilities.

81. **Lots** - For the purpose of this code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on at least one (1) paved and approved street built according to the subdivision design standards specified in Article II, Section 42.21 of the Subdivision and Development Standards, yet subject to the conditions specified in Title II, Section 45-104, Subsection D of the Oklahoma Statutes, and may consist of:



- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record and a parcel of land described by metes and bounds;
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this code.

82. **Lot, Corner** - A lot located at the intersection of an abutting two (2) or more streets.
83. **Lot, Depth** - The average distance from the street line of the lot to its rearline, measured in the general direction of the sidelines of a lot.
84. **Lot, Double Frontage** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
85. **Lot, Frontage** - The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yard shall be provided as indicated under YARDS in this section.

86. **Lot Measurements** -
- a. **Depth** - Depth of a lot shall be considered to be the distance between the midpoints of the side lot lines in front with the rear most point of the side lot lines in the rear.
 - b. **Width** - Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front

yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirement shall not apply.

87. **Lot-of-Record** - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
88. **Manufactured Housing** – A single-family dwelling built according to the United States Department of Housing and Urban Development manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also: (1) includes plumbing, heating, air conditioning, and electrical systems; (2) is built on a permanent chassis; and (3) can be transported in one or more sections with each section at least eight (8') feet wide and forty (40') feet long when transported, or when installed on the site is 320 square feet or greater. Homes built prior to June 15, 1976, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code.
89. **Medical Facilities** -
 - a. Nursing home, rest or convalescent homes.
 - b. Dental or Medical Clinic- A building used for the examination and treatment of the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions.
 - c. Dental or Doctor's Office- The same as dental or medical clinic, including the various dental or medical specialties.
 - d. Hospital- An institution provided physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff office which are an integral part of the facilities.
 - e. Public Health Center- A facility primarily utilized by a health unit for providing public health services, including related facilities.
90. **Mobile Home** – A factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.
91. **Mobile Home Parks** - Any plot of land upon which one (1) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
92. **Mobile Home Space** - A plot of land within a mobile home park designed for the accommodation of one (1) mobile home, and not located on a mobile home sales lot.
93. **Night Club** - An establishment which regularly provides facilities for dancing and/or live entertainment, either alone or in conjunction with a restaurant or bar.
94. **Nonconformance** - A conditional that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development or use is located.
95. **Nursery, Plan** - an area where plants (as trees and shrubs) are grown for transplanting, for use as stocks for budding and grafting, or for sale.

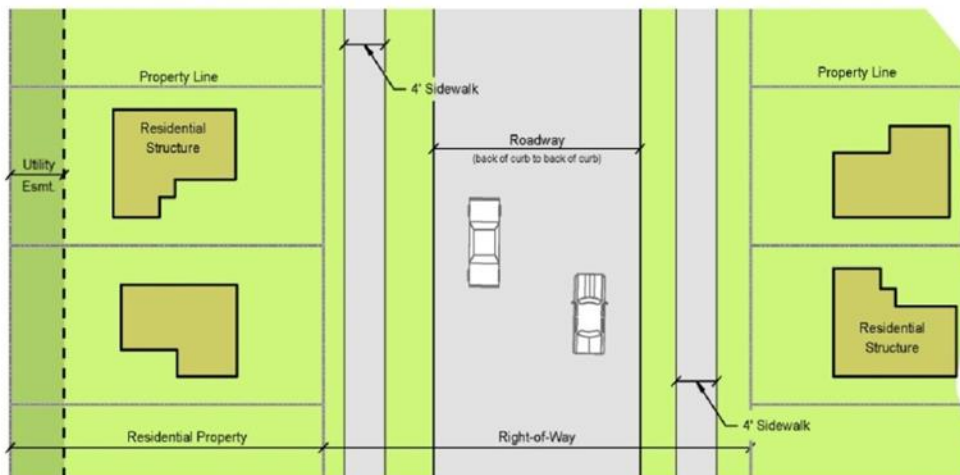
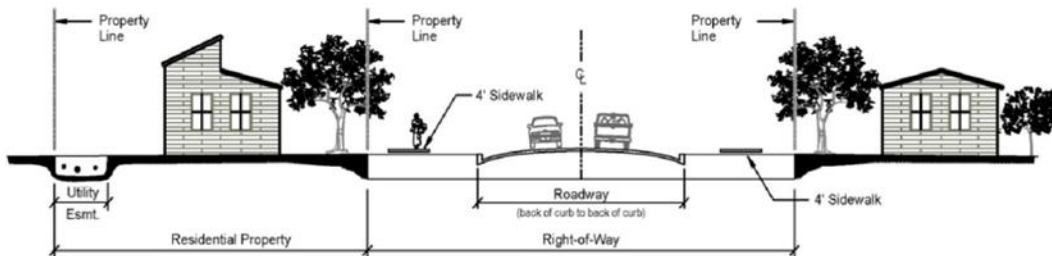
96. **Nursing Facility** - An establishment or an institution, a distinct part of which is primarily engaged in providing:
- a. Skilled nursing care and related services for residents who require medical or nursing care,
 - b. Rehabilitation services for the rehabilitation of injured, disabled, or sick persons, or
 - c. On a regular basis, health-related care and services to individuals who because of their mental or physical condition require care and services beyond the level of care provided by a residential care home and which can be made available to them only through a nursing facility.
97. **Off-Street Parking** - A type of parking wherein the maneuvering of the vehicle while parking and un-parking, as well as parking itself, is done entirely off of the street right-of-way, and where access to the area is by means of driveway approach built to the standards of the City of Shawnee.
98. **Open-Space** - Open space areas within a development which are designated or intended for the use and enjoyment of the residents and their guests.
99. **Overlay District** – An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.
100. **Parking Space** - A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.
101. **Personal Storage** - Buildings containing enclosed individual rental storage facilities not exceeding eight hundred (800') square feet per unit. These facilities are not used for sales purposes or storage of highly combustible materials. Typical uses include mini-warehouses or mini-storage and storage for recreational vehicles, boats, or trailers. This category does not allow any outdoor storage.
102. **Personal Services** – Establishments providing non-medically related services, including beauty and barber shops; clothing rental, dry cleaning pick-up stores, shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.
103. **Planned Unit Development** - A form of development characterized by a unified site design which may include provided common open space, density averaging and mixing of building types and land uses.
104. **Planning Commission** - The Shawnee Planning Commission, as established by the statutes hereinabove cited. The Shawnee Planning Commission shall also be the Zoning Commission for the City of Shawnee.
105. **Religious Facility** - A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
106. **Residential Care Home** - Any home, establishment, or institution licensed pursuant to the provisions of the Oklahoma Residential Care Act other than a hotel, motel, fraternity or sorority house, or college or university dormitory, which offers or provides residential accommodations, food service, and supportive assistance to any of its residents or houses any resident requiring supportive assistance. The residents shall be persons who are ambulatory and essentially capable of managing their own affairs, but who do not routinely require nursing care; provided, the term "residential care home" shall not mean a hotel, motel, fraternity or sorority house, or college or university dormitory, if the facility operates in a manner customary to its description and does not

house any person who requires supportive assistance from the facility in order to meet an adequate level of daily living.

107. **Residential Child Care Facility** - Means a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

108. **Retail Sales and Services** - Establishments engaged in the sale or rental of goods and services, both retail and wholesale of commonly used goods, merchandise, and services.

109. **Right-of-Way** - A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, sidewalk, railroad, electric transmission line, oil or gas pipeline, water line, wastewater line, storm water line, other public utilities or facilities, or other similar use.



110. **Setback** - The distance between the lot lines and the building line on which it is located.

111. **Signs** - Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

112. **Special Use Permit-Exception** - A use of a design element of a use which is not permitted by right in a particular district because of potential adverse effect, but which is controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustments, where specifically authorized by this Code, and in accordance with the substantive and procedural standards of this code.

113. **Site Plan** - A plan showing location and size of water and sewer lines and storm sewers, paving, contours at two (2') foot intervals, building pad elevations, spot elevations at each lot corner for all lots in the subdivision, lot and street drainage arrows, street light locations, water and sewer

service connections, top of curb elevations, lot dimensions, fire hydrants, manhole locations, right-of-way widths and utility easements.

114. **Story** - That portion of a building including between the surface of any floor and the surface of the next floor above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.
115. **Street** - A public right-of-way more than thirty (30') feet in width which provides the primary means of access to abutting property and used primarily for vehicular circulation.
116. **Street, Arterial** - Any street designated on the Comprehensive Plan as an arterial, primary arterial, secondary arterial, major street, etc.
117. **Structure** - Anything constructed, the use of which requires permanent location on the ground or attachment to something having permanent location to the ground (not including sidewalks, driveways and similar improvement areas).
118. **Structural Alteration** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the room or in the exterior walls.
119. **Subdivision** – The division or re-division of land as further specified in the Shawnee Subdivision Standards and Oklahoma State Statutes.
120. **Thoroughfare Plan** - The part of the Comprehensive Plan referring to transportation development goals, principles, and standards; also includes use of the words “major street plan” and “trafficway plan.”
121. **Trailer, Hauling** - A vehicles to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods, or commodities, including boats.
122. **Trailer, Travel or Camping** - All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use, this is meant to include tent trailers and motor-driving travel vehicles, not included in the definition of “independent mobile homes”. For the purpose of these regulations, a dependent mobile home is considered the same as a travel trailer, unless otherwise specified.
123. **Travel Trailer Park** - Any plot of land upon which one (1) or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
124. **Treatment facility** - Any facility that offers either inpatient, intermediate or outpatient treatment to any person suffering from alcohol or drug abuse, or alcohol or drug related problems, and is certified by the Board of Mental Health and Substance Abuse Services. Interpretation of a “treatment facility” and “treatment” shall be consistent with Title 43A, Section 3-403 of Oklahoma Statutes.
125. **Tree Protection Zone (TPZ)** - The undisturbed space that is needed for the trees to retain good health and vigor during and after construction. The standard for determining the TPZ will be the drip line method. This is the area directly below the branches or canopy of the tree.
126. **Use** - The legal enjoyment of property that consists of its employment, occupation, exercise or practice.
127. **Variance** - A modification of a restriction of the Zoning District Regulations granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or

other extraordinary or exceptional situation, condition or circumstances of a particular property, the literal enforcement of the restriction would result in unnecessary hardship.

128. **Yard** - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30") inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

129. **Yard, Front** - A yard extending between side lot lines across the front of a lot adjoin a public street.

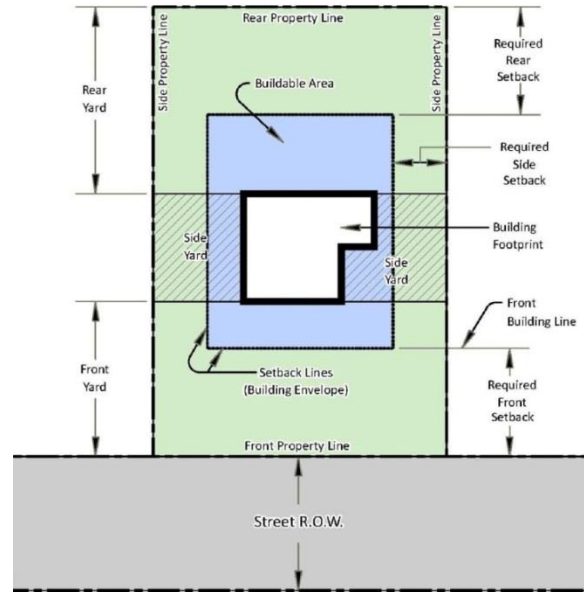
In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30") inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30") inches and ten (10') feet.

In the case of through lots, unless the prevailing front yard pattern or adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Director may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard and a second front yard or half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided in either frontage, or a second front yard or half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the Director shall determine the front yard requirements, subject to the following limitations: (a) At least one (1) front yard shall be provided and have the full depth required generally in the district; (b) no other front yard on such lot shall have less than half the full depth required generally.



130. **Yard, Depth** - The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot lines, in the case of rounded property corners as street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

131. **Yard, Interior-Side** - Any side yard that does not abut a street.

132. **Yard, Rear** - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.
133. **Yard, Side** - A yard extending from the rear lines of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yard required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall considered side yards.
134. **Yard, Special** - A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Director shall require a yard with minimum dimension as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.
135. **Yard, Width** - The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
136. **Zoning District** - Any section or sections of the City for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

ESTABLISHMENT OF DISTRICTS

SECTION 22-150

SECTIONS:

- 22-150.1 ZONING DISTRICTS ESTABLISHED**
- 22-150.2 ZONING MAP INCORPORATED**
- 22-150.3 MAINTENANCE OF OFFICIAL ZONING MAP**
- 22-150.4 INTERPRETATION OF DISTRICT BOUNDARIES**
- 22-150.5 VACATION OF PUBLIC EASEMENT**

SECTION 22-150.1 ZONING DISTRICTS ESTABLISHED

A. For the purpose of this code and the promotion of public health, peace, safety and general welfare of the community, the City of Shawnee is divided into Zoning Districts as shown on the Zoning Map and filed with the City Clerk.

B. Zoning Districts shall be designated as follows:

Agriculture

A-1 Rural Agricultural District

Residential

RE Residential Estates District

R-1 Single Family Residential District

R-2 Combined Residential District

R-3 Multi-Family Residential District

Commercial

C-1 Neighborhood Commercial District

C-2 Suburban Office Commercial District

C-3 Restricted Automotive and Commercial Recreation District

C-4 Central Business District

C-5 General Commercial District

CP Planned Shopping Center District

Industrial

I-1 Restricted Light Industrial District

I-2 Light Industrial District

I-3 Heavy Industrial District

Overlay / Floating Zones

TN Traditional Neighborhood

AP Airport

LPZ Lake Protection Zone

SECTION 22-150.2 ZONING MAP INCORPORATED

The location and boundaries of the Zoning Districts shall be established by ordinance and shall be delineated and shown on a map entitled "Official Zoning Map of the City of Shawnee, Oklahoma," and the Zoning Map is hereby incorporated as a part of this code.

SECTION 22-150.3 MAINTENANCE OF OFFICIAL ZONING MAP

It shall be the duty of the Director to maintain an up-to-date “Official Zoning Map of the City of Shawnee, Oklahoma”, including all amendments directly adopted by the City Commission.

SECTION 22-150.4 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the Zoning Districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center line;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line, boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsection A through E, above, shall be so construed. Distances not specifically indicated on the Official Zoning Map, shall be determined by the scale of the Map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in the other circumstances not covered by subsection A through F above, the Board of Adjustment shall interpret the district boundaries; and
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this code, the Board of Adjustment may permit, as a variance, the extension of the regulations for either portion of the lot not to exceed fifty (50’) feet beyond the district line into the remaining portion of the lot.

SECTION 22-150.5 VACATION OF PUBLIC EASEMENT

- A. Whenever any street, alley or other public easement is vacated, the district classifications of the property to which vacated portions of land accrue shall become the classifications of the vacated land.
- B. No vacation of any plat or public way, or part thereof, shall operate or invalidate or impair the right-of-way municipal utility or regulated transmission company to continue to possess, occupy, and use that part of the public way, utility easements, or rights-of-way existing within the affected area and occupied and used by any municipal utility or regulated transmission company for the performance of its public service undertaking. Said easements shall be defined in any decree of vacation. The municipal utility or regulated transmission company may maintain, replace, repair, and operate its facilities, have unrestricted ingress and egress to said locations, and remove its facilities without impairment by reason of the vacation or partial vacation of any plat or public way.

AGRICULTURAL USES

SECTION 22-155

SECTIONS:

- 22-155.1 PURPOSE**
- 22-155.2 USES**
- 22-155.3 CLASSIFICATION OF ZONES**
- 22-155.4 DIMENSIONAL STANDARDS**
- 22-155.5 AREA REGULATIONS**

SECTION 22-155.1 PURPOSE

The regulations for the Agricultural Zoning District are designed to protect undeveloped areas from intensive uses until a use pattern is approved.

SECTION 22-155.2 USES

The permitted uses in the agricultural district are set forth in the table below. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears instead of the letter “X”, this use is permitted subject to a Conditional Use Permit as set forth in Section 22-205.7

For a complete list of additional requirements, please refer to Section 22-175.

Table 22-155.2.1. Permitted Uses in Agricultural Districts

TABLE OF PERMITTED USES IN AGRICULTURAL DISTRICTS	ZONING DISTRICT
Permitted Uses	A-1
Accessory identification signs	X
Agricultural land uses, buildings, and activities	X
Aircraft transportation (conditional use requirement shall apply only to establishing and enlarging of airports, flying fields and heliports and to establishing, relocating and lengthening of runways	P
Airway beacon or marker	X
Animal hospital (with or without outside runs)	X
Apiary	X
Arboretum or botanical garden	X
Boarding or training animals	X
Carnival, circus, tent revival or similar temporary open air enterprise	P
Cemetery	P
Civil defense and related activities facility	X
Communication towers/cell phone towers	P
Community center: public	P
Construction facilities, accessory	P
Drilling, operating, equipping, and maintaining of wells for oil and gas	P

Earth moving, excavating or depositing gravel, minerals, rock, sand or stone on the ground	P
Electric regulating substation	X
Family child care home	X
Farm for raising dogs, cattle, goats, horses, sheep, rabbits, poultry, or other farm animals	X
Field crop farm (Farming, grazing, fishery, livestock, poultry)	X
Fire protection and related activities facility	X
Flood control works	P
Golf course; public or private	X
Home occupation (shall comply with Home Occupation provisions)	X
Horticultural specialty farm	X
Large family child care home	P
Library: private or public	P
Manufactured homes	P
Mental institution	P
Mining, quarrying or earth extractions	P
Monastery, convent or novitiate	P
Motion picture theater; drive-in	P
Museum or art gallery	P
Nursery (trees and shrubs)	X
Parish house, parsonage or rectory	X
Public buildings and facilities	X
Radio transmitting station or tower, other than amateur	P
Ranching	X
Religious retreat facility	P
Religious Facilities	X
Retail sale of farm products sold on premises	X
Riding Arena or Stable	X
Rodeo grounds	P
Sanitary Landfill	P
School, elementary & secondary: public or equivalent private	X
Single-family detached dwelling	X
Skeet and/or trap shooting range	P
Veterinarian facilities	P
Wildlife area (public)	X
In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted.	

SECTION 22-155.3 CLASSIFICATION OF ZONES

A-1, RURAL AGRICULTURAL DISTRICT

The A-1 Rural Agricultural District is intended to provide an area primarily for agricultural uses or extraction of the various products such as oil, minerals, rock and gravel from the earth and/or to prevent such land from being prematurely developed for urban purposes. The rural nature and low density of population in this district requires only that buildings and facilities related to the uses of this district have a reasonable setback from streets and highways. It is the purpose of this district to protect such agricultural or extractive uses from unplanned urbanization so long as the land is not programmed for essential municipal services.

SECTION 22-155.4 DIMENSIONAL STANDARDS

Table 22.155.4.1 provides the density and dimensional standards for each zone. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-155.4.1. Agricultural Dimensional Standards

Standard	Agricultural Zoning Districts
Minimum lot size	Five (5) Acres
Minimum lot width (all lots of 10 acres or less)	330'
Minimum street frontage	None
Front yard setback	50'
Side yard setback	30'
Side yard setback – Accessory Building	10'
Rear yard setback	50'
Maximum site coverage (Interior lot)	30%
Maximum site coverage (Corner lot)	35%
Maximum site coverage (Accessory buildings)	20% of rear yard
Maximum building height (feet)	35'
*See each classification of zones for additional regulations that may apply to specific zonings.	

SECTION 22-155.5 AREA REGULATIONS

- A. There shall be a lot area of not less than five (5) acres including street dedications, and not more than one (1) principal building shall be permitted on any one (1) lot.
- B. Where a lot has less area than required in this chapter and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations codified in this Code. That lot may be used for any of the uses permitted by this section.
- C. The raising of animals or poultry in accordance with the ordinances of the City of Shawnee and in accordance with the following provisions:
 - 1. There shall be provided a fenced area of not less than twenty thousand (20,000') square feet exclusive of the area covered by main buildings and required front and side yards, for each large animal, including horses, cattle, sheep and all structures and buildings for the care and protection of animals shall be located not closer than twenty (20') feet to a side or rear lot line.
 - 2. Animals and poultry may not be kept on any lot of less than two (2) acres which does not contain an occupied dwelling.
 - 3. The raising of hogs shall be prohibited on all tracts of less than forty (40) acres. The number of hogs over two (2) months of age shall not exceed twenty (20) grain-fed or five (5) garbage-fed hogs. Hogs shall not be located closer than one hundred (100') feet to the property line of the tract on which they are located.
- D. If twenty-five (25%) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than fifty (50') feet, and no building varies more than five (5') feet from this average setback line, then no building shall be erected closer to the street line than the minimum

setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than sixty-five (65') feet.

RESIDENTIAL USES

SECTION 22-160

SECTIONS:

- 22-160.1 PURPOSE**
- 22-160.2 USES**
- 22-160.3 CLASSIFICATION OF ZONES**
- 22-160.4 DIMENSIONAL STANDARDS**
- 22-160.5 TOWNHOUSE DEVELOPMENT STANDARDS**
- 22-160.6 TRADITIONAL NEIGHBORHOOD INFILL STANDARDS**
- 22-160.7 MULTIFAMILY DEVELOPMENT STANDARDS**
- 22-160.8 OTHER RESIDENTIAL STANDARDS**
- 22-160.9 LARGE FAMILY CHILD CARE HOME**

SECTION 22-160.1 PURPOSE

It is the City of Shawnee’s intent that residential neighborhoods and uses be developed and preserved against intrusions by incongruous land uses. These zone classifications are established, in order to permit a variety of housing and population densities with minimal conflict. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in these districts.

There are four primary residential zoning districts established for the city, including one rural residential designation (RE), one low density designation (R-1), one medium density designation (R-2) and one high density zone (R-3). In addition, a Traditional Neighborhood (TN) Floating Zone is also established to address infill development on lots legally existing prior to 1960. More limited (secondary) residential development is allowed in some commercial zone designations as provided for in other sections.

SECTION 22-160.2 USES

The permitted uses in the residential districts are set forth in Table 22-160.2.1. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears, the use is permitted subject to acquiring a Conditional Use Permit as set forth in Section 22.205.7.

Table 22-160.2.1. Permitted Uses in Residential Districts

TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS	RE	R-1	R-2	R-3	TN
Accessory Dwelling Unit (ADU) to single family residential	—	—	P	P	P
Accessory structure and/or use, not including dwelling unit	X	X	X	X	X
Apartments, multi-family dwellings (high density)	—	—	—	X	—
Duplex or triplex	—	—	X	X	—
Home occupation (shall comply with the home occupation provisions set forth Section 22-175.18)	X	X	X	X	X
Mobile and/or manufactured home parks	—	—	—	P	—
Single family detached dwelling (on individual lots)	X	X	X	X	X

Townhouse (single family attached on individual lots)	—	—	X	P	—
Institutional and/or Nonresidential Uses					
Adult companion home	X	X	X	X	—
Assisted living, nursing, continuum of care facility	—	—	—	P	—
Bed and breakfast	P	P	P	P	—
Boarding or rooming house	—	—	—	P	—
Cemetery or memorial garden	P	P	P	P	—
Communication towers/cell phone towers	—	P	P	P	—
Community uses (swimming pools, community centers)	P	P	P	P	—
Family child care home	X	X	X	X	—
Golf course	P	P	P	P	—
Group home	X	X	X	X	—
Hospital, outpatient medical facilities	—	—	—	P	—
Large family child care home	P	P	P	P	—
Privately owned primary and secondary educational facilities	P	P	P	P	—
Public buildings and facilities, including schools	X	X	X	X	—
Religious facilities	X	X	X	X	—
Residential care home	—	—	P	P	—
Residential child care facility	—	—	P	P	—
Agricultural Uses					
Agricultural land uses, buildings and activities on tracts over 2 acres	X	—	—	—	—
Apiary	X	—	—	—	—
Community garden	X	X	X	X	X
Greenhouses/nursery- no products sold on the premises	X	X	X	X	—
In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted.					

SECTION 22-160.3 CLASSIFICATION OF ZONES

A. RE, Residential Estates District

This Residential Estates District is intended to provide for very low density single family housing with rural amenities, where partial urban services are provided by the municipality and health and safety standards may be otherwise insured by the individual on large lots. It is anticipated that the tracts in this district will be in close proximity to residential and commercial uses and be adequately served by police and fire protection and all City services when available.

B. R-1, Single Family Residential District

The principal use of land is for single family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each element.

C. R-2, Medium Density Residential District

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 District. The principal use of land is for medium density and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities, and through the consideration of the proper functional relationship and arrangement of each element.

D. R-3, Multi-family Residential District

This R-3 Multi-family Residential District is intended to provide for multiple family developments which have a concentration of dwelling units served by open spaces including common areas and facilities. The principal use of land is for townhouses and multiple family dwellings and recreational, religious, and educational uses normally located to serve the basic elements of convenient, balanced, and attractive living areas.

SECTION 22-160.4 DIMENSIONAL STANDARDS

Table 22-160.4.1 provides the density and dimensional standards for each zone. Note that other dimensional standards may be approved as part of an approved PUD. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-160.4.1. Density and Dimensional Standards by Zone.

Standard	Residential Zoning Districts				
	RE	R-1	R-2	R-3	TN
Minimum lot size (square feet)	One acre or larger if required by Health Department or Oklahoma DEQ	6,000	1,800 (townhouse) 6,000 (one unit) 10,000 (2-3 units) *maximum density for townhouse development is 3 units per 10,000 square feet	1,800 (townhouse) 6,000 (one unit) 10,000 (2-3 units) 10,000 + 2,000 per unit over three (multifamily)	As established per legal lot of record (see Section 22-160.6)
Minimum lot width (feet)	120	60	20 (townhouse) 60 (one unit) 80 (2-3 units)	20 (townhouse) 60 (one unit) 80 (2-3 units) 100 (more than 3 units)	As established per legal lot of record (see Section 22-160.6)
Minimum street frontage	75	35	20 (townhouse) 35 (one unit) 50 (2-3 units)	20 (townhouse) 35 (one unit) 50 (2-3 units) 80 (over 3 units)	As established per legal lot of record (see Section 22-160.6)
Front yard setback	40	25 20 (cul-	25	25	See Section 22-160.6

		de-sac lot)			
Front yard setback – rear loading or front recessed loading garage ¹	N/A	15	15	Only approved through PUD process	N/A
Side yard setback	10	5	5	5	5
Side yard setback – corner lot	15	15	15	10	See Section 22-160.6
Rear yard setback	40	20	10	10	10
Setback, side and rear for unattached accessory structures	10	10	10	10	5
Maximum site coverage (building footprint)	15%	35%	35%	50%	60%
Maximum building height – residential (feet)	35	35	35	45	35
Maximum building height – accessory structure	20	20	20	35	20
¹ Applicable only to residences with attached or detached garages located in the rear of the yard and accessed from an alleyway or if accessed from the front yard, the garage shall be setback five (5) feet from the front building line of house.					

SECTION 22-160.5 TOWNHOUSE DEVELOPMENT STANDARDS

Townhouse development on new or existing lots shall adhere to the following standards:

- A. Each townhouse shall be located on its own legal lot of record.
- B. Townhouse buildings shall include no more than eight (8) townhouse units and shall be separated by not less than fifteen (15') feet, inclusive of setback areas.
- C. Townhouse development shall be designed so that garage doors do not dominate the ground level street-facing facade and do not project beyond the front plane of the residence. This can be accomplished by incorporating alley access into site design and locating garage and parking areas to the rear. Garage doors shall not comprise more than fifty (50%) percent of the front yard facing facade of a townhouse and shall not extend beyond the front building elevation (plane of the structure).

- D. Townhouses with street-facing garages may have one driveway access located between the street and the primary building entrance for every two (2) dwelling units, provided they meet the following criteria:
 - 1. Where two abutting townhouses have street-facing garages, they shall share one driveway access that does not exceed twenty (20') feet in width where it intersects the street;
 - 2. All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three feet wide;
 - 3. The maximum number of consecutively attached townhouses with garages facing the same street is six (three shared driveways).

- E. Building facade modulation or appropriate architectural treatment shall occur at least every thirty (30') feet along the length of facades facing adjacent properties or a public street. Minimum modulation depth shall be two (2') feet. The use of covered front porches, end wall windows, building offsets/modulation, dormers and other design techniques shall be included in the design, although there is not a specific architectural requirement.

- F. Additional conditions for townhouse developments including provisions for landscaping, architectural design, recreation and open space, stormwater management, street and infrastructure improvements and other topic, may be required by the city as part of the platting, PUD and development process in accordance with applicable rules.

SECTION 22-160.6 TRADITIONAL NEIGHBORHOOD INFILL STANDARDS

The Traditional Neighborhood (TN) floating zone is applied to legally created lots that are located in plats or replats recorded prior to 1960. The underlying base zoning of the lot does not change, but rather additional zoning standards are applied (as an overlay) to the base zoning to ensure that construction is compatible with the neighborhood. Nothing in this section shall be interpreted as limiting the re-platting of existing lots.

- A. Build-to line. The intent of a build-to line is to ensure that new residences constructed in established neighborhoods are placed in a manner that is compatible and consistent with the placement characteristics of existing neighborhoods, and to maintain a consistent building line. If existing residences are close to the street with shallow front yards, so too should be the residential infill development.

- B. Requirement. The build-to line in an established neighborhood shall be as determined by the Director pursuant to this intent. In the case of residential infill development on a corner lot, the prevailing principal building setbacks along the side street shall establish the build-to line along the side street.

- C. Setback Averaging. The front-yard setback shall be as required by the build-to-line as established by the Director, unless the adjacent residential setbacks vary in distance. In this case, the setback is based on the average of the respective as-built setbacks on the two adjoining lots. See Figure 22-160.6.1 for an example of setback averaging. The resulting average setback shall be the minimum setback. The maximum setback shall not exceed the adjacent residence with the greatest setback. If the undeveloped lot is a corner lot, the build-to-line shall be consistent with the residential structures on either side. Figure 22-160.6.2 illustrates such a scenario.

- D. Setback Variance. The Zoning Board of Adjustment may grant a variance to any build-to line established by the Director, in cases where site constraints (e.g., protection of existing trees, topographic limitations, etc.) or other practical difficulty would warrant such a variance.

Figure 22-160.6.1. Setback averaging for interior lots.

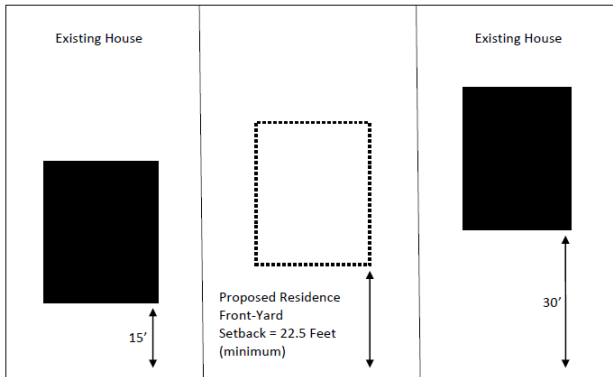
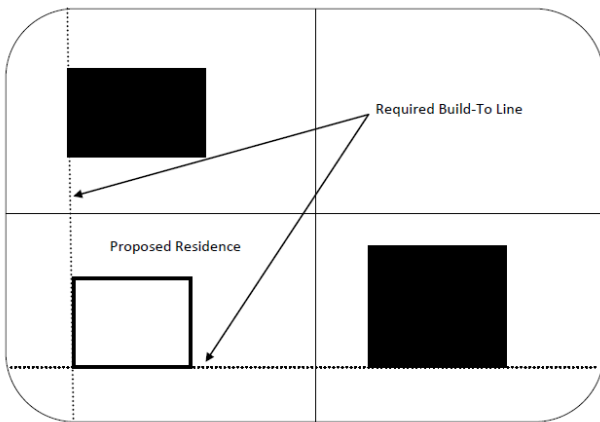


Figure 22-160.6.2. Setback averaging for corner lots.



SECTION 22-160.7 MULTIFAMILY DEVELOPMENT STANDARDS

Multifamily housing (more than three units) developments shall be constructed in accordance with the following standards:

- A. Parking lots shall be located to the side and/or behind buildings and shall not dominate the front yard area. A five foot landscape buffer shall rim the perimeter of the parking lot and planting islands shall be included in accordance with the established landscaping requirements.
- B. Units adjacent to public or private streets shall have the primary building entrances located on the façade facing the street.
- C. Pedestrian access routes shall be provided from the public or private street(s) to all primary building entrances in the form of a continuous separated pathway of at least five feet in width.
- D. Building facade modulation or appropriate architectural treatment shall occur at least every thirty (30') feet along the length of facades facing adjacent properties or a public street. Minimum modulation depth shall be two (2') feet. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls).
- E. Developments with multiple buildings shall use appropriate architectural variations and use of colors to differentiate buildings within the development.

- F. Large multifamily complexes that have more than 25 units shall include an open space and recreational component into the site design, which comprises at least fifteen (15%) percent of the gross site area. This requirement can be accomplished through the use of landscaping, play areas and common open space.
- G. Lighting shall be directed downward, inward and away from public rights-of-way and adjoining uses. All lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source.
- H. The Director reserves the right to approve an alternative design that does not meet the above standards when unique site conditions make strict adherence to the standards of this section impractical; provided, that in doing so, the Director may levy additional conditions as mitigation.

SECTION 22-160.8 OTHER RESIDENTIAL STANDARDS

The following supplemental standards apply to all zoning districts in the City, but are located in this Section because they are most often applied to residentially-zoned property. The regulations set forth in this section qualify or supplement, as the case may be, the specific zoning district regulations appearing in Section 22-160.4.

- A. Street access for dwellings. The following standards apply:
 - 1. No dwelling shall be erected on a lot which does not abut on an approved street built according to the subdivision and development standards specified in the adopted Shawnee Subdivision and Development Standards. This abutment shall be at in accordance with the dimensional standards in Section 22-160.4. A street shall form the direct and primary means of ingress and egress of all dwelling units. Alleyways are a permitted as a means of providing access to parking locations and ease of access to main structure. The front façade of the structure shall generally face the public right of way, even if the street is not the main point of access to the residence.
 - 2. Provided however, the provisions herein relating to streets built according to said the Subdivision and Development Standards shall not apply to dwellings built on dedicated streets constructed prior to the adoption of said standards and accepted by the City for maintenance, or to dwellings built on streets constructed prior to their being annexed to the Corporate Limits of the City, if such streets were part of the county road system prior to annexation.
- B. Sight line at intersections. On all corner lots on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3') feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of the intersection of the front and exterior side lot lines a distance of thirty (30') feet along said front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.
- C. Adjoining property. Where a lot has less area than required and all the boundary lines of that lot abut land under other ownership on the effective date of these regulations, the lot may be used for any of the uses permitted.
- D. Accessory building construction. Except in the A-1 Zone, no accessory building shall be constructed upon a lot until the construction of the main building has been commenced and no accessory building shall be used unless the main building on the lot is also being used. Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use. The accessory building and use must be clearly incidental to and customarily found in connection with the principal use or building.
- E. Institutional and nonresidential development standards. In order to address impacts and compatibility issues between residential and nonresidential development, nonresidential uses and

institutional uses not addressed elsewhere in this chapter shall comply with the following provisions:

1. The multifamily design standards set forth in Section 22-160.7 shall apply to new institutional and nonresidential buildings.
 2. For the purposes of this section, institutional and nonresidential development shall include hospitals, medical clinics, congregates/elder care facilities, office buildings, hotels, motels, churches, community centers, fraternal lodges, schools and similar nonresidential/institutional uses.
 3. Those uses that require a Conditional Use Permit are also required to meet all applicable criteria set forth in this Section.
- F. Area requirements for dwellings not served by sanitary sewer system. Sites for dwellings which are not served by a sanitary sewer system shall conform to the requirements of the Oklahoma State Department of Health.
- G. Trailer and boat parking. No trailer used for hauling or boat shall be stored or parked in any residential front yard or unscreened side yard or public utility easement; nor shall such trailer or boat project beyond the front of any building in a residential district. However, any boat that is tagged for the current year and is in working condition may be parked on a trailer in a residential, hard-surfaced (asphalt/concrete) driveway providing the boat is covered with a tarpaulin.
- H. Accessory Dwelling Units (ADUs). Accessory dwelling units are designed to allow for a secondary residence which is attached to the main structure or over a current detached garage. The intent of this regulation is to allow additional options for homeowners in relation to allowing family members or renters housing while still maintaining a neighborhood feel. In addition to a Conditional Use Permit, accessory dwelling units must also meet the following criteria:
- General Requirements:
1. The property owner must reside in either the principal structure or the ADU.
 2. Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplexes, triplexes or multi-family dwelling units.
 3. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
 4. The ADU may only be located in the established rear yard.
 5. The living space of the ADU shall not exceed 900 square feet.
 6. The footprint of a single story detached accessory dwelling shall not exceed 50% of the first floor area of the principal structure.
 7. The footprint of a two-story detached accessory dwelling shall not exceed 40% of the first floor of the principal structure.
 8. ADUs with a second story dwelling unit shall enclose the stairs interior to the structure.
 9. The ADU shall be of similar style, design and material color and used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
 10. A home occupation shall not be based out of the ADU.
 11. The ADU must provide, at minimum, one off-street parking space.
 12. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances exist which requires approval from the Director.
 13. The lot area shall be larger than 10,000 square feet.
- I. In all residential districts, churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35') feet.

SECTION 22-160.9 LARGE FAMILY CHILD CARE HOME

Large Family Child Care Homes may be permitted as an accessory use to a permitted residential use within a Single Family Residential Zoning Districts provided that such use shall:

- A. Be permitted only with a Conditional Use Permit;
- B. Comply with all rules, regulations, and licensing requirements adopted by the State of Oklahoma through its Department of Human Services;
- C. Provide off street (on-site) loading areas convenient to customers;
- D. Provide adequate off-street (on-site) parking for employees, volunteers, and visitors;
- E. Shall limit the operation and provision of services thereof to the hours between 6:00 am and 9:00 pm daily;
- F. Be designed such that there is no play equipment or care of children in the front or exterior side yard, and such that all outdoor facilities shall be enclosed by a fence with an automatically closing and latching gate;
- G. Be developed, maintained and operated so that the building and yards have the appearance and character of a single family dwelling, and do not detract from abutting single family dwelling properties;
 - 1. Meet the distance separation requirements
 - 2. Have a capacity not exceeding twelve (12) children who are not related to the owner or operator thereof.

COMMERCIAL USES

SECTION 22-165

SECTIONS:

- 22-165.1 PURPOSE**
- 22-165.2 USES**
- 22-165.3 CLASSIFICATION OF ZONES**
- 22-165.4 DIMENSIONAL STANDARDS**
- 22-165.5 COMMERCIAL BUILDING DESIGN STANDARDS**
- 22-165.6 MAJOR NONRESIDENTIAL OFFICE OR RETAIL BUILDING STRUCTURE DESIGN STANDARDS**
- 22-165.7 RESIDENTIAL STANDARDS IN C-4 ZONE**
- 22-165.8 OUTDOOR STORAGE**

SECTION 22-165.1 PURPOSE

It is the City of Shawnee’s intent that commercial districts and uses be developed with minimal intrusion on incongruous land uses. These zone classifications are established, in order to permit a range of commercial uses and varying levels of intensity. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy.

There are six (6) primary commercial zoning districts established for the city, including one neighborhood commercial district (C-1), one suburban office commercial district (C-2), one automotive and commercial recreation district (C-3), one central business district (C-4), one general commercial district (C-5), and one planned shopping center district (CP).

SECTION 22-165.2 USES

The permitted uses in the commercial districts are set forth in Table 22-165.2.1. Where the letter “X” appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears, the use is permitted subject to acquiring a Conditional Use Permit (CUP) as set forth in Section 22-205.7. If the box is blank or the use is not listed, it is not permitted outright or conditionally.

Table 22-165.2.1. Permitted uses in Commercial Zoning Districts

USES	ZONING DISTRICTS					
	C-1	C-2	C-3	C-4	C-5	CP
Accessory uses commonly secondary and accessory to a permitted use	X	X	X	X	X	X
Accessory uses that require parking, but utilize a very small footprint such as ice-vending machines, snow cone stands, and similar-type businesses/uses	P	—	X	—	—	—
Administrative and professional office (with drive-through facility)	P	—	X	X	X	X
Administrative and professional office, stand-alone (without drive-through facility)	X	X	X	X	X	X
Animal boarding, kennel	—	—	P	P	P	P
Animal sales, pet store, grooming, incidental use of kennel	X	—	X	X	X	X
Automotive repair, tires and service, towing and other road services	—	—	X	X	X	X
Automotive sales and service	—	—	X	X	X	—
Bakery, food manufacturing and preparation, catering business (not associated with another permitted use)	X	—	X	X	—	—
Drinking Establishments: Sitdown, Alcohol Permitted	—	—	P	P	P	P

Bed and breakfast inn	X	—	—	X	—	—
Beer, wine, or liquor store (off-premise consumption of alcohol)	—	—	P	P	P	P
Bus, motorcycle, all-terrain vehicle dealers, truck, or large vehicle dealers	—	—	X	—	X	X
Car washes or car care centers	P	—	X	—	X	X
Car, truck, trailer or recreational vehicle rental and leasing	—	—	X	X	X	—
Communication towers/cell phone towers	—	—	P	P	P	—
Eating establishment: drive-in, drive-through restaurant (fast food)	—	—	X	P	X	X
Eating establishment: sit-down, with no or incidental consumption of alcoholic beverages	P	—	X	X	X	X
Farm equipment sales and service, including feed store, nursery	—	—	X	X	X	X
Department store /superstore building	—	—	X	X	X	X
Gasoline service station	—	—	X	X	X	—
Grocery stores, food markets	X	—	X	X	X	X
Hotel, motel, inn	—	—	X	X	P	X
Laundry service, dry cleaning	—	—	X	X	X	X
Light automobile dealer	—	—	X	—	P	P
Lumberyard, building materials, hardware store	—	—	X	X	X	X
Outdoor sales and storage of materials	—	—	X	X	—	—
Pawnshops	—	—	X	—	X	—
Personal services	X	X	X	X	X	X
Retail sale of low-point beer for off-premise consumption	—	—	X	X	X	X
Retail sales and service	X	—	X	X	X	X
Sales and service for mobile homes, travel trailers, campers, trailers, large trucks and equipment	—	—	X	—	P	P
Scrap operators, automobile towing with storage, and salvage	—	—	P	—	—	—
Sidewalk dining, seating within public right-of-way	—	—	—	X	—	—
Storage units (mini-storage)	—	—	X	—	—	—
Tattoo parlors	—	—	X	X	X	X
Veterinary clinic, including: pet services and grooming, incidental boarding	—	—	X	X	—	—
Warehousing, light industrial assembly, manufacturing	—	—	—	X	—	—
Wholesaling, storage and distribution	—	—	X	X	—	—
Residential Uses						
Home occupation	X	—	X	X	—	—
Multifamily dwellings	P	—	P	X	—	—
Residential uses within existing buildings, subject to Section 22-165.7	—	—	—	X	—	—
Townhouses	X	—	—	X	—	—
Public Assembly Uses						
Active open space/athletic fields / golf courses, except City parks	P	P	P	P	P	P
Amusement, sports, or recreation establishment (not specifically enumerated)	—	—	P	P	P	P
Bowling, billiards, pool etc.	—	—	P	P	P	P
Fitness, recreational sports, gym, or athletic club	X	—	X	X	P	P
Outdoor miniature golf establishment	—	—	P	P	P	P
Performance or movie theater	—	—	X	X	X	X

Indoor recreation, amusement activities (mini-golf, arcade, bowling, etc.)	—	—	X	X	X	X
Religious facilities	X	X	X	X	X	X
Community or Institutional Use						
Assisted living, nursing, continuum of care facility	—	—	X	X	—	—
Cemetery, monument, tombstone or mausoleum	—	—	X	—	—	—
Child and youth services	P	—	X	X	X	X
City, County or Federal facilities	X	X	X	X	X	X
Clubs or lodges	P	—	X	X	—	—
Communication facilities, towers, except public emergency communication facilities	P	P	X	X	X	X
Community centers, library services	X	X	X	X	X	X
Community gardens	X	X	X	X	X	X
Cremation facilities	—	—	P	P	—	—
Child care center	P	P	X	X	X	X
Funeral homes	—	—	X	X	—	—
Hospital building, medical clinic over 15,000 square feet	P	—	X	P	P	X
Medical clinic building, hospital, under 15,000 square feet	P	—	X	X	X	X
Museum, exhibition, or similar structure	P	—	X	X	X	X
Public safety-related or public administration facility, including ambulance service	X	X	X	X	X	X
Public services or utilities	X	X	X	X	X	X
Residential care home	—	—	—	P	—	—
Residential child care facility	—	—	—	X	—	—
School or university buildings (privately owned)	—	—	X	X	X	X
Services for elderly and disabled	P	—	X	X	X	X
Social assistance, welfare, and charitable services (not otherwise enumerated)	P	—	X	X	X	X
Treatment facility	—	—	P	P	—	—
Transportation-Related Facilities						
Automobile parking facilities	X	X	X	X	X	X
Bus stop shelter	X	X	X	X	X	X
Bus terminal	—	—	X	X	X	P
Bus or truck maintenance facility	—	—	X	—	X	—
School and employee bus transportation	X	X	X	X	X	X
In the cases a use is not listed above and which, in the opinion of the Director, is similar in character and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property is also permitted.						

SECTION 22-165.3 CLASSIFICATION OF ZONES

A. C-1, Neighborhood Commercial District

This C-1, Neighborhood Commercial District is intended for a unified grouping in one or more buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the citizens residing in the adjacent residential neighborhood where retail shops and personal services are not otherwise readily available. Because these shops and offices are lower intensity uses, they may be designed to be located along arterial streets in close proximity to housing areas or as limited service facilities in larger planned high density housing areas. This district is limited to the types of uses that will not cause an adverse impact (i.e. noise, lighting traffic) upon the surrounding areas. This district is

also intended to reduce auto trips by permitting a limited group of commercial uses to be located in close proximity to residential areas. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate screening and landscaping.

B. C-2, Limited Office District

This commercial district is intended primarily for business and professional offices that are compatible with residential use. The district is suitable for business, consulting, executive or administrative offices which can occupy low rise structures in a low density landscaped setting. This district is designed to serve as a transition zone between commercial and residential districts, and to provide a district for office space without the more intensive retail uses of the commercial zone.

C. C-3, Highway Commercial District

This C-3, Automotive and Commercial Recreation District is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not, and should not necessarily, locate in more restrictive commercial districts.

All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

D. C-4, Central Business District

This C-4 Central Business District is designed for the conduct of the personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the Central Business District or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

Direct Location Restriction

Request for C-4 CBD zoning district shall only be granted as an extension of an existing CBD zoning district. To be eligible for rezoning to this district, a parcel shall abut or be adjacent across from a street or alley from the existing CBD district. The C-4 zoning district is a limited geography associated with the historic downtown.

E. C-5, General Commercial District

The C-5, General Commercial District is intended to provide a place for those types of commercial activities that require separate buildings and building groups surrounded by landscaped yards, open space and adequate parking with major access available. This district should be utilized at points of direct access from freeways and arterial intersections or in areas identified for heavy commercial activity that will be well separated from nearby residential areas. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

F. CP, Planned Shopping Center District

This CP, Planned Shopping Center District is established as a district intended for a unified grouping, in one (1) or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. Because of the varied uses permitted, it is important to be separated as much as possible visually and physically from any nearby residential areas and to limit the harmful effects of increased

traffic, noise, and general nonresidential activity which will be generated. It is intended that the neighborhood shopping center be developed as a unit, with adequate off-street parking spaces for customers and employees, and with appropriate landscaping and screening materials.

1. Area Regulations

The following shall apply to all uses permitted in this CP District:

Gross Floor Area: There shall be more than one (1) shop or store in the CP, Planned Shopping Center and the combined total gross floor area shall be a minimum of seven thousand (7,000) square feet.

2. Common Parking Facilities

Off-Street parking requirements set forth in Section 22-185, may be complied with by providing a permanent common off-street parking facility for all of the uses within a permanent common off-street parking facility for all of the uses within the planned shopping center, provided that the lot of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in no case shall the amount of off-street parking area, including driveways required for ingress and egress and circulation, be less than two and one-half (2-1/2) times the gross floor area of the shopping center.

SECTION 22-165.4 DIMENSIONAL STANDARDS

Table 22-165.4.1 provides the density and dimensional standards for each zone. Note that other dimensional standards may be approved as part of an approved PUD. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record.

Table 22-165.4.1. Density and Dimensional Standards by Zone.

Standard	Commercial Zoning Districts*					
	C-1	C-2	C-3	C-4	C-5	CP
Minimum lot size	5,000 sq. ft	5,000 sq. ft	10,000 sq. ft	2,500 sq. ft.	10,000 sq. ft.	200,000 sq. ft
Minimum lot width (feet)	50'	50'	100'	25'	100'	300'
Minimum street frontage**	50'	50'	100'	25'	100'	300'
Front yard setback	25'	25'	25'	0'	25'	25'
Front yard setback – with parking in rear.	15'	15'	25'	0'	25'	25'
Side yard setback	0	0	0	0'	0	0
Side yard setback – abutting a residential district	2' for every 1' of building height.	2' for every 1' of building height.	2' for every 1' of building height.	0'	2' for every 1' of building height.	2' for every 1' of building height.
Side yard setback-abutting a public right of way	15'	15'	15'	0'	15'	15'
Rear yard setback-business serviced from rear	30'-Does not include parking spaces	30'-Does not include parking spaces	30'-Does not include parking spaces	0'	30'-Does not include parking spaces	30'-Does not include parking spaces
Rear yard setback-business not serviced from rear	15'	15'	15'	0'	15'	15'
Accessory structure	Rear Yard only- must meet all setbacks	Rear Yard only- must meet all setbacks	Rear Yard only- must meet all setbacks	NONE	Rear Yard only- must meet all setbacks	Rear Yard only- must meet all setbacks
Maximum site coverage (building footprint)	No more than 40%	No more than 40%	30%- The gross floor area of main building shall not exceed area coverage.	NONE	No more than 40%	25%-The gross floor area of main building shall not exceed area coverage.
Maximum building height – Commercial (feet)	35' 45' (with CUP)	35' 45' (with CUP)	45'	35' 45' (with CUP)	35' 45' (with CUP)	35' 45' (with CUP)

*See each classification of zones for additional regulations that may apply to specific zoning districts.

** An access agreement may be approved by the Director in lieu of public street frontage in the C-3, C-5 and C-P zones to allow for outlot development that utilizes an internal roadway network that is privately maintained. Such allowance shall not require a variance.

SECTION 22-165.5 COMMERCIAL BUILDING DESIGN STANDARDS

A. Purpose

This section is intended to promote architectural design standards and aid in the creation of structures that are visually interesting and an asset to the Community. With building design standards, the image residents hold of the Community are reflected in the style of construction and enhance the attractiveness of streetscapes and reflect the community as a whole. With the use of design standards the Community can insure variety and create a positive Community image that can improve the quality of life for all residents.

B. General Requirements

The provisions of this subsection shall apply to all commercial, nonresidential structures, including development, renovation or redevelopment. This includes major nonresidential office or retail building structure.

1. Metal Construction

All metal construction must include masonry facades as outlined below. These requirements shall apply to all principal structures and accessory buildings larger than 200 square feet. For purposes of this section of the ordinance, *masonry materials* shall mean and include brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect.

- a. Masonry requirements on building sides: All metal buildings constructed on non-residential property, or residential property whose use is non-residential, zoned RE, R-1, R-2, R-3, C-1, C-2, C-3, C-4, C-5 or CP, according to the City of Shawnee's official Zoning Map, shall have exterior walls constructed using masonry material covering at least sixty (60%) percent of the façade, except in the C-4 Zone, which shall require eighty (80%) percent coverage. Windows and standard doors shall be included in the coverage total, but garage doors shall not.
- b. Façade shall mean any exterior wall or face of a building that fronts on a dedicated public street.
- c. Metal roofs are permitted and coated aluminum siding may be used to cover clapboards on existing buildings.
- d. Additions to existing buildings shall be deemed new construction under these provisions and the façade requirements shall apply to the new portion.

2. New Infill Construction

The construction of new buildings on vacant lots downtown should be encouraged. Buildings should be designed to look appropriate and compatible with surrounding buildings. The central idea behind good infill construction is to be consistent with the design around it. These design guidelines shall be adhered to:

- a. Height. Infill construction should share a similar height to surrounding buildings. It shall, at the least, be the average height of the adjacent buildings.
- b. Width. The infill building shall reflect the style of the facades on either side along the street. If the site is large, the mass of the façade can be divided into a number of small bays.
- c. Proportion. The relationship between height and width of existing facades shall be respected.
- d. Consistent Setback. The new building shall have consistent front setback with that of its neighboring building.
- e. Composition. The composition of infill façade should be similar to that of surrounding facades.

3. Refuse Facilities

A concrete approach loading pad shall be constructed in front of all refuse enclosures. Such pad shall be at least twelve (12') feet wide by twelve (12) feet long, and a minimum of six inches thickness of concrete at a standard of 3500 PSI.

- a. All refuse shall be enclosed and screened on all four sides so that they are not visible from adjacent public right-of-way.
- b. Required enclosures shall have a minimum inside dimension of twelve (12') feet by twelve (12') feet with an enclosure gate opening of not less than twelve (12') feet in width. The height of any such enclosure shall be that necessary to prevent refuse material from protruding above the enclosure.
- c. Waste container enclosures shall have steel framed grates with spring-loaded hinges and fasteners. Keeper latches shall be required to hold gates in the fully opened position while refuse containers are being serviced. Four-inch diameter pipe bollards shall be required inside each enclosure to protect the enclosure from truck operation.
- d. All required enclosures shall be at a minimum a combination of brick columns matching the building and sight-proof wood fencing.
- e. An unobstructed approach path of not less than fifty (50') feet in length shall be required for a 35-foot long collection truck to access the refuse facility. A turn-around area shall be provided of sufficient length to allow the collection truck to exit without backing onto a public right-of-way.

SECTION 22-165.6 MAJOR NONRESIDENTIAL OFFICE OR RETAIL BUILDING DESIGN STANDARDS

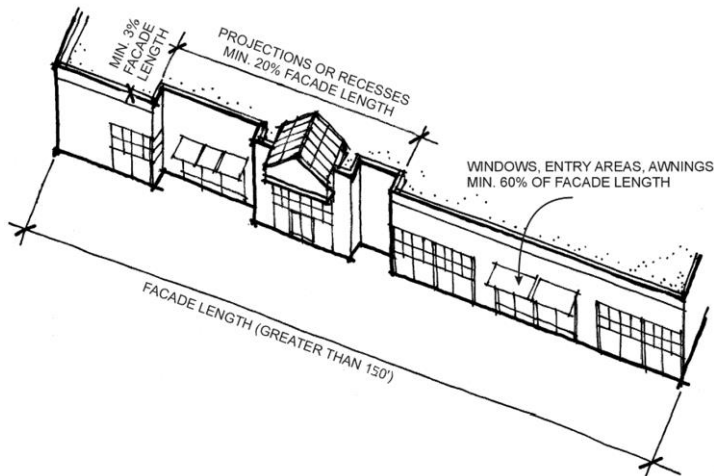
A. Applicability

1. This subsection shall apply to new development, with a gross floor area of more than 40,000 square feet and/or when a building wall length is 150 feet or greater along a public right of way.
2. These standards shall be in addition to the general requirements of the building design standards. In case of conflict, the standards in this section shall overrule general requirements.

B. Facades and Exterior Walls

1. Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recessed having a depth of at least three (3%) percent of the length of the façade and extending at least twenty (20%) percent of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100') horizontal feet.
2. Ground floor facades that face public right-of-way shall have arcades, display windows, entry areas, awnings or other such features a long no less than sixty (60%) percent of their horizontal length.
 - a. Building structure façades shall include a repeating pattern that includes no less than three of the following elements:
 - i. Color changes
 - ii. Texture change
 - iii. Material module change; or
 - iv. An expression of architectural or structural bays though a change in plane no less than twelve (12'') inches in width, such as an offset, reveal or project rib.

Figure 22-165.6.1. Facades and Exterior Walls



C. Roofs

Roofs shall have no less than two of the following features:

1. Overhanging eaves, extending no less than three (3') feet past supporting walls.
2. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three (3') feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run, or
3. Three or more roof slope planes

D. Materials and Colors

1. Predominant exterior buildings materials shall be high quality materials, including but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.
2. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
3. Building trim and accent areas shall be no more than 15% of the exterior finish and may features EIFS, brighter colors, including primary colors, but neon tubing, fiber optic or similar lighting shall not be an acceptable feature for building trim or accent areas.

E. Entryways

1. Each applicable establishment shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - a. Canopies or porticos
 - b. Overhangs
 - c. Recessed/projections
 - d. Arcades
 - e. Raised corniced parapets over the door
 - f. Peaked roof forms
 - g. Arches
 - h. Outdoor patios
 - i. Display windows
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design; or
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

2. Where additional stores are located in the applicable establishment, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

F. Sidewalks and Walkways

1. Perimeter sidewalks shall at a minimum meet the City Standards and be provided where required along all public rights-of-way.
2. Walkways of not less than five (5') feet in width should be provided along the length of any building façade with a customer entrance, and along any façade abutting a parking area.
3. Internal pedestrian walkways should provide weather protection features such as awnings and arcades within thirty (30) feet of all customer entrances.
4. All internal pedestrian walkways should be distinguished from driving surfaces.

G. Central Features and Community Space

Each structure subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following features. Any such feature shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

1. Patio / seating area
2. Pedestrian plaza with benches
3. Transportation center
4. Window shopping walkway
5. Outdoor playground area
6. Kiosk area
7. Water feature
8. Clock tower
9. Public art or
10. Other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the Planning Commission adequately enhances such community and public space.

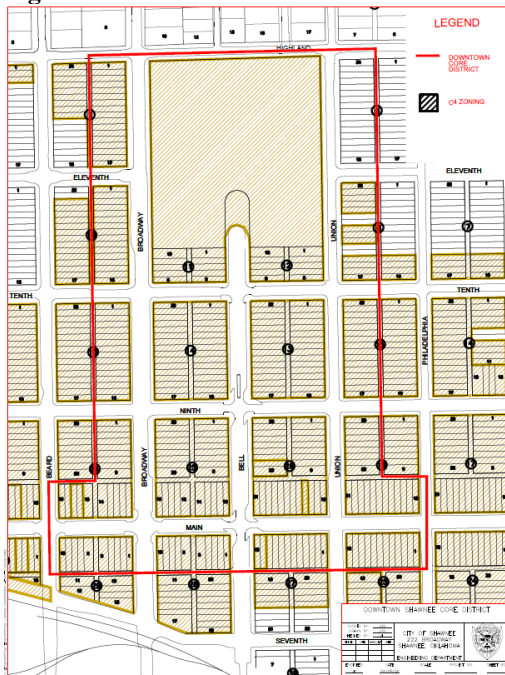
SECTION 22-165.7 RESIDENTIAL STANDARDS IN C-4 ZONE

All residential construction in the C-4 Zoning District shall adhere to the following standards:

- A. For the purposes of implementing this Section, “existing” shall mean structures that were in existence at the time of original adoption of this ordinance.
- B. For the purposes of implementing this Section, “ground floor” shall mean the first floor of a building other than a cellar or basement.
- C. Permitted residential uses shall be allowed on the ground floor level, only on properties located outside of the Downtown Core area as shown in Figure 22-165.7.1.
- D. Residential uses are permitted on upper floors of all buildings, existing or new, within the Downtown Core as shown in Figure 22-165.7.1.
- E. New multi-family or townhouse development not within existing structures shall be constructed in accordance with the following standards within the C-4 Zone:
 1. Parking lots shall be located to the side and/or back of buildings and shall not front upon Main Street.
 2. Units adjacent to public streets shall have the primary building entrances located on the façade facing the street.

3. All building elevations facing a public street right-of-way shall provide clearly marked and prominent primary entrances, and a combination of windows, porches, and/or balconies. A minimum of thirty-five (35%) percent of front (i.e., street-facing) elevations and a minimum of twenty-five (25%) percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
4. Townhouse and multi-family development shall be designed so that garage doors do not dominate the ground level street-facing façade and do not project beyond the front plane of the residence. This can be accomplished by incorporating alley access into site design and locating garage and parking areas to the rear or by limiting and including design elements. Garage doors shall not comprise more than 40% of the front yard facing façade of a townhouse and shall not extend beyond the front building elevation (plane of the structure). There shall be no garage doors along Main Street.
5. Sidewalks are required along any public street that fronts a multi-family or townhouse development in the C-4 Zone and shall be installed by the developer. The minimum width shall be eight (8') feet.

Figure 22-165.7.1. Downtown Core District



SECTION 22-165.8 OUTDOOR STORAGE

- A. With the exception of permanent outside sales and display areas for retail stores, such as garden centers, no article or material shall be kept, stored or displayed outside the confines of the building unless it is so screened by fences, walls, or planting so that it is substantially screened from all public streets.
- B. If sight-proof screening is required, no outdoor sales and displays, and outdoor storage shall be stacked or extended above the required sight-proof screening.
- C. Special sales merchandise may be temporarily displayed outdoors for up to three times per year and for no longer than thirty (30) consecutive days. An extension may be permitted for up to thirty (30) days, at the discretion of the Director.

- D. No required parking lot area shall be used as a display or sales area.
- E. With the exception of the C-4 designation, no public sidewalk or street right-of-way shall be used for outside sales or display, except for an approved temporary special merchant promotion authorized by City regulation.
- F. Outside sales and display shall be only material or products actively offered for sale and may remain outside only during the normal working hours of the business.

INDUSTRIAL USES

SECTION 22-170

SECTIONS:

22-170.1	PURPOSE
22-170.2	USES
22-170.3	INDUSTRIAL PERFORMANCE STANDARDS
22-170.4	CLASSIFICATION OF ZONES
22-170.5	DIMENSIONAL STANDARDS

SECTION 22-170.1 PURPOSE

It is the City of Shawnee’s intent that industrial districts and uses be developed with minimal intrusion on incongruous land uses. These zone classifications are established, in order to permit a range of industrial uses and varying levels of intensity. Protection is provided against hazards, objectionable influences, traffic and building congestion, undue strain on municipal services, and lack of light, air and privacy.

There are three (3) primary industrial zoning districts established for the city, including one restricted light-industrial designation (I-1), one light industrial (I-2) designation, and one heavy industrial (I-3) designation. More limited commercial activity is designated. The intent is to preserve this land for industry in a location beneficial to industries and to limit non- industrial uses.

SECTION 22-170.2 USES

The permitted uses in the Industrial Districts are set forth in the table below. Where the letter “X” appears on the line of permitted uses and in the column of a district, the listed uses are permitted in that district, subject to the general provisions of the Zoning Code as set forth in the preceding sections. Where the letter “P” appears instead of the letter “X”, this use is permitted subjected to acquiring a Conditional Use Permit as set forth in Section 22.205.7.

For a complete list of additional requirements, please refer to Section 22-170.3.

TABLE 22-170.2.1: PERMITTED USES IN INDUSTRIAL DISTRICTS

Permitted Uses	Zoning District			Permitted Uses	Zoning District		
	I-1	I-2	I-3		I-1	I-2	I-3
Accessories for vehicles or equipment whose sale is permitted, but not including the rebuilding or recapping of tires	—	X	X	Carpentry, woodworking or furniture works	X	X	X
Acid Manufacturer	—	—	P	Ceramic or glass products	X	X	X
Adult Novelty Store	P	P	P	Chemicals, compounding or packaging	—	—	X
Advertising agency	X	X	X	City, county, school district, state or federal facilities	X	X	X
Aerosol containers: filling on contract basis	—	X	X	Communication towers/cell phone towers	P	P	P
Agricultural services and sales	—	X	X	Compounding or cosmetics, toiletries, drugs and pharmaceutical products	—	X	X
Air conditioning and heating equipment	—	X	X	Construction equipment repair, sales or storage	X	X	X
Aircraft parts: sales, services, rental or repair, including airframes and engines	—	X	X	Contract sorting, grading and packing of fruits and vegetables for grower	—	—	X
Aircraft transportation	—	P	P	Contractor (general or heavy construction) facilities	—	X	X
Animal bones, offal or waste: assembly incinerator, processing or utilization	—	—	P	Disinfecting, deodorizing or exterminator service	X	X	X
Animal and poultry slaughter and processing	—	—	P	Drug and pharmaceutical products manufacturing	—	X	X
Apparel and other textile products or manufacturing	X	X	X	Dry cleaning and dyeing plant	—	X	X
Armored car service	X	X	X	Electric generating plant	P	P	X
Auction barn, excluding sale or trade of livestock	X	X	X	Electric utility maintenance facility	—	X	X
Automobile body shop or accessory, tire or battery stores, and wash services, including self-service	X	X	X	Electronic equipment assembly and manufacture and electrical appliance, equipment and supplies.	P	X	X
Automobile, bus, truck dismantling, salvaging, assembly, wrecking and repair	—	—	P	Extraction of sand, gravel, clay and quarrying of rock	—	—	P
Automobile parking or storage, as a principal use	X	X	X	Farm equipment: sales, services, rental, repair and supplies	X	X	X
Automobile sales, new or used	X	X	X	Farm products, wholesaling or public warehousing	—	X	X
Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster	—	P	P	Feed and fertilizer sales	X	X	X
Battery manufacturing	—	—	P	Fertilizer mixing	—	—	P
Blacksmiths, tinmiths, and sheet metal shop	—	X	X	Food products, including bakery products, candy, fruit and vegetable processing and canning, bottling, packing and processing of meats, poultry, and grains, but not including slaughtering of animals or poultry	P	X	X
Blueprinting, photocopying and similar reproduction services	X	X	X	Foundry, lightweight non-ferrous metal	—	—	P
Boarding or training of animals	X	X	—	Freight depot, railroad or truck	X	X	X
Boat rental, storage, or accessory storage	X	X	X	Furniture manufacturing and upholstery	X	X	X
Bottling gas	X	X	X	Gas pressure control station	P	P	X
Brick, tile or clay manufacturing	—	—	X	Gas utility maintenance facility	—	P	X
Buildings materials sales maintained inside building	X	X	X	Gases or liquids, flammable, storage	—	—	P
Building materials or lumber: outside building	—	X	X	Gasoline service station	X	X	X

TABLE OF PERMITTED USES IN INDUSTRIAL DISTRICTS

Permitted Uses	Zoning District			Permitted Uses	Zoning District		
	I-1	I-2	I-3		I-1	I-2	I-3
Hair, felt, feather or leather products	—	P	X	Radio transmitting station or tower	X	X	X
Hardware, industrial sales	—	X	X	Railroad equipment storage or maintenance	—	—	X
Hay, grain or feed store	X	X	X	Railroad freight terminal	X	X	X
Heating, air conditioning or plumbing sales or service	X	X	X	Railroad yard	—	P	X
Laundry (except self-service) and laundry services	X	X	X	Repair, renting and servicing of commodities	—	—	X
Leather goods fabrication	X	X	X	Retail sales on premise as an accessory use, but in relation to the current industrial use.	P	X	X
Linen supply or industrial laundry	—	X	X	Rubber products, natural or synthetic manufacturing	—	—	P
Livestock feeding, sales, shipment, auction sales barn and pens	—	—	P	Rug cleaning or repairing	X	X	X
Lumberyards	X	X	X	School, commercial or trade	X	X	X
Machine shop	X	X	X	Scraps and waste materials handling, including building and vehicles wrecking establishments and junkyard	—	—	P
Medical supplies, manufacturing and sales	X	X	X	Scrap steel cutting on control basis	—	—	X
Metals or minerals (except petroleum products or scrap) sales	—	X	X	Sporting or athletic equipment manufacturing	X	X	X
Mini-storage warehouse	X	X	X	Steel products, fabrication and assembly	—	X	X
Mobile homes, travel trailers – or campers – sales and services	X	X	X	Tar or tar products	—	—	X
Monument works and engraving	—	X	X	Textile production and distribution	—	X	X
Motion picture theater – drive-in	X	X	X	Transfer station (trash-garage)	—	P	P
Musical instruments production and distribution	—	X	X	Truck, bus, train terminals	—	X	X
Nonmetallic mineral preparation	—	—	X	Truck sales, service, rental or repair	X	X	X
Office: professional, business	X	X	X	Vending machines: sales, service, rental or repair	X	X	X
Oil field equipment and supplies: sales, service, rental or repair	X	X	X	Warehousing, other than warehousing	X	X	X
Optical goods manufacturing	X	X	X	Water treatment plant, storage facility or pressure control station	P	P	X
Packing and crating service	X	X	X	Welding Shop	X	X	X
Paint, enamel, lacquer, turpentine, varnish manufacturing	—	—	P	Wood or lumber processing	—	—	X
Paper manufacturing or processing, paper products including envelopes, stationery, wallpaper manufacturing	—	P	X				
Petroleum pipeline or pressure control station	P	P	X				
Petroleum products, storage	—	—	X				
Petroleum or its products, refining of	—	—	P				
Photo finishing service	X	X	X				
Pipeline pressure control station	P	P	X				
Poultry and small game dressing and packing	—	—	X				
Production of crude petroleum, natural gas and natural gas liquids	—	—	P				
Propane gas, sales and storage	—	P	P				
Public buildings and facilities	X	X	X				
Quarrying of stone	—	—	P				

SECTION 22-170.3 INDUSTRIAL PERFORMANCE STANDARDS

Any use constructed, established, altered or enlarged in any Industrial District after the effective date of the code, shall be operated so as to comply with the following standards. No use already established on the effective date of said code shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for any Industrial District:

- A. No building shall be used for residential purposes, except that a watchman may reside on the premises.
- B. No retail sales or services shall be permitted except those listed in Table 22-170.2.1.
- C. All operations, activities and storage (but not to include off-street parking and loading of motor vehicles in operating condition) shall be conducted and maintained wholly inside buildings, except that storage may be maintained outside a building if no part is less than fifteen (15') feet from any lot line of the tract on which the use is located, and provided any such storage area is screened from other property with a decorative sightproof fence or planting.
- D. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the district.
- E. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, wares and merchandising shall be carried on in such a manner so as not to be injurious or offensive by reasons of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odor, glare or heat, fire, or explosive hazards.
- F. No fuel or energy with the exception of electricity, natural and/or liquefied petroleum, and solar, should be used.
- G. All buildings shall be furnished with all-weather hard-surfaced sidewalks, and the grounds shall be planted and landscaped.
- H. The manufacture, or the use, of any materials which produce explosive vapors or gases is prohibited.
- I. No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- J. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
- K. No vibration shall be detectable beyond the lot lines of the lot on which the use is located.

The following shall apply only to I-3: Heavy Industrial District:

- A. No building shall be used for residential purposes, except that a watchman may reside on the premise.

- B. No retail sales or services shall be permitted except those listed in Table 22-170.2.1 for I-3 District.
- C. No storage, manufacturing, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than three hundred (300') feet from the boundary of any residential zoning district.
- D. Exterior lighting fixtures shall be shaded wherever necessary to avoid direct light upon property located in any residential district.
- E. All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of goods, wares and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reasons of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odor, glare or heat, fire or explosive hazards.
- F. No activities involving storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted.

SECTION 22-170.4 CLASSIFICATION OF ZONES

A. I-1, Restricted Light Industrial District

This I-1 Restricted light Industrial District is intended primarily for production and assembly plants that are conducted so as the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Building in this district should be architecturally attractive and surrounded by landscaped yards.

B. I-2, Light Industrial District

The purpose of the I-2 Light Industrial District is to provide a location for industry which may generate low levels of noise, odor, smoke, dust or glare which shall be contained within an enclosed building, and is not a hazard to the surrounding areas. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses.

C. I-3, Heavy Industrial District

The purpose of I-3 Heavy industrial District is to provide a location for industries which may by their very nature create nuisances, but which do not create noxious nuisances or a hazard to surrounding areas. The intent is to preserve this land especially for industry in locations with access to primary major arterials and rail service. Even though this district caters to industries which may create a substantial nuisance, it does not permit industries which by the nature of their operation emit odors, gases, dust, noise, smoke, heat, glare or vibrations in sufficient quantities so as to constitute a hazard to the public health, safety and general welfare.

SECTION 22-170.5 DIMENSIONAL STANDARDS

Table 22-170.5.1 Density and Dimensional Standards by Zone.

STANDARD	INDUSTRIAL ZONING DISTRICTS		
	I-1	I-2	I-3
Minimum lot size (square feet)	10,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Minimum lot width (feet)	100'	150'	150'
Minimum street frontage	60'	60'	60'
Front yard setback	35'	35'	35'
Side yard setback within district	0'	0'	0'
Side yard setback – abutting a residential district	2' with every 5' of height with minimum 15'	2' with every 5' of height with minimum 15'	2' with every 5' of height with minimum 50'
Side yard setback-abutting secondary street	15'	15'	15'
Side yard setback- abutting a federal, state or county highway public right of way	50'	50'	50'
Rear yard setback	30'	30'	30'
Rear yard setback- abutting a residential district	50'	50'	50'
Maximum site coverage (building footprint)	No more than 35%	45%	60%
Maximum building height – (feet)	35'	45'	No limit- defer to fire and building code
*See Industrial Use Unit Classification and Classification of Zones for additional regulations that may apply to specific zonings.			

GENERAL USE RESTRICTIONS

SECTION 22-175

SECTIONS:

- 22-175.1 OPEN SPACE TO SERVE ONE BUILDING
- 22-175.2 PROJECTIONS INTO YARDS
- 22-175.3 FENCES AND WALLS
- 22-175.4 LIGHTING
- 22-175.5 STREET RIGHT-OF-WAY WIDTH
- 22-175.6 STREET ACCESS FOR DWELLINGS
- 22-175.7 SIGHT LINES AT INTERSECTIONS
- 22-175.8 LOCATION OF PRIVATE GARAGES
- 22-175.9 ACCESSORY BUILDING CONSTRUCTION
- 22-175.10 SITE PLANNING REQUIREMENTS
- 22-175.11 AREA REQUIREMENTS FOR DWELLINGS NOT SERVED BY SANITARY SEWER SYSTEM
- 22-175.12 HEIGHT REQUIREMENTS
- 22-175.13 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES
- 22-175.14 STORAGE OF LIQUIFIED PETROLEUM GASES
- 22-175.15 SIGHTPROOF SCREENING
- 22-175.16 SERVICE STATION REQUIREMENTS
- 22-175.17 HOME OCCUPATIONS
- 22-175.18 BOARDING/ROOMING HOUSE/OVERNIGHT SHELTER
- 22-175.19 ADULT NOVELTY STORES
- 22-175.20 COMMUNICATION TOWERS/CELL PHONE TOWERS

SECTION 22-175.1 OPEN SPACE TO SERVE ONE BUILDING

No open space or lot area for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

SECTION 22-175.2 PROJECTIONS INTO YARDS

Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two (2') feet. Open porches may project into a front or rear yard a distance not to exceed five (5') feet.

SECTION 22-175.3 FENCES AND WALLS

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard; provided, that no fence, wall or hedge located in front of the front building line shall exceed three (3') feet in height. On corner lots, fencing shall not obstruct established building lines.

Fences shall be constructed with customarily used fencing materials, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation. Fences shall be kept in an attractive state, in good repair, and in safe and sanitary condition at all times by the property owner. Any required fence or screening which are damaged shall be repaired. For further information, please refer to Section 22-185.16.

Residential	An opaque, ornamental fence, wall or dense evergreen hedge not less than six (6') feet high shall be constructed and maintained in good condition alongside rear lot lines up to, but not beyond, the abutting building setback line, except where front yard is used for off-street parking, then the provisions of Section 22-185.3, pertaining to off-street parking lots shall apply. Fences, walls and hedges in residential districts may be permitted in any required yard or
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	along the edge of any yard; provided that no fence, wall or hedge located in front of the front building line shall exceed three (3') feet in height, and no other wall or fence shall exceed six (6') feet in height. On corner lots, fencing shall not obstruct established building lines.
Commercial	Whenever any commercial district or parking or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or dense evergreen hedge of not less than six (6') feet high and no greater than eight (8') feet high shall be constructed and maintained in good condition alongside rear lot line up to, but not beyond, the abutting building setback line, except where the front yard is used for off-street parking, then the provisions of Section 22-185.3, pertaining to off-street parking lots shall apply.
Industrial	Whenever any industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in any other zoning district, an opaque, ornamental fence, wall or dense evergreen hedge not less than six (6') feet high shall be constructed and maintained in good condition and rear lot lines up to, but not beyond, the abutting building setback line, except where front yard is used for off-street parking, then the provision of Section 22-185.3, pertaining to off-street parking lots shall apply.

SECTION 22-175.4 LIGHTING

Lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

SECTION 22-175.5 STREET RIGHT-OF-WAY WIDTH

Where the dedicated right-of-way is less than fifty (50') feet, the depth of the front yard setback shall be measured at a starting point twenty-five (25') feet from the existing street easement unless otherwise approved by the Director.

SECTION 22-175.6 STREET ACCESS FOR DWELLINGS

No dwelling shall be erected on a lot which does not abut on at least one paved and approved street. This abutment shall be at least thirty-five (35') feet in length and the lot shall have a width of at least sixty (60') feet at the building line. A street shall form the direct and primary means of ingress and egress of all dwelling units. Alleys, where they exist, shall form only as a secondary means of ingress and egress.

Provided however, the provisions herein relating to streets built according to said Subdivision and Development Standards shall not apply to dwellings built on dedicated streets constructed prior to the adoption of said standards and accepted by the City for maintenance, or to dwellings built on streets constructed prior to their being annexed to the Corporate Limits of the City, if such streets were part of the county road system prior to annexation.

SECTION 22-175.7 SIGHT LINE AT INTERSECTIONS

On all corner lots on which a front and side yard is required, no wall, fence, sign, structure or any plant growth having a height in excess of three (3') feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30') feet along said front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.

SECTION 22-175.8 LOCATION OF PRIVATE GARAGES

An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25') feet to the street right-of-way line, unless in a cul-du-sac where the setback shall be twenty (20') feet. If specific zoning districts require a greater setback, then the greater shall be observed.

SECTION 22-175.9 ACCESSORY BUILDING CONSTRUCTION

Except in the A-1 Rural Agricultural District, no accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced and no accessory building shall be used unless the main building on the lot is also being used.

SECTION 22-175.10 SITE PLANNING REQUIREMENTS

Whenever one or more residential, institutional, commercial, or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or innovative site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the Planning Commission.

**SECTION 22-175.11 AREA REQUIREMENTS FOR DWELLINGS NOT SERVED BY
SANITARY SEWER SYSTEM**

Sites for dwellings which are not served by a sanitary sewer system shall conform to the requirements of the Oklahoma State Department of Health.

SECTION 22-175.12 HEIGHT REQUIREMENTS

The regulations set forth in this section qualify or supplement, as the case may be, the specific zoning district regulations appearing in Section 22-155 through Section 22-170.

- A. In measuring height, a habitable basement or attic shall be counted as a story; provided, that a story in a sloping roof, the area of which story at a height of four (4') feet above the floor does not exceed two-thirds (2/3) of the floor area of the floor immediately below it and which does not contain an independent apartment, shall be counted as a half (1/2) story.
- B. Chimneys, elevators, poles, spires, tanks, towers, and other projects not used for human occupancy may extend above the height limit.
- C. Churches, schools, hospitals, sanatoriums and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the rear yards and the minimum width of the side yards required in the district are increased one (1') foot for each two (2') feet by which the height of such public or semi-public structure exceed the prescribed height limit.

**SECTION 22-175.13 STORAGE AND PARKING OF TRAILERS AND COMMERCIAL
VEHICLES**

The parking and/or storage of trailers and commercial vehicles in residential districts are restricted by the regulations set out in Section 19-487 of the Code of the City of Shawnee.

SECTION 22-175.14 STORAGE OF LIQUEFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the Code of the City of Shawnee and regulations of the Liquefied Petroleum Gas Administration of the State of Oklahoma.

SECTION 22-175.15 SIGHTPROOF SCREENING

Sightproof fencing and/or landscaping, as herein defined, composed of decorative fencing, evergreen vegetation or landscaping earth berms maintained for the purpose of concealing from view the property or

structure behind such fence, evergreen vegetation, or berms which is sought to be screened from the abutting property.

When the provisions of this code require the construction of a sightproof screen as a condition for the initiation and subsequent continuance of a use, the screening shall meet the following standards:

A. Sightproof Fence:

1. A minimum of six (6') feet but not more than eight (8') feet in height; and
2. Attractive; and
3. Made of wood, masonry, decorative metal, stockade poles, or other suitable materials; and
4. Stable and able to withstand wind forces of fifteen (15') pounds of pressure per square foot; and
5. Permanently anchored to the ground by a base which is wholly upon its owner's property; and
6. Sufficient to screen from view the property or structure sought to be screened from the abutting properties; and
7. Kept in an attractive state and in good repair at all times by the property owner.

B. Sightproof Landscaping:

1. Consisting of evergreen vegetation or landscaped earth berms; and
2. A minimum of six (6') feet in height; and
3. Sufficient to screen from view the property or structure sought to be screened from the abutting properties; and
4. Kept in an attractive state and in good repair at all times by the property owner.

SECTION 22-175.16 SERVICE STATION (GAS STATION) REQUIREMENTS

1. Motor vehicle fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least fifteen (15') feet from all property lines. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least (6") inches in height extending a minimum of twelve (12") inches beyond the dispenser in all directions. When adequate protection is not provided by the concrete platform alone, additional safeguards shall be provided by a pipe bollard or guard rails.
2. Underground tanks for the storage of flammable or combustible liquids shall be located at least five (5') feet from any wall, foundation or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within twenty (20') feet of said tanks.
3. All service station, gas station canopies constructed as an accessory building to any said building or any commercial establishment dispensing flammable liquids shall be constructed at a minimum vertical clearance of fifteen (15') feet. All canopies shall be set back fifteen (15') feet from all property lines.

SECTION 22-175.17 HOME OCCUPATIONS

Home occupations shall be subject to the following regulations:

- A. No exterior alterations of the structure shall be made which are of a nonresidential nature, and shall change the character of the residence.
- B. Except for one (1) non-illuminated name plate attached to the building entrance which is not more than two (2) square feet in area, no evidence of any home occupation shall be perceptible to an observer in the street or on any other property in the Agricultural or Residential District.

- C. No trading in merchandise shall be carried on and in connection with which there shall be no display of merchandise.
- D. No mechanical equipment shall be used or activity conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.
- E. Outside storage or display of materials or items associated with the home occupation shall be prohibited.
- F. No person shall be employed at any time, other than a member of the immediate family residing on the premises.
- G. Home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- H. The use shall be conducted entirely within the main or accessory building.
- I. No home occupation shall cause excessive traffic. Excessive traffic shall be considered more than twenty (20) vehicle trips per day in accordance with the most current addition of the Trip Generation Manual, published by the Institute of Traffic Engineers.
- J. All associated parking shall be accommodated on the property upon which the home occupation is conducted. All parking areas shall be hard surfaced as either concrete or asphalt.
- K. The total square footage of the home occupation shall not occupy more than thirty (30%) percent of the structure within which it is conducted.
- L. Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles and their parts is prohibited.
- M. A home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

SECTION 22-175.18 BOARDING/ROOMING HOUSE/OVERNIGHT SHELTER

The purpose of this section is to authorize the operation of shelters for homeless persons in the community under circumstances which protect and enhance the health, safety and welfare of city residents, while ensuring that adequate support services exist for shelter occupants. In addition to filing for a Conditional Use Permit, a Homeless Shelter must also meet the following requirements in addition to any other conditions the City Commission may require.

- A. The shelter shall be fully contained within a building owned and/or operated by a governmental agency or nonprofit organization.
- B. A homeless shelter shall not be located within 1,000 feet of a city park, public school, or residential property.
- C. The operator of a shelter for the homeless shall provide continuous, on-site supervision by an employee and/or volunteer during all hours of operation. Fulltime security may be required as a condition of approval.
- D. Any organization proposing to establish a homeless shelter shall provide a detailed operations plan specifying their target clientele, proposed operation expenses, funding and staffing levels.
- E. No retail sales shall take place on the property of shelter for the homeless.

- F. Maximum occupancy. The City may set a maximum occupancy load for the shelter based on documented need.
- G. The Fire Marshal shall inspect the site before occupation and provide a letter noting the number of residents to be permitted.
- H. There shall be a permit from the Health Department on file at all times as applicable by Oklahoma Statute. In addition, the applicant is strongly encouraged to consult the health department and other pertinent health providers about measures that may be taken to prevent the spread of diseases like tuberculosis and other communicable diseases.
- I. All homeless shelters shall create and adopt a Code of Conduct that shall be enforced at all times. The Code of Conduct shall include at a minimum the following language:
 - 1. Possession or use of illegal drugs is not permitted on the premises.
 - 2. Alcohol is not permitted on the premises.
 - 3. Weapons are not permitted on the premises.
 - 4. Violence is not permitted on the premises.
 - 5. Fires are not permitted on the premises.
 - 6. Loitering in the surrounding neighborhood is not permitted.
 - 7. Littering on the premises or surrounding neighborhood is not permitted.
- J. A copy of this Code of Conduct shall be provided to the Planning Commission at the time of the Conditional Use Permit request.
- K. Lighting. Adequate external lighting shall be provided for security purpose. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
- L. Laundry facilities. The development shall provide laundry facilities or laundry services adequate for the number of residents.
- M. Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff.
 - 1. Central cooking and dining room(s).
 - 2. Recreation room.
 - 3. Counseling center.
 - 4. Childcare facilities.
 - 5. Other support services.
- N. Outdoor activity. For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.
- O. Staff and services shall be available to assist residents in obtaining permanent shelter and income.
- P. The operator of a shelter for the homeless shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- Q. Revocation. The City Commission may revoke a permit issued under this section if it determines that the shelter is not operating in accordance with the terms of the permit.
- R. Exception. This chapter does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the city council. A temporary emergency homeless shelter may operate for a maximum of forty-five (45)

days. The city manager may extend that period for additional periods of forty-five (45) days each upon approval of the City Commission.

SECTION 22-175.19 ADULT NOVELTY STORES

Requirements for adult novelty establishments. The location of an adult novelty shop shall be specifically prohibited within 1,000 feet of:

- A. Any building primarily and regularly used for worship services and religious activities;
- B. Any public or private school;
- C. Any public park or playground;
- D. Any public library; or
- E. Any land zoned or used for residential purposes.

Provided, that if any such building used for worship and religious activities, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty store along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

Any interpretation of this Section shall be consistent with Section 22-109.1 of Title 11 of Oklahoma Statutes.

SECTION 22-175.20 COMMUNICATION TOWERS/CELL PHONE TOWERS

A radio, television or microwave communication tower, either commercial or amateur, as defined herein is allowed within the city limits of the City of Shawnee pursuant to site restrictions, appropriate permitted use tables and the following conditions:

- A. Definitions:
 - 1. **Monopole** – A self-supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
 - 2. **Lattice tower** – A steel lattice, self-supporting structure with no guy support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.
 - 3. **Guy tower** – A steel lattice supported by guy wires, so designed to support the tower which holds one or more antennas and related equipment for wireless communication.
- B. Conditions for approval:
 - 1. Maximum height of all towers shall not exceed one hundred ninety-nine (199') feet.

2. All monopole towers shall maintain a setback one hundred twenty (120%) percent of the tower height from the property line. All sectional towers shall maintain a setback of eighty (80%) percent of the tower height from the property line.
3. Any unmanned equipment building shall not contain more than seven hundred fifty (750') square feet of gross floor area and shall not be more than twelve (12') feet in height.
4. Satellite and microwave dishes attach to a monopole shall not exceed one (1) meter in diameter or two (2) meters in diameter if attached to a lattice tower.
5. A sight-proof fence not less than seven (7) feet in height from finished grade shall be installed around a transmission tower or monopole and equipment building with access through a locked gate.
6. No excess equipment or parts shall be stored within the site.
7. Lights for illumination shall be determined by the Federal Aviation Administration (FAA) and the City of Shawnee on all tower locations.
8. No commercial advertising or signage shall be allowed on any tower.
9. All towers shall meet the minimum construction and structural load standards specified in the City of Shawnee's adopted BOCA National Building Code, with the exception that basic design wind speed shall be ninety (90) miles per hour without ice, and designed with ice shall be for one-half (1/2) inch of radial ice.
10. All towers must set-back its height distance from any structure that is being occupied.
11. Monopole and lattice towers are allowed to affix themselves to existing city or private structures as long as they meet all other requirements. These towers are not to exceed twenty (20') feet above the roofline of the existing structure. In no case shall the height of the tower be located to fall beyond the edge of the roof line.
12. Any tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City of Shawnee notifying the owner of such abandonment. If not removed within ninety (90) days, the City may remove said tower at owner's expense.
13. A site plan shall be submitted which shows parking spaces and access easement to the property line/tower site.
14. The application should look at co-location on an existing tower, and if not feasible, indicate why it is not feasible.
15. Must show written approval from property owner as to placement of the tower.
16. After installation of the tower, the owner must submit as-built plans to be kept on file.
17. The applicant must provide a certificate of design by the design engineer as to compliance with the City Code upon completion of the tower.
18. As part of the approval process the owner must submit annually to the Shawnee City Inspection Department an inspection report on each tower as to compliance with Federal Communications Commission (FCC) and FAA standards.
19. An appeal to any interpretation of this ordinance must be appealed to the Shawnee Board of Adjustment.

LANDSCAPING

SECTION 22.180

SECTIONS:

22-180.1	PURPOSE
22-180.2	LANDSCAPING PLAN
22-180.3	LANDSCAPING SPECIFICATIONS
22-180.4	LANDSCAPING MAINTENANCE

SECTION 22-180.1 PURPOSE

The purpose of these regulations is to use landscaping elements in proposed developments with the intent to enhance, protect and promote the economic, ecological and aesthetic environment of the City of Shawnee for the safety, comfort and enjoyment of its citizens. The City recognizes the value of landscaping in achieving the following goals:

- A. Preserving the existing native trees and other physical site values where possible;
- B. Screen and buffer undesirable views;
- C. Reduce soil erosion and reduce storm water runoff;
- D. Aid in energy conservation for structures;
- E. Soften the visual impact of paved areas, parking lots and adjoining right of way;
- F. Complement the building on the property; and
- G. Mitigate the impact of site lighting.

SECTION 22-180.2 LANDSCAPING PLAN

A landscaping plan shall be submitted concurrent with building permit submittal and be made part of the file. The plan shall be its own document. No landscaping plans are required for single family, two family and three family residential lots or for agricultural uses. Commercial, multi-family and non-residential development within residential zones, shall be subject to these rules. All landscaping plans shall include the following information:

- A. North arrow
- B. The location of existing property lines and dimensions of the tract accurately drawn to scale.
- C. Exact locations and outline of all rights-of-way.
- D. Location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided.
- E. The location and size of any permanent fixtures or structures including, but not limited to, sidewalks, fences, trash, enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscaping plan.

- F. The location, size and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided.
- G. The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced on the plan by a common name and/or scientific name, or an appropriate key of all plant species.
- H. All screening required by these regulations.
- I. A table listing the square footage of the developed area, number of proposed parking spaces, and all plant materials by scientific and common name, size, type, quantity, point value and totals.

SECTION 22-180.3 LANDSCAPING SPECIFICATIONS

All new development and redevelopment areas shall be landscaped to provide visual buffering, enhance the beautification of the City, and protect the public health, safety and general welfare of the citizens of Shawnee. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the curb-line and property line and other utility easements. Landscaping within this area shall not count towards required landscaping. This area shall not be hard surface other than permitted drives, parking, or sidewalk. The following landscaping standards apply to all new non-residential development and to the expansion by more than twenty-five (25%) percent of an existing building mass or site in any zone:

- A. Required landscaping. The applicant shall professionally landscape the lot, according to an approved landscape plan as a condition precedent to receiving a certificate of occupancy for all commercial uses. Landscape plans shall meet the standards set forth in Table 22-180.3.1. The Director or their designee shall evaluate landscape plans for all uses. Landscape plan approval is a condition precedent to issuance of a building permit for the parcel. All landscaping shall be in place prior to issuance of a certificate of occupancy, unless seasonal conditions make installation unfeasible, in which case the improvements shall be bonded. A minimum of ten (10%) percent of any site shall be landscaped.
- B. Landscape materials and plant selection. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, the selection of which shall be based on local climate, exposure, water availability, potential allergens and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth. In general, planting should consist primarily of native plantings and noninvasive species in accordance with any approved planting/species list maintained by the city. Trees and shrubs shall meet the minimum size and spacing standards set forth in Table 22-180.3.1.
- C. Existing vegetation. Existing noninvasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision-making body may reduce the number of new trees required by a ratio of one-inch caliper of new tree(s) for every one-inch caliper of existing tree(s) protected.
- D. Non-plant ground covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than sixty (60%) percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- E. Species and irrigation. The use of drought-tolerant native plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. Table 22-180.3.1 provides a list of recommend species.

- F. Parking areas. Parking areas shall be landscaped in accordance with Table 22-180.3.1. Landscaping shall consist of evenly distributed shade trees with shrubs and/or ground cover plants that conform to the criteria in this section. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking area landscapes shall have dimensions of not less than twenty-four (24) square feet of area, or not less than four (4’) feet in width by six (6’) feet in length, to ensure adequate soil, water, and space for healthy plant growth.
- G. Front yards and frontage landscaping improvements. Front yards, excluding ingress and egress points, shall be landscaped to include landscaping that enhances the property, softens the building and parking areas and provides an aesthetically pleasing streetscape. Landscaping shall be located within the front yard setback area in accordance with the criteria of this section and Table 22-180.3.1. while providing reasonable opportunity for signage, entrance features, parking and ingress/egress areas. Street trees planted within city right-of-way shall not count towards required landscaping. Adequate sight distance as determined by the city engineer shall be maintained.
- H. Deviations. Whenever there are practical difficulties in meeting these standards that result from variations of specific property characteristics, a deviation from this section may be approved by the reviewing authority during the review process. This deviation shall not require a variance. Any such deviation so granted shall be specifically identified in the approval authority decision of a development application. Approved deviations shall not be used to grant a special privilege that is inconsistent with the limitations placed on other properties with similar circumstances.
- I. Any development that utilizes zero-lot line setbacks as permitted by applicable zoning specifications shall be exempt from landscaping requirements for each applicable yard area.

Table 22-180.3.1. Landscaping Requirements by Area for Commercial and Non-Residential Uses

AREA	REQUIREMENT	SPECIFICATIONS
Front Yard	10' landscaped setback	• 1 tree per 35' (linear) of frontage
		• Trees may be clustered as approved by the city
		• Deciduous trees, 2" caliper min.
		• Evergreen trees, 6' min. height
Side Yard	5' landscaped setback, unless greater landscaped area required for residential buffer	• 1 tree per 400 s.f.
		• Deciduous trees, 2" caliper min.
		• Ornamental trees, 1.5" caliper min.
		• Evergreen trees, 6' min. height
Rear Yard	10' landscaped setback, unless greater landscaped area required for residential buffer	• 1 tree per 400 s.f.
		• Deciduous trees, 2" caliper min.
		• Ornamental trees, 1.5" caliper min.
		• Evergreen trees, 6' min. height
Parking Lots	Perimeter landscaping of at least 5' in width on at least three sides, or perimeter landscaping of	For all parking areas:
		• One tree and three shrubs per 6 spaces (average)

	at least 10' on two sides. In addition, one landscaped island for every 12 spaces.	<ul style="list-style-type: none"> • Deciduous trees, 2" caliper min. • Ornamental trees, 1.5" caliper • Evergreen trees, 6' min. height
Overall Site	10% of overall site to be landscaped, where yard areas are legally not required and not provided by the applicant, above standards do not apply, but overall 10% standard shall be met	<ul style="list-style-type: none"> • 50% of landscaping must be evergreen • All irrigation shall be automatic

SECTION 22-180.4 LANDSCAPING MAINTENANCE

The following landscape maintenance standards shall apply:

- A. All landscaping improvements shall be maintained in a live and healthy condition. It shall be the continuing duty of the property owner, its successors, or anyone having beneficial use of the property, to maintain landscaping in a live and healthy condition and, if necessary, to replace any dead, diseased or damaged plants as soon as natural conditions allow.
- B. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted in the zoning regulations. Plantings within the sight triangle shall not exceed a mature height of 24 inches.
- C. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the curb-line and property line and other utility easements. Landscaping within this area shall not count towards required landscaping.
- D. The type and location of vegetation shall not interfere with utilities or the safe and efficient flow of street traffic. Approval by the appropriate City Departments responsible for street and utilities shall be required.
- E. Trees that reach a mature height of more than fifteen (15') feet shall not be planted within ten (10') feet of an overhead utility line. This requirement may be waived by the Director providing that the applicant submits a letter stating no objection from the utility company.
- F. Vegetation, other than groundcover or turf grass shall not be planted with three (3') feet of a fire hydrant or above-ground traffic control box.
- G. It shall be the responsibility of the property owner to maintain in good condition all the improvements required by this section. Any required fence or screening which are damaged shall be repaired, and any vegetation which dies shall be replaced no later than the following planting season (spring or fall).
- H. Failure to provide the improvements required by this code or failure to maintain required improvements in the manner prescribed by this code shall constitute an offense and violation of this code.

Table 22-180.4.1. Recommended Tree Species

Common Name	Note	Botanical Name	Recommendations and Cultivars
<i>Large Trees: Trees that mature over 60 feet in height. These trees need spacing of at least 35 feet.</i>			
Cypress, Bald	**	Taxodium disticum	
Ginko (male)	**	Ginko Biloba	Princeton Gold, Autumn

			Gold, Pendula
Hackberry, Common		Celtis occidentalis	Chicagoland, Dleta, Windy City
Oak, Black		Quercus veluntia	
Oak, Burr		Quercus macrocarpa	
Oak, Northern Red		Quercus rubra	
Oak, Pin		Quercus palustris	Plant only in bottomlands
Oak, Shumard	**	Quercus shumardi	
Oak, Southern Red		Quercus falcate	
Oak, Water		Quercus bicolor	
Oak, White		Quercus nigra	
Oak, Willow		Quercus phellos	
Pine, Limber		Fleclis	
Pine, Loblolly		Pinus taeda	
Pine, Shortleaf		Pinus echinata	
Planetree, London		Platanus X acerifolia	Bloodgood, Columbia, Liberty, Yarwood
Tulip Tree		Platanus x acerifolia	
Medium Trees: Trees with mature size from 30 feet to 60 feet. These trees need a spacing of at least 25 feet.			
Ash, Green* (improved cultivars)	**	Fraxinus pennsylvanica	“Urbanite”
Cedar, Atlas		Cedrus atlantica	
Chittamwood		Bumelia lanuginosa	
Coffeetree, Kentucky (male)		Gymnocladus dioica	Espresso, Prairie Titan, Stately Manor
Cypress, Arizona		Cupressus arizonica	
Cypress, Leyland		Cupressocyparis leylandii	
Birch, River		Betula nigra	
Dogwood, Kouse		Cornus kousa	
Elm, Lacebark	**	Ulmus parvifolia	Allen, Athena, True Green and others with approval
Elm, Chinese		Ulmus crassifolia	
Goldenrain Tree* (improved cultivars)	**	Koelreuteria paniculata	Fastigiata, September, Stadher’s Hill, Paniced
Hackberry, Sugar		Celtis, laevigata	
Hophornbeam, Eastern		Ostrya virginiana	
Hornbeam, European		Carpinus betulas	
Japanese Pagoda Tree		Sophora japonica	
Juniper, Rocky Mountain		Juniperus scopulorum	
Linden, Greenspire* (improved cultivars)	**	Tilia cordata “Greenspire”	Bicentennial, Bhjlie, Shamrock, Turesi
Magnolia, Sweetbay		Magnolia virginiana	
Maple, Norway* (improved cultivars)		Acer platanoides	
Maple, Red* (improved cultivars)		Acer rubrum	
Maple, Shantung		Acer truncatum	Norwegian Sunset, Pacific Sunset
Mulberry, White (male)		Morus alba “Fruitless”	Caddo, Legacy, Green Mountain
Oak, Blackjack		Quercus marilandica	

Oak, Chinquapin	**	Quercus muehlenbergi	
Oak, English	**	Quercus robur	
Oak, Live		Quercus virginiana	
Oak, Post		Quercus stellata	
Oak, Sawtooth	**	Quercus acutissima	
Pear, Callary* “improved cultivars”	**	Pyrus calleryana var.	Aristocrat, Autumn Blaze, Callary, Cleveland Select, Chanticleer, Trinity, Capitol
Pine, Austrian		Pinus nigra	
Pine, Japanese Black		Pinus thunbergiana	
Pistache, Chinese	**	Pistacia chinensis	
Western Soapberry		Sapindus drummondii	
Zelkova, Japanese		Zelkova serrate	Aurea, Autumn Glow, Spring Grove
<i>Small Trees: Trees with a mature size of less than 30 feet. These trees need a spacing of at least 15 feet.</i>			
Cherry, Japanese		Prunus serrulata	
Chokecherry		Prunus virginiana	
Crabapple, Flowering* (improved cultivars)	**	Malus spp.	20-30 Crabapple species
Crapemyrtle* (improved cultivars)		Lagerstromia indica	Many Various Species
Hawthorn, Washington* (improved cultivar)		Crataegus phaenopyrum	
Holly, Deciduous		Ilex deciduas	Warren’s Red
Foster Holly		Ilex x attenuate	
Holly, American		Ilex opaca	
Holly, Yaupon		Ilex vomitoria	
Hornbeam, American		Carpinus caroliniana	
Lilac, Japanese		Syringa reticulate	
Magnolia, Saucer		Magnolia aoulangiana	
Maple, Amur		Acer ginnala	
Mockorange, Sweet		Philadelphus coronaries	
Ninebark, Purple “Diabolo”		Physocarpus opulifolius	
Redbud, Eastern	**	Cercis Canadensis	
Redbud, Oklahoma* (improved cultivar)	**	Cercis reniformis	
Russian Olive	**	Elaeagnus angustifolia	
Serviceberry, Downy		Amelanchier arborea	
Smoketree	**	Ctinus coggygia	
Whitebud, Eastern		Cercis Canadensis, alba	
Notes: * Improved cultivars available ** Best trees for parking lot application			

OFF-STREET PARKING AND UNLOADING

SECTION 22-185

SECTIONS:

- 22-185.1 PURPOSE**
- 22-185.2 OFF-STREET PARKING AND LOADING REQUIRED**
- 22-185.3 USE OF PUBLIC RIGHT-OF-WAY PROHIBITED**
- 22-185.4 LOCATION**
- 22-185.5 JOINT PARKING FACILITIES**
- 22-185.6 OWNERSHIP OR CONTROL OF PARKING LOT**
- 22-185.7 DESIGN AND PAVEMENT REQUIREMENTS OF PARKING SPACE**
- 22-185.8 SIGHT TRIANGLE PARKING PROHIBITED**
- 22-185.9 ACCESSIBLE PARKING SPACES**
- 22-185.10 AMOUNT OF PARKING SPACES REQUIRED**
- 22-185.11 PARKING LOT CONSTRUCTION AND MAINTENANCE**
- 22-185.12 OFF-STREET LOADING SPACE REQUIRED**
- 22-185.13 SIZE OF OFF-STREET LOADING SPACES**
- 22-185.14 NUMBER OF OFF-STREET LOADING SPACES REQUIRED**
- 22-185.15 DESIGN OF LOADING SPACES**

SECTION 22-185.1 PURPOSE

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land covered by these zoning regulations. Requirements are intended to be based on the demand created by each use. Unless otherwise stated, these requirements shall apply to all uses in all districts.

SECTION 22-185.2 OFF-STREET PARKING AND LOADING REQUIRED

Permanent off-street parking and area in the amount specified by this section for each use shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased, in the amount required for the enlargement or increase in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another. No such parking requirements shall apply to the C-4 (Central Business District).

SECTION 22-185.3 USE OF RIGHT-OF-WAY PROHIBITED

No portion of any required off-street space shall occupy or use any public street, right-of-way, alley, or other public property.

Parking spaces which use any street, or public right-of-way as a direct means of access without the intermediate use of service aisles and entrances of at least the minimum standards specified by this section shall be prohibited. A public alley shall not be the only public right-of-way area permitted for maneuvering space to reach a required parking stall.

SECTION 22-185.4 LOCATION

The off-street parking lot shall be located within three hundred (300') feet, exclusive of street and alley widths, of the principal use.

SECTION 22-185.5 JOINT PARKING FACILITIES

Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent

common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers and service.

SECTION 22-185.6 OWNERSHIP OR CONTROL OF LOT

The land upon which the off-street parking is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

SECTION 22-185.7 DESIGN REQUIREMENTS FOR OFF-STREET PARKING

Size and Access:

- A. Standard Car Parking Space shall be 9' x 20'.
Compact Car Parking Space shall be 8.5' x 16'.
- B. All maneuvering, except parallel parking, shall be designed so that a vehicle may enter an off-street parking space in one (1) forward motion and may exit in one (1) reverse and one (1) forward motion.
- C. Circulation within a parking area shall be designed so that a car entering the parking area need not enter a street to reach another aisle.
- D. All required parking spaces shall be clearly outlined on the surface of the lot with paint or other easily distinguishable material.
- E. Handicapped parking shall be per Section 22-185.9 of the Zoning Code and the A.N.S.I. Code.
- F. Minimum one way service aisles shall be 14'-0".
Minimum two way service aisles shall be 24'-0".
- G. The off-street parking spaces required may be satisfied with compact or small car spaces, not exceeding twenty-five (25%) percent of the required total.

SECTION 22-185.8 SIGHT TRIANGLE PROHIBITED

On any corner lot formed by two (2) intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth shall have a height in excess of three (3') feet above the elevation of the crown of the adjacent roadway. Surface shall be maintained in a triangle formed by measuring a distance of thirty (30') feet along the said front and side lot lines, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

SECTION 22-185.9 ACCESSIBLE PARKING SPACES

Parking lots shall meet the Americans with Disabilities Act standards for accessible design and all applicable building code requirements.

SECTION 22-185.10 AMOUNT OF SPACE REQUIRED

Off-street parking facilities shall be provided in all districts in accordance with the schedule found in table 22-185.10.1. For uses not specifically covered in Table 22-185.10.1, the Director shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirements for the permitted use. This decision can be appealed to the Board of Adjustments.

Table 22-185.10.1. Parking Space Requirements

Residential Uses		
Residential		2 spaces per DU up to 4 DU's; 1.5 spaces per DU after 4 DU's
Assisted living, nursing home, continuum of care facility		0.5 spaces per DU
Rooming or boarding home		0.5 spaces per DU
Daycare		1 per 6 children, plus 1 per employee
Public and Civic Uses		
Places for Public Assembly		1 space per each 3 persons at max occupancy
Religious Institution		1 space per each 4 seats (Bench seating equals 1 space per 24 lineal inches)
School	Elementary/Middle	2 spaces per classroom
	High School	6 spaces per classroom
	College	6 spaces per classroom; plus requirements for auditorium, arena, and stadium
Hospital		2 per bed + 1 per 500 SF of emergency room and outpatient care
Commercial Uses		
Service establishment		1 space per 400 SF
Restaurant		1 space per 150 SF
Retail		1 per 250 SF
Hotel/motel		2 spaces per 3 guest rooms plus 1 per 200 SF of GFA in all accessory uses including restaurant and meeting rooms
Office		1 space per 300 SF
Medical		1 space per 250 SF
Wholesaling		1 space per 2 employees
Industrial Uses		
Industrial		1 space for each 2 employees at maximum shift
Unlisted		1 space per 250 SF, or as established by the Director.

SECTION 22-185.11 PARKING LOT CONSTRUCTION AND MAINTENANCE

Off-street parking lots for commercial, industrial, or multiple family complexes of more than two (2) parking spaces shall comply with the following provisions:

- A. All sides of a lot abutting a residential use shall be enclosed with an opaque, ornamental fence, wall or dense evergreen hedge having a height of not less than six (6') feet. Such fence, wall, or hedge shall be maintained in good condition.

- B. No parking shall be permitted within a front yard setback line established ten (10') feet back to the property line of the interior and corner lots whenever the parking lot is located in a residential district or immediately abuts the front of a residential unit. In all other cases no setback shall be required; provided, however, that on any corner lot formed by two (2) intersecting streets, no parking shall be permitted, within the thirty (30') foot sight triangle.
- C. All parking areas shall be landscaped with grass, shrubs, trees and evergreen ground cover, and maintained in good condition the year round as required by Section 22-180 of this code.
- D. Driveways used for ingress and egress shall be confined to and shall not exceed thirty (30') feet in width, exclusive of curb returns.
- E. All of the lot used for parking and driveway purposes shall be paved as follows in a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use. Minimum pavement requirements shall be as follows:
 1. 1-1/2" Asphaltic concrete hot mix with 5" compacted base; or
 2. A double surface treatment with 5" compacted base; or
 3. 4" concrete slab.

Also provided appropriate bumper guards where needed as required by the Director.

- F. The intensity of light and arrangement of reflectors shall be such as not interfere with residential district use.
- G. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent incandescent lighting of signs shall be permitted.

SECTION 22-185.12 OFF-STREET LOADING SPACE REQUIRED

Every industrial, commercial, and civic building hereafter erected or expanded shall provide space, as indicated herein, for loading and unloading of vehicles. The number of off-street loading spaces required by this section shall be considered as the absolute minimum, and the owner/applicant shall evaluate his own needs to determine if they are greater than the minimum specified by this section.

SECTION 22-185.13 SIZE OF OFF-STREET LOADING SPACES

Unless otherwise specified, all off-street loading spaces shall have a minimum dimension of twelve (12') feet by fifty (50') feet and an overhead clearance of fifteen (15') feet. In no case shall required off-street loading spaces encroach upon off-street parking spaces required by this section, or on public right-of-way.

SECTION 22-185.14 NUMBER OF OFF-STREET LOADING SPACES REQUIRED

Table 22-185.15.1 illustrates the number of required loading spaces required by use category according to floor area.

SECTION 22-185.15 DESIGN OF LOADING SPACES

The following requirements shall apply to all loading spaces:

- A. Off-street loading spaces shall be designed so that vehicles shall maneuver entirely within the property lines of the premises and not on public right-of-way. Unenclosed off-street loading areas shall be permanently paved with hard surfaced pavement. A six (6") inch header curb must also be constructed to separate a loading area from public right-of-way.

- B.** All motor vehicle loading spaces which abut or are adjacent to a residential district shall be completely screened therefrom by building walls, or a uniformly solid fence, wall or door, or any combination thereof, not less than six (6') feet in height. No permitted or required loading space or berth shall be located within forty (40') feet of the nearest point of intersection on any two (2) streets or highway. No loading space or berth shall be located in a required front or side yard, and any loading space or berth located shall be open to the sky.

Table 22-185.15.1. Truck Berth

COMMERCIAL LAND USE	
Floor Area (sq. ft)	Truck Berths
0 – 5,000	0
5,001 – 50,000	1
50,001 – 250,000	2
Each Additional 100,000	1
INDUSTRIAL USE	
Floor Area (sq. ft)	Truck Berths
0 – 10,000	1
10,001 – 40,000	2
40,001 – 60,000	3
60,001 – 100,000	4
Each Additional 80,000 sq. ft	1
WHOLESALE, STORAGE & DISTRIBUTION	
Floor Area (sq. ft.)	Truck Berths
0 – 2,000	0
2,001 – 10,000	1
10,001 – 25,000	2
25,001 – 40,000	3
40,001 – 60,000	4
60,001 – 100,000	5
Each Additional 80,000 sq. ft.	1
CIVIC USE	
Floor Area (sq. ft.)	Truck Berths
0 – 15,000	0
15,001 – 75,000	1
75,001 and above	2

GENERAL PROVISIONS OF PLANNED UNIT DEVELOPMENT (PUD)

SECTION 22-190

SECTIONS:

- 22-190.1 GENERAL**
- 22-190.2 INTENT AND PURPOSE**
- 22-190.3 PLANNED UNIT DEVELOPMENT AUTHORIZED**
- 22-190.4 EFFECT OF PLANNED UNIT DEVELOPMENT APPROVAL**
- 22-190.5 CRITERIA FOR PLANNED UNIT DEVELOPEMNT REVIEW AND APPROVAL**
- 22-190.6 PLANNED UNIT DEVELOPMENT APPLICATION PROCEDURES**
- 22-190.7 PRE-APPLICATION REVIEW OF PUD**
- 22-190.8 APPLICATION FOR REZONING AND PUD MASTER PLAN SUBMISSION REQUIREMENT**
- 22-190.9 PRELIMINARY PLAT**
- 22-190.10 FINAL PLAT**
- 22-190.11 PLOT PLAN**
- 22-190.12 PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL**
- 22-190.13 MODIFICATION AND MINOR AMENDMENTS**
- 22-190.14 REVERSION**

SECTION 22-190.1 GENERAL

A Planned Unit Development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls. The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a Master Development Plan. Approval of a PUD is not a substitute for platting property, when required.

The PUD is subject to special review procedures. Once approved by the City Commission, it becomes a special zoning classification for the property it represents.

SECTION 22-190.2 INTENT AND PURPOSE

- A. It is the intent of this section to encourage unified design of residential, commercial, industrial or institutional areas and facilities, or combinations thereof, and to provide for integrated development having harmony of design and variety of function. It is also the intent of this section to encourage the development of planned commercial and industrial sites to eliminate the adverse impacts of traditional strip zoning.
- B. The purpose of the PUD provision is to:
 - 1. Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the Comprehensive Plan;
 - 2. Permit flexibility within the development to maximize the unique physical features of the particular site;
 - 3. Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses;
 - 4. Achieve a continuity of function, and design within the development;
 - 5. To encourage innovative development of smaller parcels of land that have been passed over; and
 - 6. Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

SECTION 22-190.3 PLANNED UNIT DEVELOPMENT AUTHORIZED

A PUD may be authorized by an amendment to the Official Zoning Districts map after public hearing by the Planning Commission and City Commission. A PUD shall be considered a special zoning district; and it may be authorized for any use or a combination of uses permitted in this zoning code. A PUD must comply with the following requirements:

- A. A PUD master plan is required as the basis for review and approval of a PUD application. The PUD Master Plan shall be adopted as a part of the ordinance of rezoning and shall be in conformance with the requirements of these regulations and the following:
 - 1. The PUD Master Plan shall consist of two (2) elements, the Design Statement and the Master Development Plan Map;
 - 2. The PUD Master Plan shall establish residential densities, as well as amounts, type, and general location of all land uses; and
 - 3. The PUD Master Plan shall serve as the basis for review approval of all subdivision plats and building permits within the PUD.

SECTION 22-190.4 EFFECT OF PLANNED UNIT DEVELOPMENT APPROVAL

- A. Approval of a zoning change to PUD adopts the Master Plan prepared by the applicant and reviewed as part of the application. The Master Plan establishes new and specific requirements for amount and type of land use, residential densities, development regulations and location of specific elements of the development, such as open space, landscaping and screening.
- B. The PUD classification replaces any previous zoning district classification on a parcel.
- C. Where there is no provision in the PUD Master Plan for special development regulations, the requirements of the most restrictive conventional zoning district in which a proposed use or a structure is permitted, shall be applied to the development.

SECTION 22-190.5 CRITERIA FOR PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL

Because the PUD provides the opportunity for higher densities, greater design flexibility, mixed land uses, and improved marketability; the applicant should be prepared to provide amenities and services that might not be required or possible in a conventional development. Review and approval of a PUD is, therefore, a process of negotiation between the City government and the applicant to achieve the intents and purposes of these regulations and the Comprehensive Plan. The following factors should be specifically included as review criteria for the evaluation of a PUD application. Other factors not listed herein may also be considered in the review process in order to respond to specific design and land use proposals.

- A. The following design standards shall be specifically included as review criteria for the evaluation of a PUD application.
 - 1. The proposed PUD shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the Comprehensive Plan and the land use and zoning districts adjacent to it.
 - 2. Design of the PUD may provide for modifications of any conventional zoning, subdivision, or other development standard requirements set forth in City code. In addition, a unified/master signage plan may be approved which modifies advertising and sign allowances, provided that in no case, shall the overall signage of a development exceed what would have been permissible under the standard code provisions if the development was not part of a PUD.
 - 3. Density, land use, and intensity of use requirements shall be based on the PUD Master Plan and shall be reviewed carefully for conformance to the Comprehensive Plan.
 - 4. Building Code requirements shall not be reduced or modified in the design of a PUD.

5. The maximum number of dwelling units with a PUD shall be based on calculation of gross density. Gross density shall be established in the PUD Master Plan and shall be calculated by dividing the total land area to be developed for residential uses (exclusive of arterial streets) by the number of dwelling units.
 6. Location and type of housing shall be established in a general pattern and shown on the Master Development Plan Map.
 7. Open space and landscaping requirements shall not be reduced in the design of a PUD.
 8. Amenities: Amenities should be considered as an important justification for development and City approval of a PUD. Where gross or net densities are to be increased to promote economy of development, or where other methods of land use intensification are proposed, useable open space should be furnished along with provision for its permanent retention and continued maintenance. Sidewalks and pedestrian ways shall be planned where it is necessary to provide for amenity and public safety.
 9. Minimum Land Area and Frontage: The minimum area and frontage for a PUD request involving office, commercial and industrial land uses should generally be at least the minimum required by the conventional zoning associated with the proposal, provided that a private street network may also be authorized as a substitute for public street frontage.
 10. Streets: The following are general design standards for streets:
 - a. Street design should be innovative and should restrict through traffic from residential areas as much as possible.
 - b. Encouragement should be given to design of short local streets serving limited areas, such as the residential cul-de-sac.
 - c. Development of a private street system should be considered appropriate under certain conditions subject to approval of the City Engineer. However a private street system shall not serve as a reason for reduction in minimum design and paving standards in urban areas.
 - d. On-street parking bays or other similar areas shall not be approved.
 11. Adjacent Land Uses: The following general guidelines shall be used to establish the relationship of the PUD to abutting land uses:
 - a. The Master Development Plan Map shall show graphically the treatments that will be employed to separate the PUD from abutting properties, including commitments to landscaping, screening, earth berms, or similar techniques.
 - b. It is appropriate to specifically establish area with height limitations where a transition to more intense uses is proposed or where a higher intensity development is proposed to abut a lower intensity area.
 12. Mixed Land Use Developments: Where a PUD proposes a mix of uses which would generally be incompatible with a conventional development, the PUD Master Plan should specifically establish appropriate guidelines to assure a harmonious development.
 13. Common Access: In commercial or industrial developments, the PUD Master Plan should establish specific standards and locations for common access driveways both within the development and abutting arterial streets.
- B. Streets and alleys for PUDs shall be designed and constructed in accordance with City Standards and Specifications for right-of-way width and paving cross sections.

SECTION 22-190.6 PLANNED UNIT DEVELOPMENT APPLICATION

- A. The developer and/or builder of a PUD shall follow a five (5) step application and review procedure:
 1. Pre-Application Review.
 2. Application for rezoning if required, submission of PUD Master Plan, including the Design Statement and Master Development Plan.
 3. Preliminary Plat, where required by the Subdivision and Development Standards.
 4. Final Plat, where required by the Subdivision and Development Standards.
 5. Application for building permit and site plan review.

- B. Each required step shall be completed and approved before the following step is reviewed, provide that the Director may waive the pre-application review. Where appropriate, other methods authorized in the Subdivision and Development Standards may be substituted in Steps 3 and 4 above. The Planning Commission and City Commission may, however, review more than one step at the same public meeting.
- C. Public Hearing shall be required as follows:
 - 1. Public Hearing shall be held on the application for rezoning and/or the PUD Master Plan in accordance with regular procedures for zoning applications.
 - 2. Public Hearing on required plats shall be held in accordance with regular procedures established in the Subdivision and Development Standards.

SECTION 22-190.7 PRE-APPLICATION REVIEW OF PUD

Prior to submission of an application for rezoning to a Planned Unit Development (PUD), the applicant shall submit to the Director a draft plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The applicant should discuss with the Director the procedure for adopting a PUD and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters. The intent of the Pre-Application review is to ascertain whether the development is feasible as proposed and to expedite and facilitate the approval of a PUD Master Plan.

SECTION 22-190.8 APPLICATION FOR REZONING AND/OR PUD MASTER PLAN – SUBMISSION REQUIREMENTS

The PUD Application for rezoning shall be filed in accordance with regular procedures and on the application forms of the City of Shawnee. Ten (10) copies of the PUD Master Plan, shall be submitted with the application for rezoning and shall consist of a design statement and a master development plan map. The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this code. The application shall be accompanied by the payment of a five hundred fifty (\$550.00) dollar fee for a single phase project and an additional fee of one hundred fifty (\$150.00) dollars for each additional phase of a multiple phase project.

- A. The Master Development Plan Map shall be a graphic representation of the Development Plan for the area, prepared at a scale appropriate for the size of the project but not less than the minimum required for preliminary plats in the Subdivision and Development Standards. It shall show the following:
 - 1. Location of proposed land uses, residential densities, structures, and facilities;
 - 2. Location of collector streets within the PUD and adjacent arterial streets, in addition to a general circulation plan for the development, including all proposed private streets and drives;
 - 3. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
 - 4. Location and approximate size of proposed open space, landscaping, and public or private recreation areas;
 - 5. Areas where access to streets will be limited and location of driveways where appropriate;
 - 6. Design of all off-street parking facilities with design of ingress and egress; and
 - 7. Any other pertinent information necessary for review, approval, and administration of the PUD as determined by the Director. This could include but is not limited to showing the location of oil wells, towers, or private utilities.
- B. The PUD Design Statement shall be a written report submitted as a part of the PUD Master Plan containing a minimum of the following elements:

1. Title of PUD;
2. List of owners and developers;
3. Statement of the general location and relationship to adjoining land uses; both existing and proposed;
4. Description of the PUD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description of proposed building use types, proposed restrictions and typical site layouts;
5. The existing PUD zoning districts in the development area and surrounding it.
6. A list of all special development regulations or the conventional zoning district regulations which will be applicable;
7. A statement on the existing and proposed streets, including right-of-way standards and street design concept;
8. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
9. A topographical map with minimum two (2') foot contour intervals;
10. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
11. A statement of utility lines and services to be installed, including which lines will be dedicated to the City and which will be private;
12. The proposed densities, and the use types and sizes of structures;
13. A description of the proposed sequence of development; and
14. If there is no plat required or if other methods authorized in the Subdivision and Development Standards are appropriate, then paragraphs (1) and (2) of Section 22-190.10(A) shall be submitted and approved as part of the PUD Master Plan at the time of rezoning.

SECTION 22-190.9 PRELIMINARY PLAT

Upon approval of the PUD Master Plan and the Ordinance of rezoning, the developer shall prepare a preliminary plat for the entire development area. Where there is a recorded plat and where there will be no extensive easements, no property owner's association, no plat restrictions, and no sales of lots which do not conform to the platted lot lines, the Planning Commission may waive the Platting Requirements.

SECTION 22-190.10 FINAL PLAT

- A. Where a subdivision plat has been required, the developer shall prepare a final plat for review, approval, and filing of record according to procedures established by the Subdivision and Development Standards. In addition to these procedures, the final plat shall include:
1. Provisions for the ownership and maintenance of common space. Said open space may be dedicated to a private association or to the public provided that dedication to the public shall not be accepted without the approval of the City Commission;
 2. A homeowner or property owner association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, service and parking areas, and recreation areas; and
 3. Covenants shall be submitted to reasonably insure the continued compliance with the approved PUD Master Plan, unless not required by the City.

SECTION 22-190.11 PLOT PLAN

A plot plan or site plan shall be submitted upon the application for a building permit and reviewed in accordance with applicable rules. The plot plan shall provide enough detail to ensure full compliance with any approved PUD. The Building Permit may be conditioned to ensure compliance.

SECTION 22-190.12 PLANNED UNIT DEVELOPMENT REVIEW AND APPROVAL

A. Design Review

1. All Planned Unit Development applications shall be reviewed through the internal design review process. Upon receipt of a completed application and application fee for PUD Master Plan review, the Director shall transmit the application and all supporting materials to the various City departments involved with the design review process and to appropriate officials or agencies of other official bodies as deemed necessary or as mandated by law. Each participant shall consider all pertinent information, and shall provide the Director with a report of their findings, comments, and recommendations.
2. After receiving all comments, the Director shall advise the applicant whether or not significant changes or modifications should be made to the PUD Master Plan application prior to the proposal's consideration by the Planning Commission. The applicant may choose to present the application to the Planning Commission without modification.
3. This process shall conform to the design review process in the Subdivision and Development Standards. Where a preliminary plat and a PUD Master Plan are submitted together, they may be reviewed concurrently.

B. Approval

1. Upon final approval by the City Commission of the PUD Master Plan and the appropriate ordinance of rezoning, these elements shall become a part of the Official Zoning District Map. The ordinance of rezoning shall adopt the PUD Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City of Shawnee.
2. The PUD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accord with said Plan until it is otherwise amended by the City Commission. The developer shall furnish a reproducible copy of the approved Master Development Plan Map for signature by the Chairman of the Planning Commission, the Mayor and attested by the City Clerk. The PUD Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the Planning Department.
3. Public Hearing. Public hearings shall be required prior to approval of the PUD Master Plan. Notice shall be provided in accordance with regular procedures established by these regulations.

SECTION 22-190.13 MODIFICATIONS AND MINOR AMENDMENTS

- A. The Director shall be permitted to approve minor amendments and adjustments to the PUD Master Plan provided the following conditions are satisfied:
1. The project boundaries are not altered by more than five (5%) percent.
 2. Uses other than those specifically approved in the PUD Master Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered.
 3. The allocation of land to particular uses or the relationship of uses within the project are not altered by more than fifteen (15%) percent.
 4. The density of housing is not increased by more than ten (10%) percent or decreased by more than thirty (30%) percent.
 5. The land area allocated to non-residential uses is not increased or decreased by more than ten (10%) percent.
 6. Floor area, if prescribed, is not increased or decreased by more than ten (10%) percent.
 7. Floor area ratios, if prescribed, are not increased.
 8. Open space ratios, if prescribed, are not decreased.
 9. Height restrictions, yard requirements, parking standards, signage allowances, lot coverage restrictions and other areas, height, and bulk requirements prescribed in the PUD Master Plan are not substantially altered.
 10. The circulation system is not substantially altered in design, configuration, or location.

11. The design and location of access points to the project are not altered either in design or capacity, unless otherwise approved by the City Engineer.
- B. The Director shall determine if proposed amendments to an approved Master Development Plan satisfy the above criteria. If the Director finds that these criteria are not satisfied, an amended PUD Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

SECTION 22-190.14 REVERSION

- A. Property owner request: If the property owner decides to revert the PUD concept and nullify the PUD Master Plan, he shall make application for rezoning either to the original status or to a new classification. Said application shall be heard according to regular procedures by the Planning Commission and City Commission.
- B. Continuing review by City: If development of the PUD has not been started within three (3) years of the date of approval of the PUD Master Plan it shall be deemed expired and the area contained within the PUD boundaries shall revert to the previous zoning designation. The Planning Commission may allow a one-time extension of up to two years from the original approval date, subject to approval by the City Commission, after a public hearing is held. The fee for an extension request shall be five hundred (\$500) dollars.

NONCONFORMING BUILDINGS, STRUCTURES AND USE OF LAND

SECTION 22-195

SECTIONS:

- 22-195.1 INTENT**
- 22-195.2 NONCONFORMING LOTS OF RECORD**
- 22-195.3 NONCONFORMING STRUCTURES**
- 22-195.4 NONCONFORMING USES OF STRUCTURES**
- 22-195.5 NONCONFORMING USES OF LAND**
- 22-195.6 CHANGES IN NONCONFORMITY**
- 22-195.7 RESTORATION OF DAMAGED USE**
- 22-195.8 REMODELING**
- 22-195.9 NONCONFORMING BUILDINGS AND STRUCTURES THAT HAVE CONFORMING USES**
- 22-195.10 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES**
- 22-195.11 VIOLATION NOT AUTHORIZED**

SECTION 22-195.1 INTENT

If within the Districts established by this Code or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this Code was passed or amended but which would be prohibited, regulated, or restricted under the terms of this code or future amendments, it is the intent of this Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Code to be incompatible with permitted uses in the district involved. It is further the intent of this Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses, except as specified in the following sections.

SECTION 22-195.2 NONCONFORMING LOTS OF RECORD

In any District in which a lot exists of record at the effective date of adoption or amendment of this Code which does not conform in size or area to the provisions of this Code, buildings for the use permitted in such District may be erected on such lot, notwithstanding limitations imposed by other provisions of this Code, provided that all applicable building code rules apply.

SECTION 22-195.3 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendments of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure can be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

SECTION 22-195.4 NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the District under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the District in which it is located shall be, enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which where manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 22-195.5 NONCONFORMING USE OF LAND

Where, at the effective date of adoption or amendment of this Code, lawful uses of land exist that are no longer permissible under the terms of this Code as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Code.
- B. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
- C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Code for the District in which such land is located.

SECTION 22-195.6 CHANGE IN NONCONFORMITY

The use of nonconforming building or structure may be changed to a use of the same or a more restricted District classification, but, where the use of a nonconforming building or structure is changed to a use of a more restrictive district classification, it shall not thereafter be changed to a use of a less restricted district classification.

SECTION 22-195.7 RESTORATION OF DAMAGED USE

When a nonconforming use of a building is damaged by fire, explosion, natural cause, or public enemy, by more than fifty (50%) percent of its true value, said building shall only be restored when it conforms with the district regulation on which it is located. However, should such damage occur as a result of a Federally-declared or State-declared disaster (e.g., flood, tornado, or similar-type event), rebuilding may occur if it is commenced within twelve-months of the actual disaster event. All building code standards and floodplain regulations apply.

SECTION 22-195.8 REMODELING

Improvements or remodeling which do not increase the building size or intensity of use shall be permitted.

SECTION 22-195.9 NONCONFORMING BUILDINGS AND STRUCTURES THAT HAVE CONFORMING USES

Although a structure or building does not conform to the district regulations of this Code for a minimum lot size, lot width, yard requirement, height, lot coverage, parking, other characteristics of the structure, or its location on the lot, the lawful existence of a structure or building at the effective date of adoption of this Code may continue, subject to the provisions in the following sections.

SECTION 22-195.10 ALTERATION OR ENLARGEMENT OF BUILDING AND STRUCTURES

A nonconforming building or structure shall not be enlarged in any manner unless said building or structure, including additions and enlargements, are made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height, or off-street parking space, the building or structure may be enlarged or added to provide that the enlargement or addition complies with the yard or height requirements and the existing building and the addition complies with the off-street parking requirements of the District in which said building or structure is located.

SECTION 22-195.11 VIOLATIONS NOT AUTHORIZED

Nothing in this Section shall be interpreted as authorizing approval of a building or premises in violation of zoning regulations in effect at the time of the effective date of this Section.

BOARD OF ADJUSTMENT

SECTION 22-200

SECTIONS:

- 22-200.1 ESTABLISHED**
- 22-200.2 MEMBERSHIP**
- 22-200.3 MEETINGS AND RULES**
- 22-200.4 POWERS**
- 22-200.5 EXTENT OF RELIEF**
- 22-200.6 SPECIAL EXCEPTIONS GRANTED BY BOARD**
- 22-200.7 VARIANCES**
- 22-200.8 BURDEN OF PROOF**
- 22-200.9 NOTICE OF HEARING – CONTENTS OF NOTICE – MINOR VARIANCES OR EXCEPTIONS**
- 22-200.10 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT**
- 22-200.11 APPEALS FROM THE BOARD OF ADJUSTMENT**

SECTION 22-200.1 ESTABLISHED

There is hereby created within and for the City of Shawnee a Board of Adjustment with the powers and duties as set forth in this Section.

SECTION 22-200.2 MEMBERSHIP

The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the City Commission, upon written charges and after a public hearing. Vacancies shall be for the unexpired term of any member whose term becomes vacant. Members appointed shall be citizens of Shawnee, each appointed by the Mayor and confirmed by the City Commission.

SECTION 22-200.3 MEETINGS AND RULES

The Zoning Board of Adjustment shall elect one (1) of its members as Chairman to serve for a term of two (2) years. The Board shall adopt rules in accordance with the provisions of this Code. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall be subject to the open meeting laws of the State and all meetings, deliberations, and voting of the Board shall be open to the public. The board shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of all official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

SECTION 22-200.4 POWERS

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of any zoning code;
- B. To hear and decide special exceptions to the terms of the code upon which the Board of Adjustment is required to pass under such codes;
- C. To authorize in specific cases a variance from the terms, standards and criteria that pertain to an allowed use within a zoning district as authorized by the zoning ordinance when such cases are

shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship and so that the spirit of the Code will be observed and substantially justice done; and

- D. Exceptions and/or variance may be allowed by the Board of Adjustment only after notice and hearing as provided in this Section.

SECTION 22-200.5 EXTENT OF RELIEF

- A. In exercising the previous mentioned powers, the Board of Adjustment may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- B. The concurring vote of at least three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement and decision or determination of any such administrative officer, or to decide in favor of the applicant, or to decide any matter upon which it is required to pass under the Code or to effect any variation in such Code.
- C. The Board of Adjustment shall have no power to authorize variances as to use excepting Special Exceptions noted herein.

SECTION 22-200.6 SPECIAL EXCEPTIONS GRANTED BY BOARD

Upon appeal, the Board of Adjustment is empowered to permit the following exceptions:

- A. To authorize, upon application in specific cases such exceptions as hereinafter provided for, provided such exception together with such conditions as may be imposed by the Board of Adjustment is determined to be; (a) consistent with purpose and intent of the district within which the property is located; (b) if granted would not tend to encourage further exceptions of a similar nature in the neighborhood which, when taken together, would be inconsistent with the purposes and intent of the district; and (c) that the exception is necessary to render appropriate relief to the applicant for a fair and reasonable use of this property:
 - 1. Within the "A-1" District, the Board of Adjustment may permit not to exceed one auxiliary single family structure on a lot for the purpose of housing a relative of the owner when it can be shown that such residence is necessary for the health, safety and/or care of the parties involved.

SECTION 22-200.7 VARIANCES

A variance from the terms of the Code may be granted, as provided in this Section, only upon finding by the Board of Adjustment that:

- A. The application of the Code to the particular piece of property would create an unnecessary hardship;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Code or the Comprehensive Plan; and
- D. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

SECTION 22-200.8 BURDEN OF PROOF

Applicant for variance has the burden of showing that granting of a variance will not be contrary to public interest, that literal enforcement of the Zoning Code will result in unnecessary hardship, that by granting the variance the spirit of the Code will be observed, and that by granting the variance, substantial justice will be done. The Board of Adjustment shall have the right to establish conditions on any granted variance.

SECTION 22-200.9 NOTICE AND HEARING – CONTENTS OF NOTICE – MINOR VARIANCE OR EXCEPTION

- A. Notice of public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the Board of Adjustment hearing to all owners of property within a three hundred (300') foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.
- B. The notice, whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:
 - 1. Legal description of the property and the street address or approximate location in the municipality;
 - 2. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
 - 3. Date, time and place of the hearing.
- C. On hearings involving minor variances or exceptions, notice shall be given by the clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in item "B" above. The Board of Adjustment shall have the powers to grant minor variances or exceptions as set forth in the Board of Adjustment Resolution #1-81, subject to the approval or amendment by the City Commission.

SECTION 22-200.10 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT

The City Commission shall provide by ordinance for appeals from any action or decisions of an Administrative Officer acting pursuant to any Zoning Code to the Board of Adjustment in the following manner:

- A. Appeals from the action of any Administrative Officer to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Administrative Officer;
- B. An appeal shall be taken within thirty (30) days from the date of the decision by filing with the City Clerk and filing with the Board of Adjustment a notice of appeal specifying the grounds therefore, and by paying a filing fee of ninety (\$90.00) dollars at the office of the City Clerk at the time the notice is filed. The applicant shall provide at the time of application a certified list of property owners within three hundred (300') feet in question prepared by a bonded abstract company. Newspaper publication shall also include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken;
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal

has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken on due cause shown; and

- D. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 22-200.11 APPEALS FROM THE BOARD OF ADJUSTMENT

- A. An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the municipality to the District Court in the county in which the sites of the municipality is located.
- B. The appeal shall be taken by filing a notice of appeal with the City Clerk and with the Clerk of the Board of Adjustment within ten (10) days of the decision by the Board. Day one begins the first day following the Board's decision. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.
- C. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the Court Clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or filing of the Board.
- D. The appeal shall be heard and tried de novo (without jury) in the District Court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.
- E. An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Chairman of the Board, from which the appeal is taken, certified to the Court Clerk, after the notice of appeal has been filed, that by reasons of facts stated in the certificate a stay in his opinion cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by District Court upon application or notice to the Administrative Officer in charge of the enforcement of the terms and provisions of the Code, and upon notice to the Chairman of the Board from which appeal is taken, and upon due cause being shown.
- F. The District Court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the District Court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the District Court as in all other civil actions.

ADMINISTRATION

SECTION 22-205

SECTIONS:

- 22-205.1 DUTY OF THE COMMUNITY DEVELOPMENT DIRECTOR**
- 22-205.2 ZONING CLEARANCE PERMIT REQUIREMENTS**
- 22-205.3 NEW CONSTRUCTION**
- 22-205.4 APPLICATION – ZONING CLEARANCE**
- 22-205.5 ACCOMPANYING MATERIAL**
- 22-205.6 ZONING CLEARANCE FEE**
- 22-205.7 CONDITIONAL USE PERMIT**
- 22-205.8 PLATTING REQUIREMENTS**
- 22-205.9 VIOLATION AND PENALTIES**
- 22-205.10 EXCEPTIONS**
- 22-205.11 REQUIRED INFORMATION ON SITE PLANS**
- 22-205.12 PROCEDURE FOR PROCESSING**
- 22-205.13 APPROVAL, EXTENSION AND REVISION**
- 22-205.14 APPEALS**

SECTION 22-205.1 DUTY OF THE COMMUNITY DEVELOPMENT DIRECTOR

- A. Unless specifically qualified otherwise, the provisions of this Code shall be enforced by the Community Development Director or their designee, hereinafter referred to as the “Director”, and/or their designee(s).
- B. In the administration of this Code, the Director shall be assisted by the appropriate officers, departments, commissions, agencies and boards of the City of Shawnee and such additional officers, departments, agencies, committees, of the City, County, State and Federal governments as shall be specified and referred to under the various sections of this Code.
- C. The Director shall have all necessary authority on behalf of the City Commission to administer and enforce the provisions of this Code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring, in concert with the City Attorney, legal action to insure compliance with the provisions, including injunction, abatement or other appropriate action or proceeding.

SECTION 22-205.2 ZONING CLEARANCE PERMIT REQUIREMENTS

The Zoning Clearance Permit is a permit issued by the Director which states that a particular development meets all of the requirements of the Zoning Code. It is not a building permit and does not authorize construction; it certifies that the land and/or structure is in conformance with the terms of this Zoning Code. A Zoning Clearance Permit shall be required on all building permits, provided that such clearance is not required for single-family residential structures. The Zoning Clearance process can be reviewed concurrently with the building permit process and the City can establish and administrative review process.

SECTION 22-205.3 NEW CONSTRUCTION

No building or other structure shall be erected, constructed, enlarged, altered, nor shall the use of any land or building or other structure be changed without a Zoning Clearance Permit being issued authorizing such construction, alteration, or use changes as being in compliance with the provisions of this Code, unless otherwise exempted. No building or other permit shall be issued for any construction not conforming to a valid Zoning Clearance Permit.

SECTION 22-205.4 APPLICATION – ZONING CLEARANCE PERMIT

An application for a Zoning Clearance Permit shall be made to the Director by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within ten (10) business days, the Director shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Code.

SECTION 22-205.5 ACCOMPANYING MATERIAL

All applications for Zoning Clearance Permits shall be accompanied by a plot plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as may be necessary to satisfy the requirements of these regulations.

SECTION 22-205.6 ZONING CLEARANCE FEE

Zoning Clearance Permit shall not be issued until a Fifty Dollar (\$50.00) fee has been paid. This fee shall also include the issuance of a Certificate of Occupancy at the completion of the building permit process.

SECTION 22-205.7 CONDITIONAL USE PERMIT

Where the letter “P” appears for certain uses in the tables of permitted uses, their use may be permitted if a conditional use permit is approved and attaches to the real property. For the purposes of interpreting the City’s Zoning Code and Development Regulations, the term “Conditional Use Permit” shall be seen as having the exact same meaning as the term “specific use permit” as cited in Oklahoma Statutes (11 O.S. § 43-113) and both terms are to be used interchangeably. The uses designated under the various districts herein as “conditional uses” are so classified because they could more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein under conditions. The following procedures are established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures:

- A. An application shall be filed with the Director for review. Such application shall show the location and intended use of the site. The applicant shall provide a certified property ownership list of all property owners within three hundred (300’) feet. The list shall be prepared by a bonded abstract company. Applicant shall provide the existing land uses adjacent to the site and any other material pertinent to the request which the Director may require. An application for a conditional use permit shall be accompanied by the payment of a fee of two hundred eighty dollars (\$280.00) to cover costs of notice and posting and administrative review.
- B. The Planning Commission shall hold one (1) or more public hearings thereon. Such notice shall follow the same public hearing procedures of this Chapter and State law. In the event any applicant files an application for an amendment concurrently with an application for a conditional use, the Planning Commission may, upon its option, consider both applications concurrently upon proper notice having been given.
- C. The Planning Commission shall within forty-five (45) days of the date of the application, transmit to the City Commission its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic congestion, public utilities and other matters pertaining to the general health, safety and welfare of the public, and the recommendation of the Planning Commission concerning the use thereon. Thereupon, the City Commission may authorize or deny the issuance of a building permit for the use of the land or buildings as requested.

- D. In conducting its review, the Planning Commission and City Commission may set conditions on the approval any Conditional Use Permit, including, but not limited to, conditions on: hours of operation, use restrictions, building design, parking, setbacks, lot sizes, density, landscaping, screening, site design elements, signage, lighting, noise and such other development standards and operational safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.
- E. If approved, the applicant and all successors shall remain in compliance with any specified conditions of the Conditional Use Permit. The City Commission shall have the authority to revoke any Conditional use Permit that is in violation of established conditions, upon public hearing and notice to the permit holder.

SECTION 22-205.8 PLATTING REQUIREMENTS

For the purpose of providing a proper arrangement of streets and assuring the adequacy of open space for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established, as follows:

For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the City Commission and filed of record in the office of the Pottawatomie County Clerk. Provided, that the City Commission upon the recommendation of the Planning Commission, may waive the platting requirements upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

SECTION 22-205.9 VIOLATION AND PENALTIES

A violation of this Code shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this Code shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 22-205.10 SITE PLAN REVIEW

Site plans, prepared and approved in accordance with the provisions of this section, shall be required to assist City Administrative Officials in the review of certain applications for building permits, and to ensure compliance with all applicable requirements of this Code. All structures and their related accessory uses and structures shall trigger the need for a site plan.

SECTION 22-205.11 EXCEPTIONS

The Director may waive any requirements of this Section upon a finding that the waiver of said requirements will not adversely affect the adequacy of provisions set forth herein. The Director shall also have the right to establish and carry out administrative provisions that are designed to provide for the efficient review and processing of building permit and land use applications.

SECTION 22-205.12 REQUIRED INFORMATION ON SITE PLANS

- A. At least four (4) clearly legible blue or black line copies of all site plans shall be submitted to the Director along with a receipt indicating that all required site plan fees for processing and approval have been paid.
- B. All site plans contain the following information:
 - 1. North Arrow

2. Scale of the site plan is to be indicated with a preferred scale being 1" = 20'. However, in no case shall the scale of any site plan be less than 1" = 50'.
3. The legal description of the property is to be written on the site plan. Identify the location of tract, with regards to corner of the section, block and street corners. For all unplatted property of five (5) acres or less in area and for any property located within an approved subdivision which results from a change of the originally recorded plat, a copy of the first recorded deed to the property must accompany the permit application.
4. All property lines shall be accurately drawn to scale on the site plan with the dimensions of each line numerically illustrated in feet. Each property line shall be distinguished with the symbol "PL".
5. All adjacent street and alley rights-of-way are to be indicated, showing the center line of each, the width and length of each and any street names. Property lines shall be included as a part of these rights-of-way by showing dimensions from the center line.
6. The exact location, dimensions, and type of all easements that abut and are situated on the property shall be shown.
7. The location of driveway approaches, width and length, of every driveway shall be indicated.
8. Show existing and proposed paving. Specify the width and type of paving and whether there is curb and gutter.
9. Indicate the parking and maneuvering arrangement that is proposed. Each parking space and drive is to be indicated. All parking arrangements must comply with City parking standards.
10. Indicated the locations of all existing and/or proposed utility services included:
 - a. Indicate location and size of sanitary sewer facilities, or other sewer disposal system.
 - b. Indicate location and capacity of all drainage structures and pipes (existing and proposed), showing direction of flow of storm water, natural low areas existing on the property, and contour lines. If the location is within a flood prone area, the final elevation also shall be indicated.
11. Show the location of every existing and proposed building on the property:
 - a. Identify the building location by indicating the distance from each building to all rights-of-way and property lines, and between buildings.
 - b. Specify the dimensions and the total square footage in each floor of every existing and proposed building. Specify the square footage in each floor that is contained in areas designed for storage, utilities and building services.
 - c. State the use in detail of every existing and proposed building.
 - d. Indicate the number of dwelling units in each building.
12. Any additional information relating to the proposed improvements as requested by the Director.

SECTION 22-205.13 PROCEDURE FOR PROCESSING

- A. The Director shall check the site plan for general compliance and completeness with the provisions of this section and shall so certify the application.
- B. The Director shall see that all administration reviews are completed within fifteen (15) days. The Director may extend the review by one fifteen (15) day period, and thereafter, the site plan shall be automatically approved if administrative review is not completed.

SECTION 22-205.14 APPROVAL, EXTENSION AND REVISION

- A. Approval of a site plan submitted under the provisions of this Section shall expire one (1) year after the date of such approval unless a building permit(s) has been obtained and the work commenced.

- B. Such approval may be extended by the Director of Community Development for a single one (1) year period, upon his receipt of a written request for an extension not less than thirty (30) days before the expiration of the approved site plan.
- C. The Director shall not approve any site plan that is contrary to the provisions of this Code and other current ordinances or statutes. Neither shall the Director disapprove the site plan on grounds other than a documented deviation from this code or other current ordinances or statutes.

SECTION 22-205.15 APPEALS

Any person aggrieved by any decision of the Director may appeal the decision to the Board of Adjustment in accordance with the procedures set forth in this Chapter.

AMENDMENTS

PROCEDURES

SECTION 22-210

SECTIONS:

- 22-210.1 PLANNING COMMISSION RECOMMENDATION REQUIRED**
- 22-210.2 APPLICATION FOR AMENDMENT**
- 22-210.3 NOTICE AND PUBLIC HEARING**
- 22-210.4 ADDITIONAL NOTICE REQUIREMENTS FOR SPECIFIC USES**
- 22-210.5 PLANNING COMMISSION ACTION**
- 22-210.6 CITY COMMISSION ACTION**
- 22-210.7 PROTEST TO AMENDMENT**
- 22-210.8 MUNICIPALLY PROPOSED ZONING RECLASSIFICATION**
- 22-210.9 WAITING PERIOD REQUIRED**
- 22-210.10 CLASSIFICATION OF NEW ADDITIONS**

SECTION 22-210.1 PLANNING COMMISSION RECOMMENDATION REQUIRED

The regulations, restrictions, prohibitions and limitations imposed and the Districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City Commission a report and recommendation on the proposed change.

SECTION 22-210.2 APPLICATION FOR AMENDMENT

An owner, or his duly authorized representative, may make application for the amendment of the zoning restrictions applicable to his property by filing with the Planning Commission a written application in such form and content as the Planning Commission may, by resolution, establish. An application for amendment shall be accompanied by the payment of a fee of two hundred eighty dollars (\$280.00) to cover costs of notice and posting and administrative review. The applicant shall also furnish a list of all property owners within three hundred (300') feet of the rezoning applicant's property and shall be prepared and certified by an abstract company. This certified ownership list shall contain the legal description and the mailing addresses of the property owners.

SECTION 22-210.3 NOTICE OF PUBLIC HEARING

Upon receipt of a rezoning application, the Secretary for the Planning Commission shall set dates of the public hearings before the Planning Commission and City Commission. Parties in interest and citizens shall have an opportunity to be heard at both public hearings. At least fifteen (15) days' notice of the rezoning requested, date, time and place, each hearing shall be published in a newspaper of general circulation in the City of Shawnee. Said notice shall also include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the said area. In addition to the notice required above, notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the hearing by mailing written notice by the Secretary of the Planning Commission to all owners of real property within a three hundred (300') foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- A. Legal description of the property and the street address or approximate location;
- B. Present zoning and classification of the property and the classification sought by the applicant; and

- C. Date, time and place of the public hearing.

In addition to the notice provided above, notice of public hearing of any zoning change shall be given by a sign or signs as may be required, placed on the property affected by such proposed zoning reclassification. Said sign or signs shall be posted on the affected property at least twenty (20) days before the date of the hearing. Such sign or signs and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets which it faces. It shall contain as follows:

- A. The date, time and place of the public hearing;
- B. By whom the public hearing will be conducted;
- C. Existing and desired zoning classification; and
- D. Other information as deemed necessary to provide adequate and timely public notice.

SECTION 22-210.4 ADDITIONAL NOTICE REQUIREMENTS FOR SPECIFIC USES

- A. In accordance with State law, if the zoning change requested permits the use of treatment facilities, multiple family facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or nonmedical detoxification as these terms are defined pursuant to Section 3-403 of Title 43A of the Oklahoma Statutes. Written notice shall be provided at least thirty (30) days before the hearing date to all property owners within one-quarter mile where the area to be affected is located. The applicant shall be responsible for costs associated with the notice and shall provide proof of compliance. The content of the notice shall meet the requirements of this Chapter and State law. The City will be responsible for posting the property and providing publication in the newspaper in accordance with the other provisions of the Chapter and State law.
- B. In accordance with State law (Title 60, Chapter 18, Section 863), a group home, although a permitted use, shall only be established after notice is given to all affected real property owners within three hundred (300') feet of the exterior boundaries of the property on which the group home is to be located. The notice shall contain a legal description of the property and the street address or approximate location of the group home. The applicant shall furnish to the City the mailing list prepared by a bonded abstractor.

SECTION 22-210.5 PLANNING COMMISSION ACTION

- A. After notice and public hearing, the Planning Commission shall vote to:
 - 1. Recommend to the City Commission that the application be approved as submitted, or as amended, or be approved subject to such modifications as the Planning Commission shall deem appropriate to carry out the Comprehensive Plan; or
 - 2. Recommend to the City Commission that the application be denied.
- B. An application recommended for approval, or approval subject to modification, shall be transmitted to the City Commission with the report and recommendation of the Planning Commission within fifteen (15) days from the date of Planning Commission action.
- C. In the event the applicant elects to withdraw his application from amendment to the Zoning Code after it has been acted upon by the Planning Commission, no refund shall be provided.

SECTION 22-210.6 CITY COMMISSION ACTION

At the time set for public hearing, the City Commission shall proceed to conduct the public hearing wherein all interested parties and citizens shall have an opportunity to be heard at such public hearing. At least fifteen (15) days notice of the rezoning requested, date, time and place of the hearing shall be

published in a newspaper of general circulation in the City of Shawnee. Said notice shall also include a map of the area to be affected, which indicates street names or numbers, streams, or other significant landmarks in said area. In addition to the notice required above, notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the public hearing by mailing written notice by the City Clerk to all owners of real property within a three hundred (300') foot radius of the exterior boundary of the subject property. The notice shall contain as follows:

- A. Legal description of the property and street address or approximate location in the City;
- B. Present zoning and classification of the property and the classification sought by the applicant; and
- C. Date, time and place of public hearing.
- D. Proposed use for the property.

In addition to such written notice, notice shall also be given by posting a sign or signs on the property affected by such proposed zoning reclassification. Said sign or signs shall be posted on the affected property at least twenty (20) days before the date of the hearing. Such sign (or signs) and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. It shall contain as follows:

- A. The date, time and place of the Public Hearing;
- B. By whom the public hearing will be conducted;
- C. The desired zoning classification and proposed use of property; and
- D. Other information as deemed necessary to provide adequate and timely public notice.

After conducting such public hearing, the City Commission may approve the application as submitted and recommended by the Planning Commission; or approve the application subject to modification; or deny the application; or return the application to the Planning Commission for further study; or approve the application modified to a classification more restrictive than that requested in such application, notwithstanding the fact that notice had been given of the public hearing to be held upon a requested classification which is less restrictive than that which is approved

SECTION 22-210.7 PROTEST TO AMENDMENT

All written protests against proposed changes shall be filed at least three (3) days before the date of the public hearing. If protests are filed by:

- A. The owner of twenty (20%) percent or more of the area of lots included in a proposed change; or
- B. The owners of fifty (50%) percent or more of the area of lots within a three hundred (300') feet radius of the exterior boundary of the territory included in a proposed change;

Then the proposed change or amendment shall not become effective except by a favorable vote of three-fifths (3/5) of all the members of the Board of commissioners of the City of Shawnee.

SECTION 22-210.8 MUNICIPALLY PROPOSED ZONING RECLASSIFICATIONS

Should the City of Shawnee propose a zoning reclassification in order to revise the Comprehensive Plan or the Official Zoning Map of the City, or to identify areas which require specific land use development, due to topography, geography, or other distinguishing features, including but not limited to floodplain,

drainage, historic preservation, and blighted areas, it shall establish guidelines for publication notices for public hearing. The governing body may require, in addition, the notice requirements to abutting property owners where applicable as provided for in this Chapter, a sign to be posted on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street of streets toward which it faces. The notice shall state as follows:

- A. The date, time and place of the public hearing;
- B. Who will conduct the public hearing;
- C. The desired zoning classification;
- D. The proposed use of the property; and
- E. Other information as may be necessary to provide adequate and timely public notice.

SECTION 22-210.9 WAITING PERIOD REQUIRED

Applications to amend the Zoning Code heard and decided by the City Commission of the City of Shawnee will not again be set down for public hearing within six (6) months of the date of the decision by the City Commission. Applications may not be refiled with the Planning Commission within six (6) months after the date of such decision by the City Commission. Applications for rezoning of the same property in a different zoning classification may, however, be filed without limitation.

SECTION 22-210.10 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City shall be in an A-1 Rural Agricultural Zoning District unless otherwise classified by the City Commission for a period of time not to exceed one (1) year from the effective date of the ordinance annexing the property. Within this one (1) year period of time; the City Commission shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the Comprehensive Plan, and upon receipt of such recommendations, the City Commission shall, after public hearing as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Commission from holding public hearings prior to or at the same time as annexation and establishing the district classification at the time of annexation.

SHAWNEE MUNICIPAL AIRPORT OVERLAY DISTRICT

SECTION 22.215

SECTIONS:

22-215.1	SHORT TITLE
22-215.2	DEFINITIONS
22-215.3	AIRPORT ZONES
22-215.4	AIRPORT ZONE HEIGHT LIMITATIONS
22-215.5	USE RESTRICTION
22-215.6	NONCONFORMING USES
22-215.7	PERMITS
22-215.8	ENFORCEMENT
22-215.9	APPEALS
22-215.10	JUDICIAL REVIEW
22-215.11	PENALTIES

SECTION 22-215.1 SHORT TITLE

These Regulations shall be known and may be cited as Shawnee Regional Airport Zoning Regulations. These Regulations are subject to any rulings or changes made by the Oklahoma Aeronautics Commission, the Federal Aviation Administration, and the Aircraft Pilot and Passenger Protection Act.

SECTION 22-215.2 DEFINITIONS

As used herein, unless the context otherwise requires:

1. **Airport** – Means Shawnee Municipal Airport.
2. **Airport Elevation** – 1073 feet above mean seal level.
3. **Approach Surface** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 22.215.4 of these Regulations. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **Approach, Transitional, Horizontal, and Conical Zones** – These zones are set forth in Section 22-215.3 of these Regulations.
5. **Commission** – Means the Oklahoma Aeronautics Commission or a successor agency
6. **Conical Surface** – Is an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **Hazard to Air Navigation** – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **Height** – For the purpose of determining the height limits in all zones set forth in these Regulations and shown on the Airport Layout Plan, the datum shall be mean sea level elevation unless otherwise specified.

9. **Horizontal Surface** – Is an imaginary horizontal plane one hundred fifty (150') feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. **Larger than Utility Runway** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. **Nonconforming Use** – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of these Regulations or an amendment thereto.
12. **Nonprecision Instrument Runway** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
13. **Obstruction** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 22-215.4 of these Regulations.
14. **Person** – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. **Precision Instrument Runway** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. **Primary Surface** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200') feet beyond each end of that runway. The width of the primary surface is set forth in Section 22-215.3 of these Regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **Runway** – A defined area on an airport prepared for landing and take-off of aircraft along its length.
18. **Structure** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **Transitional Surface** – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000') feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extend runway centerline.

20. **Tree** – Any object of natural growth.
21. **Utility Runway** – A runway that is constructed for an intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
22. **Visual Runway** – A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 22-215.3 AIRPORT ZONES

In order to carry out the provisions of these Regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Shawnee Regional Airport Layout Plan consisting of one sheet, prepared by LBR, INC. dated May 2013, which is available upon request by the Shawnee Regional Airport Staff. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Precision Instrument Runway Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is one-thousand (1,000') feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Runway Larger Than Utility With A Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

C. Utility Runway Visual Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

D. Transition Zones

Are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Airport Layout Plan.

E. Horizontal Zone for Instrument and Non-Instrument Runway

Is hereby established by swinging arcs of 5,000 feet radii for all non-instrument runways and 10,000 feet for all instrument runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

F. Conical Zone for Instrument and Non-Instrument Runway

Is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the instrument and non-instrument approach zones and transition zones and horizontal zone.

SECTION 22-215.4 AIRPORT ZONE HEIGHT LIMITATIONS

No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by these Regulations to a height in excess of the applicable height herein established for such zone unless permitted by the Commission. Such applicable height limitations are hereby established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Precision Instrument Runway Approach Zone

Sloped fifty (50') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward of forty (40') feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

B. Runway Larger than Utility With a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone:

Slopes thirty-four (34') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

C. Utility Runway Visual Approach Zone

Slopes twenty (20') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

D. Transition Zone

Slopes seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150') feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000') feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

E. Horizontal Zone

Established at one hundred fifty (150') feet above the established airport elevation.

F. Conical Zone

Slopes twenty (20') feet outward for each foot upward beginning at the periphery of the horizontal and at one hundred fifty (150') feet above the airport elevation and extending to a height of three hundred fifty (350') feet above the airport elevation.

G. Excepted Height Limitation

Nothing in these Regulations shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50') feet above the surface of the land.

SECTION 22-215.5 USE RESTRICTIONS

Notwithstanding any other provisions of these Regulations, no use may be made of land or water within any zone established by these Regulations in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 22-215.6 NONCONFORMING USES

A. Regulations Not Retroactive

The regulations prescribed herein shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of these Regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these Regulations, and is diligently prosecuted.

B. Marking and Lighting

Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installations, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Shawnee Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Shawnee.

SECTION 22-215.7 PERMITS

A. Permits required:

A person shall obtain a permit from the Commission prior to the construction or installation of any of the following near the Shawnee Regional Airport:

1. Any proposed structure for an incompatible purpose in the primary surface or the runway protection zone.
2. Any structure, alteration or addition to a structure within three (3) statute miles from the airport reference point of a public-use airport, that would result in a total structure height in excess of one hundred fifty (150') feet above the airport elevation
3. Any structure, alteration or addition to a structure that would result in a total structure height greater than the horizontal, conical or approach surfaces, as defined in 25:30-1-2 of the Aircraft Pilot and Passenger Protection Act.

B. Future Uses:

Except as specifically provided in Subsection (1) a, b, c, d, e, and f hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planned in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of these Regulations shall be granted unless a variance has been approved in accordance with Section 22-215.7 (5).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. For mobile or temporary equipment used to construct or install a new structure to perform routine maintenance, repairs, or replace parts of an existing structure.
3. To repair, replace, or alter an existing structure that would not result in a total structure height greater than the horizontal, conical, or approach surfaces as defined in 22-215.4, or change the location of an existing structure.
4. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
5. In areas lying within the limits of the approach zones but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
6. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such a transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alterations of any structure, or growth of any tree in excess of any of the height limits established by these Regulations except as set forth in Section 22-215.4 (7).

C. Existing Uses:

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of these Regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

D. Nonconforming Uses Abandoned or Destroyed:

Whenever the Airport Authority determines that a nonconforming tree or structure has been abandoned or more than eighty (80%) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

E. Variances:

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in these Regulations may apply to the Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of these Regulations. Additionally, no application for variance to the requirements of these Regulations may be considered by the Commission unless a copy of the application has been furnished to the Airport Authority for advice as to the aeronautical effects of the variance.

F. Obstruction Marking and Lighting:

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these Regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Commission, this condition may be modified to require the owner to permit the City of Shawnee, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 22-215.8 ENFORCEMENT

It shall be the duty of the Shawnee Airport Authority to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Authority and the Commission upon a form published for that purpose. Applications required by these Regulations to be submitted to the Authority and Commission shall be promptly considered and granted or denied. Appeal of any decision by the Shawnee Airport Authority or its designee shall be made in accordance with Section 22-215.9 of these Regulations.

SECTION 22-215.9 APPEALS

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Authority made in the administration of these Regulations may appeal to the Shawnee Airport Authority and the Commission.
- B. All appeals hereunder must be taken within a reasonable time, but no later than thirty (30) days after the decision of the Commission or Authority by filing with the Authority or its designee a notice of appeal specifying the grounds thereof. The Authority or its designee shall forthwith transmit to the Commission the notice of appeal and all the papers constituting the record upon which the action appealed from was taken.

- C. The Authority shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney and may present evidence and testimony and cross examine adverse witnesses.
- D. The Authority may, in conforming with the provisions of these Regulations and the Commission may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION 22-215.10 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Authority and the Commission, may appeal to the District Court within thirty (30) days after such decision as provided by the rules of the Authority.

SECTION 22-215.11 PENALTIES

Each violation of these Regulations, the Aircraft Pilot and Passenger Protection Act, Commission rulings, or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than two hundred (\$200) dollars or misdemeanor and be punishable by a fine of not more than five hundred (\$500) dollars or imprisonment not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

LAKE PROTECTION ZONE (LPZ)

SECTION 22-220

The regulations governing the Lake Protection Zone overlay district are codified in Chapter 22, Article V of the Shawnee Municipal Code.

Regular Board of Commissioners

11.

Meeting Date: 05/19/2014

Easement G Chatham

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider granting an access easement of 0.21 acres in size through City owned land located along Archery Range Road to Gary Chatham.

Attachments

Chatham Easement Archery Range Road



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

AGENDA: May 19, 2014
TO: Shawnee City Commission
FROM: Justin Erickson, Planning Director
RE: Request for City Easement – Archery Range Road

Nature of the Request

Mr. Gary Chatham requests the granting of an access easement containing 0.21 acres along Archery Range Road. Mr. Chatham owns 70 acres and access to his residence and his property is achieved exclusively from Highway 102 (address: 1500 Highway 102) at present. Mr. Chatham has provided a survey document and land appraisal report (attached).

Staff Analysis, Considerations

There are several properties along Archery Range Road that access through land owned by the City of Shawnee. Many of these have recorded easements that run with the land. Granting of the easement would facilitate the subdividing and developing of some of Mr. Chatham's land into larger parcels. The property is zoned A-1 and the minimum lot size is five (5) acres. Figure 1 provides a general overview of the site.

Recommendation

Staff recommends *granting* the requested easement subject to payment of \$400 (stated value per appraisal).

Budget Considerations

There are no budgetary impacts associated with the granting of this easement. Mr. Chatham will be responsible for all costs associated with constructing the private drive.

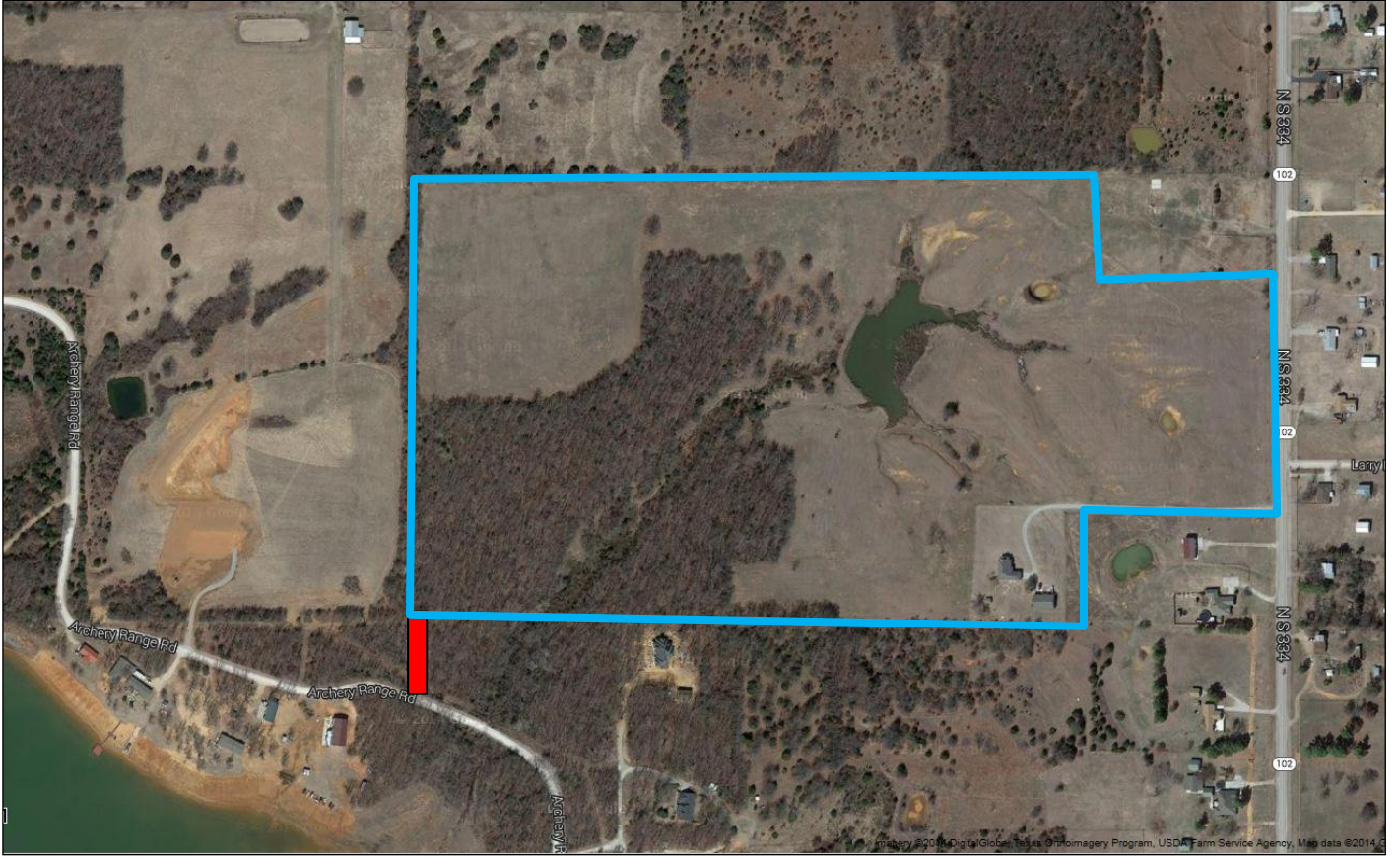


Figure 1: Approximate easement location shown in red with Chatham property in blue.

Attachments

May 8, 2014

To: Whom it may concern:

The intended use of said easement from my private property to Archery Range Road is to become a driveway, private or multi-home, as other driveways along the road are being used.

The City of Shawnee has been presented with a legal description of the easement, a legal appraisal and \$400.00 for payment of the land.

I Gary Chatham, am the only person in this area to be made to follow these planning regulations.

Sign *Gary Chatham*

Date *5/8/14*

Planning official Rep., receipt of this Document only

Sign *Just DeB...*

Date *5/8/2014*

RECEIVED

MAY 08 2014

PLANNING / CODE

LAND APPRAISAL REPORT

File No. 7305

Borrower CHATHAM, GARY Census Tract 40125-5010.04 Map Reference SHAWNEE LAKE
 Property Address RIGHT OF WAY, ARCHERY RANGE RD
 City SHAWNEE County POTTAWATOMIE State OK Zip Code 74801
 Legal Description SEE ATTACHED
 Sale Price \$ _____ Date of Sale _____ Loan Term _____ yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ _____ (yr) Loan charges to be paid by seller \$ N/A Other sales concessions _____
 Lender/Client _____ Address _____

Occupant VACANT Appraiser BEVERLY A. BOWEN Instructions to Appraiser ESTIMATE FAIR MARKET VALUE

Location Urban Suburban Rural
 Built Up Over 75% 25% to 75% Under 25%
 Growth Rate Fully Dev. Rapid Steady Slow
 Property Values Increasing Stable Declining
 Demand/Supply Shortage In Balance Oversupply
 Marketing Time Under 3 Mos. 4-6 Mos. Over 6 Mos.
 Present 70% One-Unit 2-4 Unit Apts. Condo Commercial
 Land Use Industrial 30% Vacant _____
 Change in Present Not Likely Likely (*) Taking Place (*)
 Land Use (*) From VACANT To SFR
 Predominant Occupancy Owner Tenant _____ % Vacant
 One-Unit Price Range \$ N/A to \$ _____ Predominant Value \$ _____
 One-Unit Age Range _____ yrs. to _____ yrs. Predominant Age _____ yrs.

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) SHAWNEE IS JUST TO THE EAST FOR ALL AMENITIES AND FACILITIES THERE. SUBJECT IS LOCATED JUST WEST OF HWY. 102, JUST NORTH OF HWY. 9. A FEW MILES AND SOUTH OF I-40 A FEW MILES. THERE ARE HOMES ON SMALL ACREAGES AND SHAWNEE TWIN LAKES IS JUST ACROSS THE ROAD TO THE WEST.

Dimensions SEE LEGAL FOR DIMENSIONS = .2 ac.+- Corner Lot
 Zoning Classification SFR Present Improvements Do Do Not Conform to Zoning Regulations
 Highest and Best Use Present Use Other (specify) _____
 Public Other (Describe) _____
 Elec. Gas Water San. Sewer
 Underground Elect. & Tel. Sidewalk Street Lights

OFF SITE IMPROVEMENTS
 Street Access Public Private
 Surface ASPHALT-PAVED Maintenance Public Private
 Storm Sewer Curb/Gutter Sidewalk Street Lights

Topo SLOPING DOWN TO ST.
 Size .2 AC.
 Shape IRREGULAR
 View RES./AVG
 Drainage TO FRONT OF PROPERTY
 Is the property located in a FEMA Special Flood Hazard Area? Yes No

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions) _____

The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	
Address	RIGHT OF WAY, ARCHERY RANGE RD SHAWNEE, OK 74801	500 S Tennessee Ave Shawnee, OK 74801	1402 Harber St Seminole, OK 74868	43904 Westech Rd Shawnee, OK 74804	
Proximity to Subject		1.66 miles NE	16.22 miles E	7.24 miles NE	
Sales Price	\$	\$ 11,000	\$ 6,500	\$ 13,500	
Price \$/Sq. Ft.	\$	\$	\$	\$	
Data Source(s)	INSPECTION	OKCML#527344 & PCR	OKCML#485140 & SCR	OKCML#527235 & PCR	
ITEM	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust.	DESCRIPTION	+(-) \$ Adjust.
Date of Sale/Time Adj.		10/13	5/13	9/13	
Location	RURAL/A	SUBURB/A	-1,000	SUBURB/A	-1,000
Site/View	.2 ac.+-	.21 AC./AVG	-4,500	.92 AC./AVG	-4,250
EXTRAS	NO FENCE	PARTIAL	-1,000	PARTIAL	-1,000
INTERIOR/CORNER	INTERIOR	INTERIOR		INTERIOR	
extras	NONE	SEPTIC	-4,000	NONE	
Sales or Financing Concessions	N/A	CASH NONE		CASH NONE	
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -10,500	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -6,250	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -13,000	
Indicated Value of Subject		Net 95.5 % Gross 95.5 % \$ 500	Net 96.2 % Gross 96.2 % \$ 250	Net 96.3 % Gross 96.3 % \$ 500	

Comments on Market Data COMP. 1 THE CLOSEST IN SIZE TO SUBJECT. ALL 3 SALES WERE FAIRLY RECENT. ALL 3 SALES WERE OF LOTS THAT COULD BE BUILT ON. THERE WERE NO SALES AVAILABLE OF RIGHT OF WAY SALES IN THE AREA. THEREFORE, SALES OF LOTS HAD TO BE UTILIZED AND ADJUSTMENTS MADE.

Comments and Conditions of Appraisal THERE WERE NO SALES OF RIGHT OF WAY PROPERTIES IN THE MARKET AREA, THEREFORE, SALES OF LOTS IN THE AREA WERE UTILIZED AND REASONABLE ADJUSTMENTS MADE FOR LOCATION, SIZE AND OTHER FACTORS.

Final Reconciliation THE FINAL ANALYSIS OF MARKET VALUE WAS BASED ON THE INDICATED VALUES IN THE SALES COMPARISON APPROACH TO VALUE. ALL THREE OF THE SALES WERE OF TRACTS IN SIMILAR MARKET AREAS IN THE SURROUNDING AREA. THE SALES COMPARISON APPROACH IS THE MOST VALID INDICATOR FOR LAND VALUATIONS.
 I (WE) ESTIMATE THE MARKET VALUE AS DEFINED OF THE SUBJECT PROPERTY AS OF 3-6-14 TO BE \$ 400.00
 Appraiser BEVERLY A. BOWEN Supervisory Appraiser (if applicable) _____
 Date of Signature and Report 3-6-14 Date of Signature _____
 Title GENERAL CERTIFIED APPRAISER Title _____
 State Certification # 10297CGA ST OK State Certification # _____ ST _____
 Or State License # _____ ST _____ Or State License # _____ ST _____
 Expiration Date of State Certification or License 12/31/2015 Expiration Date of State Certification or License _____
 Date of Inspection (if applicable) 3-6-14 Did Did Not Inspect Property Date of Inspection _____

Return To:
City Clerk
PO Box 1448
Shawnee, OK 74802

ACCESS AND ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Shawnee in consideration of the sum of Four Hundred (\$400.00) DOLLARS, in hand paid, the receipt of which is hereby acknowledged does hereby grant, and warrant unto Gary W. and Barbara S. Chatham, husband and wife, their successors and assigns, the right, privilege and authority to enter upon and construct and maintain a driveway and extend utilities, including the right of ingress and egress to and from said easement, situated in Pottawatomie County, State of Oklahoma, to wit:

LEGAL DESCRIPTION:
A FORTY (40) FOOT INGRESS/EGRESS EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, HAVING AN ASSUMED BASIS OF BEARING OF S89°34'18"W ALONG THE NORTH LINE OF SAID SE/4 AND MORE PARTICULARLY DESCRIBED BY BILLY GENE KNIGHT, L.S. #1244 ON FEBRUARY 18, 2014, AS: COMMENCING AT THE NORTHEAST CORNER (NE/C) OF SAID SE/4; THENCE S89°34'18"W ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 2599.91 FEET TO THE POINT OF BEGINNING; THENCE S00°20'27"E A DISTANCE OF 240.28 FEET; THENCE N69°14'34"W A DISTANCE OF 42.87 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE N00°20'27"W ALONG SAID WEST LINE A DISTANCE OF 224.78 FEET TO THE NORTHWEST CORNER (NW/C) OF SAID SE/4; THENCE N89°34'18"E ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS.

Exhibit A further illustrates the easement details.

FURTHER, the easement area shall be limited to access and utilities only and shall not have any structures erected thereon or be made part of any yard area.

Signed and delivered this _____ day of _____, 2014.

Mayor, City of Shawnee

State of Oklahoma)
) ss.
County of Pottawatomie)

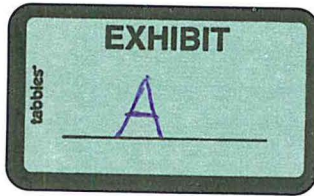
Before me a Notary Public, within and for said County and State on this ___ day of _____, 2014, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that HE executed the same as a free and voluntary act and deed for the purposes therein set forth.

Witness my hand and seal the day and year last above written.

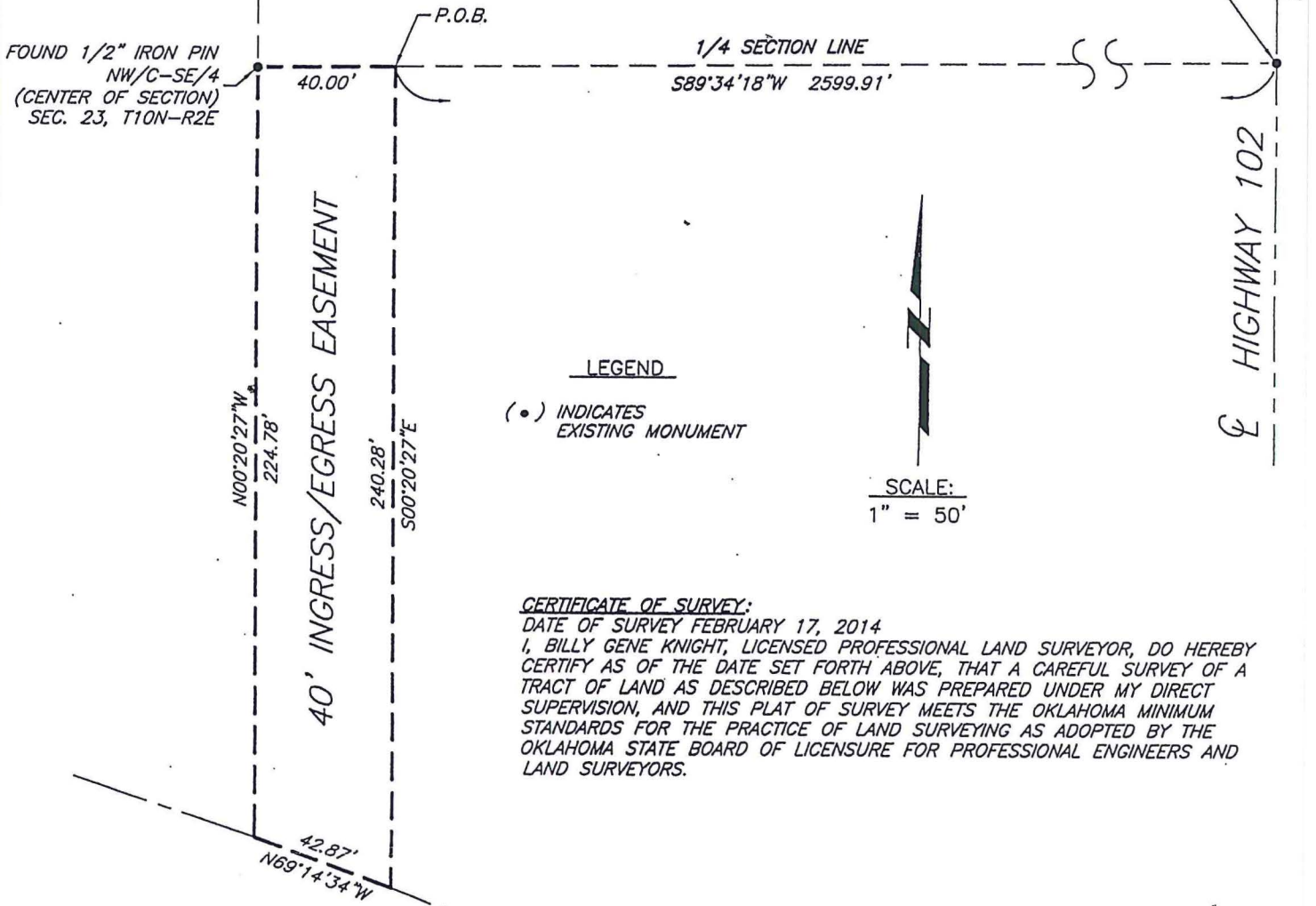
Notary Public

My Commission expires: _____

INGRESS/EGRESS EASEMENT



P.O.C.
FOUND ODOT
BRASS CAP
NE/C-SE/4
SEC. 23, T10N-R2E



LEGEND
(•) INDICATES EXISTING MONUMENT

CERTIFICATE OF SURVEY:

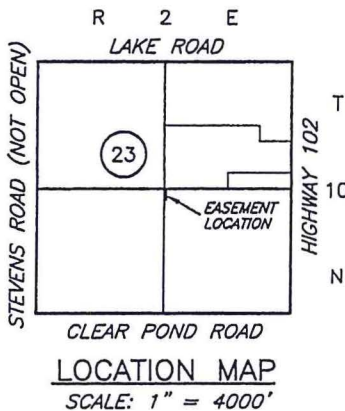
DATE OF SURVEY FEBRUARY 17, 2014
I, BILLY GENE KNIGHT, LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY AS OF THE DATE SET FORTH ABOVE, THAT A CAREFUL SURVEY OF A TRACT OF LAND AS DESCRIBED BELOW WAS PREPARED UNDER MY DIRECT SUPERVISION, AND THIS PLAT OF SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

LEGAL DESCRIPTION:

A FORTY (40) FOOT INGRESS/EGRESS EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, HAVING AN ASSUMED BASIS OF BEARING OF S89°34'18"W ALONG THE NORTH LINE OF SAID SE/4 AND MORE PARTICULARLY DESCRIBED BY BILLY GENE KNIGHT, L.S. #1244 ON FEBRUARY 18, 2014, AS: COMMENCING AT THE NORTHEAST CORNER (NE/C) OF SAID SE/4; THENCE S89°34'18"W ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 2599.91 FEET TO THE POINT OF BEGINNING; THENCE S00°20'27"E A DISTANCE OF 240.28 FEET; THENCE N69°14'34"W A DISTANCE OF 42.87 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE N00°20'27"W ALONG SAID WEST LINE A DISTANCE OF 224.78 FEET TO THE NORTHWEST CORNER (NW/C) OF SAID SE/4; THENCE N89°34'18"E ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS.

GENERAL NOTES:

A TITLE COMMITMENT, INDICATING APPLICABLE EASEMENTS, HAS NOT BEEN PROVIDED. THEREFORE ALL EASEMENTS MAY NOT BE SHOWN HEREON.



IF THE SURVEYOR'S SEAL IMPRESSION IS NOT RED COLORED, THE PLAT IS A COPY.

Billy Gene Knight
Billy Gene Knight, P.L.S. #1244
2-21-14
Date

LANDES ENGINEERING L.L.C. & ASSOCIATES www.landesengineering.net 903 EAST 35TH STREET, SHAWNEE, OK. 74804 405-275-5755 CA #2260 EXP. 6-30-15		GARY CHATHAM SHAWNEE, OKLAHOMA	
DATE DRAFTED: 02-20-2014	DATE OF LAST SITE VISIT: 02-17-2014	DRAWN BY: ml	CHECKED BK
REVISED:		DRAWING NUMBER: 7104	

Regular Board of Commissioners

12.

Meeting Date: 05/19/2014

North Airport Liability

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 3961.17 feet; thence N89° 20' 49" East a distance of 2687.98 feet; thence N89° 26' 08" East a distance of 660.09 feet; thence N00° 10' 39" East a distance of 1305.87 feet; thence N00° 19' 37" East a distance of 1322.35 feet; thence S89° 24' 58" West a distance of 659.35 feet; thence N00° 22' 02" East a distance of 1322.55 feet; thence S89° 34' 06" West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:

Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 1029.53 feet; thence N84° 34' 29" East a distance of 612.68 feet; thence N03° 46' 04" West a distance of 972.52 feet; thence S89° 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

Attachments

North Airport Liability

Mayor
WES MAINORD



The City of Shawnee
Office of the City Manager

PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 878-1601 Fax (405) 878-1571

www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: May 14, 2014

To: Mayor and City Commissioners

From: Brian McDougal, City Manager

RE: Liability Insurance on North Airport Property

Nature of the request:

Reduction of the required \$1 million dollar liability policy required for leaseholders on City of Shawnee property from \$1 million dollars down to \$500,000.00.

Staff Analysis/Considerations:

Commissioner Harrod asked that this be placed on the Commission agenda. While reviewing a new lease for a new tenant on the North Airport property, we discovered that a current lessee has a contract with SEDF that has a \$500,000.00 annual insurance liability policy. Under Oklahoma law, municipalities (including public trusts) are liable for up to \$1,000,000.00 in damages for a tort claim. If the City were to be found to be at fault, to the extent that amount is not covered by the lessee's insurance, the remainder would come from the City's insurance carrier (if it is a covered claim), fund balances or an assessment to the property tax in Shawnee. For this reason, SEDF has informed its lessees to provide proof of insurance in the amounts of the statute. The Stillwater Airport Authority also requires a liability policy of that amount.

Our insurance carrier, OMAG, has recommended that we require the statutory amount in our leases.

Recommendation:

Staff understands that SEDF has a liability policy and that activity at the North Airport Property is limited both by the lack of utilities and activity on the property (currently storage). However, staff cannot recommend to the Commission to reduce the required level of liability insurance. It places the taxpayer at greater risk in terms of exposure and it will certainly set a precedent for further requests for reducing insurance coverage on property leased by others from the City.

Budget Consideration:

None.

Regular Board of Commissioners

13.

Meeting Date: 05/19/2014

Parks Master Plan

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on acceptance of proposal for Parks Master Plan by Shafer, Kline & Warren, Inc.

Attachments

Memo

Agreement Parks Master Plan

Mayor
WES MAINORD



The City of Shawnee
Office of the Director of Operations

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1529 Fax (405) 878-1593
www.ShawneeOK.org

Commissioners

PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: May 14, 2014
To: Mayor and City Commissioners
From: James Bryce, Director of Operations
RE: Shawnee Parks Master Plan Contract

Nature of the Request:

Staff's recommendation for Professional services for the Shawnee Parks Master Plan.

Staff Analysis, Considerations:

Staff received two proposals for the Master Plan. Staff visited with both groups and called on many references from past projects of both. In the end staff chose Shafer, Kline, & Warren from Tulsa and proceeded with contract negotiation and refining of the scope of services to be performed. I will say that SKW is very excited about doing this project. The company has come in to my office and visited with me several times.

Recommendation:

It is Staff's recommendation that the City Commission award a contract to Shafer, Kline, & Warren in the amount of \$29,600.00 plus reimbursable expenses amounting to \$1800.00 bringing the total to \$31,400.00.

Budget Consideration:

Project will be funded by the Capital Outlay accounts:

301 5-0940-5420 409 0940-06 Parks Master Plan	\$25,000.00
301 5-0940-5420 409 0940-53 Park Upgrades	\$6,400.00



March 25, 2014
Revised May 13, 2014

VIA E-MAIL & U.S. MAIL
(jbryce@shawneeok.org)

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
P.O. Box 1448
Shawnee, Oklahoma 74802-1448

Re: Park System Planning Services
Agreement for Professional Services

Dear Mr. Bryce:

Thank you for considering Shafer, Kline & Warren, Inc. (SKW) to provide professional services in conjunction with Park System Planning Services, hereafter called the "Project". A detailed description of our proposed services on the project is provided in the attached Basic Services Summary.

Our compensation for completing the services listed in the Basic Services Summary will be as outlined in the Scope of Services, which does not include the cost of reimbursable expenses. Reimbursable expenses (out-of-pocket expenses such as printing, vehicle mileage, delivery charges, filing fees, or application fees, etc.) will be invoiced at actual cost, plus ten percent (10%) to cover administrative overhead.

You will be invoiced monthly, based on the project progress that has occurred. All invoices are due and payable on receipt and will be considered past due if payment is not received within 30 days. Once project invoices are past due, an interest charge will accrue to your account at the rate of one and one half percent (1½%) per month, and we will retain the right to cease work on the project until satisfactory arrangements are made to settle the account.

The City of Shawnee, Oklahoma agree(s) to provide all necessary information for the performance of our services within a reasonable time after it is requested and that SKW will be given timely access to the project site, as necessary, to complete the proposed professional services.

The following individuals are designated as primary project representatives for the City of Shawnee, Oklahoma and SKW. These individuals shall be the primary point of contact and shall receive all correspondence or notices.

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
Page 2

Shafer, Kline & Warren, Inc.
Victor (Vic) C. Burks, III, AICP
11250 Corporate Avenue
Lenexa, Kansas 66219
Phone: (913) 888-7800
Fax: (913) 888-7868
E-mail: vburks@skw-inc.com

City of Shawnee, Oklahoma
James Bryce
P.O. Box 1448
Shawnee, Oklahoma 74802-1448
Phone: (405) 878-1529
Fax: (
E-mail: jbryce@shawneeok.org

The following individuals are designated as secondary contacts for SKW and our sub-consultants, Dick Horton Consulting and Leisure Vision, Inc.:

Shafer, Kline & Warren, Inc.
Gerald C. Johnson, P.E., LEED® AP
11250 Corporate Avenue
Lenexa, Kansas 66219
Phone: (913) 888-7800
Fax: (913) 888-7868
E-mail: gjohnson@skw-inc.com

Dick Horton Consulting
Dick Horton, CPRP, AICP
507 Norris
Pittsburg, Kansas 66762
Phone: (816) 210-3818
E-mail: richardhorton971@gmail.com

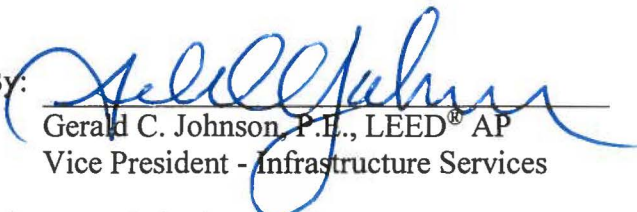
Leisure Vision, Inc.
Ron Vine
725 W. Frontier Circle
Olathe, Kansas 66061
Phone: (913) 829-1215
Fax: (913) 829-1591
E-mail: rvine@etcinstitute.com


This agreement, along with the attached Basic Services Summary and Terms and Conditions (2 pages), represent the entire understanding between us in respect to this project. The Terms and Conditions detail many provisions affecting this agreement, including some which limit SKW's liability regarding the project. The Terms and Conditions should be read and understood before entering into this agreement. If, after your review, you are not in agreement with any provision contained in the Terms and Conditions, please contact us so that we may address your concern. Otherwise, if these documents satisfactorily set forth your understanding of our agreement, please sign the enclosed copy of this agreement in the space provided below and return it to us. SKW will schedule and begin our services after receipt of your signed acceptance of this proposal and will perform these services with reasonable diligence and expediency consistent with sound professional practice. This proposal is open for acceptance until May 23, 2014.

We appreciate this opportunity to provide you this proposal for our services and look forward to working with you on this project. If questions should arise after you review this proposal, please call the number listed above.

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
Page 3

SHAFER, KLINE & WARREN, INC.

By: 
Gerald C. Johnson, P.E., LEED® AP
Vice President - Infrastructure Services

By: 
Victor C. Burks, III, AICP
Senior Planner

tkd\LE-SERVER\Clients\Proposals\gcj-cdwP-9-rev.doc

CITY OF SHAWNEE, OKLAHOMA

By: _____
Brian E. McDougal

Accepted this ___ day of _____, 2014.

Title: City Manager

ATTEST:

By: _____
Pyllis Loftis, CMC, City Clerk

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
Page 4

BASIC SERVICES SUMMARY

Attached to and made a part of the Agreement for Professional Services dated March 25, 2014 and Revised May 13, 2014, by and between the City of Shawnee, Oklahoma and Shafer, Kline & Warren, Inc., in respect to Park System Planning Services, the "Project" described therein.

SCOPE OF BASIC SERVICES

For the compensation outlined in this Agreement, SKW will perform the following professional services. Services not detailed within the Scope of Basic Services are specifically excluded from the scope of SKW's work and SKW assumes no responsibility to perform any services not specifically listed.

Project Discovery

1. Kick-off Meeting - SKW will conduct a project start up workshop with City staff to formally kick off the project and begin the data collection necessary to gain an appropriate understanding of the challenges and key issues that face the parks department. It is expected the City will provide historical information on the development of the park system and department and a list of community needs related to parks that they are aware of at the start of the project.
2. Stakeholder Workshop - SKW will conduct a workshop to gain perspective of key stakeholders, elected officials and other providers (YMCA, school district, etc.) of parks and recreation to the community. The goal of this workshop will be to continue to build a list of key issues facing the park system as well as to gain more understanding of the general opinion of the parks.
3. Park System Tour - During the initial visit, SKW will tour each existing park and will take note of what is provided and the general character of each park. The result of this visit will be to provide a general overview of strengths and weaknesses observed at that point in time for each park and to get a feel for overriding strengths, weaknesses and opportunities throughout the park system for the use in creating a list of key issues and later in the process, recommendations. Parks will be evaluated globally for things such as ADA accessibility, connectivity, maintenance, condition and life cycle stage of amenities, curb appeal, inclusion of current trends, vegetation, unique features, at a minimum.
4. Park System Map - Utilizing existing data from the City or County, SKW will create a base map of the park system for use in all meetings and park tours. This tool will allow the team to better understand physical relationships of the parks when discussing them and touring them. The map will be created using ArcGIS software and will be provided to the City for their use and incorporation into a GIS database.

Total Project Discovery

\$12,170.00

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
Page 5

Statistically Valid Citizen Survey (SVCS)

1. Question Development - SKW will work with City staff and ETC/Leisure Vision to review overall project issues, goals and objectives, potential survey issues, timelines, and desired outcomes of the SVCS. From these identified parameters and with the key issues that were developed in the Project Discovery portion of the project, a list of questions will be developed by ETC/Leisure Vision and facilitated by SKW to administer the SVCS.
2. Survey and Sampling Plan Development - The method for administering the survey is anticipated to be a combination of mail, phone and web and a random sampling of at least 300 completed surveys will be gathered. 25-32 questions for the survey will be developed that will address a full range of strategically important issues to the Parks and Recreation Department in their long and short-range decision making. Once the survey is approved by the City, ETC/Leisure Vision will test the survey with at least 30 residents before the survey is administered. Any problems or issues that are identified will be reported to the City and corrective action will be recommended and taken as appropriate.
3. Survey Administration - ETC/Leisure Vision will work with the City to develop a communication plan for the survey. As part of this task, Leisure Vision will provide the City with sample press releases that can be used to notify the public about the survey. Once the press releases are distributed to the public, a 30-second recorded message by phone will be sent to each of the households that were selected for the survey. The message will explain the survey and encourage residents to return the survey. At the same time, the web-version of the survey will be put on-line. After the phone message is delivered, ETC/Leisure Vision will mail a copy of the survey instrument and a postage-paid return envelope to each of the households that were selected for the survey. The survey will include a letter on City letterhead that explains the purpose of the survey and indicates all survey responses will remain anonymous. The cover letter will also list a toll-free number that residents can call if they have questions about the survey. Four days after the surveys are mailed, Leisure Vision's phone interviewers will begin making phone follow-up calls to each of the persons in the sample frame. If enough responses are not received, live phone interviews will be conducted to gain the guaranteed number of responses necessary to obtain a statistically valid representation of the community. Quality control is in place to give the City "error free" results and is administered internally. Leisure Vision will provide a copy of the overall results to each question on the survey.
4. Analysis and Report - Following the completion of the survey, Leisure Vision will perform data entry, editing, and verification of all survey responses. Leisure Vision will conduct up to eight (8) cross-tabular comparisons of survey results by key demographic factors, such as gender, age of respondent, length of residency, income, users/non-users of services, etc. The demographic factors to be cross-tabbed will be selected by the Parks Department in consultation with Leisure Vision. Results will be compared to our data base of more than

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
Page 6

60,000 survey responses relative to parks in communities across the country, including Missouri, to provide National Benchmarking. Leisure Vision will **geocode** survey results to the latitude and longitude coordinates of the area where a respondent lives. This technique allows survey data to be integrated with geographic information systems (GIS), which allows your community to “map” survey responses. In addition to enhancing the quality of presentations, these maps can be used to support strategic analysis and decision making. Leisure Vision will also develop **Importance-Satisfaction matrices** by section of town to display the perceived importance of core services against the perceived quality of service. All of this data and analysis will be presented initially in draft report format for review and revision, then again as a final report document. Draft and final reports will be provided in electronic form only.

Total Statistically Valid Citizen Survey (SVCS) \$13,750.00

Needs Assessment & Report

1. Needs Assessment - Based on the initial list of needs provided by the City and Stakeholders, the observations noted during the parks tour, and the result of the SVCS, the SKW team will compile a comprehensive list of needs to be addressed by the City over time. SKW will work with the City to develop this list so that it is as accurate and as attainable as possible.
2. Report - SKW will compile all data collected, survey results and needs assessment lists into one document for delivery to Shawnee at the conclusion of the project. This document will be useful as a reference for future decisions with regards to park development or future park planning work. The report will be provided as an electronic document only and will be formatted so that it can be printed easily.

Total Needs Assessment & Report \$3,680.00

Reimbursable Expenses

The Reimbursable Expenses noted below are estimated costs only. SKW will invoice you at actual cost plus 10% for handling.

- Travel \$1,600.00
- Computer Plot Media \$200.00

Total Estimated Reimbursable Expenses \$1,800.00

Mr. James Bryce, Director of Operations
City of Shawnee, Oklahoma
March 25, 2014
Revised May 13, 2014
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ADDITIONAL SERVICES

If agreed to by the client and SKW, we will provide Additional Services related to the Project. Additional Services are those not included as part of the Basic Scope of Services and shall be paid for by the Client in addition to payment for Basic Services, in accordance with SKW's prevailing fee schedule, in effect at the time that such services are rendered, or as otherwise agreed to by the client and SKW.

- Key Stakeholder and Focus Group Interviews
- Collection of Data for Parks & Recreation Analysis
- Review and Analysis of Other Providers of Parks & Recreation Facilities and Programming
- Trends Analysis
- Demographic Analysis
- Resource Allocation Analysis
- Programming Analysis
- Park System Equity Mapping
- Partnership Analysis
- In-depth Park Rating System
- Expansion or Consolidation Analysis
- Report Presentations
- Public Participation Venues
- Action Plan / Capital Improvement Plan
- Level of Service Calculations
- Identification of Funding Sources
- Park Design
- Trail Design
- Park Surveys
- Scaled Park Maps

Shafer, Kline & Warren Inc. (SKW) Standard Terms and Conditions

Assignment. Neither party to this Agreement shall transfer, sublet or assign any rights or duties under or interest in this Agreement (including but not limited to monies that are due or monies that may be due) without the prior written consent of the other party. Subcontracting to subconsultants normally contemplated by SKW shall not be considered an assignment for purposes of this Agreement. "Agreement" means the attached Agreement for Professional Services, the attached Basic Services Summary, any approved Professional Services Change Order(s) and these Standard Terms and Conditions.

Betterment. If a required item or component of the Client's project should be omitted from SKW's construction documents, SKW shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event will SKW be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the Client's project.

Billing and Payment. If a portion of any invoice is disputed, the amounts and reasons for dispute shall be documented in writing and delivered to SKW within thirty (30) calendar days of the invoice date, otherwise the invoice will thereafter be deemed to have been reviewed and accepted by the Client as accurate and without dispute. Invoices submitted by SKW are due upon presentation and all undisputed amounts are to be paid within thirty (30) calendar days of the invoice date, otherwise any unpaid amounts shall be considered PAST DUE and shall bear interest at one-and-one-half (1.5) percent (or the maximum allowable by law, whichever is less) per month. Payments shall first be applied to accrued interest (if any) and then to unpaid principal. If SKW incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to SKW. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable SKW staff costs at standard billing rates for SKW's time spent in efforts to collect. This obligation of the Client to pay collection costs shall survive the term of this Agreement or any earlier termination by either party. SKW reserves the right to suspend service until PAST DUE amounts are paid or to terminate this Agreement if PAST DUE accounts persist.

Certificate of Merit. The Client shall make no claim for professional negligence and/or errors or omissions, either directly or by way of a cross complaint against SKW unless the Client has first provided SKW with a written certification executed by an independent consultant practicing in the same discipline as SKW and licensed in the State of Oklahoma. This certification shall: a) contain the name and license number of the certifier; b) specify the acts or omissions that the certifier contends are not in conformance with the standard of care for a consultant performing professional services under similar circumstances; and c) state in detail the basis for the certifier's opinion that such acts or omissions do not conform to the

standard of care. This certificate shall be provided to SKW not less than thirty (30) calendar days prior to the filing of any civil litigation. This Certificate of Merit clause will take precedence over any existing state law in force at the time of the claim.

Certifications. SKW shall not be required to sign any certifications or documents, no matter by whom requested, that would result in SKW's having to certify, guarantee or warrant the existence of conditions whose existence SKW cannot ascertain and, within the scope of SKW's Basic Services, as outlined in this Agreement, have not been and could not be ascertained. Client agrees not to make resolution of any dispute with SKW or payment of any amount due to SKW in any way contingent upon SKW's signing any such certification.

Changed Conditions. If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to SKW are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, SKW may call for renegotiation of appropriate portions of this Agreement. SKW shall notify the Client of the changed conditions necessitating renegotiation, and SKW and the Client shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement in accordance with the Termination provision hereof.

Consequential Damages. Notwithstanding any other provision of the Agreement, and to the fullest extent permitted by law, neither party, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages incurred due to the fault of the other party, regardless of the nature of this fault or whether it was committed by the Client or SKW, their employees, agents, subconsultants, or subcontractors. Consequential damages include, but are not limited to loss of use, loss of income, loss of profit, loss of business and/or loss of reputation.

Construction Means and Safety. If this Agreement provides for any construction phase services by SKW, it is understood it is the Client's contractor(s), not SKW, who is responsible for the construction of the Project, and that SKW is not responsible for the acts or omissions of any contractor, subcontractor, or material supplier; for safety precautions, programs, or enforcement; or for construction means, methods, techniques, sequences, and procedures used by anyone working on the Project.

Corporate Protection. It is intended by the parties to this Agreement that SKW's services shall not subject SKW's individual employees, officers, or directors to any personal legal exposure. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against SKW, a Kansas corporation, and not against any of SKW's individual employees, officers or directors.

Dispute Resolution. In the event of a dispute arising out of or relating to this Agreement or the services rendered hereunder, the Client and SKW agree to attempt to resolve such disputes as follows. First, the parties agree to attempt to resolve any dispute through direct negotiations between the appropriate representatives of each party. Second, if such negotiations are not fully successful, the parties agree to attempt to resolve any remaining dispute by formal nonbinding mediation conducted in accordance with rules and procedures to be agreed upon by the parties. If any dispute or issue remains unresolved after the above steps, only then may either party initiate civil litigation. This provision will not be performed if doing so would cause the statute of limitations to run.

Governing Law and Exclusive Forum. The laws of the State of Oklahoma will govern the validity of this Agreement, its interpretation and performance, regardless of choice of law rules. Any litigation arising from this Agreement must be brought in the District Court of Pottawatomie County, Oklahoma.

Limitation of Liability. To the fullest extent permitted by law, Client agrees that the total liability, in the aggregate, of SKW and SKW's officers, directors, stockholders, employees, agents and subconsultants, to the Client, its subsidiary and/or affiliated companies and their respective officers, directors, employees, agents and anyone claiming by, through, or under Client, for any and all injuries, claims, losses, expenses, damages whatsoever arising out of, resulting from or in any way relating to SKW's services, as outlined in the Basic Services Summary of this Agreement or any Additional Services approved under this Agreement, from any cause or causes, shall be limited to the total amount of compensation received by SKW under this Agreement.

If this Agreement does not provide for any on-site construction phase services, such as construction staking and/or construction observation, the Client acknowledges there is an increased risk of construction disputes and a lessened assurance that the Project will be constructed in conformance with the construction documents. Therefore, if the Client elects to undertake construction without retaining SKW for any on-site construction phase services, the limits of SKW's liability related to services outlined in the Basic Services Summary of this Agreement, or any Additional Services approved under this Agreement, shall be limited to 50% of the total amount of compensation received by SKW under this Agreement.

Non-Solicitation. SKW and the Client each agree not to directly employ or solicit for employment any employee of the other party or to otherwise encourage any change of employment for the entirety of this Agreement and for one year after the expiration of this Agreement or any addendums. If either party elects to break this non-solicitation provision, said party agrees to pay \$50,000 to the party of original employ.

Opinions of Probable Cost. In providing any opinions of probable construction cost, the Client understands that SKW has no control over the cost or availability of labor, equipment or materials, or over market conditions or any contractor's method of pricing, and that SKW's opinions of probable construction costs are made on the basis of SKW's professional judgment and experience. SKW makes no warranty, express or implied, that the bids or the negotiated cost of the Work will not vary from SKW's opinion of probable construction cost.

Ownership and Reuse of Documents. Each and every document, drawings, original mylars, databases and specifications report, draft, field note, work product, map, record, estimates, electronic files (of any format) and other documents reproduced, prepared, or caused to be prepared by SKW as part of the services, shall become the exclusive property of the City, provided, that SKW shall have the right to their use with approval of the City. SKW shall furnish City, upon its request, originals or reproducible copies of technical specifications and copies of all other documents listed above. SKW shall endorse, by its professional seal, all plans and engineering data furnished by it. Rights to intellectual property developed, utilized, or modified in the performance of the service shall remain the property of SKW.

Termination. Client or SKW may terminate this Agreement with seven (7) days prior written notice to the other party for convenience or cause. SKW shall have no liability whatsoever to the Client for any costs or damages as a result of suspension caused by any breach of this Agreement by the Client. If this Agreement is terminated by either Client or SKW, Client shall pay SKW within thirty (30) day of termination for all services rendered and all costs incurred to the date of termination.

Work in Progress. It is agreed and understood that any work performed by SKW shall not be deemed complete, nor may it be relied upon as complete, until delivery of the signed and sealed product. Prior to final completion, any information generated by SKW, regardless of format (including survey stakes and monuments in the field) shall all be considered as preliminary and subject to revision. SKW cannot guarantee the suitability of this information for any party's purposes (including selection of contractors or programming of construction costs) and shall have not liability or responsibility whatsoever for the use of such preliminary information by the Client or others.

Rev. Date 04/25/2013
Rev. Date 5/13/2014 City of Shawnee, Oklahoma

Regular Board of Commissioners

14.

Meeting Date: 05/19/2014

Lump Sum Payment DB and DC Retirement Plan S. Howard

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider Oklahoma Municipal Retirement Fund Lump Sum payment from Defined Benefit Plan and refund of contributions from the Defined Contribution Plan for Stanley Howard.

Regular Board of Commissioners

15.

Meeting Date: 05/19/2014

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received May 2014.

Attachments

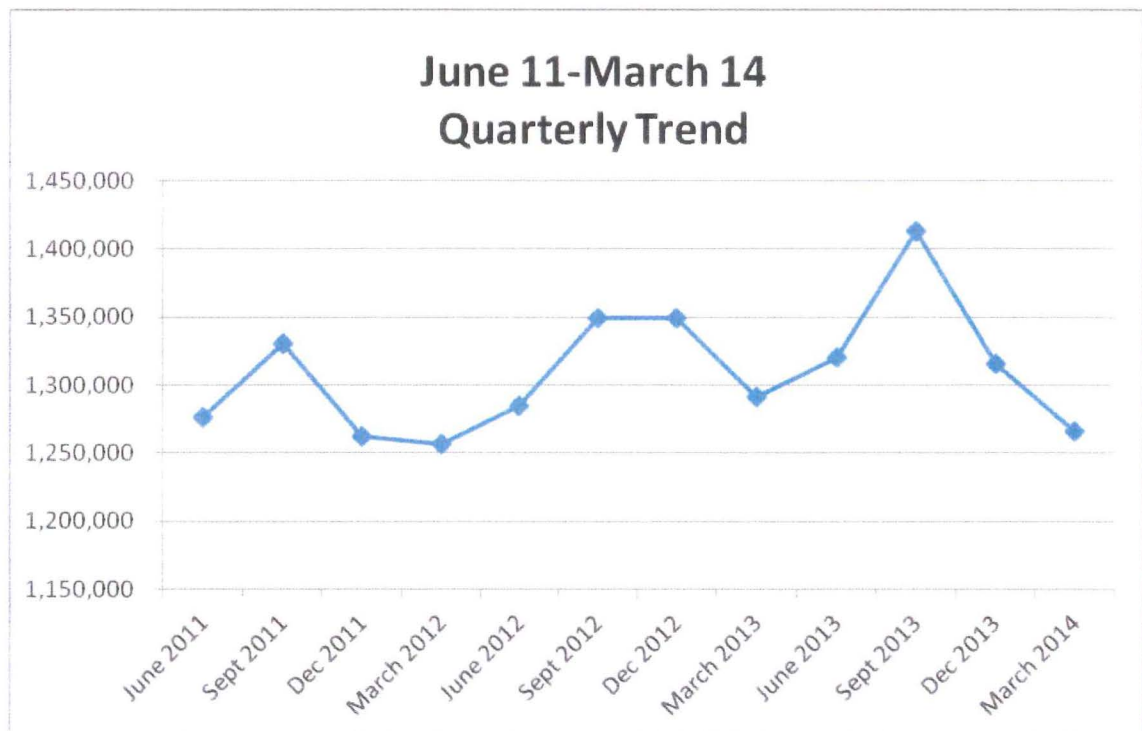
Sales Tax

City of Shawnee Memorandum



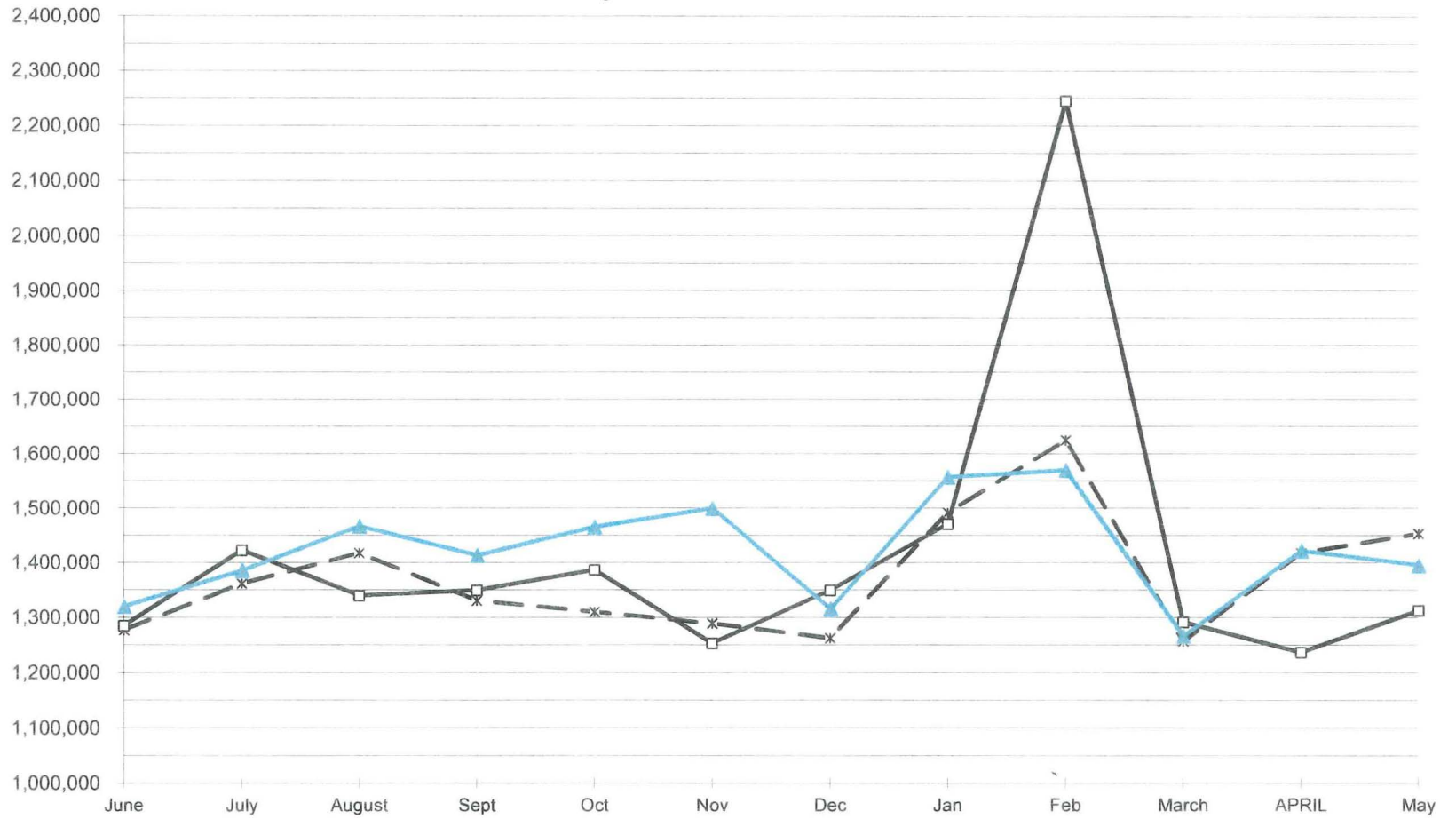
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: May 13, 2014
Re: City Sales Tax Report

May Sales collected this month was \$1,394,971, compared to last year's we are up \$82,262. For the fiscal year we are up 4.89% or \$733,965. Compared to 2012 numbers we are down \$57,787.



	May 2011	May 2012	May 2013	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	April 2012	April 2013	April 2014	Amount	Percentage
June	1,276,542	1,284,872	1,319,813	34,941	2.72%
July	1,361,273	1,422,363	1,385,055	(37,309)	(2.62%)
August	1,417,308	1,339,539	1,466,250	126,711	9.46%
Sept	1,330,420	1,349,282	1,412,708	63,426	4.70%
Oct	1,309,924	1,386,657	1,465,063	78,406	5.65%
Nov	1,289,143	1,253,140	1,499,183	246,043	19.63%
Dec	1,262,401	1,349,459	1,315,025	(34,433)	(2.55%)
Jan	1,491,647	1,470,565	1,556,616	86,051	5.85%
Feb	1,624,568	2,245,070	1,569,453	(675,618)	(30.09%)
March	1,256,806	1,291,532	1,265,687	(25,845)	(2.00%)
APRIL	1,417,533	1,236,564	1,421,540	184,976	14.96%
May	1,452,759	1,312,710	1,394,972	82,262	6.27%
Total	16,490,325	16,941,753	17,071,364	129,610	0.77%
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		15,656,881	15,751,551	\$94,670	0.60%
one time removed		15,017,586	15,751,551	\$733,965	4.89%
Fiscal Year to Date Budget based					
		Current Year	Current Year	Budget Variance	
Period		Budget	Actual	Favorable (Unfavorable)	
Fiscal Year to Date		15,017,586	15,751,551	\$733,965	4.89%

**CITY OF SHAWNEE
SALES TAX COLLECTIONS
June 2012-May 2014**



- x— May 2011 through April 2012
- May 2012 through April 2013
- ▲— May 2013 through April 2014

Regular Board of Commissioners

16.

Meeting Date: 05/19/2014

City Manager Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's Report

Regular Board of Commissioners

17. a.

Meeting Date: 05/19/2014

Award COS-PW-13-01

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Sidewalk/ADA Handicap Ramps Project COS-PW-13-01 (Award)

Attachments

Award

Info

Mayor
WES MAINORD



The City of Shawnee
PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 273-1250 Fax (405) 878-1581
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

MEMORANDUM

To: Brian McDougal, City Manager

From: John Krywicki, P.E., City Engineer

A handwritten signature in blue ink, appearing to read 'JK'.

Re: Award Recommendation for Contract COS-PW-13-01
Sidewalk / A.D.A. Ramps Project

At the May 5, 2014 City Commission meeting we opened bids for the above referenced project. Two bids were received and the bid tabs are attached. Staff has reviewed the bids, and the lowest and best bid for the project was submitted from Parathon Construction in the amount of \$237,350.

We will recommend awarding the project to Parathon Construction at the May 19, 2014 City Commission meeting. There is \$225,000 budgeted for this project and we can either use some of the fund balance out of the 302 Street Fund to make up the \$12,350 shortfall, or we can reduce the quantities of work to keep us under the budgeted amount.

If you have any questions or need additional information, please advise.

FY 13-14 SIDEWALK/ADA HANDICAP RAMPS PROJECT (VARIOUS LOCATIONS)

ITEM NO.	Spec No.	DESCRIPTION	QNTY.		PARATHON CONSTRUCTION	PARATHON CONSTRUCTION	RUDY CONSTRUCTION	RUDY CONSTRUCTION
			NO.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	202 ©	Unclassified Excavation	140.00	C.Y.	\$ 40.00	\$ 5,600.00	\$ 20.00	\$ 2,800.00
2.	230 (a)	Solid Slab Sodding	500.00	S.Y.	\$ 5.00	\$ 2,500.00	\$ 5.00	\$ 2,500.00
3.	303	Agg. Base 3/8 Limestone Screenings	300.00	TONS	\$ 32.00	\$ 9,600.00	\$ 40.00	\$ 12,000.00
4.		Removal of Concrete Sidewalk	3,200.00	S.Y.	\$ 9.00	\$ 28,800.00	\$ 10.00	\$ 32,000.00
5.	414 (B)	4" Concrete Sidewalk	1,400.00	S.Y.	\$ 40.50	\$ 56,700.00	\$ 90.00	\$ 126,000.00
6.	414 (B)	Sidewalk Ramps (4" Conc.)	1,800.00	S.Y.	\$ 45.00	\$ 81,000.00	\$ 150.00	\$ 270,000.00
7.	609 (B)	Curb and Gutter Replacement	250.00	L.F.	\$ 30.00	\$ 7,500.00	\$ 30.00	\$ 7,500.00
8.	619 (B)	Curb and Gutter Removal	250.00	L.F.	\$ 20.00	\$ 5,000.00	\$ 10.00	\$ 2,500.00
9.	619 (B)	Saw Cut Exist. Sidewalk/Paving	1,200.00	L.F.	\$ 4.00	\$ 4,800.00	\$ 5.00	\$ 6,000.00
10.	880	Traffic Control	1.00	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00
11.		Detectable Warning Surface (Tactile)	1,260.00	S.F.	\$ 22.50	\$ 28,350.00	\$ 30.00	\$ 37,800.00
TOTAL AMOUNT OF BASE BID						\$ 237,350.00		\$ 509,100.00

CITY OF SHAWNEE

CAPITAL OUTLAY BUDGET REPORT

FUND	ACCOUNT	PROJECT	LINE	DESCRIPTION	BUDGET	ACTUAL	ENCUMBRANCES	BALANCE
<u>STREET IMPROVEMENT FUND</u>								
NEW STREET PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0820-5480	408	0820-02	ADA HANDICAP RAMPS AND SIDEWAL	225,000.00	0.00	0.00	225,000.00
302	5-0820-5480	408	0820-03	MAIN STREETSCAPE	1,800,000.00	3,514.35	0.00	1,796,485.65
TOTAL CAPITAL OUTLAY - STREETS					2,025,000.00	3,514.35	0.00	2,021,485.65
CAPITAL OUTLAY - KICKAPOO ST								
302	5-0820-5481	408	0820-01	STORAGE TANKS- REMOVAL	11,000.00	12,492.00	11,000.00	-12,492.00
TOTAL CAPITAL OUTLAY - KICKAPOO ST					11,000.00	12,492.00	11,000.00	-12,492.00
TOTAL NEW STREET PROJECTS					2,036,000.00	16,006.35	11,000.00	2,008,993.65
STREET REHAB PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0850-5480	408	0920-05	REPAIR & MAINT MATERIAXS	150,000.00	-38.67	0.00	150,038.67
TOTAL CAPITAL OUTLAY - STREETS					150,000.00	-38.67	0.00	150,038.67
TOTAL STREET REHAB PROJECTS					150,000.00	-38.67	0.00	150,038.67
OTHER PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0880-5480	408	0920-10	HUNT PROPERTY	0.00	0.00	0.00	0.00
TOTAL CAPITAL OUTLAY - STREETS					0.00	0.00	0.00	0.00
TOTAL OTHER PROJECTS					0.00	0.00	0.00	0.00

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O. Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., Monday, May 5, 2014, for:

**BID: CONTRACT NO. COS-PW-13-01
SIDEWALK/ADA HANDICAP RAMPS PROJECT (VARIOUS LOCATIONS)**

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$50.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$10.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Wednesday, April 23, 2014, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**

Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

**BID: CONTRACT NO. COS-PW-13-01
SIDEWALK/ADA HANDICAP RAMPS PROJECT
(VARIOUS LOCATIONS)
MAY 5, 2014**

This project shall include **construction of newly installed ADA handicap accessible ramps and removal of existing sidewalk in various locations.** BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

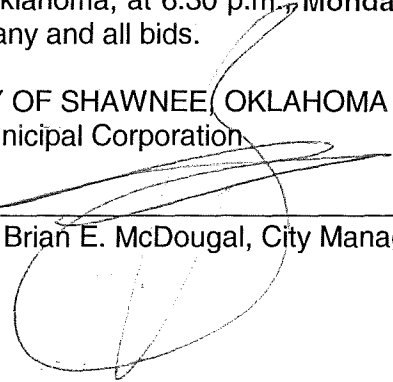
Each BIDDER shall attach to his/her BID filed with the City of Shawnee either a bidder's bond, a certified check, or a cashier's check made payable to the City of Shawnee, in an amount not less than five percent (5%) of the amount of bid as a guarantee of delivery of the service in full compliance with the specifications as issued by the City of Shawnee. Should the successful BIDDER fail to deliver the service in full compliance with the specifications within forty-five (45) days after acceptance of his/her bid, the bidder's bond, certified check or cashier's check deposited with his/her bid will be retained as and for liquidated damages. The deposit of each unsuccessful bidder will be returned when his/her bid is rejected.

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., Monday, May 5, 2014. The City of Shawnee reserves the right to reject any and all bids.



Phyllis Lottis
Phyllis Lottis, CMC, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: 
Brian E. McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-13-01
FY 13-14 SIDEWALK/ADA HANDICAP RAMPS PROJECT
(VARIOUS LOCATIONS)

Business Name: Parathon Construction
Contact: Jimmy Smith
Address: PO Box 1287
Edmond, Ok 73083
Telephone 405-202-0643
Fax: 866-391-1572
Cell: 405-202-0643
E-Mail: Jimmy Smith@Coxinet.net
Paid for & Picked Up Specs: 4/23/14 ck #2528

Business Name: SAC Services Inc
Contact: Joe Martinez
Address: 3600 S. Ross Ave
OKC, OK 73119
Telephone: 405-682-4948
Fax: 405-682-0880
Cell: 405-834-9092
E-Mail: sacservicemtz@yahoo.com
Paid for & Picked Up Specs: 4/23/14 ck #35131

Business Name: C-P Integrated Services Inc.
Contact: Durinda Fisher
Address: 3007 NW 63rd Street STE 205
Okc, Ok 73116
Telephone: 405-732-0532 x403
Fax: 405-732-0532
Cell: _____
E-Mail: Durinda Fisher@coxinet.net
Paid for & Picked Up Specs: 4/25/14 ck# 2640

BID TABULATION SHEET

SIDEWALK/ADA HANDICAP RAMPS PROJECT

COS -PW-13-01

MAY 5, 2014

BIDDER

AMOUNT

PARATHON CONSTRUCTION LLC
Edmond, OK

\$237,350⁰⁰

RUDY CONSTRUCTION CO
Oklahoma City, OK

\$509,100⁰⁰

COS-PW-13-01

FY 13-14 SIDEWALK/ADA HANDICAP RAMPS PROJECT (VARIOUS LOCATIONS)

ITEM NO.	Spec No.	DESCRIPTION	QNTY.		PARATHON CONSTRUCTION		RUDY CONSTRUCTION	
			NO.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	202 ©	.Unclassified Excavation	140.00	C.Y.	\$ 40.00	\$ 5,600.00	\$ 20.00	\$ 2,800.00
2.	230 (a)	Solid Slab Sodding	500.00	S.Y.	\$ 5.00	\$ 2,500.00	\$ 5.00	\$ 2,500.00
3.	303	Agg. Base 3/8 Limestone Screenings	300.00	TONS	\$ 32.00	\$ 9,600.00	\$ 40.00	\$ 12,000.00
4.		Removal of Concrete Sidewalk	3,200.00	S.Y.	\$ 9.00	\$ 28,800.00	\$ 10.00	\$ 32,000.00
5.	414 (B)	4" Concrete Sidewalk	1,400.00	S.Y.	\$ 40.50	\$ 56,700.00	\$ 90.00	\$ 126,000.00
6.	414 (B)	Sidewalk Ramps (4" Conc.)	1,800.00	S.Y.	\$ 45.00	\$ 81,000.00	\$ 150.00	\$ 270,000.00
7.	609 (B)	Curb and Gutter Replacement	250.00	L.F.	\$ 30.00	\$ 7,500.00	\$ 30.00	\$ 7,500.00
8.	619 (B)	Curb and Gutter Removal	250.00	L.F.	\$ 20.00	\$ 5,000.00	\$ 10.00	\$ 2,500.00
9.	619 (B)	Saw Cut Exist. Sidewalk/Paving	1,200.00	L.F.	\$ 4.00	\$ 4,800.00	\$ 5.00	\$ 6,000.00
10.	880	Traffic Control	1.00	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00
11.		Detectable Warning Surface (Tactile)	1,260.00	S.F.	\$ 22.50	\$ 28,350.00	\$ 30.00	\$ 37,800.00
TOTAL AMOUNT OF BASE BID						\$ 237,350.00	\$ 509,100.00	

Regular Board of Commissioners

17. b.

Meeting Date: 05/19/2014

Open COS-PW-13-02

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Rehab Concrete Streets Project FY13-14 COS-PW13-02 (Open)

Attachments

Notice and Bidders List

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., Monday, May 19, 2014, for:

**BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT**

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$50.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$10.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Wednesday, May 7, 2014, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**


Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

**BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
May 19, 2014**

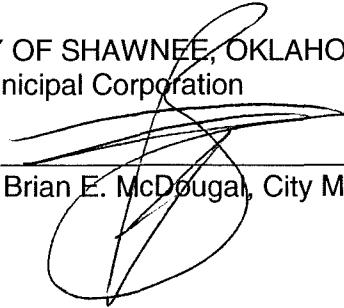
This project shall include approximately removal and replacement of concrete roadway. BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

Each BIDDER shall attach to his/her BID filed with the City of Shawnee either a bidder's bond, a certified check, or a cashier's check made payable to the City of Shawnee, in an amount not less than five percent (5%) of the amount of bid as a guarantee of delivery of the service in full compliance with the specifications as issued by the City of Shawnee. Should the successful BIDDER fail to deliver the service in full compliance with the specifications within forty-five (45) days after acceptance of his/her bid, the bidder's bond, certified check or cashier's check deposited with his/her bid will be retained as and for liquidated damages. The deposit of each unsuccessful bidder will be returned when his/her bid is rejected.

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., Monday, May 19, 2014. The City of Shawnee reserves the right to reject any and all bids.



Phyllis Loftis
Phyllis Loftis, CMC, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation
BY: 
Brian E. McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
(VARIOUS LOCATIONS)

Business Name: C-P Integrated Services Inc.
Contact: Durinda Fisher
Address: 3007 NW 63rd Street STE 205
Okc, Ok 73116
Telephone: 405-732-0532 x403
Fax: 405-732-0532
Cell: _____
E-Mail: Durinda Fisher@coxinet.net
Paid for & Picked Up Specs: 4/25/14 ck# 2640

Business Name: MTZ Construction Inc.
Contact: Jose Martinez
Address: 3545 SW 33rd St
OKC, OK 73119
Telephone: _____
Fax: _____
Cell: 405-593-1395
E-Mail: mtzconstruction2012@hotmail.com
Paid for & Picked Up Specs: 5/7/14 cash

Business Name: Rudy Construction
Contact: Phil Pratt
Address: PO Box 14575
Oklahoma City, OK 73113
Telephone: 405-478-9900
Fax: 405-478-9901
Cell: _____
E-Mail: ppratt@rudyconstruction.com
Paid for & Picked Up Specs: 5/7/14 Ck # 56816