

ORDINANCE NO. 1290-2019

AMENDING ORDINANCES RELATING TO DEFINITIONS AND USES PERMITTED IN R-1 SINGLE-FAMILY DWELLING DISTRICT, R-2 TWO-FAMILY DWELLING DISTRICT, R-3 MULTI-FAMILY DWELLING DISTRICT, C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, C-2 GENERAL COMMERCIAL DISTRICT, I-1 RESTRICTED LIGHT INDUSTRIAL DISTRICT, AND I-2 LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, THAT THE PROVISIONS OF THIS ORDINANCE SHALL AMEND AND BE MADE A PART OF CHAPTER 2, ZONING, GENERAL AND DISTRICT PROVISIONS, WELFARE AND MORALS, OF PART 12, PLANNING, ZONING AND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF TAHLEQUAH, OKLAHOMA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RE-NUMBERED TO ACCOMPLISH THIS INTENTION.

12-207: DEFINITIONS:

For the purpose of this chapter, certain terms and words are to be used and interpreted as defined in this section unless the context clearly requires another meaning. The word "shall" is mandatory and not directory:

ACCESSORY BUILDING: A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

ADVERTISING SIGN OR STRUCTURE: Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

ALLEY: Minor right of way dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

APARTMENT HOUSE OR MULTIPLE-FAMILY DWELLING: A single detached dwelling designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels.

AUTOMOBILE, MINOR SERVICE: Any automobile repair work that does not require the removal of the engine head or pan, transmission, differential, body work, the rebuilding or reconditioning of engines, framework, welding, and major painting service, or uses of a similar nature, constitute Minor Services. Minor Services include the changing of fluids, tires, batteries, shock absorbers, mufflers, brakes, lights, wipers, tinting, and other uses of a similar nature.

AUTOMOBILE, MAJOR SERVICE: A building or place arranged, designed, and used for providing intensive repair and servicing of all types of motor vehicles. Such repairs or services may include engine overhauls, transmission overhaul, wrecker service, collision services, including body, frame or fender straightening or repair; painting, undercoating and dust proofing, upholstery, and similar services.

BASEMENT: That portion of a building that is partly or completely below grade.

BED AND BREAKFAST: A dwelling other than a hotel/motel where for compensation lodging and breakfast is provided for no more than twenty (20) persons. A dwelling, which has accommodations for more than twenty (20) persons, shall be defined as a "hotel/motel" under the terms of this chapter.

BOARDING HOUSE: A dwelling other than a hotel/motel where for compensation and by prearrangement for definite periods, lodging and meals are provided for no more than twenty (20) persons. A dwelling, which has accommodations for more than twenty (20) persons, shall be defined as a "hotel/motel" under the terms of this chapter.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

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 deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated; in any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SITE: A single parcel of land occupied or intended to be occupied by a building or structure.

CARPORT: A shelter for an automobile, built against the side of a building, or freestanding, usually with two (2) or three (3) sides left open or open on all sides.

CHILDCARE CENTER: Any place, home or institution which receives eight (8) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

COMMERCIAL GROWER: An entity that is licensed by the Oklahoma State Department of Health pursuant to 63 O.S. § 422A, which allows the entity to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor, or researcher.

CONVENIENCE STORE: A business offering merchandise and petroleum products for sale but shall not include facilities for lubricating, repairing, or otherwise servicing automobiles.

CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION: A type of construction whose primary structural elements are formed by a system of repetitive wood framing members.

COVERAGE: The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

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.

DWELLING: Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers.

DWELLING, MULTIPLE: A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

DWELLING, SINGLE-FAMILY: A dwelling designed to be occupied by one family.

DWELLING, TWO-FAMILY: A dwelling designed for occupancy by two (2) families living independently of each other.

FAMILY: One or more persons related by blood or marriage, including adopted children, or a group of persons not to exceed five (5) ~~(excluding servants)~~ all not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a

group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. ~~A family shall be deemed to include domestic servants employed by the family.~~

FAMILY CHILDCARE HOME: Any residential home which receives on a regular basis for the purpose of providing care for compensation, seven (7) or fewer children, including those preschool children who reside in the home.

GARAGE APARTMENT: A dwelling unit for one family erected above a private garage.

GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed two (2) times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater.

GARAGE, PUBLIC: Any garage other than a private garage, available to the public, used for the care, servicing, repair or equipping of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GASOLINE SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

HELP YOURSELF LAUNDRY: A laundry providing home type washing, drying and ironing machines for hire to be used by the customers on the premises.

HOME OCCUPATION: An occupation conducted in a residential dwelling unit.

HOTEL/MOTEL: A building or group of buildings under one ownership containing six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or a building where persons are housed under restraint.

KENNEL: Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age.

LOT: Any plot of land occupied or intended to be occupied by one main building, and accessory buildings and uses, including such open spaces as are required by this chapter and other laws or ordinances, and having its principal frontage on a street.

LOT, AREA: The total area measured on a horizontal plane, included within lot lines.

LOT, CORNER: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty five degrees (135°).

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

MANUFACTURED HOME: A structure, intended for use as a residential dwelling, transportable in one or more sections, which is built in an offsite facility for installation or assembly at the building site, and bearing a seal certifying that it is built in compliance with the federal manufactured housing construction and safety standards act of 1974 (42 USC 5401 et seq.), which became effective June 15, 1976, and any amendments thereto, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.

MARIJUANA DISPENSARY: An entity that is licensed by the Oklahoma State Department of Health pursuant to 63 O.S. § 421A which allows the entity to purchase medical marijuana from a commercial grower or processor and sell medical marijuana products only to qualified patients and caregivers pursuant to 63 O.S. § 421A et seq.

MARIJUANA PROCESSOR: An entity that is licensed by the Oklahoma State Department of Health pursuant to 63 O.S. § 421A which allows the entity to purchase medical marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary licensee or other processor licensee; and may process marijuana received from a qualified patients or caregivers into a medical marijuana concentrate, for a fee.

MASONRY: A built up construction or combination of building units or materials of clay, shale, concrete, glass, gypsum, stone or other approved units bonded together with or without mortar or grout or other accepted method of joining.

MEDICAL FACILITIES:

Convalescent, Rest, Or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care.

Dental Clinic Or Medical Clinic: A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions.

Dental Office Or Doctor's Office: See definition of Medical Facilities: Dental Clinic Or Medical Clinic.

Hospital: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Public Health Center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

Sanatorium: An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

MOTOR HOME: All motor driven vehicles designed as a temporary or permanent dwelling for travel, recreational, and vacation use.

NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons. A building, which has accommodations for more than twelve (12) persons, shall be defined as a "hotel/motel" under the terms of this chapter.

SIGHT TRIANGLE: The area within a triangle formed by measuring a distance of thirty feet (30') along the front and side lot lines of a corner lot formed by two (2) intersecting streets, 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.

STEEL CONSTRUCTION, COLD FORMED: That type of construction made up entirely, or in part, of steel structural members cold formed to shape from sheet or strip steel such as roof deck, floor and wall panels, studs, floor joists, roof joists and other structural elements.

STEEL JOIST: Any steel structural member of a building or structure made of hot rolled or cold formed solid or open web sections, or riveted or welded bars, strip or sheet steel members, or slotted and expanded, or otherwise deformed rolled sections.

STEEL MEMBER, STRUCTURAL: Any steel structural member of a building or structure consisting of a rolled steel structural shape other than cold formed steel, or steel joist members.

STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

STREET, INTERSECTING: Any street, which joins another street at an angle, whether or not it crosses the other.

STRUCTURAL ALTERATIONS: 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 roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires location on the

ground or which is attached to something having a location on the ground.

TEMPORARY BUILDING OR PORTABLE STRUCTURE: Any building or structure not constructed in accordance with current municipal building code and affixed with skids or not permanently attached to a foundation.

TOURIST COURT: A dwelling other than a hotel/motel intended to be used as temporary sleeping facilities for no more than twenty (20) persons and/or intended primarily to be used as a short term or daily rental for compensation.

TOURIST HOME: A dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

TRAILER COURT OR CAMP: A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one or more trailer houses or mobile homes.

TRAILER, HAULING: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

TRAILER, MOBILE HOME OR TRAILER HOME OR HOUSE TRAILER: A portable or mobile living unit used or designed for human occupancy on a permanent or year round basis.

TRAVEL TRAILER: All vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use, including tent trailers, campers designed to be installed on a motor vehicle, and motor driven vehicles.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed (by any portion of a structure) from the ground upward, except where otherwise specifically provided in this chapter that an accessory building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard located in front of the front elevation of the building and extending across a lot between the side yard lines and being the minimum horizontal distance between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. In unplatted areas or in any such instance where there is a question as to the orientation of the front yard, the planning commission shall determine the front yard.

YARD, REAR: A yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

12-222: USES PERMITTED:

A. Property and buildings in an R-1 single-family dwelling district shall be used only for the following purposes:

Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage.

Bulletin board or sign, not exceeding sixteen (16) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

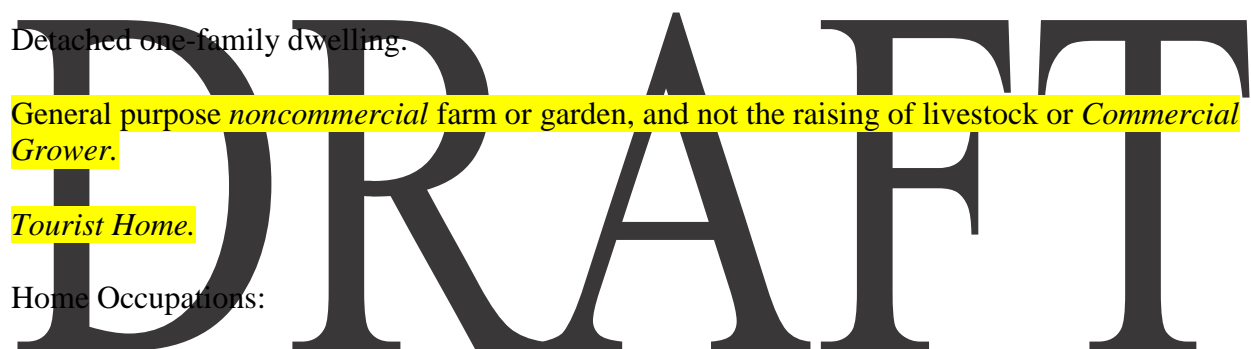
Church.

Detached one-family dwelling.

General purpose *noncommercial* farm or garden, and not the raising of livestock or *Commercial Grower*.

Tourist Home.

Home Occupations:



1. All home occupations shall be required to obtain a valid occupation license from the city and shall further comply with the following:
 - a. No person other than members of the family residing on the premises shall be engaged in a home occupation.
 - b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - c. Exterior alterations or other visible evidence of the conduct of such home occupation which would detract from the residential character of the structure or premises shall be prohibited provided that one sign, not exceeding four (4) square feet in area, nonilluminated, and mounted flat against the wall of the principal building is allowed.
 - d. No home occupation shall be conducted in any accessory building.
 - e. There shall be no sales in connection with such home occupation.

f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.

g. An annual fire safety inspection shall be requested of, and conducted by, the Tahlequah fire department.

h. Family childcare homes as defined in this chapter shall constitute a home occupation and shall be restricted to the care of a maximum of seven (7) children, including those preschool children who reside in the home, and shall demonstrate evidence of licensing by the Oklahoma department of human services as a family childcare home operation. The care of those persons not residing in the home shall be for less than a twenty four (24) hour day.

Library.

Public park or playground.

Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.

12-232: USES PERMITTED:

A. Property and buildings in R-2 two-family dwelling district shall be used only for the following purposes:

Any uses permitted in R-1 single-family dwelling district.

Accessory buildings and uses customarily incidental to any of the uses permitted herein when located on the same lot.

Two-family dwelling or a single-family dwelling and a garage apartment.

Tourist Court.

Bed and breakfast.

12-242: USES PERMITTED:

A. Uses permitted in the R-3 multiple-family district are:

Any use permitted in an R-2 residential district.

Accessory buildings and uses customarily incidental to the uses permitted herein when located on the same lot.

Fraternity or sorority.

Multiple-family dwelling, apartment house.

Rooming or boarding house.

12-252: USES PERMITTED:

Property and buildings in a C-1 neighborhood commercial district shall be used only for the following purposes:

A. Any use permitted in an R-3 residential district.

B. Retail stores and shops supplying the regular and customary needs of the residents of the neighborhood and primarily for their convenience, as follows:

Antique shop.

Appliance store.

Artists' materials, supplies, studio.

Arts school, gallery or museum.

Automobile parking lot.

Baby shop.

Bakery goods store.

Bank.

Barbershop.

Beauty shop.

Book or stationery store.

Camera shop.

Candy store.

Catering establishment.

Cleaning, pressing, laundry agency, provided cleaning and pressing are not done on the premises.

Convenience store.

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Curio or gift shop.

Dairy products or ice cream store.

Delicatessen.

Dress shop.

Drugstore or fountain.

Dry goods store.

Florist shop.

Furniture.

Grocery store or supermarket.

Hardware store.

Help yourself laundry.

Jewelry or notion store.

Lodge hall.

Marijuana dispensary.

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Meat market.

Medical facility.

Messenger or telegraph service.

Musical instrument sales.

Newspaper or magazine sales.

Office business.

Office supply.

Optometrists' sales and service.

Paint and decorating shop.

Parking lot.

Pharmacy.

Photographer's studio.

Radio and television sales and service.

Restaurant.

Sewing machine sales, instruction.

Shoe repair shop.

Tailor shop.

Toy store.

Variety store.

C. Nameplate and sign relating only to the use of the store and premises or to products sold on the premises.

D. Accessory buildings and uses customarily incidental to the above uses.

E. A building used for any of the above uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections A through D of this section shall be displayed or stored outside of a building.

F. All structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof shall have a minimum of forty percent (40%) masonry finish on the exterior of the entrance side of the structure and all other exterior sides of the structure which face a public right of way.

G. All structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section [12-207](#) of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

H. All footings for structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section [12-207](#) of this chapter, shall be of concrete.

I. Any business lawfully existing as of the effective date hereof used for any use other than the above enumerated uses shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue until voluntarily discontinued for a period of thirty (30) days or more.

12-262: USES PERMITTED:

A. Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

Any use permitted in a C-1 neighborhood commercial district.

Advertising signs or structures.

Ambulance service office or garage.

Amusement enterprises.

Auto body repair shop.

~~Auto court or tourist court.~~

Automobile service station.

~~Bakery.~~

~~Boat sales.~~

Buildings, structures and uses accessory and customarily incidental to any of the uses permitted herein, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.

Bus terminal.

Carpenter and cabinet shop.

Childcare center.

Cleaning and dyeing works.

Clothing or apparel store.

Commercial school or hall.

Dance hall.

Department store.

Drive-in theater or restaurant.

Electric transmission station.

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Feed and fuel store.

Frozen food locker.

Funeral parlor or mortuary.

Furniture repair and upholstery.

Gasoline and oil retail distributing plants.

Golf course, miniature or practice range.

Heating, ventilating, electrical or plumbing supplies, sales and services.

Hotel/motel.

Ice storage locker plant or storage house for food.

Interior decorating store.

Kennel.

Key shop.

Laboratories, research testing and experimental.

Laundry.

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Leather goods shop.

Liquor store.

Music, radio or television shop.

New and used machinery repairing if conducted wholly within a completely enclosed building and new and used automobile repairing for which there shall be no more than ten (10) automobiles being repaired or awaiting repair outside of a completely enclosed building. Up to four (4) of the ten (10) automobiles being repaired or awaiting repair outside of a completely enclosed building shall be allowed in front of the front building line and visible from adjoining streets or lots, all other automobiles being repaired or awaiting repair outside of a completely enclosed building shall be located behind the front building line and so screened by a solid fence that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of six feet (6') in height shall be required. This section shall not include automobile or machinery wrecking establishments or junkyards.

Nightclub.

Nursery/garden supply store.

Outdoor advertising signs.

Pawnshop.

Pet shop.

Printing shop.

Recreation center.

Research laboratories.

Roller skating rink.

Sign painting shop.

Small animal hospital.

Sporting goods store.

Stock and bond broker.

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Storage ~~warehouse~~ Unit Rentals.

Tavern.

Theater.

Toy store.

Trailer camp.

~~Used automobile sales.~~

Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

- B. No article or material stored or offered for sale in connection with uses permitted under subsection A of this section shall be stored or displayed outside the confines of building unless it is so screened by permanent ornamental walls or solid fence that it cannot be seen

from adjoining lots when viewed by a person standing on ground level, provided, however, that no screening in excess of six feet (6') in height shall be required.

- C. All structures used for any of the uses listed in subsection A of this section erected after the effective date hereof shall have a minimum of forty percent (40%) masonry finish on the exterior of the entrance side of the structure and all other exterior sides of the structure which face a public right of way.
- D. All structures used for any of the uses listed in subsection A of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section [12-207](#) of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.
- E. All footings for structures used for any of the uses listed in subsection A of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section [12-207](#) of this chapter, shall be of concrete.

12-282: USES PERMITTED:

A. Property and buildings in an I-1 restricted light industrial district shall be used only for the following purposes:

1. Any use, except a residential use, permitted in a C-3 open display commercial district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 restricted light industrial district;
2. Any of the following uses:

Bakery.

Bookbindery.

Bottling works.

Candy manufacturing.

Commercial grower.

Electrical equipment assembly.

Electronic equipment assembly and manufacture.

Engraving plant.

Food products processing and packing.

Furniture manufacturing.

Greenhouse or nursery.

Instrument and meter manufacturing.

Jewelry and watch manufacturing.

Laboratories, experimental.

Laundry and cleaning establishment.

Leather goods fabrication.

Marijuana processor.

Optical goods manufacturing.

Paper products manufacturing.

Sporting goods manufacturing.

Wholesale distributing center or warehouse.

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B. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

12-292: USES PERMITTED:

A. Property and buildings in an I-2 light industrial district shall be used only for the following purposes:

1. Any use permitted in the I-1 restricted light industrial district, but no dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 light industrial district;
2. Any of the following uses:

Building material sales yard and lumberyard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.

Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

Freighting or trucking yard or terminal.

Oil field equipment storage yard.

Public utility service yard or electrical receiving or transforming station.

Sale barn.

3. The following uses when conducted within a completely enclosed building:

a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

b. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;

c. The manufacturing of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;

g. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons' rated capacity, drop hammers, and automatic screw machines;

h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like; and

4. Buildings, structures and uses accessory and customarily incidental to any of the above uses. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

B. No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by a solid fence or wall that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level provided, however, that screening shall not be required in excess of six feet (6') in height.

PASSED and **APPROVED** this _____ day of _____, 2019.

**THE CITY OF TAHLEQUAH, OKLAHOMA
A MUNICIPAL CORPORATION.**

BY: _____
MAYOR: Sue Catron

ATTEST:
DRAFT
CITY CLERK: DeAnna Hammons

Approved as to form and legality:

CITY ATTORNEY: Grant Lloyd