



City of Tuttle

301 W. Main Street
PO Box 10
Tuttle, OK 73089
(405) 381-2335 Office (405) 381-3852 Fax

APPLICATION FOR COMMERCIAL REZONING

Owner of Property Being Rezoned: _____

Address: _____ Telephone No. _____

Applicant or Designated Representative: _____

Address: _____ Telephone No. _____

General Location or Street Address: _____

Legal Description of Property to be Rezoned (May be Attached): _____

Requested Zoning Change is from _____ to _____ Acreage or Lot size: _____

Current Property use: _____

Proposed Property Use: _____

*****DOCUMENTS REQUIRED*****

1. The applicant is responsible for providing a **Certified List** of the correct-property owners of record and their current addresses. This may be done at any Abstract/Title Company. The list will include all the property owners, within a 300-foot radius of the property lines of the land being rezoned, to whom the City must give written notice. **If this list does not include minimum of 10 different property owners**, the radius will be extended in 100 feet increments to maximum of 1000 feet, until the minimum is met. All paper work must be submitted in time for the proper notification process prior to the next available Planning Commission Meeting.

2. A plot plan in the case of rezoning request for commercial, business, industrial, or Use on Review Permits. This plot plan must be drawn to scale.
3. A properly executed easement when property abuts a section line or a major street of the proposed street plan and additional right-of-way is obviously needed.
4. A copy of all covenants restricting said property.
5. You **will be required** to adhere to any new zoning and building requirements once the property has been rezoned. Especially if a commercial business has already existed and you are changing to another zoning.

Examples:

- Parking lots must be paved.
- Landscaping ordinances will be in effect.
- Building will have to meet exterior building requirements, such as 75% brick or other approved materials if located within 660 feet of any Hwy.
- Also any other requirements set by specific zoning.

Signature of Owner: _____

* Must have **all signatures** of the **owners** on the deed. If the application is not sign in City Hall in front of the Clerk the signatures will need to be notarized.

Date Received: _____

Planning Commission Meeting Date: _____ 6:30 p.m.

City Clerk _____

Information for Rezoning:

1. Commercial Zoning is C-1 through C-6. A list will be provided.
2. Application and **all** requirements listed on the application **must be met** before the application will be accepted. If it is past the publication time frame prior to the meeting it will go on the next months meeting.
3. If it is a commercial rezoning and it has an R placed in the designated area, then you will also need to fill out a Use on Review Application. Most C-4 & C-5 zonings require a Use on Review Permit.
4. Rezoning applications go before the Planning Commission first and then it will go before Council in ordinance form.

Check List for Commercial Rezoning Application

Please check the boxes when the following sections of the Application are completed!

- | | |
|--|--------------------------|
| Owner Information | <input type="checkbox"/> |
| Property Information | <input type="checkbox"/> |
| Builder Information | <input type="checkbox"/> |
| Copy of any land restrictions | <input type="checkbox"/> |
| Zoning Request | <input type="checkbox"/> |
| All blanks filled in | <input type="checkbox"/> |
| Special Certificate (List of surrounding landowners) | <input type="checkbox"/> |
| Signature (Land Owner) | <input type="checkbox"/> |

Enclosed is the following:

- Zoning change rules
- Commercial Zoning Ordinances
- Sign Ordinance
- Landscaping Ordinance
- Exterior Wall Ordinance

SECTION 49

ZONING ORDINANCE AMENDMENTS; ZONING CHANGES AND RECLASSIFICATIONS; AND APPROVAL OF USE ON REVIEW APPLICATIONS

(Section 49 amended/updated by Ordinance #2005- and 2005-23)

A. ZONING ORDINANCE AMENDMENTS. The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend, supplement, change, modify or repeal the regulations and restrictions set forth in this Zoning Ordinance. The City Council may refer proposed Zoning Ordinance Amendments to the Planning Commission, but is not required to do so. No changes to any district regulation or restriction shall become effective until after a public hearing is held by the City Council of the City of Tuttle, in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City of Tuttle. The notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

- (1) The owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
- (2) The owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fifths of all the members of the City Council.

B. ZONING CHANGES, RECLASSIFICATIONS AND BOUNDARY CHANGES. The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, change zoning classifications, rezone property or change zone classification boundaries. No change in zoning shall be effective as to any property until after a public hearing is held by the Planning Commission of the City of Tuttle and a public hearing is held by the City Council of the City of Tuttle or a joint public hearing is held by the Planning Commission and the City Council of the City of Tuttle, in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City of Tuttle. The notice shall 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 by publication, notice of the Planning Commission public hearing and the City Council public hearing on any proposed zoning change shall be given at least twenty (20) days prior to the hearings by mailing written notice of both public hearings or of the joint public hearing to all the owners of territory included in the proposed change and to all the owners of real property any part of which is located within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change, said radius to be extended by increments of one hundred (100) feet until the list of notified property owners includes not less than ten (10) individual property owners or separate parcels or until a maximum radius of one thousand (1000) feet has been reached. If the number of individual property owners within one thousand (1000) feet is less than ten (10), the maximum number of property owners, regardless of number, within the one thousand (1000) foot radius shall be notified. The written notice shall be given by the City Clerk. The notice shall contain the:

- (1) Legal Description of the property and the street address or approximate location in the municipality; and
- (2) Present zoning of the property and the zoning sought by the applicant; and
- (3) Date, time, and place of the public hearing before the Planning Commission and the date, time, and place of the public hearing before the City Council.

In addition to written notice requirements, notice shall also be given by posting notice of said hearing on the affected property at least twenty (20) days before the date of the hearing. Each zoning change requested shall be heard first by the Planning Commission. The Planning Commission shall make a recommendation on the requested zoning change, after public hearing, to the City Council. Protests to the proposed zoning change shall be filed at least three (3) days before the Planning Commission's public hearing. The Planning Commission's recommendation to the City Council shall include information concerning the number of protests filed and whether the owners of twenty percent (20%) or more of the area of the lots included in the proposed change filed protests and whether the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed

change filed protests. If protests against such zoning change were timely presented, duly signed and acknowledged by the owners of property as set forth herein, then the proposed zoning change shall not become effective except by the favorable vote of three-fourths (3/4) of all of the members of the City Council.

C. APPROVAL OF USES ON REVIEW. The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, approve Uses on Review. The City Council may refer proposed Uses on Review to the Planning Commission, but is not required to do so. No Use on Review shall be permitted until after a public hearing is held by the City Council of the City of Tuttle, in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least twenty (20) days notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City of Tuttle. The notice shall include a map of the area which indicates street names or numbers, streams, or other significant landmarks in said area to be affected. The legal description of the property upon which the Use on Review has been applied for, the street address of the property or approximate location in the municipality, and the present zoning of the property and the specific use which has been applied for and the date, time and place of the public hearing. In addition to publication, said notice of public hearing on the proposed Use on Review shall be given twenty (20) days prior to the hearing by mailing said notice to the owner of the property upon which the Use on Review has been applied for and to all the owners of real property any part of which is located within a three hundred (300) foot radius of the exterior boundary of the territory included in the proposed change, said radius to be extended by increments of one hundred (100) feet until the list of notified property owners includes not less than ten (10) individual property owners or separate parcels or until a maximum radius of one thousand (1000) feet has been reached. If the number of individual property owners within one thousand (1000) feet is less than ten (10), the maximum number of property owners, regardless of number, within the one thousand (1000) foot radius shall be notified. In addition to written notice requirements, notice shall also be given by posting notice of said hearing on the affected property at least twenty (20) days before the date of the hearing. Protests to the proposed Use on Review shall be filed at least three (3) days before the public hearing. If the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included, file timely presented and duly signed and acknowledged written protests, then the proposed Use on Review shall not become effective except by the favorable vote of three-fourths (3/4) of all of the members of the City Council. Uses that may be permitted on Review by the City Council are listed in specific zoning districts as "Uses Permitted on Review." These are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. Any property owner seeking to apply for a Use on Review shall file an application with the City Clerk. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within the geographical area to which notice must be given, and any other material pertinent to the request which the City Clerk shall require. The fee for filing said application shall be \$50.00. The City Council shall within forty- five (45) days of the date of application, study the effect of such proposed use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and authorize or deny the issuance of a permit for the use of land or buildings as requested.

Section 4-138. Exterior Walls

(Section 4-138 added by Ordinance #2005-11)

If metal or concrete materials are utilized for walls of the any structure on a lot in a C-1 through C-6 zoning district, or on any lot which is adjacent to Highway 37 or Highway 4 or within Six hundred-sixty (660) feet of the centerline of either Highway 37 or Highway 4, Seventy-five percent (75%) of the exterior walls of the structure (excluding windows and doorways) must be covered with brick or rock veneer, or a material approved by the City Manager with the advice and consent of the Municipal Building Inspector satisfying the intent of this ordinance. No occupancy permit shall be granted until this section is complied with. This section shall not apply to structures constructed for agricultural use or structures that are constructed for private personal use and are accessory to a primary residential use within the City of Tuttle.

Section 4-140. Landscape Regulations.

(Section 4-140 added by Ordinance #2005-15)

1. PURPOSES AND INTENT OF LANDSCAPING REQUIREMENTS.

The purpose of this section is to establish standards for installation of landscaping in all new development and redevelopment areas in order to enhance the aesthetic appearance of properties within the City, ensure the quality, quantity, and appropriateness of landscape materials, effect a functional and attractive design, improve compatibility between land uses, conserve water, control soil erosion, and preserve the character of existing neighborhoods.

2. LANDSCAPING REQUIRED.

Landscaping, as required herein, shall be provided for all new multi-family, civic, office, commercial, and industrial construction in the city. Landscaping shall also be provided for any addition to an existing multi-family, civic, office, commercial, or industrial use if the proposed addition increases the size of the existing structure by at least fifty (50) percent.

3. DEFINITIONS.

As used in this article:

- A. "Caliper" means the diameter of a tree measured six (6) inches above the ground.
- B. "Shrub" means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
- C. "Tree" means a large, woody plant having one or several self-supporting stems or trunks and numerous branches, which normally grows to a minimum height of fifteen (15) feet in Grady County. May be classified as deciduous or evergreen.

4. LANDSCAPING STANDARDS.

The requirements of this section shall apply to all land uses other than a single-family or two-family residence on a single lot.

- A. No less than five (5) percent of the total land area of the site (excluding the street right-of-way) shall be landscaped. At least seventy-five (75) percent of the landscaped area shall be in the front or side yards;
- B. There shall be one (1) live tree having a minimum height of five (5) feet, and two (2) shrubs provided for every four hundred (400) square feet of area to be landscaped, including the street right-of-way;
- C. Trees shall have a minimum caliper of at least two (2) inches;
- D. Credit for existing or newly planted larger trees (outside of the street right-of-way) that are larger than the minimum required size shall be given as follows:

- i. A healthy tree of at least three (3) inch caliper and less than eight (8) inch caliper shall count for two (2) trees;
 - ii. A healthy tree of at least eight (8) inch caliper shall count for three (3) trees;
- E. Artificial grass or any form of synthetic plant shall not be permitted as part of the minimum requirements for landscaped areas;
- F. The use of gravel as ground cover shall not be considered as meeting the minimum requirements of this section;
- G. The property owner shall be responsible for landscaping the unpaved street right-of-way. This area shall not be hard surfaced other than a permitted drive way or sidewalk;
- H. The area within the boundaries of a given lot which is devoted to and consists of plant material, vines and other groundcovers, planters, brick, stone, natural forms, water forms, aggregate or other inorganic features, but not including the use of smooth concrete or asphalt; provided however, that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of the organic plant materials;
- I. Trees shall not be planted in the street right-of-way except by special approval from the Municipal Building Inspector;
- J. Trees and shrubs planted within the City of Tuttle should be selected due to their ability to respond to the environmental conditions within Tuttle. The factors to be considered in tree selection are soil conditions in relation to growth, the tree's ability to cope with the climate, and its survival rate as an urban tree. Low maintenance, a moderate growth rate, and aesthetic quality should also be considered. Contact the Municipal Building Inspector for a list of suitable trees.

5. LANDSCAPING PLANS.

The requirements of this section shall apply to all land uses other than a single-family or two-family residence on a single lot.

- A. A landscaping plan is required and submitted as part of the site plan as submitted for a building permit. This plan shall show detailed landscaped treatment of any area to be landscaped, including the street right-of-way. If landscaping is to be used as sight-proof screening, the entire plan may be contained in one submission. The plan shall meet the following requirements:
 - i. The type of plant shall be designated with plant lists or schedules showing the required and proposed landscaping;
 - ii. Existing vegetation to be saved shall be identified;
 - iii. The plan shall especially respect sight triangles and sight distances at all intersections;
 - iv. Landscaping should be evenly spaced throughout the site so as to balance the effect of the landscaping;
- B. No building permit shall be issued until the landscaping plan is approved;
- C. A certificate of occupancy for any use shall not be issued until the landscaping has been installed in accordance with the plan; and it shall be illegal for any person, firm, or corporation to occupy or operate a business in any new structure for which landscaping, as shown by the plans, is not provided; except that if a structure and all site improvements are complete except for these landscaping requirements and the season of the year will not permit the planting and growing of plants, temporary occupancy permit may be permitted by the Municipal Building Inspector until a date certain in the growing season. If the landscaping has not been completed by said date, the property owner shall be in violation of this code or a temporary extension may be obtained as approved by the Municipal Building Inspector for a period not to exceed one (1), thirty (30) day period.

6. OTHER REQUIREMENTS FOR LANDSCAPED AREAS.

The following requirements shall apply to all landscaped areas:

- A. The property owner in all zoning districts shall be responsible for landscaping the area within the street right-of-way line and the curb line. This area shall not be hard surface other than a permitted driveway or sidewalk;
- B. Plants shall be grouped according to similar water needs;
- C. Plants shall not interfere with safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic, or conflict with the installation, maintenance, or repair on any public utility;
- D. A planting area a minimum of eighteen (18) inches in width shall separate a building from a driveway or parking area as feasible;
- E. A minimum of ten (10) foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate seven (7) cars or more and any Lot Frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means;
- F. A minimum of ten (10) foot wide landscape strip shall be provided between any vehicular loading area and any Lot Frontage of the property on which the loading area is located, unless the parking area is otherwise screened from the street by a building or other means.

7. PARKING LOT LANDSCAPING.

Landscaping in all commercial and residential parking lots shall be as follows:

- A. Parking lots shall be separated from street frontages and from abutting uses by planting areas;
- B. A minimum of ten (10) foot wide landscape strip shall be provided between any parking lot designed or intended to accommodate seven (7) cars or more and any Lot Frontage of the property on which the parking lot is located, unless the parking area is otherwise screened from the street by a building or other means;
- C. A minimum of ten (10) foot wide landscape strip shall be provided between any vehicular loading area and any Lot Frontage of the property on which the loading area is located, unless the vehicular loading area is otherwise screened from the street by a building or other means;
- D. One deciduous shade tree shall be provided within the parking lot for every seven (7) parking spaces, or portion thereof. Each tree shall be located within the parking lot in reasonable proximity to the spaces for which the tree was required. Trees provided to meet the minimum requirements of any landscape strip or Buffer may not be counted toward this requirement;
- E. Tree planting areas shall be no less than eight (8) feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be less than two and one-half (2 1/2) feet from the edge of pavement or back of curb; if curbing is not provided around the tree planting area, curb stops shall be placed such that vehicles will not overhang the tree planting area;
- F. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight (8) feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass or ground cover except for those areas that are mulched;
- G. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.

8. MAINTENANCE OF LANDSCAPE.

- A. 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 that are damaged shall be repaired, and any vegetation that dies shall be replaced no later than the following planting season (spring or fall).
- B. When it is determined by the Municipal Building Inspector, or his designee, that improvements required by this section are not being maintained, it shall be his duty to give notice in

writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The property owner shall have not less than thirty (30) days to comply with the notice; provided, however, that any person aggrieved by any such order or disagreeing with any of the requirements of the notice, may file an appeal within the thirty (30) day period to the Board of Adjustment.

C. 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.

9. COMPLETION REQUIREMENTS

A certificate of occupancy for any use wherein landscaping is required by this chapter, shall not be used until the landscaping has been installed in accordance with the landscaping plan; except that if a structure and all site improvements are complete except for the landscaping, and the season of the year or some other constraint will not permit the planting or growing of plants, temporary occupancy may be permitted by the Municipal Building Inspector until a date certain. If the landscaping has not been completed by said date, the property owner shall be in violation of the occupancy permit provisions of this chapter and shall be subject to the penalties as provided in Section 11-50 of the city code.

Sections 4-141 through 4-199. (Reserved for future use.)

Article 6. Penalty

Section 4-200. Penalty.

Any person, firm or corporation who shall fail to do any thing required by this Chapter or by any Code adopted by this Chapter, who shall otherwise violate any provision of this Chapter or of any Code adopted by this Chapter, or who shall violate any lawful regulation or order made by any of the officers provided for in this Chapter, shall be guilty of an offense and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in Section 11-50, Article 3, Chapter 11 of this Code of ordinances. Each day upon which a violation continues, shall be deemed a separate offense.

SECTION 15
COMMERCIAL DISTRICTS

(Section 15 updated by Ordinance #2003-1)

(Updated by Ordinance #2003-13)

Section 15-1 GENERAL DESCRIPTION

The regulations for the commercial districts are designed to: (1) encourage stable and efficient commercial areas to meet the needs for commercial goods and services of the trade area; (2) minimize the adverse effects of commercial uses on other land uses and (3) provide opportunities for investment with development of residential areas and thoroughfares.

Section 15-2 C-1. OFFICE DISTRICT

This Commercial District is for the conduct of general and professional office and related activity to meet the needs of the community in such a manner as to not be offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this District be located so as not to introduce traffic onto solely residential streets or become an intrusion into a residential district, but to serve as a buffer between residential and more intensive commercial activities.

Section 15-3 C-2. CONVENIENCE COMMERCIAL DISTRICT

This 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 people residing in the adjacent residential neighborhoods where retail shops and personal services are not otherwise readily available. 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 landscaping and screening.

Section 15-4 C-3. PLANNED SHOPPING CENTER DISTRICT

This commercial district is intended for a unified grouping, in one 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 community. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

Section 15-5 C-4. RESTRICTED COMMERCIAL DISTRICT

This commercial district is established for major retail and service activity removed from the central business district with major thoroughfare access and provided with adequate open space and parking.

Section 15-6 C-5. AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT

This commercial 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.

Section 15-7 C-6. GENERAL COMMERCIAL DISTRICT

This commercial district is designed for the conduct of 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.

That currently there are no properties within the City of Tuttle having a Zoning Classification of C-6. That the permitted uses contained within the C-6 zoning classification as amended by this ordinance are permitted uses that existed within the zoning classifications of the City of Tuttle prior to the adoption of the new commercial zoning classifications on January 13, 2003 and were permitted uses within the Downtown Business District of the City of Tuttle. That by definition, the C-6 zoning classification as set forth in Section 15-7 of Article 2 of the Zoning Ordinance of the City of Tuttle, said zoning classification is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises and will not normally be applied in the case of new commercial areas. Therefore, the City Council of the City of Tuttle hereby reclassifies the following property within the central business district of the City of Tuttle as C-6, to-wit:

Block 21-Lot 3,Block 30-All, Block 31-West 60 feet of Lot 3 and All of Lots 4 through 15, Block 32-Lots 4 through 15,Block 33-Lots 4 through 6, Block 3-Lots 1 through 12, Block 38-Lots 1 through 16, Block 39-All, Block 42-Lots 1 through 12.

It is the stated intent of the City of Tuttle that this zoning reclassification is to allow uses that could have existed within the central business district prior to the adoption of the new zoning ordinance and is not intended to expand the permitted uses within the central business district of the City of Tuttle. *(This section added/updated by Ordinance #2003-13)*

That in addition to the properties within the City of Tuttle having a Zoning Classification of C-6 as established by City of Tuttle Ordinance No. 2003-13, the permitted uses contained within the C-6 zoning classification as amended by this ordinance are permitted uses that existed within the zoning classifications of the City of Tuttle prior to the adoption of the new commercial zoning classifications on January 13, 2003 and were permitted uses within the Downtown Business District of the City of Tuttle. That by definition, the C-6 zoning classification as set forth in Section 15-7 of Article 2 of the Zoning Ordinance of the City of Tuttle, said zoning classification is designed to accommodate a wide variety of commercial uses in the central business district or areas of mixed business enterprises and will not normally be applied in the case of new commercial areas. Therefore, the City Council of the City of Tuttle hereby reclassifies the following property within the central business district of the City of Tuttle as C-6, (in addition to the property so classified in City of Tuttle Ordinance No. 2003-13), to-wit:

Block 33-Lots 4 through 6, Block 36-Lots 1 through 7,Block 37-Lots 13 through 24, Block 38-Lots 17 through 24, Block 43-Lots 1 through 12, Block 44-Lots 1 through 12

It is the stated intent of the City of Tuttle that this zoning reclassification is to allow uses that could have existed within the central business district prior to the adoption of the new zoning ordinance and is not intended to expand the permitted uses within the central business district of the City of Tuttle. *(This section added/updated by Ordinance #2003-19)*

That properties located in C-6 zoning classifications, except those lots that front on Bond Street between 3rd Street and 4th Street, shall be primarily used for commercial purposes and that residences in C-6 zoning classifications shall be prohibited, except that a single family may reside in the back of, or above a structure containing an active, qualified and permitted use so long as the residential use of such property does not exceed thirty percent (30%) of the total square footage of such property. The existing structures located on Bond Street between 3rd Street and 4th Street may be used for either C-6 commercial purposes or residential purposes without limitation as to a percentage of use. *(This paragraph added/updated by Ordinance #2004-10)*

Section 15-8 USES PERMITTED AND USES PERMITTED ON REVIEW.

(Section 15-8 updated by Ordinance #2003-13 omitting certain uses from C-6)

(Section 15-8 updated by Ordinance #2005-7)

The permitted uses and uses permitted on review in the commercial districts 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 by right in that district, subject to the general provisions of the Tuttle Zoning Ordinance. Where the letter “R” appears on the line of a permitted use and in the column of a district, the listed use is a user permitted on review by the City Council, as provided by Article 7, Section 49 of this Zoning Ordinance.

PERMITTED USES	ZONING DISTRICT					
	C-1	C-2	C-3	C-4	C-5	C-6
Advertising agency	x	x	x	x	x	x
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services	x	x	x	x	x	x
Aircraft parts, other than air-frames or engines; sales, service, rental or repair					R	R
Amusement park, commercial					R	R
Antique store			x	x	x	x
Apparel and accessories store		x	x	x	x	x
Armature rewinding shop					R	R
Artists or photographers studio not including the processing of film for others	x	x	x	x	x	x
Auctioneer office	x	x	x	x	x	x
Auditorium or arena			R	R	R	R
Automobile parking or storage, as a principal use					R	R
Automobile wash service including self service accessory and supply store	x	x	x	x	x	x
Automobile and truck rental			R	R	R	
Automobile and truck sales (new and used) service and repair				R	R	
Automobile body shop						R
Automotive service station, not including body or motor repair or painting		x	x	x	x	x
Armored car service					R	R
Bait shop				R	R	R
Bank	x	x	x	x	x	x
Bar			R	R	R	R
Barber or beauty shop	x	x	x	x	x	x
Bicycle store		x	x	x	x	x
Billiard or pool parlor			x	x	x	x
Blueprinting, photocopying and similar reproductive services	x	x	x	x	x	x
Boarding or rooming house	x	x	x	x	x	x

Automobile

Boat rental, repair, sales and storage					R	
Bookstore	x	x	x	x	x	x
Bowling alley		x	x	x		
Broadcasting or recording studio	x	x	x	x	x	x
Building supplies, including sale of lumber		x	x	x	x	x
Bus station			R	R		

ZONING DISTRICT

<u>PERMITTED USES</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
Carnival, circus or similar						
temporary amusement enterprise	R	R	R	R	R	R
Camera and photographic supply store		x	x	x	x	x
Child Care Center		x	x	x	x	x
Church, synagogue or temple, including						
Sunday School facilities	x	x	x	x	x	x
City or county jail					R	
City, county, school district, state or						
federal facilities	x	x	x	x	x	x
Civil defense and related activities						
facilities	x	x	x	x	x	x
Clinic, dental, medical or osteopathic,						
chiropracist, pharmacy		x	x	x	x	x
Clothing: custom dressmaking or altering						
for retail, including tailoring and millinery	x	x	x	x	x	x
Clothing, secondhand		x	x	x	x	x
College, junior college, professional						
school: public or equivalent private		x	x	x	x	x
Community center: public	x	x	x	x	x	x
Computing, data processing or similar						
service		x	x	x	x	x
Convalescent, maternity or nursing home				R	R	R
Custom ceramic products				R	R	R
Dance hall			R	R	R	R
Dance Studio			x	x	x	x
Delivery service			x	x	x	x
Department store			x	x	x	x
Detective or protective service				x	x	x
Diaper service			x	x	x	
Direct selling organization				x	x	x

Disinfecting, deodorizing or exterminating service					R	R
Drafting service	x	x	x	x	x	x
Drive-in restaurant not serving beer		x	x	x	x	x
Driving school, private			x	x	x	x
Drugstore or proprietary store	x	x	x	x	x	x
Dry cleaning and dyeing plant					R	R
Dry cleaning, pickup or self service	x	x	x	x	x	x
Dry goods store	x	x	x	x	x	x
Eating place other than drive-in, not serving						

ZONING DISTRICT

<u>PERMITTED USES</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
beer or providing dancing or entertainment		x	x	x	x	x
Electric regulating substation	x	x	x	x	x	
Electrical supplies			x	x	x	x
Employment service		x	x	x	x	x
Farm equipment sales, service, rental, repair				R	R	R
Feed and fertilizer sales				R	R	R
Financial institution, other than pawnshop	x	x	x	x	x	x
Fire protection and related activities						
facility	x	x	x	x	x	x
Fire extinguisher service				R	R	R
Florist shop		x	x	x	x	x
Food locker plant						R
Food store, including bakery (retail only)		x	x	x	x	x
Fraternal Organization	x	x	x	x	x	x
Freight forwarding service						R
Funeral home, mortuary or						
undertaking establishment				x	x	x
Fur repair and storage				x	x	x
Furniture and home furnishings, sales and repair			x	x	x	x
Garage or parking for commercial or public						
utility vehicles					R	R
Garden supply store			x	x	x	x
Gas pressure control station	x	x	x	x	x	
Gasoline service station		x	x	x	x	x
General store: general merchandise store		x	x	x	x	x

Gift, novelty or souvenir shop	x	x	x	x	x	x
Golf course, including commercially operated driving range or miniature golf course					R	R
Golf driving range, commercial						R
Gunsmith shop	x	x	x	x	x	x
Hardware store		x	x	x	x	x
Hat cleaning or repair shop	x	x	x	x	x	x
Heating equipment			x	x	x	
Highway or street maintenance garage, yard or similar facility				R	R	
Hospital, health center		x	x	x	x	x
Hospital restricted to mental, narcotics or alcoholic patients, sanitarium					R	R

ZONING DISTRICT

<u>PERMITTED USES</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
Hotel or motel				R	R	R
Household appliance store			x	x	x	x
Interior decorating shop	x	x	x	x	x	x
Jewelry sales and repair		x	x	x	x	x
Laboratory: research, development or testing			R	R	R	
Laundry, pickup station only		x	x	x	x	x
Laundry plant					R	
Laundry, self service		x	x	x	x	x
Leather goods or luggage store		x	x	x	x	x
Library: private, nonprofit and public, other than branch	x	x	x	x	x	
Limited price variety store		x	x	x	x	x
Linen supply or industrial laundry					R	R
Liquor store			R	R	R	R
Locksmith, key shop		x	x	x	x	x
Lumber				R	R	R
Mail order house: catalog office or retail store			x	x	x	x
Medical or dental clinic		x	x	x	x	x
Medical or dental laboratory		x	x	x	x	x
Mobile home, travel trailer or recreational Vehicle sales, service and storage				R	R	
Monument sales				x	x	x
Motion picture distribution and services		x	x	x	x	x
Motion picture theater			x	x	x	x
Motion picture theater, drive-in					R	R
Museum or art gallery		x	x	x	x	x
Music, musical instruments or phonograph record store		x	x	x	x	x
Newspaper offices, print shop				x	x	x
News stand		x	x	x	x	x
Office equipment and supplies, retail sales, service, rental or repair			x	x	x	x
Office: general, nonprofit membership association, professional and governmental	x	x	x	x	x	x

Oil field or oil well supplies					R	
Optician or optometrist	X	X	X	X	X	X

PERMITTED USES	ZONING DISTRICT					
	C-1	C-2	C-3	C-4	C-5	C-6
Outdoor advertising plant						R
Paint, glass or wallpaper store		X	X	X	X	X
Parish house, parsonage or rectory	X	X	X	X	X	X
Pawnshop				R	R	R
Pet shop			X	X	X	X
Photofinishing service		X	X	X	X	X
Picture framing	X	X	X	X	X	X
Pipeline pressure control station		X	X	X	X	X
Plumbing fixtures, sales and service			X	X	X	X
Postal service facilities	X	X	X	X	X	X
Printing or publishing, including engraving or photo-engraving			X	X	X	X
Police protection and related activities facilities	X	X	X	X	X	X
Radio, television, phonograph or other household electronics equipment store			X	X	X	X
Radio transmitting station or tower, other than amateur					R	R
Railroad passenger terminal					R	R
Religious goods store		X	X	X	X	X
Sales, service, repair or rental of business machines			X	X	X	X
School, elementary: public or equivalent private	X	X	X	X	X	X
School, private: barber, beauty, business, commercial art, correspondence, stenographic, trade or vocational	X	X	X	X	X	X
School, secondary: public or equivalent private	X	X	X	X	X	X
Sewage pressure control station		X	X	X	X	X
Sewing machine store		X	X	X	X	X
Shoe sales and repair		X	X	X	X	X

Short Term Parking for recreational vehicles					R	R
Sign painting				R	R	
Skating rink		R	R	R		
Sporting goods sales	x	x	x	x	x	x
Stadium, arena or similar facility		x	x	x	x	x
Stationery store	x	x	x	x	x	x

ZONING DISTRICT

<u>PERMITTED USES</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>
Store selling architects', artists', or engineers' supplies and equipment or dental, medical or office supplies or equipment		x	x	x	x	x
Studio, photographic, musical, fine arts		x	x	x	x	x
Swimming pool, public	x	x	x	x	x	x
Taxicab garaging and maintenance					R	R
Taxicab stand or dispatching station	x	x	x	x	x	x
Taxidermist				R	R	
Telephone exchange, including garage, shop or service facilities					R	
Tennis courts: public	x	x	x	x	x	x
Television transmitting station or relay tower				R	R	R
Tobacco store		x	x	x	x	x
Towing Service (No Impound Yard)					x	x
Toy store		x	x	x	x	x
Transportation ticket service	x	x	x	x	x	x
Travel arranging service		x	x	x	x	x
Truck sales				R	R	
Variety store		x	x	x	x	x
Vending machines: sales, service, rental or repair					R	R
Venetian blind cleaning				x	x	x
Veterinarian hospital with inside runs only			x	x	x	x
Veterinarian hospital with outside runs					R	R
Warehousing, inside storage only (including mini-storage)				R	R	R
Warehousing, inside and/or outside storage					R	R

Water filtration plant, pump station, elevated storage or reservoir	x	x	x	x	x	x
Wholesale establishment, stock limited to floor samples			x	x	x	x
Wholesale establishment with stocks not limited to floor samples			x	x	x	
Window cleaning service		x	x	x	x	x
Wrecker Service Impound Yard					R	

Section 15-9 LOT, YARD AND HEIGHT REGULATIONS

No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth below. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such districts as set forth in the following table.

		<u>ZONING DISTRICT</u>						
<u>LOT REGULATIONS</u>		<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-5</u>	<u>C-6</u>	
Minimum lot area (sq.ft.)	A	12,000	12,000	200,000		12,000	15,000	0
Minimum lot width at Building line (feet)	B	100	100	300		100	150	0
Maximum lot coverage (percent)	C	30	40	20		50	30	0
<u>YARD REGULATIONS</u> (in feet)								
Minimum front yard	D	50	50	50		50	50	0
Minimum rear yard	E	10	10	30		10	10	10
Minimum side yard	F	0	0	0		0	0	0
Minimum side yard (corner lot)	G	25	25	25		25	25	0
						2007-7 Update		
Height	H	35	35	35		35	35	35

- A. The lot area of lots in the commercial districts shall be not less than that as set forth above, provided that the area of any lot in a C-2 District shall not exceed 48,000 square feet. There are no lot area requirements in a C-6 District.
- B. The width of lots in the commercial districts shall not be less than that set forth above. There are no minimum lot requirements in the C-6 District.

- C. The total building coverage of any lot shall not exceed that specified above provided, however, that paving, landscaping, lighting fixtures, and similar improvements shall not be considered as a part of the total building coverage. There are no coverage requirements in the C-6 District.
- D. The front yard of any lot in the commercial districts shall be not less than that specified in the table above provided, however, that gasoline pump islands may be permitted within the front yard as herein required. There are no front yard requirements in the C-6 District.
- E. The rear yard of any lot in the commercial districts shall be not less than that specified above, provided, however, that the rear yard of any lot adjoining a residential District on the rear shall have a rear yard setback of two (2) feet for each one (1) foot of building height, plus a screening wall or fence. The screening wall or fence shall be constructed, designed and arranged to provide visual separation of uses, irrespective of season or vegetation. Said screening wall or fence shall be not less than six (6) feet nor more than eight (8) feet in height, and shall be constructed with all posts, braces and supports on the commercial side of the screening wall or fence. The screening wall or fence shall be maintained by the owner of the commercial lot. Failure to maintain after notice by the City or its agent shall constitute a violation of this ordinance.
- F. There are no side yard requirements on lots within the commercial districts except where such lot abuts a residential district, in which case there shall be a side yard set back of two (2) feet, for each one (1) foot of building height, plus a screening wall or fence in accordance with paragraph E, above.
- G. No building or structure in any commercial district *except* for antennas, transmission towers, and public water towers, shall exceed a height of thirty-five (35) feet except upon the approval of the Board of Adjustment.
- H. Vehicle impound yards associated with wrecker services shall be required to erect a screening wall or fence completely surrounding the impound yard in accordance with paragraph E, above. The gate of the impound yard shall also be required to meet screening requirements as to height and shielded public visibility.

Section 15-10 SIGNS AND BILLBOARDS

No signs, billboards, posters, bulletin boards or other similar displays shall be permitted in the Commercial District except as follows:

- A. Official public notices may be erected on affected property.

- B. All signs in the Commercial Districts shall be erected upon private property and shall not encroach upon any public street or walks, except as provided herein. All commercial signs shall not exceed three hundred (300) square feet in size and shall not exceed thirty-five (35) feet in height. The use of red, green or amber illumination in connection with any sign shall not be permitted if it is deemed to create confusion with any traffic signal located within one hundred (100) feet of the sign.
- C. In the General Commercial District “C-6” signs erected on private buildings shall be allowed to overhang at a minimum height of nine (9) feet (to the bottom of the sign) and shall not have a maximum projection greater than seventy-two (72) inches. Any projecting sign in the “C-6” District shall not exceed fifty (50) square feet in size, nor will it exceed thirty-five (35) feet in height of the building. Flat signs erected on buildings shall not exceed three hundred (300) square feet in size.”

Section 15-11 CANOPIES AND AWNINGS.

Canopies and awnings in all Commercial Districts except General Commercial District (C-6) shall be constructed entirely on private property. In the General Commercial District (C-6) canopies and awnings may project over the walkway area provided they are a minimum of eight (8) feet above the established sidewalk elevation and are a minimum of two (2) feet from the curb or edge of the normal traveled way or curb parking area.

Section 15-12 EXTERIOR WALLS

To provide for attractive, compatible and aesthetic structures within the City of Tuttle, the use of metal or concrete on exterior walls shall comply with the provisions of Section 4-138 of the Code of Ordinances of the City of Tuttle.

ARTICLE 4
OFF-STREET AUTOMOBILE AND VEHICLE
PARKING AND LOADING

SECTION 31
GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 32
REQUIRED OPEN SPACE

A. Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

B. The area required for off-street parking shall be in addition to the yard areas herein required, except that the front yard required in a C-1 Commercial District or I-1 Light Industrial District may be used for uncovered parking area and the front yard of a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use, and may be used for uncovered area for more than six (6) vehicles in accordance with the provisions of Section 35.

SECTION 33
LOCATION

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley, except as otherwise provided herein.

SECTION 34
JOINT PARKING FACILITIES

Whenever two 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 35
OWNERSHIP OR CONTROL OF LOT

The land upon which the off-street parking lot 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 36

SIZE OF OFF-STREET PARKING SPACE

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

SECTION 37

AMOUNT OFF-STREET PARKING AND LOADING REQUIRED

- A. Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule.
- (1) Dwelling
One and one-half (1 1/2) parking spaces for each separate dwelling unit within the structure.
 - (2) Boarding or Rooming House or Hotel
One (1) parking space for each two (2) guests provided overnight accommodations.
 - (3) Hospitals
One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
 - (4) Medical or Dental Clinics or Offices
Seven (7) spaces per doctor plus two (2) spaces for each three (3) employees.
 - (5) Sanatoriums, Convalescent or Nursing Homes
One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.
 - (6) Community Center, Theater, Auditorium
One (1) parking space for each five (5) seats, based on maximum seating capacity.
 - (7) Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation
One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
 - (8) Office Building
one (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
 - (9) Commercial Establishments Not Otherwise Classified
One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater.
 - (10) Industrial Establishments
Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
 - (11) Church Sanctuary
One (1) parking space for each three (3) seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time

conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

- (12) Mobile Home - Two (2) off-street parking spaces must be provided for each mobile home site.

SECTION 38
OFF-STREET PARKING LOT CONSTRUCTION
AND MAINTENANCE

A. Lots in Residential Districts

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district the following provisions shall apply.

- (1) All sides of the lot abutting the residential district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet. Such fence, wall, or hedge shall be maintained in good condition.
- (2) No parking shall be permitted within a front yard setback line established ten (10) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard 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, and no wall, fence, sign, structure or plant growth having 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 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.
- (3) All yards shall be landscaped with grass, shrubs, and evergreen ground cover and maintained in good condition the year round.
- (4) Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- (5) All of the lots used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- (6) The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district use.
- (7) 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.

B. Paved Surface Required

All parking spaces required under the provisions of this Article shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

**AS RECOMMENDED BY THE
PLANNING COMMISSION
December 21, 2009**

**SIGN REGULATIONS

FOR THE

CITY OF TUTTLE**

**Adopted January 11, 2010
By the Tuttle City Council
Per Ordinance No. 2010-2**

ARTICLE VIII SIGNS

SECTION 80 PURPOSE AND INTENT.

- (A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the construction, maintenance and usage of signs within the corporate limits of the City of Tuttle.
- (B) The provisions of this Article are specifically designed in order to lessen the distraction hazard signs can create for motorists; reduce potential fire hazards; encourage proper construction of signs; reduce possible injury to person or property; and, preserve property values and aesthetic integrity of property in the City of Tuttle.
- (C) It is not the intent of the City of Tuttle to regulate issues related to free-speech.

SECTION 81 GENERAL REQUIREMENTS.

For the purpose of this Article, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City of Tuttle. Additionally, definitions from Article 1, Section 6, Paragraph B will apply to terms used below:

- (A) **AUDIBLE SIGN.** Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the City of Tuttle.
- (B) **AWNING SIGN.** A permanent sign that is directly applied, attached or painted onto an awning that covers a pedestrian walkway, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like. An awning sign is used to advertise the name of the business, hours of operation, business telephone number, business address, and/or website address.
 - (1) **Time.** A sign permit is required.
 - (2) **Place.** In no case shall the supporting structure of an awning sign extend into or over the right-of-way. The supporting structure of an awning sign may extend over the right-of-way in the General Commercial District (C-6), but shall not extend closer than four feet (4') from back of curb. No building shall have both a wall sign and an awning sign on the same building face.
 - (3) **Manner.** The maximum height of an awning sign shall not exceed four feet (4'). The width of an awning sign shall not exceed seventy-five percent (75%) in length of any side of an awning. An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district. An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices.
- (C) **AWNING SIGN ATTACHMENTS.** Awning sign attachments that cover a pedestrian walkway are accessory, supplemental extensions that are attached above or below an awning commonly used in conjunction with a wall sign. Awning sign attachments provide the name of the business.
 - (1) **Time.** A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineer must be submitted with the permit application.
 - (2) **Place.** Awning sign attachments shall only suspend from or extend above the edge of a pedestrian awning. Awning sign attachments installed for pedestrian display located and attached on the underside of a pedestrian awning shall be centered.
 - (3) **Manner.** Awning sign attachments shall have a maximum height of twelve inches (12"). Suspended or extended awning sign attachments shall not alternate up-and-down at a business' storefront. Suspended awning sign attachments suspended over a pedestrian awning shall maintain a nine-foot (9') clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Awning sign attachments shall not swing, sway, or move in any manner. The structural-engineering of awning sign attachment must be approved by the Building Official before a sign permit can be granted. Awning sign attachments shall not be used in conjunction with an awning sign. Only one type of awning sign attachment shall be used per storefront.

(D) **BILLBOARD.** A sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent the use of products sold on, or the sale or lease of, the property on which it is displayed. Billboards include any of its support, frame or other appurtenances. New billboards are prohibited in the City of Tuttle. Those billboards in existence on January 1, 2010 shall be allowed to continue as legal nonconforming signs. Those billboards in existence in areas that are annexed into the City after January 1, 2010 shall be considered as legal nonconforming signs upon the date such annexation becomes effective. See SECTION 93 NONCONFORMING SIGNS.

(E) **CANOPY SIGN.** A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. A canopy sign may contain only the business' name and/or logo on the canopy band.

(1) **Time.** A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until after the issuance of a building permit for a building on the property.

(2) **Place.** Canopy signs may only be erected on the two (2) sides of the canopy band that face a public street.

(3) **Manner.** Canopy signs may not exceed fifteen (15) square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than eighteen inches (18") from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band.

(F) **DEVELOPMENT IDENTITY SIGN.** A permanent sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or commercial, and generally refers to the platted name of the subdivision or planned development.

(1) **Time.** A sign permit is required.

(2) **Place.** All development identity signs shall be located within the platted limits of a residential or commercial subdivision to which it pertains.

(3) **Manner.** Development identity signs may be in the form of a sign mounted to a screening wall that does not project from the face of the wall more than one inch. Alternative types of a subdivision identity sign may be approved by the Planning Commission.

(G) **FLAG or FLAGPOLE.** A piece of fabric or other flexible material attached to a ground-supported staff on one end used as a symbol of a nation, state, political subdivision, or organization.

(1) **Time.** No sign permit required.

(2) **Place.** A flag and its ground-supported staff shall be located on private property behind the property line. Flags may be placed at parks during social and athletic events.

(3) **Manner.** The maximum height of a ground-supported flagpole shall be the maximum height allowed for that particular zoning and/or overlay district. A maximum of one flagpole and two flags may be located on a single-family or two-family property.

(H) **HUMAN SIGN.** A sign held by or attached to a human being who stands or walks on the ground, onsite at a business location. A human sign includes a person dressed in costume, both, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

(1) **Time.** No sign permit required. Human signs may be displayed twenty-four (24) hours each and every continuing day.

(2) **Place.** Human signs shall be located on private property where a sale, event, promotion, or the like is taking place. Human signs may not be off-location from where a promotion, sale, event, or the like takes place.

(3) **Manner.** Human signs shall only be persons who stands or walks on the ground on private property. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

(I) **MENU BOARD SIGN.** A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

- (1) *Time.* A sign permit is required for the menu board sign structure only.
- (2) *Place.* A menu board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (3) *Manner.*

- (a) *Drive-thru menu board sign.* A menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One (1) menu board sign is permitted per drive-thru use on a lot. The maximum area of a menu board sign is sixty (60) square feet. The maximum height of a menu board sign is six feet (6’).

- (b) *Drive-thru pre-order sign.* A drive-thru pre-order sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a drive-thru pre-order sign shall match those of the buildings on the same lot. The maximum area of a drive-thru pre-order sign is twenty-four (24) square feet in area. The maximum height of a drive-thru pre-order sign is six feet (6’).

- (c) *Drive-in menu board sign.* A drive-in menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the drive-in menu board signage may be attached directly to the canopy support columns. The design, materials, and finish of a drive-in menu board sign shall match those of the buildings on the same lot. The maximum area of a drive-in menu board sign is nine (9) square feet in area. The maximum height of a drive-in menu board sign is six feet (6’).

(J) **MERCHANDISE SIGNS** and/or **DISPLAYS.** Any goods, wares, merchandise or other advertising object or structure suspended applied, erected, installed from or on any building, or pole, structure, sidewalk, parkway, driveway, parking area, fuel pump island or its supports, bridge or overpass for the purpose of advertising such items or attracting patrons. Merchandise signs and/or displays are prohibited in the City of Tuttle, except as specifically allowed by any city ordinance, specified below, or required by federal or state law.

- (1) *Time.* No sign permit required. Merchandise signs may be displayed 24 hours each and every day on vending machines, newspaper stands, and fuel pumps.

- (2) *Place.* Merchandise signs shall not obstruct pedestrian or vehicular traffic.

- (3) *Manner.* Merchandise signs shall be directly attached to a vending machine, newspaper stand, or gasoline pump. Merchandise signs shall be flat and shall not project. Unless, otherwise, required by federal, state or local laws, signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, or other objects.

(K) **MONUMENT SIGN.** A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants or name of a business located within non-residential developments and apartment complexes.

- (1) *Time.* A sign permit is required.

- (2) *Place.* Monument signs are permitted in nonresidential zoning districts or nonresidential areas and on a lot containing an apartment complex, daycare facility, school, community center, amenity center, marketing center, or worship facility. The minimum front yard setback is five feet (5’) from the property line. The minimum side and rear setback from the property line shall be equal to the height of the monument sign.

- (3) *Manner.*

- (a) The design, materials, and finish of monument sign shall match those of the buildings on the same lot. A monument sign shall contain a minimum one-foot (1’) masonry with mortar, or similar material, border around all sides. Back-lit monument signs shall be inset into the pedestal rather than attached or applied to the pedestal.

- (b) Internal, or informational monument signs shall be consistent with the building elements and materials.

- (c) A lot is allowed a maximum of one (1) monument sign per street frontage.

- (d) The maximum area of a monument sign, including the one-foot masonry border, is sixty (60) square feet.
- (e) The maximum height of a monument is eight feet (8').
- (f) Monument signs are permitted to contain variable message signs. Variable message sign characters shall have a minimum height of ten inches (10") and a maximum height of sixteen inches (16").
- (g) The Planning Commission may approve monument signs that exceed the restrictions established in sub-paragraphs (3), (4), and (5) for a unified shopping center.

(L) **MURAL.** Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available onsite or off-location. Murals are not used to advertise products or services offered or sold off-location or onsite. A sign permit and Planning Commission approval is required.

(M) **PARAPET WALL SIGN.** A parapet wall sign is a sign that is mounted to or projects from a parapet wall, canopy, or secondary roof over the entry to a building, but does not project above the highest point of the building.

- (1) *Time.* A sign permit is required.
- (2) *Place.* In lieu of a wall sign, a parapet wall sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A parapet wall sign may be erected on a secondary canopy or a secondary roof over an entry to a building.
- (3) *Manner.* The structural or mechanical elements of a parapet wall sign shall not be visible from six feet (6') above the grade of adjacent streets.

(N) **POLE SIGN.** A sign erected on a vertical framework consisting of one or more uprights supported by the ground.

- (1) *Time.* A sign permit is required.
- (2) *Place.* Pole signs are permitted in nonresidential zoning districts. The minimum front yard setback for a pole sign is ten feet (10') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the pole sign.
- (3) *Manner.*
 - (a) A lot is allowed a maximum of one (1) pole sign per street frontage.
 - (b) The maximum area of a pole sign is sixty (60) square feet.
 - (c) The maximum height of a pole sign is twelve feet (12').
 - (d) Pole signs are permitted to contain variable message signs. Variable message sign characters shall have a minimum height of ten inches (10") and a maximum height of sixteen inches (16").

(O) **PROJECTING SIGN.** A sign attached and projecting out from a building face or wall, generally at a right angle to the building. A projecting sign advertises the name, telephone number, street address, and/or website information of a business.

- (1) *Time.* A sign permit is required. A sign permit shall not be issued to erect or install a projecting sign at a property until a building permit is issued for the building where projecting sign is to be attached.
- (2) *Place.* A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. In the General Commercial District (C-6), a projecting sign may project into the right-of-way, but shall be located a minimum of three feet (3') back from a curb of any adjacent street. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine-feet (9') clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign. A projecting sign shall not extend above a building wall.
- (3) *Manner.* The maximum area of a projecting sign is twelve (12) square feet.

(P) **ROOF SIGN.** A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or

a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign. Roof signs are prohibited in the City of Tuttle.

(Q) **VEHICLE SIGN.** A sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to use the vehicle as advertising. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

(1) *Time.* No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.

(2) *Place.* Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one vehicle may contain a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is permitted.

(3) *Manner.* Vehicle signs are permitted provided that:

(a) The primary purpose of the sign is not for display of the sign;

(b) The signs are painted upon or applied directly to an integral part of the vehicle;

(c) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;

(d) The vehicle is not used as a static display, advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a mobile advertisement sign.

(R) **WALL SIGN.** Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A wall sign is a sign painted on or erected parallel to and extending not more than twelve inches (12") from the facade of any building to which it is attached, supported throughout its entire length by the building face. A wall sign identifies the name of a business and/or logo of a business. A sign permit and Planning Commission approval is required.

(S) **WINDOW SIGN.** Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window for the purpose of advertising a business' name, telephone number, website information, services, commodities, and/or products offered or sold that are available within the building that is visible from a public street or sidewalk.

(1) *Time.* No sign permit required, except illuminated window signs. Illuminated window signs requires the issuance of a sign permit and shall not be closer than three feet (3') from a public door. A window sign may be displayed 24 hours each and every continuing day.

(2) *Place.* Window signs shall only be displayed on the inside or exterior of a window.

(3) *Manner.* Window signs shall be installed on the inside or outside of a window. Illuminated and nonilluminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

SECTION 82. TEMPORARY SIGNS.

Temporary signs are used to display information for a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article. Temporary signs include A-frame or sandwich board signs, stake signs, banners, and portable variable message signs. Temporary signs are prohibited in the City of Tuttle, except as specifically allowed by this and other sections of this Article.

(A) Schools, worship facilities, civic, home-owners associations, and other non-profit or charitable organizations, all with a presence inside the City of Tuttle, and government.

(1) *Time.* No sign permit required. Temporary signs may be erected up to fourteen (14) days prior to the event or activity, and shall be removed within two (2) business days after the event or activity.

(2) *Place.* Temporary signs shall only be placed on the property of the entity, within a residential subdivision with written permission from the homeowner's association or its representative, and at the event location.

(a) Temporary signs may also be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public. A temporary sign permit will be required.

(3) *Manner.* No restrictions.

(B) **GARAGE SALE SIGN.** An onsite temporary stake sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a certificate of acceptance.

(1) *Time.* The time a garage sale sign shall be allowed will be regulated by the City's Garage Sale Ordinances.

(2) *Place.* Garage sale signs shall be located only on the private property of the resident having the garage sale. A garage sale sign shall be erected on private property not closer than ten feet (10') from the edge of any street pavement. A garage sale sign may be placed off-location at intersections on city right-of-way leading from the nearest thoroughfare to the actual garage sale site as long as such sign does not create a hazard for the public. Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale signs shall not be balloons, wind devices or other type of sign, except stake signs, unless meeting the definition and requirements for that type of sign. The City's Garage Sale Ordinances may additionally regulate where garage sale signs may be located.

(3) *Manner.* The manner a garage sale sign shall be displayed shall be regulated by the City's Garage Sale Ordinances.

(C) **REAL ESTATE SIGNS.** An onsite, temporary sign made of wood, plastic, metal or similar material approved by the building official that pertains to the sale or lease of the property where the sign is located. Real estate signs generally advertise the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of property.

(1) *Time.* A sign permit is not required unless otherwise stated. Real estate signs require removal within ten (10) days after the sale or lease of a property or business.

(2) *Place.* Real estate signs shall be located on the actual property for sale.

(3) *Manner.* No restrictions.

(a) Real estate signs pertaining to property located in the City of Tuttle, not exceeding six square feet in area, and not exceeding a height of three feet may also be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public.

(b) The Building Official may approve a larger real estate sign for special real estate events (i.e. Parade of Homes) pertaining to properties located in the City of Tuttle for a period not to exceed 30 days. A temporary sign permit is required. These signs may be placed in the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public.

(D) **REAL ESTATE PROJECT SIGNS.** A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains. Real estate project signs are generally constructed of wood, metal or other similar materials approved by the building official. Real estate project signs must pertain to property located in the City of Tuttle, and may include zoning information and advertise residential builders selling homes within a subdivision.

(1) *Time.* A sign permit is required and requires Planning Commission approval. Real estate project signs must be removed when ninety five percent (95%) of the buildings/homes in the commercial project/subdivision have been issued a certificate of acceptance. The sign permit will expire two years

after it is issued. The Planning Commission may approve the renewal of the sign permit in one-year increments

(2) *Place.*

(a) Real estate project signs shall be installed no closer than fifteen feet (15) to any property line. The minimum distance between real estate project signs is two hundred feet (200').

(b) Off-site real estate project signs are allowed on agricultural and undeveloped properties, with the written permission of the property owner, on section-line roads and major thoroughfares at their intersections of other section-line roads and major thoroughfares. No more than two (2) real estate project signs are allowed at an intersection. No more than two (2) off-site are allowed for any particular subdivision.

(c) *Manner.* The maximum area of a real estate project sign is 96 square feet, and the maximum height is sixteen feet (16').

(E) **TEMPORARY COMMERCIAL SIGNS.** Temporary commercial signs include banners, a-frame signs, variable message signs, stake signs and any other temporary commercial sign that is not intended for permanent use. This does not include window signs.

(1) *Time.* A temporary sign permit is required for each display period. One temporary sign may be placed on a building or property for three, 14-day periods per calendar year. The periods may be combined. Each suite within a retail development shall be considered a building and, therefore, shall be allowed to erect a temporary sign accordingly.

(2) Exemptions:

(a) Religious organizations that temporarily operate in a school or other nonreligious facility may erect a banner no earlier than two (2) hours before worship and remove no later than two (2) hours after worship without the issuance of a sign permit.

(b) With permission from the city manager, or their designee, banners may be erected during social or athletic events at a public park or other city-owned property attached to pavilions, fences, vehicles, stakes, rails, or poles.

(3) *Place.* Temporary signs may be placed anywhere on the approved property as long as the sign does not create a hazard for the public. Temporary variable message signs shall conform to the variable message regulations in SECTION 83 VARIABLE MESSAGE SIGNS..

(4) *Manner.* None.

(F) **RESIDENTIAL YARD SIGNS.** An onsite temporary stake sign located in the front or side yard of a residential property.

(1) Typical types of residential yard signs include:

(a) Home improvement signs that advertises the name, phone number, website address, and/or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor;

(b) Security system and animal signs;

(c) Organization participation/support signs for religious organizations, civic clubs, educational organizations, the military, and athletic teams; and

(d) Publicity signs announcing the arrival of newborn.

(2) *Time.* No sign permit required. Yard signs may be erected 24 hours each and every day.

(3) *Place.* Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten feet (10') from the street pavement.

(4) *Manner.* Signs advertising the presence of a home security system shall not exceed one (1) square foot in area. All other yard signs shall not exceed four (4) square feet in area.

(G) **SEASONAL DECORATIONS.** Seasonal decorations, including Christmas lights, are excluded from place and manner requirements as long as they do not create a hazard for the public.

(H) **POLITICAL SIGN.** A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

(1) **Time.** No sign permit required. Political signs shall not be erected earlier than thirty (30) days prior to the relevant sanctioned election (as determined by the Grady County Election Board) and must be removed by thirty (30) days following the said election.

(2) **Place.** Political signs shall be located only on private property with the consent of the property owner. A political sign shall not be erected closer than ten feet (10') from the edge of the street pavement, located on any public property, or within a designated easement or right-of-way.

(3) **Manner.** Political signs shall not exceed eight feet (8') in height measured from the ground to the highest point of the sign. Political signs shall not exceed thirty six (36) square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

SECTION 83 VARIABLE MESSAGE SIGNS.

A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, manually or electronically, without altering the face or the surface of the sign. Variable Message Signs are subject to the following conditions:

(A) Variable message signs shall only be permitted along a non-residential collector or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.

(B) Variable message signs located along sections of any road where the speed limit is greater than 35 miles per hour shall not be animated, flash, travel, blink, fade, or scroll, and shall remain static for not less than 15 seconds.

(C) Variable message signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds.

(D) Only one variable message sign is permitted per lot.

(E) Variable message signs shall be constructed in accordance with the applicable regulations of this Article.

(F) Variable message signs shall be constructed in such a manner as to reasonably prevent unauthorized persons from altering the message. The use of chicken wire and similar materials to enclose a variable message sign shall be prohibited.

(G) Variable message signs that do not conform to these regulations prior to February 1, 2010 shall be considered as a legal nonconforming sign until February 1, 2011. After February 1, 2011, the building official or his designee shall utilize the remedies specified in SECTION 93 NONCONFORMING SIGNS. of this Code for the removal of the nuisances, including the issuance of a citation and other civil remedies.

SECTION 84 GOVERNMENT SIGNS.

(A) **INSTRUCTIONAL/INFORMATIONAL SIGN.** A sign that provides instruction, information, or direction to the general public. The sole purpose of an instructional/informational sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch informational, lock/take and hide informational, construction entrance and/or exit signage. Instructional/informational signs erected by the city, local, federal or state governments for the purpose of public instruction, warnings or other similar hazards, street or highway designation, traffic control and similar purposes incidental to public interests shall be considered an instructional/informational sign. An instructional/informational sign will include a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the City of Tuttle and/or signs required by federal, state or other local authorities.

- (1) *Time.* A sign permit is not required. No restrictions.
- (2) *Place.* No restrictions.
- (3) *Manner.* No restrictions.

(B) *TRAFFIC LIGHTS and SIGNAGE.* Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

SECTION 85 OFF-LOCATION, OFF-PREMISES, AND OFF-SITE SIGNS.

Signs that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the business, person, organization, activity, event, place, service, product, etc. is located are prohibited in the City of Tuttle except as otherwise provided.

SECTION 86 PERMIT REQUIRED TO ERECT OR INSTALL SIGNAGE.

(A) *Sign permit required.* When a sign permit is required, the sign shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the Community Development Department. The building official shall approve or deny an application for a sign permit within thirty (30) days of the Community Development Department's receipt of the application. A sign permit will be issued if a proposed sign conforms to all city ordinances. Upon request by the city, a diagram to scale shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit and such sign may be removed in accordance with SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS.

(B) *Not to issue for prohibited locations.* No sign permit shall be issued under this section for any sign in a district where signs are prohibited by the city's zoning regulations, as it currently exists or may be amended.

(C) *Fees.* The City Council, by resolution or motion, shall establish fees for the administration of this Article. The sign permit fees for a sign erected without the issuance of a sign permit prior to installation shall be twice the cost of the standard permit fee.

(D) *Interpretation and administration.* The building official shall be responsible for interpreting and administering this Article. The building official may revoke any permit for a sign issued in error. Allegations of errors in orders, decisions, or determinations of the building official in the administration of this Article shall be in accordance with SECTION 94 APPEALS AND VARIANCES of this Article, as it currently exists or may be amended.

SECTION 87 INSPECTION.

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this Article, other applicable ordinances, and the applicable permits.

SECTION 88 MEASUREMENT OF SIGN AREA AND HEIGHT.

(A) The area of a sign shall be measured as follows:

(1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula ([square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly-used for banners, commercial real estate signs, model home signs, monument signs, project development signs, and stake signs.

(2) For sign with a shape that is irregular, the area shall be measured by enclosing the sign elements to the closest geometric shape. This method of measurement is most commonly used for awning signs and wall signs with individual lettering and for irregularly-shaped signs.

(3) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.

- (B) Where a sign has two faces, the area of both faces shall be used to determine the area of the sign; provided, the two faces are within five degrees of parallel. Where a sign has two or more faces and exceed greater than five degrees from parallel, the sign area shall be calculated as the sum of the area of each face.
- (C) The supports of a stake sign, A-frame sign, project development sign, or commercial real estate sign shall not be included in calculating the area of a sign, but shall be included in the measurement of the height of a sign.
- (D) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this Article. If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

SECTION 89 SIGN SPECIFICATIONS, DESIGN AND OTHER REQUIREMENTS.

- (A) *Compliance with Zoning Regulations, International Building Code, National Electrical Code, and other ordinances.* All sign structures shall comply with the city's Zoning Regulations, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other city ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this Article shall apply.
- (B) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility or sight triangles. Signs shall not create a hazard.
- (C) *Signs posted in specified areas.* Unless otherwise permitted within this Article, no person shall post or cause to be posted, attach or maintain any sign upon:
- (1) Any city-owned property or right-of-way without written permission of the city manager or his designated representative;
 - (2) Any utility easement. Should a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer and/or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - (3) Any tree, utility pole or structure, street sign, rail, or any fence;
 - (4) Any fence, railing or wall, except in accordance with section SECTION 81 GENERAL REQUIREMENTS of this Article (wall sign); or
 - (5) Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (D) *Signs attached to fire escapes.* No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.
- (E) *Accumulation of rainwater.* All signs shall be constructed to prevent the accumulation of rainwater in the sign.
- (F) *Location near telephone cable, power line, or street light.* No sign shall be erected nearer than two feet (2') from any telephone cable, power line or any street light standard.
- (G) *Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic.* No sign shall be erected to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.
- (H) *Glass signs over public property or pedestrian area.* Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.
- (I) *Identification marking required.* All signs that require the issuance of a permit after adoption of this Article shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one inch in height, the date of erection and the sign permit number on the sign.
- (J) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs, an assumed wind load of 20 pounds per square foot shall be used.

(K) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

(L) *Exemptions.* Signs located within a building, with the exception of window signs, shall not be regulated by this Article.

SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS.

(A) A prohibited shall be:

(1) Any sign not referenced in or governed by this Article;

(2) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this Article (if a permit was required);

(3) Any sign that emits odor or visible matter;

(4) Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this Article;

(5) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws; or

(6) Any sign not allowed or defined by this Article.

(B) All prohibited signs or noncompliant signs shall be considered a public nuisance. Upon identification of any prohibited sign, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of nuisances, including the issuance of a citation and other civil remedies. Signs authorized by a sign permit number with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit that provides the expiration date shall be considered adequate notice of violation.

(C) It shall be unlawful for any person, firm, entity or corporation receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification. In the event failure to comply with such notice provided, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

(D) If a sign is placed within a public right-of-way or on a city-owned property in violation of this Article, the sign may be immediately removed and impounded.

SECTION 91 IMPOUNDED SIGNS AND RECOVERY.

(A) A sign that is legally removed by a city-authorized official, inspector, officer, other city employees or city-authorized persons in accordance with the provisions of this Article shall be considered impounded.

(B) Impounded signs may be recovered by the owner not more than 15 days from the date of the written notification of impoundment by paying a fee as established by the City Council by motion or resolution.

(C) Impounded signs not recovered within 15 days of impoundment may be disposed of by the city in any manner it shall elect.

(D) Illegal signs removed from public property, including the City of Tuttle's right-of-way, park property or other city maintained areas may be immediately disposed of by the city in any manner it shall elect. If not already disposed, the impounded signs may be recovered by the owner by paying a fee as established by the City Council by motion or resolution.

SECTION 92 NEGLECTED AND ABANDONED SIGNS.

(A) No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains. Vacant building signage shall be considered abandoned.

(B) A sign that had a permit, but the permit has been expired for thirty (30) or more consecutive days and/or does not identify or advertise a bona fide business, lessor, service, owner, product, event, or activity, or pertains

to a time, event or purpose which no longer applies shall be considered as abandoned. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained shall be considered neglected.

(C) Abandoned signs and neglected signs, including those abandoned or neglected prior to the adoption of this ordinance, shall be considered a public nuisance and are prohibited by this Article in the City of Tuttle. Upon identification of any prohibited sign, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of nuisances, including the issuance of a citation and other civil remedies.

(1) Abandoned signs and neglected signs identified prior to February 1, 2010 shall be considered as a legal nonconforming sign until February 1, 2011. After February 1, 2011, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of the nuisances, including the issuance of a citation and other civil remedies.

(D) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under Chapter 12 Nuisances of the Code of Ordinances, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located.

SECTION 93 NONCONFORMING SIGNS.

(A) A nonconforming sign is a sign and its supporting structure which does not conform to all or part of the provisions of this Article, and:

(1) Was in existence, has a sign permit if one was required prior to the adoption of this Article and lawfully erected prior to the date of this Article;

(2) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or

(3) Was in existence, located, and used on the premises at the time it was annexed into the city and has since been in regular and continuous use.

(B) Any sign that is abandoned or neglected shall not be considered a legal nonconforming sign and shall be removed as provided in SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS. of this Article.

(C) Any nonconforming sign and its supporting structure which is destroyed, damaged, dilapidated or deteriorated shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of 50 percent of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, or deteriorated. Changing the interior panel of a nonconforming sign is permitted in all cases.

(D) No sign or its supporting structure which is lawfully reproduced, repaired or renovated as a nonconforming sign shall be increased in area or height.

(E) Notwithstanding any other provision of this Article, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all provisions of this article.

SECTION 94 APPEALS AND VARIANCES.

(A) Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in administration of the sign regulations shall be made in writing by the applicant and heard by the Board of Adjustment at a public hearing in accordance with the procedures established in the Zoning Code.

Commercial Rezoning

Page 38 of 39

6/27/2019

- (B) A variance may be granted for the following reasons:
 - (1) The proposed sign is of a unique design or configuration;
 - (2) The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
 - (3) The variance will substantially improve the public convenience and welfare and does not violate the intent of this Article.
- (C) In order to approve a request for a variance, the Board of Adjustment shall determine that the request meets the following criteria:
 - (1) The proposed sign shall not adversely impact the adjacent property (visibility, size and the like); and
 - (2) The general location of the sign is specifically allowed by this Article.
- (D) A variance shall not be approved for a sign that is prohibited by this Article.