

**Ordinance No. 3142**

AN ORDINANCE AMENDING THE STILLWATER CITY CODE, CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE 9, OVERLAY DISTRICTS, BY CREATING NEW DIVISION 3, WESTWOOD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT; SECTION 23.275.1, CREATED; SECTION 23.275.2 LEGAL DESCRIPTION; SECTION 23.275.3 PURPOSE; SECTION 23.275.4 APPLICABILITY; SECTION 23.275.5 DEFINITIONS; SECTION 23.275.6 SPECIAL USE REGULATIONS; SECTION 23.275.7, PROCEDURE FOR OBTAINING A SPECIAL OCCUPANCY PERMIT; SECTION 23.275.8, AMORTIZATION SCHEDULE; SECTION 23.275.9, PERMITS REVOCABLE; SECTION 23.275.10 DISCONTINUANCE OF SPECIAL OR NON-CONFORMING USE; SECTION 23.275.11, APPEALS; SECTION 23.275.12 OFFENSE, PENALTY FOR VIOLATION AND SETTING AN EFFECTIVE DATE.

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

**SECTION 1:** That Chapter 23, Article 9, of the Stillwater City Code be amended by adding a new Division 3 to read and be codified as follows:

**Division 3: Westwood Neighborhood Conservation Overlay District**

**23.275.1 Created.**

There is hereby created the Westwood Neighborhood Conservation Overlay District.

**23.275.2 Legal Description.**

The Westwood Neighborhood Conservation Overlay District shall consist of all areas within the corporate limits of the City of Stillwater situated within the legal description set forth below:

ALL of DONALDSON & MANNING 1<sup>ST</sup> ADDITION, ALL of WEST SUNSET HEIGHTS ADDITION, Lots Nineteen (19) through Thirty-six (36), Block Two (2), Lots Nineteen (19) through Thirty-six (36), Block Three (3), Lots One (1) through Thirty-six (36), Block Four (4), Lots One (1) through Thirty-six (36), Block Five (5), Lots One (1) through Twelve (12), Block Seven (7), Lots One (1) through Twelve (12), Block Eight (8), Lots One (1) through Twelve (12), Block Nine (9), Lots One (1) through Seven (7), Block Ten (10), Lots One (1) through Four (4), Block Eleven (11), ALL in SUNSET HEIGHTS ADDITION, Lots One (1) through Nine (9), Block Six (6), SUNSET HEIGHTS ADDITION (REPLAT LOTS 1-5), ALL of BROWN MOORE ADDITION, ALL of INGHAM'S ADDITION, Lots One (1) through Eighteen (18), Block One (1), Lots One (1) through Twenty-four (24), Block Two (2), Lots One (1) through Fifteen (15) & Lot Thirty (30), Block Three (3), Lots One (1) through Thirteen (13), Block Five (5), Lots One (1) through Twenty-two (22), Block Six (6), Lots One (1) through Seven (7), Block Seven (7), Lots One (1) through Five (5), Block Eight (8), ALL in COLLEGE GARDENS ADDITION 1<sup>ST</sup> SECTION REPLAT, Lots Sixteen (16) through Thirty A (30A), Block Three (3), Lots Eight (8) through Fifteen (15), Block Seven (7), Lots One (1) through Twenty-six (26), Block Nine (9), Lots Twenty-eight (28) through Fifty-four (54), Block Ten (10), Lots One (1) through Seventeen (17), Block Eleven (11), Lots One (1) through Seven (7) and Lots Seventeen (17) through Twenty (20), Block Twelve (12), Lots Eighteen (18) through Twenty-seven (27), Block Eleven-A (11-A), ALL in COLLEGE GARDENS ADDITION 2<sup>ND</sup> SECTION, Lots One (1) through (16), Block Twenty-two (22), Lots One (1) through Eight (8), Block Twenty-three (23), ALL in COLLEGE GARDENS ADDITION 3<sup>RD</sup> SECTION, ALL of KING'S HIGHWAY ADDITION, Lots One (1) through Four (4), Block Twenty-four (24), Lots One (1) through Four (4), Block Twenty-five (25), Lots One (1) through Four (4), Block Twenty-six (26), Lots One (1) through Four (4), Block Twenty-seven (27), ALL in COLLEGE GARDENS ADDITION 4<sup>TH</sup> SECTION, Lots One (1) through Nine (9), Block One (1), Lots One (1) through

Five (5), Block Two (2), Lots One (1) through Sixteen (16), Block Three (3), Lots One (1) through Sixteen (16), Block Four (4), Lots One (1) through Sixteen (16), Block Five (5), All of Block Six (6), Lots One (1) through Eighteen (18), Block Seven (7), Lots One (1) through Eight (8), Block Eight (8), Lots One (1) through Eight (8), Block Nine (9), Lots One (1) through Eleven (11), Block Ten (10), Lots One (1) through Thirteen (13), Block Eleven (11), Lots One and Two (2), Block Twelve (12), ALL in DUCK ADDITION, A tract of land in Section 15, Township 19 North, Range 2 East Beginning 856 feet West & 254.6 feet North SE/C NE/4 SW/4; West 137.2 feet; North 89.6 feet; East 137.2 feet; South 89.6 feet to Point of Beginning, and A tract of land in Section 15, Township 19 North, Range 2 East Beginning 856 feet West & 165 feet North SE/C NE/4 SW/4; West 137.2 feet; North 89.6 feet; East 137.2 feet; South 89.6 feet to Point of Beginning, and A tract of land in Section 15, Township 19 North, Range 2 East Beginning 25 feet North SW/C E/2 SW/4 NE/4 SW/4; North 140 feet; East 70 feet; South 140 feet; West 70 feet to Point of Beginning, and A tract of land in Section 15, Township 19 North, Range 2 East Beginning 856 feet West SE/C NE/4 SW/4; West 67.8 feet; North 165 feet; East 67.8 feet; South 165 feet to Point of Beginning.

### **23.275.3 Purpose.**

The purpose of the Westwood Neighborhood Conservation Overlay District is to facilitate preservation of an existing single-family residential neighborhood by establishing limitations and special requirements on property uses within said area that are inconsistent with the underlying zoning and original construction thereof by providing a mechanism for making such inconsistent uses compatible when practicable and further providing for the amortization and elimination of such inconsistent uses when not practicable.

### **23.275.4 Applicability; conflict with other provisions.**

The requirements set forth in this code division shall only apply to Residential Single Family-Small Lot (RSS) zoned property located within the boundaries of the Westwood Neighborhood Conservation Overlay District. These requirements shall be applicable in addition to any other requirement set forth in Chapter 23 or any other section of the Stillwater City Code or state statute. Should a requirement set forth in this code division conflict with another requirement set forth in Chapter 23, the requirement set forth in this division shall supersede the Chapter 23 requirement to the extent of such inconsistency.

### **23.275.5 Definitions.**

For purposes of the Westwood Neighborhood Conservation Overlay District, the following terms shall have the meaning ascribed thereto herein.

*Bedroom* means a private room intended for sleeping, separable from other rooms by a door opening directly to a hallway or open interior of the dwelling and having at least one code compliant window to the outdoors. A room which provides the only means of access from the interior of the dwelling to a bedroom shall not be considered a separate bedroom.

*Boarding/Rooming House* a building where, for compensation and by prearrangement for definite periods, sleeping and living quarters, are provided to four (4) or more unrelated persons.

*Family Unit* means a group of two or more people who reside together and who are directly related by birth, marriage, adoption or other official action.

*Unrelated Persons* means all persons other than members of the same family unit.

### **23.275.6 Use Regulations.**

(A) A Boarding/Rooming House, as specially defined herein, is permitted in the Westwood Neighborhood Conservation Overlay District by Special Occupancy Permit only.

(B) No more than three (3) unrelated persons may occupy a single dwelling unit in the Westwood Neighborhood Conservation Overlay District unless the owner has first obtained a Special Occupancy Permit to use the property as a Boarding/Rooming House. When counting the number of unrelated persons occupying a single dwelling unit, one (1) family unit shall count as one (1) unrelated person, provided, all other persons, whether or not they may constitute a separate family unit, shall each count as one (1) unrelated person.

(C) There must be a separate bedroom for each unrelated person occupying a single dwelling unit in the Westwood Neighborhood Conservation Overlay District.

#### **23.275.7 Procedure for Obtaining a Special Occupancy Permit.**

Owners of real property located within the Westwood Neighborhood Conservation Overlay District being used as a Boarding/Rooming House as of June 1, 2011, may continue such use on a temporary basis in accord with the amortization schedule set forth in section 23.275.8 by obtaining a Special Occupancy Permit on or before February 28, 2012. Application for a Special Occupancy Permit shall be made by submitting to the Development Services Department a completed application on a form approved for such purpose by the Development Services Director. A Special Occupancy Permit shall limit occupancy to the demonstrated preexisting density up to a maximum of one unrelated person per separate bedroom. All Special Occupancy Permits shall expire in accord with the amortization schedule set forth in section 23.275.8 of this chapter.

#### **23.275.8 Amortization Schedule.**

All Special Occupancy Permits shall expire on May 31, 2022; provided that a Special Occupancy Permit to operate a Boarding/Rooming House for five (5) or more unrelated persons shall expire on May 31, 2017 and become a Special Occupancy Permit to operate a Boarding/Rooming House for a maximum of four (4) unrelated persons.

#### **23.275.9 Permits Revocable.**

Special Occupancy Permits shall be revocable by the Planning Commission for failure to comply with the terms and conditions on which the permit approval was based. No Special Occupancy Permit shall be revoked until the property owner is given notice and an opportunity to be heard by the Planning Commission.

#### **23.275.10 Discontinuance Of Special Or Non-Conforming Uses**

If a use existing and permitted by Special Occupancy Permit only or other non-conforming use of a building or structure in the Westwood Neighborhood Conservation Overlay District is discontinued for a period of eight (8) consecutive months, it shall not thereafter be renewed, and any subsequent use of the building or structure shall conform, in all other respects, to the remaining use regulations of this Ordinance and the underlying RSS zoning.

#### **23.275.11 Appeals.**

Any suit to challenge any final action, decision, ruling or order of the Planning Commission regarding the revocation of Special Occupancy Permits under the provisions of this Ordinance shall be filed with the district court within thirty (30) business days from the action, decision, ruling or order.

#### **23.275.12 Offense, Penalty for Violation.**

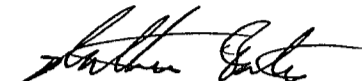
Beginning on March 1, 2012, it shall be an offense, punishable by a fine not to exceed Seven Hundred Fifty Dollars (\$750.00) for an owner of real property within the Westwood Neighborhood Conservation Overlay District to permit the property to be used as a Boarding/Rooming House without first obtaining a Special Occupancy Permit authorizing such use or in violation of the terms and conditions of any such permit. Each day the property is used as a

Boarding/Rooming House without, or in violation of the terms and conditions of, a Special Occupancy Permit shall constitute a separate offense.

**SECTION 2:** This Ordinance shall become effective on August 31, 2011.

PASSED, APPROVED, AND ADOPTED THIS 18th DAY OF JULY, 2011.



  
NATHAN BATES, MAYOR

  
MARCY ALEXANDER, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 18th DAY OF JULY, 2011.

  
JOHN E. DORMAN, CITY ATTORNEY

First Reading: 6-27-11  
Second Reading: 7-18-11