

**ORDINANCE No. 22-02**

**AN ORDINANCE CREATING A NEW ZONING DEFINITION AND CLASSIFICATION WITHIN THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA. AN ORDINANCE CREATING THE TRADITIONAL NEIGHBORHOOD DESIGN OVERLAY DISTRICT. AN ORDINANCE TO ESTABLISH A MULTIPLE ZONING CLASSIFICATIONS FOR A CERTAIN AREA.**

**FILED**

\*\*\*\*\*JUN 07 2022\*\*\*\*\*

TIME 10:24 AM  
HOPE TRAMMELL, COUNTY CLERK  
PITTSBURG COUNTY  
BY M. Bedford DEPUTY

**TND Overlay District**

- A. District Established: A TND Overlay District is hereby established pursuant to the authority conferred by 3 Oklahoma Statutes sections 100 through 116, as amended.
- B. Purpose of the TND Overlay District: The TND Overlay District is intended to stimulate new economic development which adheres to concepts inherent in high-quality traditional neighborhoods, including without limitation:
  - a. Structures, amenities, signs, and lighting occur at a human scale;
  - b. Architectural features, building form, and parcel utilization are used to create distinctive character;
  - c. The favoring of pedestrian and non-vehicular transportation over the movement of cars and trucks in the community design through the use of sidewalks, paths, street trees, the placement of parking areas, and appropriate speed and design of travel ways;
  - d. Design in which the fronts of buildings are used to assemble and frame shared public space;
  - e. Design in which the historic character of land and communities is honored and featured; and
  - f. Design in which the use of storm water management, lighting, landscaping, and operations benefits not only the humans using the property and their neighbors but wildlife and the environment as well.
- C. Official Zoning Overlay Map: To carry out the provisions of this overlay district, there is hereby created and established an overlay district as indicated in Map B-1 below. Only such portion of any parcel which is within the bounds of the TND Overlay District shall be entitled to utilize its provisions.
- D. Use of the District is Elective: Properties within the TND Overlay District shall retain their Zoning status and shall not be affected by the TND Overlay District unless the owner of a parcel or parcels within the TND Overlay District files for and is approved for use of the Overlay Standards by the Town Council. Once elected and approved, the application of the Overlay Standards shall no longer be optional and shall apply to the entire property which was approved for their application in accordance herewith.
- E. Nonconforming Uses: Application of the TND Overlay District shall not be construed to require the removal, change, or alteration of any existing structure within the TND Overlay District nor interfere with the continuance of a nonconforming use which is not discontinued for a period greater than a year; provided, however, that such structure or use shall not be rebuilt (if such reconstruction exceeds 50% of the value of the existing building) or expanded except in conformance with the Overlay Standards.

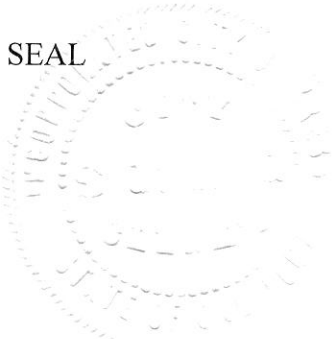
- F. Waiver of the standards in the underlying zoning: The TND Overlay District, if applied, will impose standards in addition to those of the underlying District and supersede and replace some standards of the base zoning District. Any of the standards of the underlying zoning that are inconsistent with the approved Overlay Standards shall be deemed to be replaced by such standards, including without limitation standards for setbacks, yards, height, streets, and uses. Any standards not so replaced shall continue to apply. Approval of subdivisions within the TND Overlay District shall be consistent with the approved Overlay Standards.
- G. Application to access the TND Overlay District Overlay Standards:
- a. Application may be made for any existing Residential or Commercial District within the TND Overlay District or in connection with the approval of a rezoning of such District.
  - b. Application shall be made on such forms as may be required by the Town, accompanied by the fees specified therefor.
  - c. Application shall be accompanied by such materials as are necessary to meet the Requirements for Overlay Standards.
- H. Approval of the TND Overlay District application: Approval of the TND Overlay District application shall be in accordance with the same procedures for approval of a rezoning application.
- I. Requirements for Overlay Standards:
- a. A Regulating Plan providing the general proposed layout of the development including the general layout and types of thoroughfares, paths, parks, open spaces, uses, and range of building types that may be located in specific areas; such plan may also describe any standards for thoroughfares, paths, storm water management, street trees and landscaping, parks, utility placement and such other standards that are proposed to apply to the property in addition to or in lieu of the standards applicable in the underlying District, including without limitation:
    - i. Lighting standards that preserve dark sky, energy efficiency, public safety, protection of wildlife corridors, and the absence of glare or nuisance lighting on neighboring properties;
    - ii. Thoroughfare standards that provide safe environments for pedestrians, bicyclists, and other forms of transportation, as well as motor vehicles;
    - iii. Stormwater management that meets applicable standards for safe management of water while maximizing the environmental benefits and minimizing unnecessary costs; and
    - iv. Landscape standards that: A. emphasize native plantings benefiting pollinators and maximizing production of food for birds; B. provide shade to encourage use of sidewalks and for parking areas to minimize heat island effects; and C. provide biophilic benefits for users of public spaces.
  - b. A Lot Overlay Standards chart which provides the standards for minimum and/or maximum lot size, yards, height, setbacks, street orientation, parking, uses, signage, and any other standards that are proposed to apply to the property in addition to or in lieu of the standards applicable in the underlying District;
  - c. A copy of any private Restrictive Covenants intended to be imposed on the property for enforcement by the developer or by a homeowners' association for the purpose of regulating architectural detail, style, or other detailed elements of the development.

- J. Amendment of the TND Overlay District: Parcels may be added to a parcel already approved for application of the TND Overlay Zone in accordance with the normal process for zoning amendment approval. Material changes in the approved Regulating Plan or the Lot Overlay Standards shall require approval of the Town Council.

Approved as to form and legality by: Pat Layden, Pat Layden, City Attorney

PASSED AND ADOPTED THIS 17<sup>th</sup> day of May, 2022.

SEAL



Bobby Watkins  
Bobby Watkins, Mayor

ATTEST:

W Kay Scott

W Kay Scott, City Treasurer