

Dw Co.
Pub 11-23-17



ORDINANCE # 2017-2

AN ORDINANCE AMENDING TITLE 11, CHAPTER 4 SECTION 1 – PERMITTED USES OF A SINGLE-FAMILY DWELLING DISTRICT; and ADDING: TITLE 11, CHAPTER 4, SECTION 4 – DEFINITION OF HOME OCCUPATIONS, TITLE 11, CHAPTER 4, SECTION 5 – HOME OCCUPATION SIGNS, TITLE 11, CHAPTER 4 SECTION 6 - ALLOWING FOR A PERMIT TO BE REQUIRED BEFORE ESTABLISHING A HOME OCCUPATION AND A PERMIT FEE TO BE SET, AND TITLE 11, CHAPTER 4 SECTION 7 ALLOWING FOR FINES TO BE ATTACHED TO NON-COMPLIANCE WITH THIS ORDINANCE.

Whereas, The Town Board of Seiling, Oklahoma, deem it to be in the public interest to encourage the citizens of Seiling to engage in free enterprise without compromising the security and esthetics of our residential areas, the Town Board desires to add specific definitions, uses, and restrictions to Title 11, Chapter 4 – Single Family Dwelling District, regarding Home Occupations.

BE IT ORDAINED BY THE TOWN OF SEILING, OKLAHOMA,

That Title 11 Chapter 4 Section 1 of the Seiling Municipal code shall be amended to read as follow:

§Title 11, Chapter 4, Section 1 Permitted Uses

A building or premises shall be used only for the following purposes:

Churches.

Garage apartments; provided, that the building shall be set back ten feet (10') from all lot lines.

Gardening, but not the raising of livestock.

Golf courses, except miniature golf courses, putting greens, driving ranges or other forms of amusement operated as a business.

Home occupations and professional offices of one who lives in the main building. (See 11-4-4 through 11-4-7 for details)

Hospitals and clinics, except animal hospitals and clinics.

Schools, elementary and high.

Single-family dwelling.

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Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion of the construction work. (2003 Code § 20-1-3)

BE IT FURTHER ORDAINED BY THE TOWN OF SEILING, OKLAHOMA,

That Title 11 Chapter 4 Sections 4, 5, 6, and 7 be added to read as follows:

§Title 11, Chapter 4, Section 4 Definition and stipulations of HOME OCCUPATIONS.

- A. A home occupation is a commercial use that is accessory to a residential use. A home occupation must comply with the requirements of this section.
- B. A home occupation must be conducted entirely within the dwelling unit or one accessory garage and require no more than 25% of the gross floor area of the residence and/or garage.
- C. Participation in a home occupation is limited to occupants of the dwelling unit, except that one person who is not an occupant may participate in a medical, professional, administrative, or business office if off-street parking is provided for that person.
- D. The residential character of the lot and dwelling must be maintained.
- E. The home occupation must enhance the public health, safety and general welfare of the surrounding neighborhood.
- F. The home occupation must not diminish the value and quality of the surrounding neighborhood.
- G. The occupation must not impose a load on any utility greater than normally required for domestic use.
- H. There shall be no display windows; nor shall any materials or supplies be stored in the open.
- I. Equipment or materials associated with the home occupation must not be visible from locations off the premises.
- J. A home occupation may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or garage.
- K. No business involving the pickup or delivery of goods or products will be conducted between the hours of 7:00 p.m. to 7:00 a.m.
- L. Parking a commercial vehicle of two-ton capacity or greater on the premises or on a street adjacent to residentially zoned property is prohibited.
- M. Any current or future developers or existing homeowners may bar home occupations with a Protective Covenant for any new or existing residential platted addition.
- N. Advertising a home occupation by a sign on the premises is prohibited, except as provided under Section 11-4-5 (*Home Occupation Signs*).

O. The following are prohibited as home occupations:

- a) animal hospitals, animal breeding;
- b) clinics, hospitals;
- c) hospital services;
- d) contractor's yards;
- e) dance studios;
- f) scrap and salvage services;
- g) massage parlors other than those employing massage therapists licensed by the state;
- h) restaurants;
- i) cocktail lounges;
- j) rental outlets;
- k) equipment sales;
- l) adult oriented businesses;
- m) recycling centers;
- n) drop-off recycling collection facilities;
- o) automotive repair services; and
- p) businesses involving the repair of any type of internal combustion engine, including equipment repair services.
- q) second hand or used items

§Title 11, Chapter 4, Section 5: HOME OCCUPATION SIGNS.

(A) A home occupation that is allowed under 11-4-4 (Home Occupations) may display one on-premise sign bearing the name of the home occupation if the following requirement is met:

- (1) The sign must be a non-illuminated sign, not more than 144 square inches in area, with a maximum height of eight (8) feet.

A home occupation sign permitted under this section must be removed if the home occupation ceases to be used or fails to comply with the requirements of this ordinance.

§Title 11, Chapter 4, Section 6: PERMIT FOR HOME OCCUPATION

A Town permit must be obtained before establishing any Home Occupation by submitting a Home Occupation Application and Permit Fee to the Town Clerk. The permit will be


reviewed by the Planning and Zoning Board with recommendations made to the Town Board for final determination. The Permit Fee will be set by the Town Board.

§Title 11, Chapter 4, Section 7: VIOLATION; PENALTY

Any owner found violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this code for such offense. (2003 Code § 8-1-1; amd. 2014 Code)

SEVERABILITY: The provisions hereof are hereby declared to be severable, and if any section, paragraph, sentence or clause of the Ordinance is for any reason held invalid or inoperative by any court of competent jurisdiction such decision shall not affect any other section, paragraph, sentence or clause thereof.

Passed, Approved, and Adopted by the Seiling Town Board on the 13th day of November, 2017.


Mickey Louthan, Mayor


Shara Feuerborn, Town Clerk

