



**AN ORDINANCE AMENDING AND ADDING SECTIONS TO ARTICLE 2 DISTRICT DESCRIPTIONS AND USE PROVISIONS – SECTION 2.3 TABLE OF ALLOWED USES; ARTICLE 2 DISTRICT DESCRIPTIONS AND USE PROVISIONS – SECTION 2.4 BULK AND AREA REQUIREMENTS; ARTICLE 4 DEVELOPMENT STANDARDS – SECTION 4.4 OFF-STREET PARKING AND LOADING; ARTICLE 5 DISTRICT SPECIFIC STANDARDS; AND ARTICLE 11 DEFINITIONS OF THE CITY OF TAHLEQUAH ZONING ORDINANCE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, IN SESSION ASSEMBLED.**

**AMENDING TABLE 2.3**

Table 2.3: Table of Allowed Uses																						
USE CATEGORY Subcategory Use Type	Zoning Districts														Supplemental Regulations							
	Residential							Nonresidential														
	AG	RE	RS			RM			MH	DMX	LMX	CMX	O			C			I			P
		1	2	3	1	2	3					1	2	1	2	3	1	2	3			
<b>ACCESSORY USES</b>																						
See Supplemental Regulations Section 3.2														3.2								
<b>TEMPORARY USES</b>																						
See Supplemental Regulations Section 3.3														3.3								
<b>RESIDENTIAL USES</b>																						
<b>Household Units</b>																						
Detached single family dwelling	P	P	P	P	P	P	P	P				S	S									
Accessory Dwelling	P	P	S	S	P																	
Two-family dwelling						P	P	P				P	P									
Multi-family dwelling						P	P	P				P	P	P								
Townhouse development						P	P	P				P	P	P							3.4	
Dwelling group						P	P	P				S	P	P							3.5	
Modular Home	P	P	P	P	P																3.7	
Mobile home									P												3.6	
<b>Group Quarters</b>																						
Boarding, dormitory, and rooming house						P	P	P				S	P	P			S	P	P			P
Convalescent home, nursing home, or assisted living facility						P	P	P				S	P				S	P	P			
Fraternity or Sorority						P	P	P				P	P									
Group Home						P	P	P				P	P				S	P	P			
Transitional living center, re-entry facility, or homeless center									P			S	P				S	P	P			P
<b>Mobile Home Park</b>																						
									P													
<b>PUBLIC/INSTITUTIONAL USES</b>																						
Airport																	S	S	S	S		P
Art Gallery or Museum										P	P	P	P	P	P	P	P					P

**AMENDING TABLE 2.4.A.1**

Table 2.4.A.1: Residential Bulk and Area Requirements										
District	Lot Dimensions				Minimum Setback Requirements (ft)				Height (ft)	Additional height (ft) per increased setback
	Min. Lot Area (ac/sq ft)	Lot Area Per DU <sup>3</sup>	Min. Lot Frontage (ft)	Max. Lot Coverage (%)	Front	Side		Rear		
						Interior	Exterior			
AG	5 acres	5 acres	300	30	40	25	35	35	35	
RE	2 acres	2 acres	150	15	35	25	30	30	35	
RS-1	22,500	22,500	120	20	35	10	25	2530	35	
RS-2	10,000	10,000	75	25	25	8	20	3025	35	
RS-3	6,000	6,000	50	30	20	5	15	3020	35	
<b>RM-1</b>										
Two-family	10,000	5,000	100	50	25	5	25	20	35	0.5
Multi-family	10,000	3,000	100	50	25	5	25	20	35	0.5
Other uses <sup>1</sup>	10,000	10,000	100	50	25	5	25	20	35	0.5
<b>RM-2</b>										
Two-family	7,500	3,750	75	50	20	5	20	20	35	1
Multi-family	7,500	2,000	75	50	20	5	20	20	35	1
Other uses <sup>1</sup>	7,500	7,500	75	50	20	5	20	20	35	1
<b>RM-3</b>										

Two-family	6,000	3,000	50	50	10	5	15	20	35	2
Multi-family	6,000	1,000	50	50	10	5	15	20	35	2
Other uses <sup>1</sup>	6,000	6,000	50	50	10	5	15	20	35	2
MH <sup>2</sup>										

Notes: <sup>1</sup>Other uses does not include townhouse development or dwelling groups  
<sup>2</sup>Detailed bulk and area requirements for MH District are in Section 3.6  
<sup>3</sup>In the case of multi-family dwellings in RM Districts, the area in abutting streets out to the center line for a distance not to exceed 65 feet in abutting public open spaces to the center thereof for a distance not exceeding 65 feet may be counted as part of the area of lot in determining lot area per dwelling unit.

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State of OK



**ADDING SECTION 2.4.C.3.g**  
Section 2.4 Bulk and Area Requirements  
C. Measurements and Exceptions

3. Setbacks

g. Established Districts, Average Setbacks Residential Districts

In established districts, if 50% or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line closer than that required in Table 2.4.A.1 and no building varies more than five feet (5'), then minimum setback shall be so established by the existing buildings.

**ADDING SECTION 4.4.K**

Section 4.4 Off-Street Parking and Loading

K. Carports

Carports shall not be located within the required front yard setback as established in Table 2.4.A.1 and 2.4.A.2.

**AMENDING SECTION 5.5.B.2**

B. Site Layout

2. Building to Sidewalk Edge

Lots fronting South Muskogee Avenue within the Downtown Mixed-Use District (DMX) shall have a minimum of seventy percent (70%) of each building façade along the street edge shall be built to the property line.

**ADDING SECTION 5.5.B.3**

B. Residential – Non-Mixed Use

3. Excluding lots fronting South Muskogee Avenue, lots used exclusively for multifamily residential purposes as provided in Table 2.3 (Table of Allowed Uses) within the Downtown Mixed-Use District (DMX) shall conform to the Bulk and Area Requirements for the RM-3 District as provided in Table 2.4.A.1 (Residential Bulk and Area Requirements).

**AMENDING Section 5.5.B**

B. Exterior Building Materials

All new construction or renovation of existing structures in these districts shall have those vertical exteriors that are facing a public or private street constructed of, but not limited to a minimum of fifty percent (50%) masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finished Systems (EIFS), or stucco. EIFS, however, shall not be used as a primary exterior building material. Metal finishes, wood, plastic, and other masonry materials may be considered and approved by the Director through the site plan review process. These approved materials are not required on exterior facing rear alleys, or on portions of the building not facing a public street. All façade designs and materials shall be approved through the site plan process. Metal, canvas, wood, glass, plastics, or other similar materials may be used only in doors, windows, signs, canopies and awnings.

**AMENDING SECTION 5.6.B**

B. Exterior Building Materials

All new construction or renovation of existing structures in these districts that are located on a lot adjacent to an arterial street or highway shall have those vertical exteriors that are facing the arterial street or highway constructed of but not limited to but not limited to a minimum of fifty percent (50%) masonry, concrete panels, glass block, glass curtain walls, Exterior Insulated Finishing Systems (EIFS), or stucco. EIFS, however, shall not be used as the primary exterior building material. Metal finishes, wood, plastic, and other masonry material may be considered and approved by the Director through the site plan review process. These approved materials are not required on exterior facing rear alleys, or portions of the building not facing an arterial street or highway. All façade designs and materials shall be approved through the site plan process. Metal canvas, wood, glass, plastics, or other similar materials may be used only in doors, windows, signs, canopies, and awnings.

**AMENDING SECTION 11.2.B.6**

Section 11.2 Use Definitions

B. Institutional/Public

6. **CHILD CARE FACILITY**

Child Care uses include facilities that provide care for children on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where

children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking.

**Child care center**

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

**Day care center or nursery school**

A private establishment enrolling five or more children ages five (5) and below where tuition, fees, or other forms of compensation for the care of the children is charged and having a license or approval to operate as a child care center, under the provisions of the State of Oklahoma.

**Home day care**

State-licensed day care that is accessory to a household living use and that provides care and supervision for ~~seven (7)~~ twelve (12) or fewer children for less than twenty-four (24) hours per day.

**AMENDING SECTION 11.3**

**Carport**

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

PASSED and APPROVED this 15<sup>th</sup> day of May, 2023.

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

BY: *Suzanne Myers*  
MAYOR: ~~Suzanne~~ Myers

ATTEST:

*Whitney Shaw*  
CITY CLERK: Whitney Shaw



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Approved as to form and legality:

*John Tyler Hammons*  
CITY ATTORNEY: John Tyler Hammons