



Agenda Commentary

Item Title/ Subject: Consider Business Park Regulations

Staff Source: City Manager, Steve Hewitt

Date: January 15, 2014

Background/Subject Information:

Per Council / Industrial Authority Request.

These regulations are consistent to the I-2 Zoning of the area and to surrounding Business/Industrial Parks in Western, OK.

Recommendation:

Staff recommends regulations..... However, discussion and comments encouraged.

Price/Cost:

CLINTON BUSINESS PARK

PARK DEVELOPMENT RULES, REGULATIONS & RESTRICTIVE COVENANTS CLINTON, CUSTER COUNTY, OKLAHOMA

SECTION 1. PROPERTY AND PERSONS EFFECTED.

A. **Location.** The real property which is the subject of these Rules, Regulations and Restrictions (the "Rules"), is located in Clinton, Custer County, State of Oklahoma, and known as the Clinton Business Park (the "Park"), is more particularly described as follows:

B. **Ownership and Intent.** The Park is owned by the Clinton Industrial Authority. The Rules that are set forth herein for the Park are intended for the Park to be professionally designed, fully developed, and created for business and industry. Its purpose is to provide industrial and development areas that are regulated with uniform standards for the benefit of all parties locating in the Park.

C. **Management and Review Board.** The Park shall be managed by a Review Board which shall consist of the currently sitting members of the Clinton Industrial Authority (the "Authority"). The City Inspector shall have responsibility for approving all site and plan improvements, enforcement, and any other duty required to maintain the Park in the manner required by the Clinton City Code. The Review Board shall have the authority to enforce all provisions of these covenants, once construction has completed.

Once Fifty Percent (50%) of the Park lots have been sold, the Authority shall cease to serve as the Review Board and the owners of the lots within the Park shall elect Five (5) owners to serve as the Review Board.

SECTION 2. PRIMARY INTENDED USE.

The purposes of these Rules are:

A. To ensure proper development and use of the Park, to protect the owner of each building site against improper development and use of surrounding building sites, to preserve, enhance and protect the value, desirability and attractiveness of all the Park, and in general to provide adequately for a high quality of development within the Park.

B. To provide an environment conducive to the development and protection of warehousing, wholesaling, and service uses.

C. In addition to the above-referenced uses, the City shall have the right to construct and maintain such public utility systems and improvements as are necessary for the Park, including without limitation streets, water tanks and storm water detention ponds.

SECTION 3. PROHIBITED USES.

A. The following uses are specifically prohibited:

1. Residential (other than as specifically permitted in Section 5, Paragraph L)
2. Commercial Incineration
3. Junk yards
4. Rubbish, Garbage, Trash Dumps or Refuse Centers
5. Retail sales; except for the sale of food, beverage and other such convenience items to occupant's employees so long as these items are not offered for sale to the general public.
6. Restaurants
7. Motels
8. Gas Stations
9. Membership Clubs
10. Manufacturing or processing of meat food products, including slaughter operations
11. Agricultural uses, except field crops
12. Outside storage; unless approved by the Review Board
13. Storage, handling, treatment or disposal of hazardous, toxic or radioactive wastes
14. Any use which produces excessive smoke, dust, noise, odor or vibration in violation of city ordinances
15. The sale of any products or merchandise to the public.

SECTION 4. REQUIRED CONDITIONS.

A. **Setbacks.** No building, structure, parking or loading areas, except screening walls, landscaping, drives or monument signs shall be constructed or maintained in the following setbacks:

1. Front and exterior side yard setbacks shall not be less than twenty-five (25) feet as measured from the back side of the street curb.
2. Interior side and rear yard setbacks shall not be less than twenty five (25) feet.

B. **Raw Materials and Equipment.** All raw materials and equipment shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences or landscaping so as to attractively conceal areas visible from outside of the lot boundaries.

C. **Maintenance Standards.** All buildings and surrounding portions of the Property shall be maintained in a manner wherein the grass shall be kept cut, weeds shall be kept cut, trash and other refuse must be contained within closed containers or canisters.

D. **Signs.** Any and all signs must comply with the City's sign ordinance.

E. **Landscaping.** A landscaped area not less than fifteen (15) feet wide shall be required along all street frontages. This area shall be measured from the back side of the street curb and shall be parallel to the street lines. Landscaped area not less than ten percent (10%) of the gross parking area shall be provided in and adjacent to the parking lot. Care should be taken by the property owners that landscaping does not in any way impair the line of sight for traffic at any intersection.

Each owner in the Park shall be required to maintain landscaping and property in a safe, clean and attractive condition. Should the Review Board find any owner negligent in this regard, it may give notice of the fact to the offending party. Within ten (10) days of the receipt thereof, such owner shall initiate corrective measures. Effective disregard of notices shall give the Review Board right to enter the offending property and undertake necessary maintenance at the expense of the owner thereof. Failure to reimburse the Review Board for these services within thirty (30) days after billing shall create a materialman's lien against the property in question.

No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building lines established herein.

F. **Parking.** It shall be the responsibility of each owner to provide sufficient parking space for employees, customers and visitors. Public streets and interior access roads shall not be used for parking.

No more than fifty (50%) percent of any front yard may be used for parking purposes.

Off-street parking areas shall be located at least fifteen (15) feet from a public street or public easement adjoining said streets as measured from the back side of the street curb and at least ten (10') feet from any building. Off-street parking shall also be located at least fifteen (15') feet from any interior property lines.

G. **Paving.** All driveways and parking areas shall be constructed with a hard surfaced pavement (i.e. asphalt or concrete) with curb and gutter and shall include adequate drainage facilities to dispose of all storm water. Ingress and egress to property in the Park shall have a minimum of a thirty (30) feet radius entrance opening onto streets.

The percentage area of impervious surface material area shall not exceed seventy five (75%) percent of the lot area excluding buildings.

It shall be the owner's responsibility to extend driveways to the existing or presently

projected streets at no expense to the City or the Trust, even though part of this construction may be within the street right-of-way.

H. **Loading and Unloading.** Loading and unloading space visible from the street shall be properly maintained to ensure a neat and orderly appearance.

No loading or unloading spaces will be permitted in front yard areas.

I. **Construction and Appearance.** It is the purpose of the regulations and restrictions to promote an atmosphere where buildings are pleasing in appearance and harmonize with their surroundings.

Buildings on corner lots shall have or be considered to have two (2) front yards (i.e. one facing each street).

J. **Subdividing.** Any further subdividing of any portion of the Property in the Park shall be prohibited without prior written approval of the Review Board.

K. **Temporary Structures.** Temporary structures are prohibited except when used to perform a function which will be performed by a permanent structure which is in the planning or construction stage. The use of such a temporary structure is restricted to one year. All proposed temporary structures shall be approved by the City Inspector. A building permit will be required, prior to the erection of any temporary structure.

Excluded are construction trailer offices or related office structures to a particular project, except construction job site materials trailers.

Mobile storage units will not be permitted.

L. **Temporary Lodging.** The property shall be used for commercial purposes only; however, an owner shall have the right to construct and maintain one residential living quarter on the property, and incorporated within the main building structure, for the sole purpose of temporary and not permanent residential occupancy for the owner, employees and/or family. "Temporary" under this Section, shall mean a time of occupancy for any one employee not totaling more than 30 consecutive days within one calendar year. This provision shall not be interpreted as in any way permitting even temporary use of a mobile home or manufactured home for lodging on the premises.

SECTION 5. PERFORMANCE STANDARDS.

A. All of the following minimum standards must be complied with:

1. **Standard Requirements.** All construction must be done in compliance with the building and fire safety codes of the City, which include but are not

limited to: The National Electric Code, I.C.C. Building Code, I.C.C. Plumbing Code, I.C.C.. Mechanical Code, I.C.C. Fire prevention Code and the N.F.P.A. Life Safety Code.

2. **Fire and Explosion Hazards:** All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids, and finished products.
3. **Radioactivity:** All activities located within the Park shall comply with TITLE 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation".
4. **Smoke, Fumes, Gases, Dust, Odors:** There shall be no excessive emission of any smoke, gas, fumes, dust or odors. These and any other atmospheric pollutant which is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the Review Board.
5. **Vibration:** There shall be no vibration, which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
6. **Noise.** Noise which is determined by neighbors to be objectionable because of volume, frequency, or beast shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
7. **Liquid or Solid Wastes.** The discharge of untreated industrial wastes into a stream or open or closed drain is prohibited. The Department of Environment Quality shall approve all methods of sewage and industrial waste treatment and disposal. More specifically, all sanitary and process liquid waste shall be discharged into the sewer in strict accordance with the regulations of the Sewer Utility of the City.
8. **Site Drainage.** No driveways, walks, parking areas, etc. may be constructed across any drainage ditch, channel, or swale without providing adequate culverts or waterway openings for natural drainage. Such culverts, etc. shall provide minimum waterway opening and shall be at the proper gradient as established in the Property Development Plans as furnished by the City. No rain and storm water run-off or such drainage as roof water, street pavement and surface water caused by natural precipitation or ground water from footing or foundation drains or other sub-surface water drainage shall at any time be discharged into or permitted to flow into the sanitary sewer system, which shall be a separate

sewer system. No sanitary sewage shall at any time be discharged or permitted to flow into the above mentioned storm water, surface and sub-surface sewer system.

SECTION 6. GENERAL PROVISIONS.

A. **Term.** These Rules are to be construed as covenants that run with the land and they shall be binding on owners on any and all of said lots in the Park, and on all persons claiming under them for a period of twenty five (25) years from the date these Rules are recorded, after which time these Rules shall be automatically extended for successive periods of ten (10) years each. The Rules may be amended by an instrument approved by the Review Board and ratified by an instrument signed by the owners representing seventy five (75%) percent of the Park.

B. **Enforcement and Invalidation.** The Review Board may enforce these Rules by injunctive process or other available legal remedies. Property owners aggrieved by violations of the Rules shall bring them to the attention of the Review Board for action and enforcement. The Review Board shall have the option of assigning enforcement responsibilities or working in conjunction with the City to enforce these Rules or any other restrictions or regulations imposed by the City or other governing bodies. In no way shall the invalidation of any provision of these Rules affect any of the other provisions which shall remain in full force and effect.

C. **Constructive Notice and Acceptance.** Every person or business entity who now or hereafter buys, acquires, leases or subleases any right of any interest in any portion of the Property is and shall be conclusively deemed to have consented and agreed to every term, covenant, condition and restriction contained herein, whether or not any reference to these Rules are contained in the instrument by which such person acquired an interest in the Property.

These Rules are adopted and approved by unanimous vote in the City of Clinton, Custer County, Oklahoma, this ____ day of _____, 20__.

Chairman of the Clinton Industrial Authority:

By: _____
SETH ADAMS, Chairman

ACKNOWLEDGMENT

STATE OF OKLAHOMA,)
):ss

COUNTY OF CUSTER,)

On this ___ day of _____, 20 ___, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared Seth Adams, Chairman of the Clinton Industrial Authority, to me known to be the identical person who executed the within and foregoing instrument for the uses and the purposes set forth, and acknowledged to me that he executed the same as his free and voluntary act and deed.

Given under my hand and seal the day and year last above written.

Notary Public

My commission expires:

My commission number:
