

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

**September 3, 2019
5:30 PM**

**City Council Chambers
111 North Elm**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Consider approval of minutes of regular meeting of August 6, 2019**
- 4. Discuss, consider, and take possible action on Case No. PC 2019-13; rezoning request by Melinda L. Martin**
- 5. Discuss, consider, and take possible action on Case No. PC 2019-14; rezoning request by Allen D. Owen, Jr dba JRT Trucking**
- 6. Discuss, consider, and take possible action on Case No. PC 2019-15; application for Special Use Permit by Allen D. Owen, Jr dba JRT Trucking**
- 7. Discuss, consider, and take possible action concerning an amendment to the current City of Sallisaw Code of Ordinances; adding additional approved uses to A-1, A-2, R-1, and R-2 zoning regulations.**
- 8. Adjourn**

**Posted: August 28, 2019
Time: 9:50 am**

Kim Jamison

SALLISAW PLANNING COMMISSION

REGULAR MEETING

AUGUST 6, 2019

MINUTES

The Sallisaw Planning Commission met in a regular meeting on August 6, 2019, in the council chambers, located at 111 North Elm. Notice of the meeting was given by posting at city hall on August 2, 2019, at 11:05 a.m.; by emailing Sequoyah County Times; and by giving notice to the City Clerk's Office.

MEMBERS PRESENT:	Tim Brown	Matt Duke	Amanda Sullivan
	Marley Abell	Scott Looper	

MEMBERS ABSENT:	Ronnie Woodward	Joe Velasquez
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STAFF PRESENT:	Keith Miller	Kim Jamison
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Meeting was called to order at 5:34 p.m. and a Quorum was declared present.

MINUTES

The minutes of regular meeting of July 2, 2019, were presented for approval. Motion was made by Brown, seconded by Duke, for approval of minutes as presented. Vote: Abell aye, Duke aye, Sullivan aye, Brown aye, Looper aye. Motion carried 5-0.

Discuss, consider, and take possible action on Case No. PC 2019-09; rezoning request by Oberste Insurance Agency, Inc.

Osburn Land Surveyors, LLC, agent for Oberste Insurance Agency, Inc., requested the property located at 1213 East Cherokee Avenue be rezoned from highway commercial (C-4) to an office district (C-1). The intent is to construct a commercial business.

Motion was made by Brown, seconded by Sullivan, for approval of rezoning request. Vote: Abell aye, Duke aye, Sullivan aye, Brown aye, Looper aye. Motion carried 5-0.

Discuss, consider, and take possible action on preliminary Advertising and Sign Ordinance

After discussion; motion was made by Brown, seconded by Looper, for approval Advertising and Sign Ordinance. Vote: Abell aye, Duke aye, Sullivan aye, Brown aye, Looper aye. Motion carried 5-0.

Discuss, consider, and take possible action concerning an amendment to the current City of Sallisaw Code of Ordinances and adding zoning regulations; RT-1 Tiny House Residence District and RT-2 Tiny House Residence District

After discussion; motion was made by Sullivan, seconded by Brown, for approval of adding zoning regulations. Vote: Abell aye, Duke aye, Sullivan aye, Brown aye, Looper aye. Motion carried 5-0.

Motion was made by Brown, seconded by Looper, to adjourn the meeting there being no further business. Vote: Abell aye, Duke aye, Sullivan aye, Brown aye, Looper aye. Motion carried 5-0. Meeting ended at 5:57 p.m.

APPROVED this 2nd of September, 2019.

Chairman, Sallisaw Planning Commission

ATTEST:

Secretary

AGENDA ITEM COMMENTARY

Meeting Date: September 3, 2019
Board: Sallisaw Planning Commission
Subject: Rezoning Request by Melinda L. Martin

ITEM TITLE: Discuss, consider, and take possible action on Case No. PC 2019-13; rezoning request by Melinda L. Martin

INITIATOR: Raymond Martin, Agent

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: Raymond Martin, agent for Ms. Martin, is requesting the property located at 306 North Maple be rezoned from residential (R-2) to neighborhood shopping district (C-1). This property has always been utilized as commercial, this will correct the zoning.

EXHIBITS:

1. Application PC 2019-13
2. Map PC 2019-013
3. Notice of Public Hearing Case No. PC 2019-13

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of rezoning request

PLANNING COMMISSION

REQUEST TO REZONE

Application is hereby made to the Planning Commission of a recommendation to the City Council for rezoning of the following described property to a District C-2 Neighborhood Shopping District

General Location 306 North Maple
(Street Address)

Present Use of Property Commercial Rental

Proposed Use of Property Commercial Rental

Record Owner of Property Eddy & Melinda Martin

If Applicant is other than owner, indicate interest: ☐ purchaser, ☐ lessee,

☒ agent for, Owner ☐ other _____

Are there any Private or Deed Restrictions controlling the use of this property? _____

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed

Phone

Raymond Stach
918-999-2210

Address

Melinda L. Martin
#9 Fawn Hollow

Sullivan, OK 74955

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: KM Date 6-11-2019

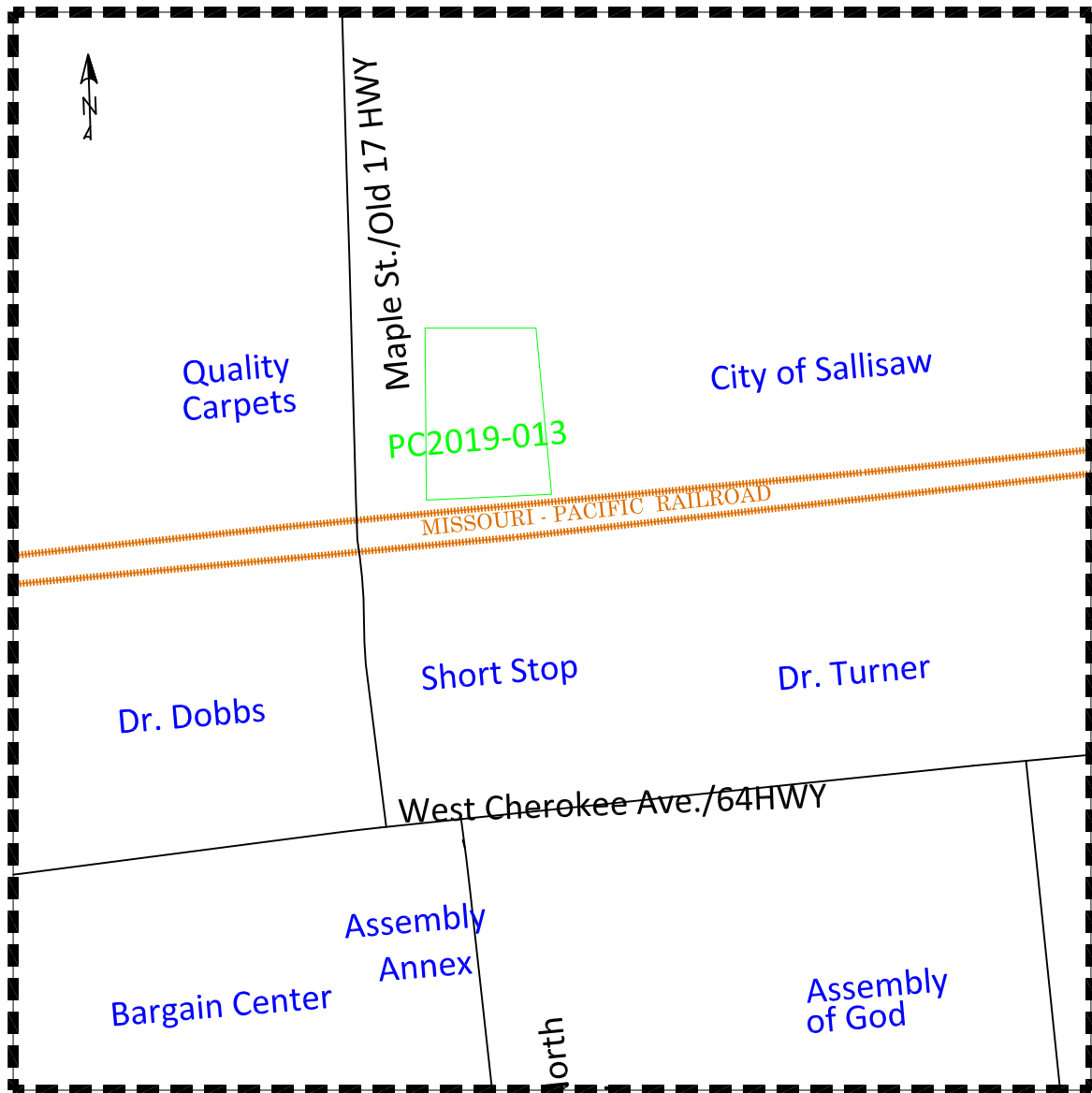
Application No.: _____ Requested: _____

Fee Receipt: Waived by KS. P.C Date: _____

City Council: _____

Date: _____

Ordinance No.: _____



NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

ALL OF BLOCK 6, ORIGINAL TOWN OF SALLISAW, OKLAHOMA

General Location: 306 NORTH MAPLE ST

has filed with the Sallisaw Planning Commission a written application # **PC2019-13** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **rezone from residential (R-2) to neighborhood shopping (C-1).**

The undersigned will present said application to the Sallisaw Planning Commission on September 3, 2019, at 111 N. Elm Street, beginning at 5:30 pm, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 9th day of August, 2019.

By: **Melinda L. Martin**
Owner(s)

or By: Raymond Martin
Agent

By: **Marley Abell**
Chairman, City Planning Commission

Bill To:

Melinda L. Martin
#9 Fawn Hollow
Sallisaw OK 74955
918-999-2210

AGENDA ITEM COMMENTARY

Meeting Date: September 3, 2019
Board: Sallisaw Planning Commission
Subject: Rezoning Request by Allen D. Owen, Jr dba JRT Trucking

ITEM TITLE: Discuss, consider, and take possible action on Case No. PC 2019-14; rezoning request by Allen D. Owen, Jr dba JRT Trucking

INITIATOR: Kelly Osburn, Agent

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: Kelly Osburn, agent for Mr. Owen, is requesting the property located at 1615 West Lenington Road be rezoned from general commercial (C-3) to industrial (I-1). The intent is to operate a motor freight terminal.

EXHIBITS:

1. Application PC 2019-14
2. Map PC 2019-14 map
3. Notice of Public Hearing Case No. PC 2019-14

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of rezoning request.

PLANNING COMMISSION

REQUEST TO REZONE

Application is hereby made to the Planning Commission of a recommendation to the City Council for rezoning of the following described property to a District _____

General Location 1615 Henington Road Sent by e-mail
(Street Address)

Present Use of Property Commercial Trucking

Proposed Use of Property Office Building / Mobile Freight terminal

Record Owner of Property Allen Owen, Jr

If Applicant is other than owner, indicate interest: ☐ purchaser, ☐ lessee,

☒ agent for Allen Owen Jr ☐ other _____

Are there any Private or Deed Restrictions controlling the use of this property? _____

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed Kelly Osburn Address P.O. Box 1406 Sallisaw, OK
Phone 918-715-9322

APPLICANT - DO NOT WRITE BELOW THIS LINE

Application Received by: KU Date July 1 ^{general commercial} C-3- to

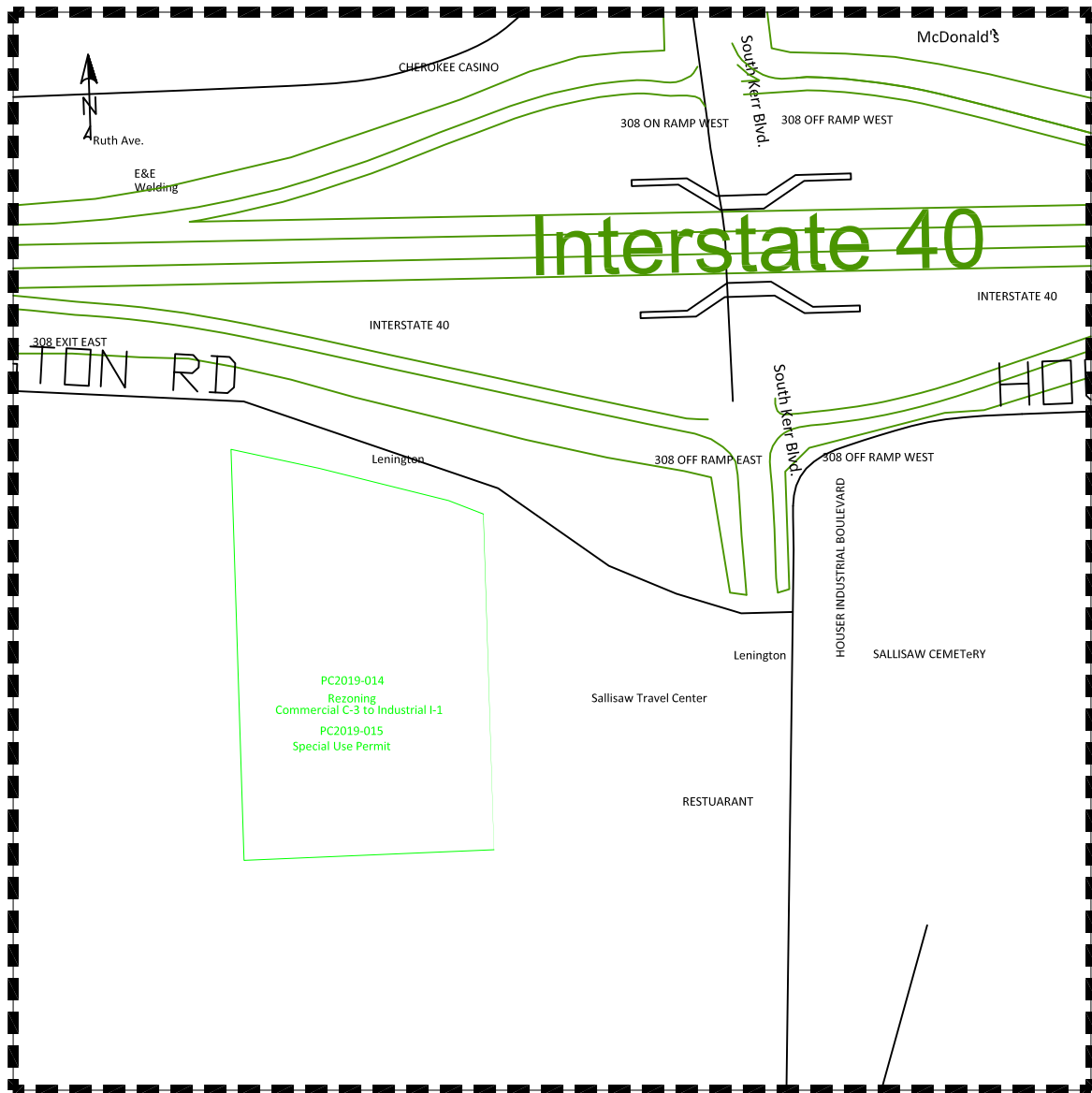
Application No.: _____ Requested: I-1 Industrial

Fee Receipt: 5-065301 P.C Date: _____

City Council: _____

Date: _____

Ordinance No.: _____



NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

PART OF THE S1/2 NE1/4 NW1/4 OF SECTION 7, TOWNSHIP 11 NORTH, RANGE 24 EAST, SEQUOYAH COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SE CORNER OF SAID S1/2 NE1/4 NW1/4; THENCE ALONG THE SOUTH LINE THEREOF WEST 791.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE WEST 205.38 FEET; THENCE N00°20'28"E 660.39 FEET TO A POINT ON THE NORTH LINE OF SAID S1/2 NE1/4 NW1/4; THENCE ALONG THE NORTH LINE THEREOF S89°58'30"E 205.38 FEET; THENCE S00°20'28"W 660.30 FEET TO THE POINT OF BEGINNING. AND

PART OF THE S1/2 NE1/4 NW1/4 OF SECTION 7, TOWNSHIP 11 NORTH, RANGE 24 EAST, SEQUOYAH COUNTY, OKLAHOMA DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID S1/2 NE1/4 NW1/4, THENCE ALONG THE SOUTH LINE THEREOF WEST 541.10 FEET TO THE POINT OF BEGINNING THENCE CONTINUING ALONG THE SOUTH LINE OF SAID S 1/2 NE 1/4 NW 1/4 WEST 250.00 FEET; THENCE N0°20'28"E 660.30 FEET TO THE NORTH LINE OF SAID S1/2 NE1/4 NW1/4, THENCE ALONG THE NORTH LINE THEREOF S89°58'30"E 95.18 FEET TO A POINT ON THE SOUTH R/W OF 1-40 COUNTY ACCESS ROAD, THENCE ALONG THE R/W ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1382.39 FEET A CHORD BEARING AND DISTANCE OF S63°39'04"E 172.27 FEET; THENCE S0°20'28"W 583.30 FEET TO THE POINT OF BEGINNING. AND

PART OF THE E1/2 NW1/4 NE1/4 NW1/4 OF SECTION 7, TOWNSHIP 11 NORTH, RANGE 24 EAST, SEQUOYAH COUNTY, OKLAHOMA DESCRIBED AS BEGINNING AT THE SW CORNER THEREOF; THENCE EAST 276.02 FEET TO THE RIGHT OF WAY OF THE PRESENT COUNTY ROAD; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY 288.27 FEET TO THE WEST SIDE OF THE E1/2 NW1/4 NE1/4 NW1/4; THENCE SOUTH 82.72 FEET TO THE POINT OF BEGINNING

General Location: 1615 Lenington Road

has filed with the Sallisaw Planning Commission a written application # **PC2019-14** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **rezone from general commercial (C-3) to industrial (I-1).**

The undersigned will present said application to the Sallisaw Planning Commission on September 3, 2019, at 111 N. Elm Street, beginning at 5:30 pm, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 9th day of August, 2019.

By: **Allen D. Owen, Jr. dba JRT Trucking**
Owner(s)

or By: Kelly Osburn
Agent

By: **Marley Abell**
Chairman, City Planning Commission

Bill To:

Osburn Land Surveyors, LLC
PO Box 1406
Sallisaw OK 74955
918-775-9322

AGENDA ITEM COMMENTARY

Meeting Date: September 3, 2019
Board: Sallisaw Planning Commission
Subject: Application for Special Use Permit

ITEM TITLE: Discuss, consider, and take possible action on Case No. PC 2019-15; application for Special Use Permit by Allen D. Owen, Jr dba JRT Trucking

INITIATOR: Kelly Osburn, Agent

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: Kelly Osburn, agent for Mr. Owen, is requesting a Special Use Permit to operate a Motor Freight Terminal in an industrial zoned district. The property is located at 1615 Lenington Road. This is contingent upon the Board of City Commissioners approval of the request to rezone property to I-1.

EXHIBITS:

1. Application PC 2019-15
2. Map PC 2019-15
3. Notice of Public Hearing PC 2019-15

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Special Use Permit

PLANNING COMMISSION

APPLICATION FOR SPECIAL USE PERMIT

Application is hereby made for a Special Use Permit for: _____

SRT Trucking

General Location 1615 Lenington Road
(Street Address)

Present Use of Property Commercial Trucking / Motor Freight Terminal

Proposed Use of Property Office Building

Record Owner of Property Allen Owen, Jr

Owner: _____ Agent for Owner: Kerry Osburn

Are there any Private or Deed Restrictions controlling the use of this property? _____

By my signature, I hereby certify that the information herein submitted is complete, true and accurate

Print Name: _____ Sign: _____

Address: _____ Date: _____

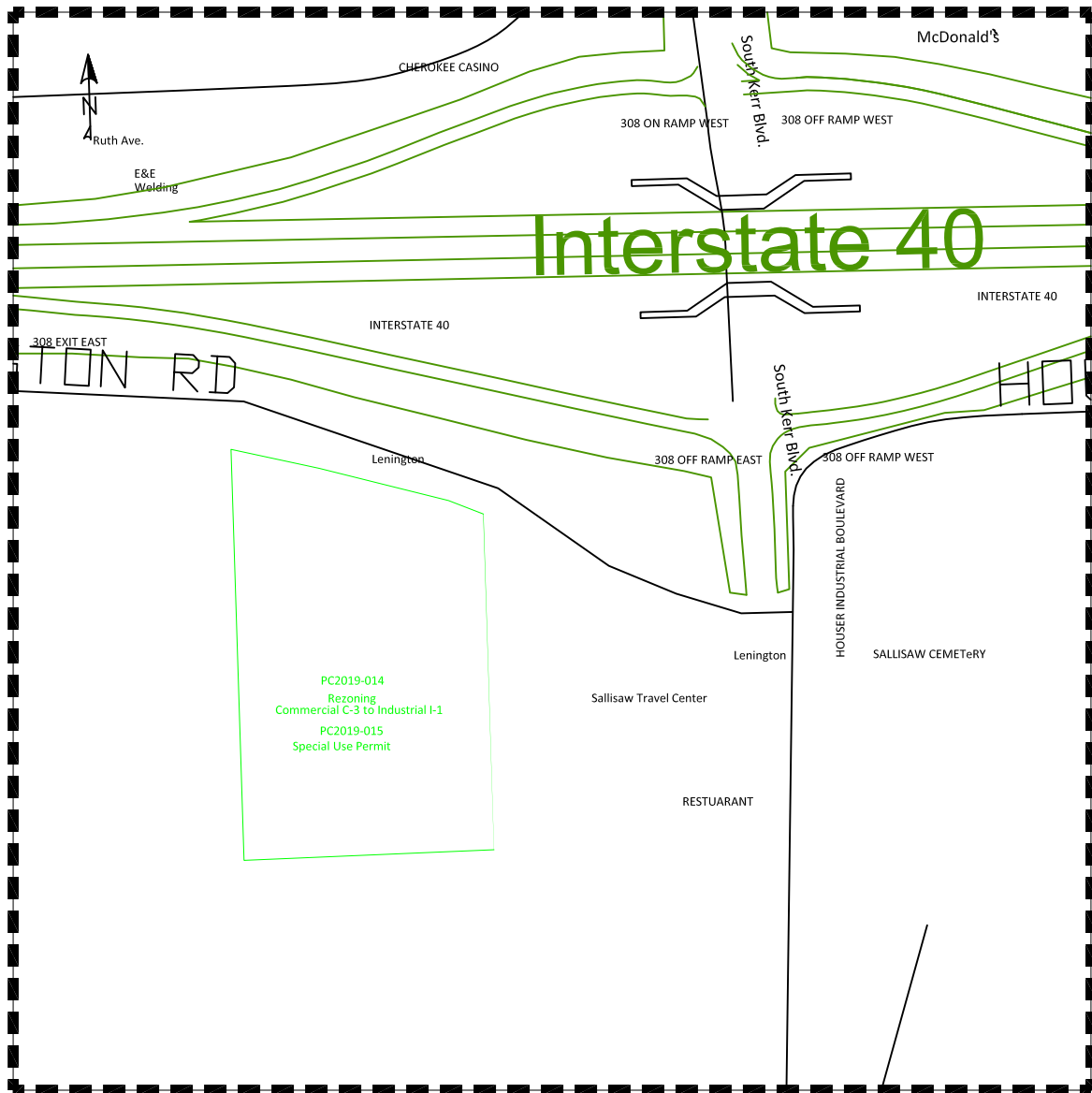
APPLICANT-DO NOT WRITE BELOW THIS LINE

Application Received by: KM Rpt# 5.005301

Present Zoning: C-3 Proposed Zoning/Use: I-1

P.C. Action: _____ Date: _____

Council Action: _____ Date: _____



NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Sallisaw City Limits, Sequoyah County, **Oklahoma, to wit:**

PART OF THE S1/2 NE1/4 NW1/4 OF SECTION 7, TOWNSHIP 11 NORTH, RANGE 24 EAST, SEQUOYAH COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SE CORNER OF SAID S1/2 NE1/4 NW1/4; THENCE ALONG THE SOUTH LINE THEREOF WEST 791.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE WEST 205.38 FEET; THENCE N00°20'28"E 660.39 FEET TO A POINT ON THE NORTH LINE OF SAID S1/2 NE1/4 NW1/4; THENCE ALONG THE NORTH LINE THEREOF S89°58'30"E 205.38 FEET; THENCE S00°20'28"W 660.30 FEET TO THE POINT OF BEGINNING. AND

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PART OF THE E1/2 NW1/4 NE1/4 NW1/4 OF SECTION 7, TOWNSHIP 11 NORTH, RANGE 24 EAST, SEQUOYAH COUNTY, OKLAHOMA DESCRIBED AS BEGINNING AT THE SW CORNER THEREOF; THENCE EAST 276.02 FEET TO THE RIGHT OF WAY OF THE PRESENT COUNTY ROAD; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY 288.27 FEET TO THE WEST SIDE OF THE E1/2 NW1/4 NE1/4 NW1/4; THENCE SOUTH 82.72 FEET TO THE POINT OF BEGINNING

General Location: 1615 Lenington Road

has filed with the Sallisaw Planning Commission a written application # **PC2019-15** pursuant to the Zoning Ordinance as adopted by the City of Sallisaw, Oklahoma, to **consider a special use permit to operate a motor freight terminal.**

The undersigned will present said application to the Sallisaw Planning Commission on September 3, 2019, at 111 N. Elm Street, beginning at 5:30 pm, at which time the Sallisaw Planning Commission will conduct a public hearing on said application. All interested persons are entitled to be heard and are invited to attend. Notice is published this 9th day of August, 2019.

By: **Allen D. Owen, Jr. dba JRT Trucking**
Owner(s)

or By: Kelly Osburn
Agent

By: **Marley Abell**
Chairman, City Planning Commission

Bill To:

Osburn Land Surveyors, LLC
PO Box 1406
Sallisaw OK 74955
918-775-9322

AGENDA ITEM COMMENTARY

Meeting Date: September 3, 2019
Board: Sallisaw Planning Commission
Subject: Adding additional approved uses to A-1, A-2, R-1, and R-2 zonings.

ITEM TITLE: Discuss, consider, and take possible action concerning an amendment to the current City of Sallisaw Code of Ordinances; adding additional approved uses to A-1, A-2, R-1, and R-2 zoning regulations.

INITIATOR: Keith Miller

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: This amendment to the Sallisaw Code of Ordinances would allow second dwelling units, backyard cottages, and accessory living quarters in agriculture (A-1 and A-2) and residential (R-1 and R-2) zoning regulations.

EXHIBITS: 1. Tiny Homes-Secondary Dwelling Units

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of changes to zoning regulations.

Amendment to Approved Uses in Sections; 102-223: A-1 Agricultural, 102-230: A-2 Agricultural, 102-253: R-1 Residential and 102-283: R-2 Residential Zones.

City of Sallisaw Code of Ordinance

Second Dwelling Units, Backyard Cottages (excluding Tiny Homes on Wheels), and Accessory Living Quarters (i.e.: Mother-n-Law quarters)

102-292: Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters

Definition of Tiny Home added to City of Sallisaw Zoning Code

Tiny Home: A structure intended for separate, dependent or independent living quarters for one household. A Tiny Home shall include but not limited to the terms; Secondary Dwelling Units, Backyard Cottages and Accessory Structures or that may fit the descriptions as approved in this Code. For the purpose of this Code, Tiny homes are any single family dwelling of a maximum combined 750 square feet and is secondary to the primary Single Family Dwelling.

- Meets or exceeds the current Residential Building Code as adopted by the State of Oklahoma Uniform Building Code Commission.

- Is permanent in nature;

- Is no larger than allowed by this ordinance;

- Has at least 150 square feet of first floor interior living space;

- Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry in accordance with this section; and

- Is designed and built to look like a conventional building structure.

102-292.1. Purpose. The purpose of this section is to:

1. Maintain the character of single-family neighborhoods;

2. Ensure that new units are in harmony with developed neighborhoods; and

3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the current International Residential Code.

4. This section in no form authorizes the units as rental property.

102-292.2. Architectural Compatibility. The architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.

102-292.3. District Standards. Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in the A-1 and A-2, Agricultural and R-1 and R-2 residential district where single-unit dwellings are permitted and in use. Only one Second Dwelling Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.

102-292.4. Minimum/Maximum Floor Area. The following are the maximum square footages of habitable area including second levels, lofts and storage. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.

Minimum/Maximum Floor Area.

1. Second Dwelling Unit: 300-750 square feet (A-1, A-2 and R-1)
2. Backyard Cottage: 300-450 square feet (A-1, A-2, R-1 and R-2)
3. Accessory Living Quarters: 150-300 square feet (A-1, A-2, R-1 and R-2)

102-292.5. Type of Unit.

1. **Second Dwelling Unit.** Provides separate, independent living quarters for one household family member. Unit is detached of the primary dwelling unit on the lot, subject to the standards of this subsection. Full Bathroom facilities shall be provided. Kitchens, including cooking devices shall be included. Second Dwelling Unit shall be located behind the primary single-family dwelling. These units may be located visibly in the side yard if zoning setbacks permit. Washer and Dryer units are optional.

2. **Backyard Cottage.** Provides separate, dependent/independent living quarters for one household. Unit is detached of the primary dwelling unit on the lot, subject to the standards of this subsection. Full Bathroom facilities shall be provided. Kitchens, including cooking devices are permitted, but not required. Backyard Cottages shall be located behind the primary single-family dwelling.

3. **Accessory Living Quarters.** Provides dependent living quarters. They are detached of the primary dwelling unit, subject to the standards of this subsection. Full Bathroom facilities shall be provided. A warming kitchen may be provided, however a bar sink and an under counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall be located behind the primary single-family dwelling.

102-292.6. Development Standards. Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.

102-292.7. Lot Coverage.

1. Per the underlying zone district.

102-292.8. Setbacks.

- a. Second Dwelling Unit. Per the underlying zone district.
- b. Backyard Cottage and Accessory Living Quarters.
 - i. Alley or Easement Present: 10 feet from Alley
 - ii. No Alley Present. 10 feet from property line.

102-292.9. Parking Requirements.

1. Parking space may be tandem providing such space will not encumber access to a required parking space for the primary single-unit dwelling.
2. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.
 - a. Second Dwelling Unit and Backyard Cottage. One additional parking space required.
 - b. Accessory Living Quarters. No additional parking required.
 - c. All spaces will be an approved impervious surfaces.

102-292.10. Access. Vehicular access shall be provided in the following manner:

1. Driveways. Shall be provided per the underlying district.
2. Pedestrian Access. An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.

102-292.11. Mechanical Equipment. Mechanical equipment shall be located on the ground or incorporated into the structure, but shall in no case be located on the roof or in an attic space.

102-292.12. Utility Meters/Addresses.

1. Second Dwelling Units. Separate utilities shall be provided. Separate Address may be required.
2. Backyard Cottage and Accessory Living Quarters. Separate utility meters and/or addresses are not permitted.

102-292.13. Certificate of Occupancy shall be required for all units.

102-292.14. Airports. All applications shall comply with operative airports plans.

102-292.15. Owner Occupancy Requirements. The property owner shall be responsible for all building permit.

1. Second Dwelling Unit and Backyard Cottage.

- a. The primary dwelling unit, the Second Dwelling Unit, the Backyard Cottage, and the Accessory Living Unit shall be owner-occupied or by a verifiable family member. (i.e.: child, parent, grandparent, etc.)
- b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
- c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, the Backyard Cottage or the Accessory Living Unit shall be owner-occupied and prohibit rental of any units at the same time.
- d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property. This document shall be filed as a deed restriction.