

NOTICE: Agenda posted in the lobby and on the front door of Bethany City Hall, 6700 NW 36th St., Bethany, OK 73008 on Monday., October 5, 2026, on or before 4:30 p.m.

The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meetings are encouraged to make the necessary accommodations. The city may waive the 48-hour rule if signing is not the necessary accommodation.

THE PLANNING AND ZONING COMMISSION MEETING WILL BE HELD IN THE CITY COUNCIL CHAMBER AT BETHANY CITY HALL – 6700 NW 36TH ST., BETHANY, OK 73008

AGENDA
CITY OF BETHANY
PLANNING AND ZONING COMMISSION
October 13, 2026
6:30 P.M.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF September 17, 2026

EXPLANATION OF PROCEDURE TO AUDIENCE PLANNING AND ZONING COMMISSION BUSINESS

ITEM 1: PC 26-15

Discussion and possible action on PUD moratorium.

ITEM 2: PC 26-18

Discussion and possible action on Dumpster Sighting Ordinance

ITEM 3: PC 26-19

Discussion and possible action on Planned Industrial District (PID) Overlay.

Item 4: PC 26-22

Discussion and possible action regarding revisions to Section 54.07 of the City Code to clarify language.

NEW BUSINESS

ADJOURNMENT UNTIL November 10, 2026.

Section 158.024 – Planned Unit Development Overlays

(A) Purpose and Intent

The purpose of the Planned Development Overlay District regulations is to encourage high-quality development that provides flexibility in design while maintaining compatibility with surrounding properties and the intent of the underlying zoning district. The PUD is not to be utilized only for the purpose of obtaining a variance to the bulk standards or other City Code requirements. It shall conform to the Comprehensive Plan.

These regulations are intended to:

1. Promote innovative site design and efficient land use patterns.
2. Encourage redevelopment and infill development.
3. Support mixed-use development.
4. Encourage housing diversity and workforce housing opportunities.
5. Promote sustainability and environmental stewardship.
6. Preserve and enhance natural resources and open spaces.
7. Improve transportation connectivity and pedestrian accessibility.
8. Encourage investment that expands the City's tax base.
9. Provide flexibility from conventional zoning standards when a project provides measurable public benefits calculated by community point system
10. Encourage the provision of amenities beyond the minimum requirements of conventional development.

The Planned Development Overlay District shall function as an overlay zoning district. The underlying zoning classification shall remain in effect except where specifically modified through an approved Development Plan. No development plan shall be approved that does not meet the requirements, criteria, and necessary Community Benefit Points listed in this chapter.

(B) Types of Planned Development Overlay Districts

1. Small Planned Unit Development (SPUD)
 - a. A SPUD may be established on properties consisting of less than five (5) acres. Limited to two zoning categories/uses. For purposes of this chapter, all residential uses and residential zones shall be considered as one use that must be paired with another commercial or industrial use.
 - b. The SPUD process is intended to provide a review process for smaller redevelopment, infill, mixed-use, commercial, residential, and adaptive reuse projects that provide community benefits and innovative design.
 - c. In the instance where a proposed SPUD is surrounded on three (3) sides by residential district(s), that SPUD uses must include one residential use congruent with the surrounding residential district(s) and commercial uses allowed in Commercial-Restricted (C-R). Any commercial uses in this type of SPUD must have a finished floor square footage that is less than half of the residential finished floor square footage.

Developments under 5 acres in construction must be completed in one phase of construction with a complete construction schedule included in the development narrative.

2. **Planned Unit Development (PUD)**

- a. A PUD may be established on properties consisting of five (5) acres or greater.
- b. The PUD process is intended for larger-scale developments requiring coordinated planning, infrastructure, multiple land uses, housing diversity, open space preservation, or significant public amenities. The proposed PUD, if containing residential uses, will have common open space developed as recreation and/or leisure-oriented improvements reference as referenced by the Community Benefits – Integrated Uses listed in this chapter. Multi-phase developments must provide clear construction schedules for all phases of the project and all construction phase completion standards in the development narrative for approval.

(C) General Standards

All PUD and SPUD developments shall comply with the following:

1. The underlying zoning district shall remain in effect.
2. The development shall not fundamentally alter the intent of the underlying zoning district.
3. All uses shall be specifically identified within the approved Development Plan.
4. Any use not specifically approved shall be prohibited.
5. Modifications to setbacks, lot dimensions, building height, parking requirements, or other development standards shall be limited to those necessary to accomplish the stated objectives of the development.
6. The development shall demonstrate compatibility with surrounding land uses.
7. The development shall provide measurable public benefits through compliance with the Community Benefit Point System.

(D) Required Development Narrative

All applications shall include a Development Narrative containing:

1. Project description and vision.
2. Existing zoning and land use conditions.
3. Proposed land uses.
4. Requested modifications to zoning standards.
5. Description of community benefits.
6. Explanation of how the project supports adopted plans and policies.
7. Description of sustainability and open space features.
8. Description of economic development benefits.
9. Description of public infrastructure improvements.

(E) Development Standards

The Development Plan shall include a comparison table identifying deviations from the underlying zoning district.

Example:

Standard	Underlying Zoning	Proposed Zoning
Setback	25 Feet	20 Feet
Maximum Height	35 Feet	40 feet
Parking Ratio	1 space per 250 sq ft	1 space per 300 sq ft

(F) Open Space Requirements

Any approved development plan must include a minimum of 10% of usable open space.

Examples of usable open space include, but are not limited to:

- Parks
- Plazas
- Trails
- Community gardens
- Natural preservation areas

Green space (with less than 10% slope)

- Stormwater amenities designed as public features

(G) Stormwater Benefits and Requirement

Stormwater flooding poses a risk to public health, safety, and property within the City of Bethany. To support effective stormwater management, all new developments within a Planned Development Overlay District that are subject to the Community Benefit Point System shall incorporate at least one approved **Stormwater Solution** from Section (H) Community Benefit Point System into their project.

(H) Community Benefit Point System

The purpose of the Community Benefit Point System is to ensure that developments receiving flexibility from conventional zoning regulations provide measurable benefits to the community.

Minimum Required Points

SPUD Projects: 12 Points

PUD Projects: 22 Points

Categories & Community Benefit	Points
SUSTAINABILITY/RESILIENCE	
Solar-ready building design	2
On-site renewable energy generation (solar, geothermal, etc.) providing $\geq 10\%$ of projected energy demand	2
High Efficiency HVAC / heat pump systems exceeding current SEER2 / HSPF2 code minimums by $\geq 15\%$	2
Native or drought-resistant landscaping ($\geq 75\%$ of planted area)	2
Individual or public storm shelter(s) meeting ICC standards	5
Cool roof or reflective roof systems	2
TRANSPORTATION	
Sidewalks exceeding minimum width (minimum 6 feet)	5
Multi-use trail connection	4
Bicycle parking facilities exceeding minimum code requirements	1
Electric vehicle charging stations	2

Internal pedestrian circulation network connecting all major uses and adjacent public rights-of-way	3
Shared parking program	2
PUBLIC SERVICES	
Public plaza or gathering space ($\geq 2,000$ sq ft, publicly accessible)	4
Public art installation (approved by Commission or equivalent)	2
Streetscape improvements beyond code requirements (lighting, benches, planters, etc.)	3
Enhanced stormwater green infrastructure installations, including practices commonly described as nature-based solutions, green stormwater infrastructure, and low-impact development	3
Underground utility installation	3
Public safety improvements incorporated into project (traffic calming, crosswalks, lighting, etc.)	2
HOUSING DIVERSITY	
Workforce housing units ($\leq 80\%$ Average Median Income) – minimum 10% of total units	5
Deeper affordability units ($\leq 60\%$ Average Median Income) with long-term deed restriction (≥ 30 years) – minimum 5% of total units	3
Live-work units	3
True mixed-use (residential + commercial on the same site or building; commercial $\geq 15\%$ of total floor area)	5
NATURAL RESOURCES AND GREEN SPACE	
Open space exceeding 10% minimum (2 pts per additional 5%, max 6 pts)	2-6
Significant tree preservation (protected trees $\geq 12''$ at diameter retained and protected)	3
Rain gardens, planter gardens, or pollinator gardens	3
Improving nearby parks or trails (within $\frac{1}{4}$ mile, value-based contribution approved by Parks Department)	4
Stream, drainageway, or wetland restoration or habitat restoration	5
Two canopy trees (minimum 2" caliper, approved species) planted per dwelling unit with 2-year survival guarantee	3
Public Amenities & Recreation (must be accessible to residents and, where feasible, the broader neighborhood)	
Swimming pool	3
Dog Park	3
Basketball Court	4
Pickleball Court	4
Children's playground	4
Fitness center/ Gym	3
Stormwater Solutions	
Enhanced stormwater green infrastructure installations, including practices commonly described as nature-based solutions, green stormwater infrastructure, and low-impact development	2
Rain gardens, planter gardens, or pollinator gardens	2
Stream, drainageway, or wetland restoration or habitat restoration	4

Stormwater Storage	5
Focal Points, Soil Cells, Permeable Surfaces	5

(I) Application Requirements

SPUD Applications

The following materials shall be submitted:

1. Application form.
2. Permitted uses.
3. Development Narrative.
4. Site Plan.
5. Building Elevations or Conceptual Renderings.
6. Landscape Plan.
7. Community Benefit Point Table.
8. Utility and access information as required by the Community Development Director.

PUD Applications

The following materials shall be submitted:

1. Application form.
2. Development Narrative.
3. Permitted uses
4. Preliminary Development Plan.
5. Site Plan.
6. Open Space Plan.
7. Circulation Plan.
8. Utility Plan.
9. Landscape Plan.
10. Building Elevations or Conceptual Renderings.
11. Community Benefit Point Table.
12. Phasing Plan, if applicable.

All applicable information related to the proposed development shall be fully addressed in the application. Applications containing vague or unanswered responses shall be deemed incomplete and will not be reviewed

(J) Review Procedures

SPUD Review Process

1. Application Submission.
2. Staff Review.
3. Planning Commission Public Hearing and Recommendation.
4. City Council Public Hearing and Final Action.

PUD Review Process

1. Pre-Application Meeting.
2. Application Submission.
3. Preliminary Development Plan Review.

4. Planning Commission Public Hearing and Recommendation.
5. City Council Public Hearing and Approval.
6. Final Development Plan Approval.

(K) Approval Criteria

The Planning Commission and City Council shall consider whether the proposed development:

1. Is consistent with the Comprehensive Plan.
2. Is compatible with surrounding development.
3. Enhances community character.
4. Provides adequate public facilities and infrastructure.
5. Provides measurable public benefits as identified in the development narrative.
6. Preserves or enhances natural resources.
7. Supports economic development and expansion of the tax base.
8. Meets the requirements and criteria identified in this section.

(L) Expiration

Approval of a PUD or PUD shall expire two (2) years following approval unless substantial construction has commenced. Substantial construction shall be defined by completion of at least twenty-five percent (25%) of the total construction development as measured by foundations constructed on site as per the approved development plan. Permits related to the project will need to be filed within 1 year. Extensions of up to one (1) year may be recommended by the Planning & Zoning Commission and approved by the City Council upon demonstration of good cause.

(M) Amendments to Approved Planned Development Overlay Districts

(1) Purpose

The purpose of this section is to provide a clear and predictable process for modifying approved Planned Unit Development (PUD) and Small Planned Unit Development (SPUD) plans while distinguishing between minor modifications that do not substantially alter the approved development and major modifications that require additional public review.

(2) Minor Modifications

Minor Modifications are changes that do not substantially alter the character, intensity, land use composition, community benefit commitments, circulation system, or overall development concept of the approved PUD or SPUD.

Minor Modifications may be approved administratively by the Community Development Director.

Examples of Minor Modifications include:

- a) Pivoting of buildings or structures or relocation of parking areas and or internal drives that do not substantially alter the approved site design.
- b) Modifications to landscaping, screening, fencing, lighting, or streetscape elements.

- c) Changes to building architecture, exterior materials, colors, or design features.
- d) Changes to utility locations or infrastructure design.
- e) Reconfiguration of parking layouts that does not reduce approved parking below required minimums.
- f) Modifications to open space design that do not reduce the total approved open space area.
- g) Changes necessary to comply with engineering requirements, utility provider requirements, state regulations, or federal regulations.
- h) Any other modification determined by the Community Development Director to be substantially consistent with the approved Development Plan.

(3) Major Modifications

Major Modifications are changes that substantially alter the approved development concept, intensity, land use composition, public benefit commitments, or impacts of the development. Major Modifications shall require review and approval by the Planning Commission and City Council following the same procedures required for the original approval. Any modification not contained in the following will be a minor modification.

Major Modifications include:

- (a) Addition of a land use not specifically authorized in the approved Development Plan.
- (b) Elimination or substantial modification of an approved community benefit or incentive feature.
- (c) Increase in residential density exceeding ten percent (10%) above the approved density.
- (d) Increase in nonresidential floor area exceeding ten percent (10%) above the approved floor area.
- (e) Increase in building height exceeding ten percent (10%) above the approved maximum height.
- (f) Reduction of required open space.
- (g) Modification of approved access points to streets that substantially alters traffic circulation.
- (h) Expansion of the boundaries of the approved PUD or SPUD.
- (i) Adjustment of lot lines, tracts, easements, or common areas
- (j) Adjustments to setbacks, lot dimensions, lot coverage, or parking ratios
- (k) Elimination of approved housing types or mixed-use components.
- (l) Any modification that significantly increases traffic generation, utility demand, stormwater impacts, or other public service impacts.
- (m) Any modification determined by the Community Development Director, Planning Commission, or City Council to substantially alter the character or intent of the approved Development Plan.

(4) Community Benefit Commitments

Community benefits and incentive points approved as part of a PUD or SPUD shall be considered vested conditions of approval.

Approved community benefits shall not be removed, reduced, or materially altered unless approved through a Major Modification process. Where a proposed amendment reduces or

eliminates an approved community benefit, replacement benefits providing equivalent or greater point values may be approved by the City Council.

(5) Findings

Prior to approving any Major Modification, the Planning Commission and City Council shall find that the proposed amendment:

- (a) Remains consistent with the purpose and intent of the approved PUD or SPUD;
- (b) Continues to provide adequate public benefits proportional to the requested flexibility;
- (c) Remains compatible with surrounding land uses;
- (d) Does not create adverse impacts on public facilities or services; and
- (e) Continues to advance the goals of the Comprehensive Plan and this Chapter.

(N) Incentive-Based Flexibility

Development flexibility authorized through the Community Benefit Point System shall be directly tied to the approved point total achieved by the development.

No incentive shall be granted unless the corresponding community benefit points are provided and maintained.

The City Council may authorize one or more of the following development incentives based upon approved point totals:

Incentives available if additional points are calculated

SPUD: 22 Points

PUD: 38 Points

Eligible Incentives:

- (a) Building height increase of up to ten (10) feet.
- (b) Parking reduction of up to twenty percent (20%).
- (c) Lot coverage increase of up to (20%)
- (d) Density increase of up to twenty percent (20%).
- (e) Lot width reduction of up to twenty percent (20%).
- (f) Reduced setbacks or increased building densities, in exchange for additional tree preservation.

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTION 51.13 TO THE BETHANY CODE OF ORDINANCES PROVIDING FOR THE REGULATION AND LOCATION OF GARBAGE DUMPSTERS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS AND MULTI-FAMILY RESIDENTIAL USES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Chapter 5, Section 51.13 is added as follows:

§ 51.13 DUMPSTER CORRALS.

- (A) All garbage dumpsters shall be enclosed in a corral.
- (B) Dumpster corrals shall be located behind the front build line of the primary structure.
- (C) No dumpster corral shall be located within 20 feet of any property line.
 - a. No dumpster corral shall be located within any utility easement.
- (D) All dumpsters shall be fully screened from the view of the public right-of-way or any adjacent residential zone or residential use.
 - a. Screening shall be provided on three (3) sides by a single-material wall or fence constructed of masonry, concrete, or treated wood.
 - i. In commercial zoning fence materials can be chain length fence with privacy slats.
 - ii. Dumpster enclosures shall be designed and constructed with materials and finishes that are consistent with the primary building, creating a unified and aesthetically cohesive appearance throughout the development.
 - b. The fourth side shall be screened by a solid gate of equal height of the corral walls.
 - c. Screening shall provide at least one (1) foot of clearance on each side of the dumpster, measured between the dumpster and gate hinges, to allow garbage trucks to pick up empty, and replace the dumpster.
 - d. The minimum height of the corral and gate shall be six (6) feet or the height of the dumpster, whichever is greater.
 - e. The installation of bollards on each side of the dumpster enclosure.
- (E) All gates to dumpster corrals shall remain operational.
- (F) All dumpster corrals shall be maintained in good repair and in a sanitary condition by the property owner, property management company, tenant, and or utility account holder.
 - a. Trash, litter and refuse shall not be permitted to accumulate around the exterior of the corral. All trash, litter and refuse shall be deposited within the dumpster.
 - b. The corral shall remain closed and dumpster shall remain covered.
- (G) This ordinance applies to:
 - a. All new construction or development of commercial and industrial districts and residential multifamily uses consisting of four units or more
- (H) Any replacement or relocation of an existing dumpster or dumpster corral.
- (I) Existing nonconforming dumpsters shall be enclosed within a corral and brought into compliance within 24 months of the effective date of this ordinance.

- (J) Temporary private dumpsters used for active construction, demolition, remodeling, renovation, or similar work shall be exempt from the dumpster corral enclosure requirements of this section, provided that:
- a. The dumpster is authorized pursuant to § 51.03(B) and any applicable permit requirements imposed by the City Manager or designee;
 - b. The dumpster is located on the property where the work is being performed;
 - c. The dumpster remains on site only for the duration of the permitted work and is removed following completion of the work; and
 - d. The dumpster is maintained in a safe, sanitary, and orderly condition.
- (K) Private non-city-issued dumpsters serving Multifamily Residential uses, Commercial and or Industrial uses on an ongoing or permanent basis shall comply with the requirements of § 51.03 and any permit conditions imposed by the city.
- (L) All dumpsters, whether temporary or permanent, shall comply with subsection (F)(a). Trash, litter, refuse, debris, or other waste materials shall not accumulate outside the dumpster or within the surrounding area. All waste materials shall be deposited within the dumpster, and the responsible property owner, occupant, contractor, and/or hauler shall maintain the dumpster and surrounding area in a clean and sanitary condition.
- (M) A violation of any provision of this ordinance shall be unlawful and subject to the penalty provisions of Section 10.99 of the Bethany Code of Ordinances, as amended.
- (N) Administrative Permission
- a. When extraordinary conditions exist, including but not limited to topography, land ownership, adjacent development, historic district considerations, the Community Development Director or Public Works Director may modify these standards as deemed appropriate and in the public interest. These standards shall be reviewed on a case-by-case basis by the Public Works Director and shall not establish precedent.
 - b. Administrative permission shall not be granted for any new development.
 - c. Appeals from a decision regarding administrative permission shall be heard by the Board of Adjustment in accordance with applicable procedures.

SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

END

The foregoing ordinance was introduced before the Bethany City Council on the ____ day of _____, 2026, and was duly adopted and approved by the Mayor and City Council on the ____ day of _____, 2026, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 2026.

CITY ATTORNEY

Section 158.0___ – Planned Industrial Overlay District

(A) Purpose and Intent

The purpose of the Planned Industrial Overlay District (PID) regulations is to encourage high-quality light industrial and commercial uses along the North Rockwell corridor between NW 50th Street and NW 63rd Street. This overlay district is intended to provide design flexibility while maintaining restrictions and protections for surrounding neighborhoods. These regulations are intended to:

- a. Encourage light industrial and commercial redevelopment and infill development
- b. Provide regulations and protections for surrounding residential neighborhoods
- c. Encourage investment that expands the city's tax base
- d. Improve transportation and pedestrian connectivity
- e. Provide opportunities for private investment to create jobs within the city and support employment related to Wiley Post Airport.

The Planned Industrial Overlay District shall function as an overlay district. The underlying zoning classification shall remain in effect except where specifically modified through an approved Industrial Development Plan (IDP). No IDP shall be approved unless it meets the requirements and district specifications set forth in this chapter.

(B) Applicable Area

- a. The Planned Industrial Overlay District shall only be allowed within the city along North Rockwell Avenue between Northwest 50th Street and Northwest 63rd Street. Any PID shall not extend east of North Mueller Avenue and shall have one contiguous lot spanning the width from North Rockwell Avenue to North Mueller Avenue. If one contiguous lot does not extend to North Mueller Avenue, a PID shall not exceed 650 feet in depth.
- b. Planned Industrial Districts shall have frontage that abuts North Rockwell Avenue.

(C) General Standards

All PID developments shall comply with the following:

- a. The underlying zoning district shall remain in effect.
- b. All uses shall be specifically identified within the application documents and shall adhere to the specific uses identified in this chapter.
- c. Setbacks, lot dimensions, building height, parking requirements, and other development standards shall adhere to the standards stated in this chapter.

(D) Development Standards

- a. Lot Dimensions and Setbacks
 - i. No PID shall have a frontage width of less than 100 feet.
 - ii. Front yard setbacks shall not be less than 20 feet.
 - iii. Interior lots that do not abut residential zones shall have no side yard setback.
 - iv. Side yard setbacks that abut residential zones shall be not less than 20 feet.
 - v. Rear yard setbacks that do not abut residential zones shall not be less than 10 feet.

- vi. Rear yard setbacks that abut residential zones shall not be less than 20 feet, with an additional 5 feet required for any building over 20 feet in height.
 - vii. No building shall exceed 35 feet in height.
- b. Parking Minimums
 - i. Parking and loading requirements for Planned Industrial Overlays shall adhere to those set forth in Chapter 158.035.
- c. Landscaping
 - i. Landscaping requirements for Planned Industrial Overlays shall adhere to Chapter 155.10.
 - ii. A minimum of two trees shall be planted along the sidewalk to provide shade covering. Trees must be approved trees included in Chapter 155.10.
- d. Screening
 - i. PIDs that abut a residential district along any side yard or rear yard lot line shall provide an 8-foot-tall fence with 100% opacity along any lot line that abuts a residential district.
- e. Lighting
 - i. PIDs that abut a residential neighborhood on any side or rear yard property line shall direct any parking or security lighting away from the residential district. If security or safety lighting is required on the side of a building that faces a residential district, such lighting shall be shielded so that the bulb or lens does not emit light above a 90-degree horizontal plane.
 - ii. Parking lot lighting shall be restricted to warm light rated at 4000K or lower.
 - iii. Non-essential security and parking lot lighting shall be dimmed to a maximum of 50% output between the hours of 10:00 p.m. and 6:00 a.m.
- f. Connectivity
 - i. The developer is responsible for installing a minimum 5-foot-wide sidewalk along the Rockwell frontage if no sidewalk currently exists. If a sidewalk exists along one or both sides of the frontage, the developer shall meet the current standards for the existing sidewalk and extend the sidewalk across the frontage, maintaining the existing width throughout.

(E) Permitted Uses

- a. See Appendix A – Permitted Use Table.

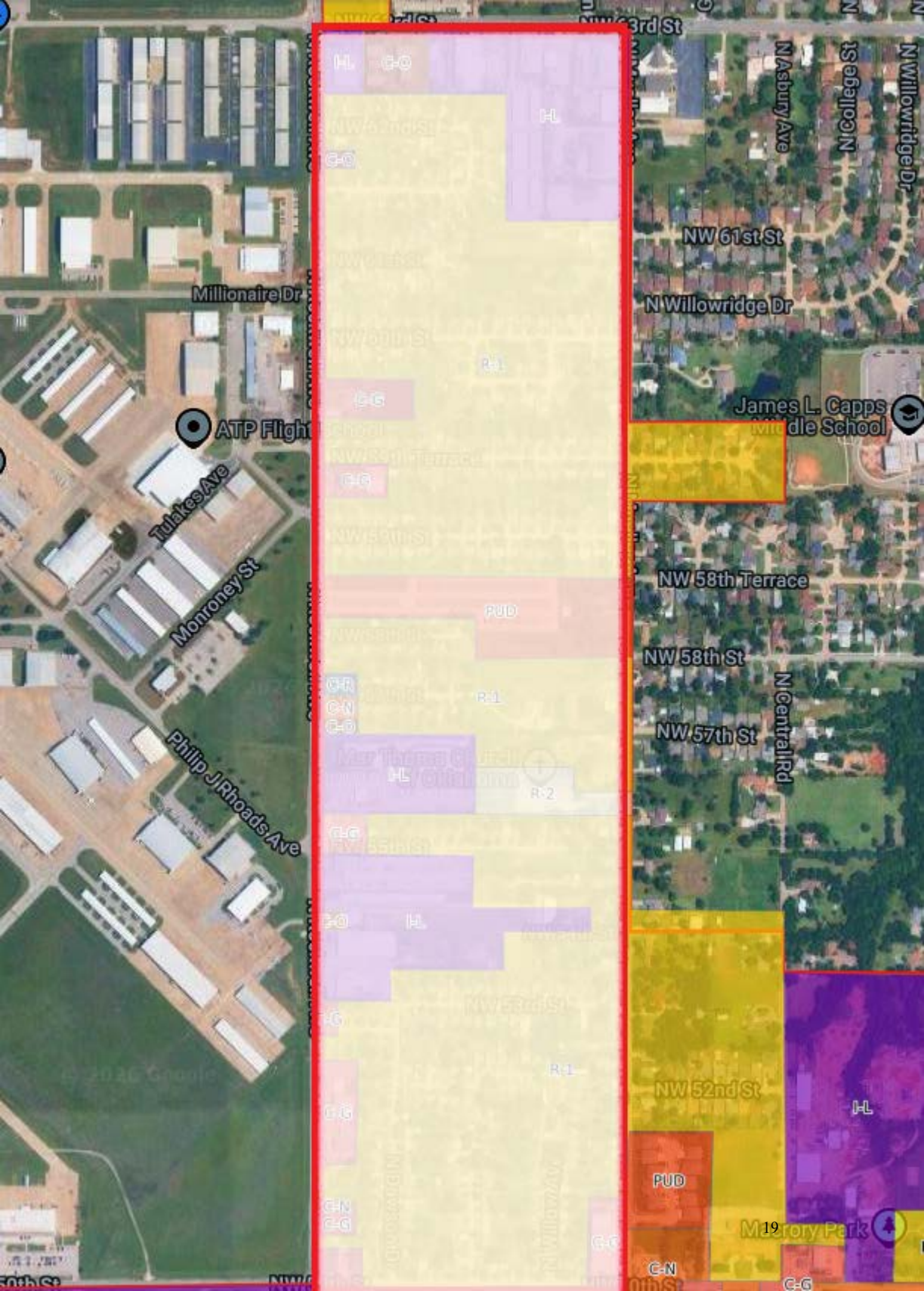
APPENDIX A: PERMITTED USE TABLE (PID Draft)

Accessory Building (over 240 sq.)	
Adult Business	
Adult day care center	
Agriculture	
Airport or landing field	
Alcoholic beverage establishments	X
Amusement, commercial indoor	X
Amusement, commercial outdoor	X
Art gallery	x
Auto storage or auto auction	
Automobile repair garage	X
Bed and Breakfast Inn	
Brewery (Craft brew)	X
Brewery (large scale)	X
Building and landscaping material sales yard	X
Bus station or terminal	
Caretaker or employee housing	
Catering establishment	X
Charitable or Philanthropic Institutions	
Church	
College or university	
Community center	
Country club, private	
Crematory	
Day camp for children	
Day-care center	
Dispensary store	
Dormitory	
Dwelling, multi-family	
Dwelling, single-family residential	
Dwelling, two-family	
Equestrian Educational Facility	
Equipment storage/rental yard	X
Family day-care homes	

Financial Institutions	
Fraternity or sorority lodge or assembly hall	
Freighting yard/terminal	
Funeral Home and Mortuary	
Gasoline service stations	X
Golf course, commercial	
Greenhouse and plant nursery	X
Grocery store or supermarket	
Group House	
Halfway House	
Hazardous Waste Collection, Processing, or Disposal	
Home occupations	
Hospital	
Hotel or motel	
Inmate pre-release center	
Inmate transitional living centers	
Inmate Work Center	
Impatient Treatment	
Itinerant vendor	
Jail and Correctional Facility	
Kennel	
Laboratory, scientific or research	
Library	
Manufacturing, heavy	
Manufacturing, light	X
Massage Clinic	
Media broadcast	X
Medical or dental facility	x
Mobile and Manufactured Home	
Mobile and Manufactured Home Park	
Museum	
Night club/dance hall	
Nursing care facility, convalescent, or rest home	
Open display, commercial	X
Pest Control Services	X

Petroleum products, Oil field equipment, storage yard and wholesale	X
Pharmacy	
Professional offices	
Public park and playground	
Public Safety Facilities	
Public Utility Station	X
Publisher	
Recreational vehicle or vehicle storage	X
Recreational Vehicle Park	
Recycling Collection Facility	X
Restaurant Eating Establishment (Not drive-in type)	x
Restaurant or Eating Establishment (Drive- in)	X
Retail, general	X
Retail, specialty	x
Sale barn	
Salvage yards	
School, Business	
School, Commercial Trade	X
School, Private, Elementary, or Secondary	
School, Public or Denominational	
Self-service laundry or dry-cleaning establishment	
Shelter	
Shooting range, indoor	X
Swap meet, flea market, and other similar uses	
Swim or tennis club	
Swimming pool, commercial	
Tattoo and/or Body Piercing Shop	X
Telecommunication Facilities	X
Temporary Employment Services, Day Labor Business	
Theater, drive-in	
Transitional Living Facility	
Treatment Facility	
Unlighted private tennis courts	
Vehicle Storage	X
Veterinary hospital	x

Warehouse	X
Warehouse, mini	X
Wastewater treatment plant	
Wholesale or warehouse enterprise	X
Zoo	



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PUD

R-1

R-2

R-1

R-1

R-1

R-1

NW 61st St

N Willowridge Dr

James L. Capps Middle School

NW 58th Terrace

NW 58th St

NW 57th St

N Central Rd

NW 52nd St

PUD

Marjory Park

C-N

C-G

HL

HL

HL

Millionaire Dr

Tulake Ave

Monroney St

Philip J Rhodes Ave

NW 63rd St

N Asbury Ave

N College Dr

N Willowridge Dr

NW 50th St

NW 50th St

NW 50th St

NW 50th St

NW 50th St

§ 54.07 CONSTRUCTION ACTIVITIES.

(A) *General performance standards.* Any person subject to a construction activity NPDES and/or OPDES stormwater discharge permit shall comply with all provisions of the permits. Proof of compliance with the permits may be required in a form acceptable to the administrator prior to the allowing of discharges to the MS4. All construction activities including, but not limited to, the development, excavation, clearing, grading, re-grading, paving, landfilling, berming, and diking of land shall be conducted in a manner as to minimize erosion and prevent the discharge of pollutants, including, but not limited to, rock, sand, soil, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste into the city municipal separate storm sewer system. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural BMPs for controlling erosion and preventing the discharge of pollutants to the MS4.

(B) *Responsible person.* The person with overall responsibility of the construction such as the general contractor shall be jointly responsible with the person at whose direction the construction is being conducted for compliance.

(C) *Record keeping.* The person or persons responsible shall retain and make available to the building inspector, code enforcement officer or the stormwater program manager for inspection and copying, all records and information required to be retained under this section or order issued hereunder.

(D) *Permitting purpose.* The purpose of permitting is to protect urban streams from sediment pollution by obtaining and reviewing proposed sediment and erosion control plans for major construction activities and to monitor all land disturbing activities.

(E) *Land disturbing permit.*

(1) *Applicability.* Unless specifically exempted, a land disturbing permit, as defined and regulated by this chapter, shall be obtained from the building inspector for any construction activities causing land disturbance on parcels over an acre in size within the city limits. The land disturbing permit must be obtained prior to commencement of any construction activities including, but not limited to, any development excavation, clearing, grading, regarding, landfilling, berming, and diking of land. The applicant is expected to keep sediment on the site.

(2) *Application for a land disturbing permit.* For each land disturbing permit, a written application from the owner of the site, or his or her authorized representative, shall be provided to the building inspector and submitted with the required land disturbing permit fee.

(3) *Stormwater pollution prevention plan (SWP3) or sediment and erosion control plan requirements.* For every construction site over an acre unless otherwise exempted, an SWP3 plan shall be prepared and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed construction activities on water resources and the best management practices and other measures proposed to minimize soil erosion and prevent off-site sedimentation. All sediment and erosion control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. All construction activities including, but not limited to the development, excavation, clearing, grading, landfilling, berming and diking of land shall be performed in accordance with the approved plan.

(4) A copy of all required state and federal stormwater discharge permits for the construction site shall be posted on site with the building permit.

(5) *Permit duration.* The permittee shall fully perform and complete all of the work required in the sequence shown on the plans. Permits issued under this section shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to

take place, whichever is shorter, but in no event shall such a permit be valid for more than one year after cessation of construction activity.

(6) *Responsibility of permittee.* The permittee shall maintain a copy of the construction site stormwater discharge permit, approved site plan and other applicable paperwork on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved stormwater pollution prevention plan.

(7) *General.* Notwithstanding other conditions or provisions of the construction site, stormwater discharge permit, approved site plan and other applicable paperwork on the work site and available for public inspection during all working hours.

(8) *Public ways.* The permittee shall be responsible for the prompt removal of, and correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares, during transit to and from the construction site; and

(9) *Liability.* The permittee is responsible for safely and legally completing the project. Neither the issuance of a land disturbing permit under the provisions of this section, nor compliance with the provisions of this section, nor compliance with the provisions hereto or with any condition imposed by the city, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the city for damages to persons or property.

(10) *Inspection and supervision.* The city shall conduct construction site inspections upon receiving a complaint of violation of this section or otherwise as needed to evaluate compliance with this section.

(11) *Maintenance during and after construction.* For any property on which grading or other work has been done pursuant to a construction site stormwater discharge permit granted under the provisions of this section, the permittee or owner or an agent of the owner shall inspect all sediment and erosion control measures and other protective measures identified in the SWP3 at least once every 14 calendar days and within 24 days of the end of a storm event of one-half inch or greater and shall maintain and repair all sediment and erosion control measures, graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active.

(Ord. 1865, passed 8-21-12)