

ORDINANCE NO. 1364

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA AMENDING THE DEL CITY PLANNING AND ZONING ORDINANCE TO CREATE THE UNIT USE CLASSIFICATION OF SIGN: NONACCESSORY - ELECTRONIC AND TO ESTABLISH THAT SUCH USE IS PERMITTED ON REVIEW ONLY IN THE ARTERIAL COMMERCIAL AND LIGHT AND MODERATE INDUSTRIAL ZONING DISTRICTS; RECLASSIFY THE UNIT USE CLASSIFICATION OF SIGN: NONACCESSORY AS A USE PERMITTED ON REVIEW ONLY IN THE ARTERIAL COMMERCIAL AND LIGHT AND MODERATE INDUSTRIAL ZONING DISTRICTS; CLARIFYING PAST INCONSISTANCIES AND STATING THAT A SPECIAL USE PERMIT IS REQUIRED TO CHANGE A SIGN FROM STATIC TO ELECTRONIC AND IS AVAILABLE ONLY IN THOSE DISTRICTS FOR WHICH SIGN: NONACCESSORY - ELECTRONIC IS PERMITTED; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY.

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

Section 1: The Del City Planning and Zoning Ordinance (Appendix A of the Municipal Code of the City of Del City) is hereby amended as follows:

- A. Section A-304.68a is added as follows:
Sign: Non-Accessory - Electronic
A sign or advertising device (excluding subdivision development advertising signs) that utilizes an electronic means of display and which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located: a principle use of the land on which it is located.
- B. Section A-424.1.1 (Light and Moderate Industrial, District Use Regulations, Uses Permitted By Right) is hereby amended to remove Sign: Non-Accessory from the list of uses permitted by right and to renumber accordingly.
- C. Section A-424.1.2 (Light and Moderate Industrial, District Use Regulations, Special Use Permits) is hereby amended to add Sign: Non-Accessory and Sign: Non-Accessory - Electronic to the list of uses permitted on review (requiring a special use permit) and to renumber accordingly.

- D. Section A-423.1.2 (Arterial Commercial, District Use Regulations, Special Use Permits) is hereby amended to add Sign: Non-Accessory and Sign: Non-Accessory - Electronic to the list of uses permitted on review (requiring a special use permit) and to renumber accordingly.

Section 2: The Del City Planning and Zoning Ordinance (Appendix A of the Municipal Code of the City of Del City) is hereby clarified as follows, with the purpose of this clarification being to resolve an inadvertent inconsistency that was created at some time in the past with regard to the status of the use of Sign: Non-Accessory as a permitted use in commercial zoning districts:

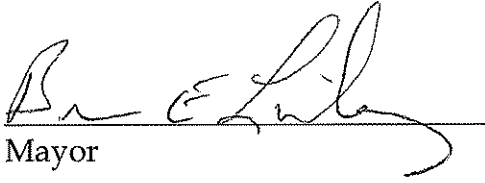
- A. The uses of Sign: Non-Accessory and Sign: Non-Accessory - Electronic are not permitted uses (either by right or on review) in the Interstate Highway Commercial zoning district and are uses permitted on review only in the Arterial Commercial and Light and Moderate Industrial zoning districts; a special use permit is required to convert a nonaccessory sign from static to electronic and is only available where the use is permitted, any indication to the contrary is merely the result of past lack of clarity with regard to these uses and this lack of clarity is hereby resolved definitively; and the Del City Planning and Zoning Ordinance shall reflect this resolution accordingly.

Section 3: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.


Section 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5: EMERGENCY. It being immediately necessary for the preservation of public health, peace and safety of the City of Del City and the inhabitants thereof, and emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the emergency clause voted upon separately and passed and approved, this 4th day of FEBRUARY, 2013.


Mayor

ATTEST:


City Clerk

Reviewed this 4 of February 2013.


City Attorney