

**CITY OF MOORE
ORDINANCE 48.25**

AN ORDINANCE AMENDING PART 12, CHAPTER 4, ARTICLE H, SECTION 12-462 OF THE MOORE LAND DEVELOPMENT CODE BY ADDING “TATTOO AND/OR BODY PIERCING STUDIOS” AS A SPECIAL USE PERMIT; ESTABLISHING USE RESTRICTIONS; AND ESTABLISHING SPECIAL USE PERMIT REVOCATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

NOW THEREFORE, be it ordained by the Council of the City of Moore, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** “Sec 12-462 Types Of Special Use Permits” of the Moore Land Development Code is hereby *amended* as follows:

AMENDMENT

Sec 12-462 Types Of Special Use Permits

- A. *Accessory commercial parking.* This special use permit is intended to allow parking on a parcel of land which is adjacent to the parcel upon which the primary use is located and where the required parking does not exist and is needed to meet the needs of that use. This section applies to uses occurring in existing structures where tenants and parking requirements may change over time. The zoning for the primary use is not required on the parcel where the accessory parking is located, so long as it complies with the Moore Plan 21. The following requirements below must be met:
1. Accessory commercial parking may be allowed in the following zoning districts: C-2, C-3, and C-5;
 2. Applicable parking, setback and landscape requirements shall apply.
- B. *Bed and breakfast establishment.* Bed and breakfast establishments may be allowed upon review in certain zoning districts. The bed and breakfast establishment must be occupied by the owner/operator as a full-time residence, shall serve as temporary lodging for transient customers and shall provide rooms for rent, which may include one meal in the morning. All other lodging facilities will be considered commercial establishments. All requirements below must be met:
1. Bed and breakfast establishments may be allowed upon review in the A1, A2, R3, and R4 zoning districts;
 2. One guest room is allowed per 2,000 square feet of lot area, with a maximum of six, not including the owner/operator quarters;
 3. Owner shall reside on-premises;
 4. On-site parking must allow a minimum of one parking space per lease room

- and two spaces for the residence. Parking shall be an approved surface;
5. Where feasible, parking shall be located to the side or rear of the structure. When front yard parking is used, no more than 50 percent of the front yard may be used;
 6. No individual cooking facilities are allowed in guest rooms;
 7. Services provided to persons other than overnight guests are strictly prohibited and are restricted to those specified in this section;
 8. A site plan, including parking, lighting, signage, landscaping and screening, must be submitted for review and should minimize visual intrusion to abutting properties.

C. *Communication towers.* Commercial communication towers are prohibited within any public right-of-way or residential district. Such uses may be allowed upon review within the A-1, A-2, C-1, C-2, C-3, C-4, C-5, I-1, I-2, or I-3 zoning district subject to the following restrictions:

1. Lease or ownership area should be large enough to accommodate the tower and support facilities, and include access to a public street or accessible parking area. Platting or approved lot split may be required prior to construction;
2. No communication tower shall be located closer than 200 feet of the boundary line of any property zoned or used for residential purpose or within 200 feet of any residential structure. All towers shall observe a minimum setback from any street right-of-way and from any property zoned or occupied as residential use equal to the height of the tower;
3. The area containing the tower and any other accessory structures or equipment shall be secured by a six-foot fence. Such fence shall be opaque when adjacent to any residential use or zoning district;
4. Towers may be co-located on new or existing structures provided they do not extend beyond 20 feet above the highest point of the structure.

D. *Manufactured homes.* Manufactured homes may be allowed upon review in the A-1 and A-2 zoning districts on tracts of land not less than five acres in size subject to the following:

1. A manufactured home shall not be located, parked or stored on any such tract of land where dwellings or residences are not permitted under the zoning regulations;
2. A manufactured home shall be subject to and required to comply with the building codes as the same applies to a dwelling. Such manufactured home shall be subject to all inspections and inspection fees applicable to a dwelling under the building code, electrical code, mechanical code and plumbing code and the health ordinances. It shall be subject to and comply with the provisions of all ordinances, including, but not limited to, ordinances pertaining to disposal of refuse, waste and sewage, safety, water supply, garage, drainage, fire prevention, health inspections and health department licenses and approvals where applicable and as may be determined and

required by the health inspector;

3. A manufactured home shall be of at least the length, width and size required or defined for manufactured homes under this Code;
4. Manufactured homes may not be located on any tract of land where there is an existing residence;
5. Manufactured homes must meet the length, width, and size requirements of this Code;
6. All manufactured homes shall have wheels and axles removed;
7. Skirting shall be installed around the entire perimeter;
8. Foundation and tie-downs shall meet city requirements;
9. Manufactured home installation shall meet all electrical, plumbing and mechanical requirements.

E. *Mixed use.* Mixed uses are those uses which generally occur separately, but which may be allowed to occur within one structure. Mixed uses occurring in multiple structures should be approved through the planned unit development process. A mixed use special use permit may be allowed in the C-3 and C-6 zoning districts only. Any uses permitted by right in the following districts may be allowed upon review in the C-3 mixed use zoning district: C-3, C-2, C-1, and R-3. Any uses permitted by right in the following districts may be allowed upon review in the C-6 mixed use zoning district: C-6, C-3, C-2, C-1, and R-3. The following restrictions apply:

1. The most intense of the uses must be an allowed use within the zoning district;
2. On-site parking should be provided for all uses in accordance with this Code and shall meet all parking requirements, including landscaping requirements;
3. A building permit with all required construction plans shall be submitted to and approved by city staff;
4. Construction and tenant separation methods shall meet adopted code requirements and shall have building official and fire marshal approval.

F. *Specialty automotive.* Specialty automotive businesses are intended to accommodate auto dealers who provide auto-finder, boutique, specialty, and custom vehicle sales, as well as the sale of mopeds, and motor-driven cycle defined in part by a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters (cc). This type of business varies from traditional auto dealers in that vehicles are typically custom ordered and/or built to order, requiring substantially less floor, storage, and office space. These businesses generally have very low on-site inventory and are not dependent on a sales lot or showroom. These businesses are compatible with other businesses of a retail nature, both in form and function. This special use permit is not intended for a traditional automotive sales business where customary modifications are made to aid in the sale of the vehicle, also known as automotive sales and rental. Specialty Automotive Special Use Permits may be allowed by permit in the following zoning districts: C-3, C-4, C-5, C-6, I-1, I-2, and I-3. The following restrictions shall apply:

1. There shall be no outside storage of vehicles or parts.
2. Any outside display shall be of a limited nature of completed vehicles ready

for sale. The display area shall not encroach upon city right-of-way or create sight limitations. The display shall be of temporary nature, only during the normal hours of operation for the business.

3. A site and building plan, including parking, lighting, signage, overhead doors, and outdoor display areas must be submitted for review and should reflect typical characteristics of a traditional retail establishment.
4. Upon consideration and approval of such special use permit, the Planning Commission and City Council shall establish an appropriate limit on the number of automobiles that are displayed for sale at any given time.

G. *Tattoo or Body Piercing Studios*. Tattoo and/or Body Piercing Studios may be allowed with a Special Use Permit only in the C-2, C-3, C-4, C-5, C-6 and I-1 zoning districts subject to the following regulations.

1. For the purposes of interpreting this section, the following definitions shall apply:

- a. **Tattoo or Body Piercing Establishment**: A facility where tattooing and/or body piercing is practiced or where the business of tattooing and/or body piercing is conducted or any part thereof. Includes tattoo and/or body piercing studio or parlor.
- b. **Tattooing**: The practice of applying a tattoo(s) upon the body of a live human. Permanent cosmetic tattooing or medical tattooing when operating as an accessory use to a medical office, is excluded from this definition.
- c. **Tattoo**: An indelible mark, figure, or decorative design introduced by pricking in, piercing or implanting indelible pigments, dyes or color matter into or under the subcutaneous portion of the skin or mucosa or the production of scars upon the body of a live human.
- d. **Body Piercing**: The puncturing or penetrating of the skin or mucosa of a person with any sharp instrument and/or the insertion of jewelry or other adornment into the opening. This definition does not include the piercing of the outer perimeter or lobe of the ear with a pre-sterilized single-use stud and clasp ear piercing systems.
- e. **Tattoo or Body Piercing Studio**: A permanent building, structure or suite located in a planned commercial center on a permanent foundation which contains at least one tattoo or body piercing parlor, holding all valid tattoo establishment permits, licenses, certificates, and approvals from required governmental agencies. Includes the term tattoo or body piercing establishment.
- f. **Tattoo or Body Piercing Parlor**: A single room within a tattoo or body piercing studio where a tattoo or body piercing artist performs tattoos or body piercing and associated procedures.

2. The tattoo or body piercing studio shall not be located within 1000-feet from any existing tattoo or body piercing studio, or any property zoned for the following uses, as measured in a straight line from the nearest property line to nearest property line:

- a. Bars or nightclubs;
 - b. Adult Entertainment establishments, including adult bookstores, adult motion picture theatres, adult motels, massage parlors, sexual encounter centers, and adult motion picture arcades:
 - c. Pawnshops
 - d. Blood and/or Plasma Donation Centers; and
 - e. Surplus Stores
3. No tattoo and/or body piercing studio shall be located within 300-feet of a single-family dwelling, as measured in a straight line from the nearest property line to nearest property line.
 4. The Special Use Permit shall be issued to the business owner and shall expire upon change of ownership of the business, moving of the business to a different location, or the cessation of the business. When moving the business to a different location, a new Special Use Permit must be obtained for the new location.
 5. All required business permits and licensing shall be obtained and maintained.
 6. For the purpose of enforcing these regulations, the City and its agents are hereby authorized to enter upon and into any tattoo and/or body piercing establishment with a Special Use Permit during the establishment's business hours to inspect same. No person shall hinder, interfere with or prevent any inspection authorized by these regulations.
 7. A Special Use Permit may be revoked or suspended by the city council, for good cause, or for any violations of the provisions of this section, or any other section of the Moore City Code, or any state or federal law. Notice of a hearing for the revocation/suspension shall be served by certified mail to the last-known address of the permittee, personal service, or by posting on the property. The hearing on the notice shall be held not less than 20 days after the required service. The hearing shall be held before the city council to determine the future status of the permit.

(LDC 1991, § 12-461; Ord. No. 296(00), 11-20-2000; Ord. No. 627(08), 7-21-2008)

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF MOORE COUNCIL

12/1/85

Presiding Officer

Mark Hamm
Mark Hamm, Mayor, City of Moore



Vanessa Kemp
Vanessa Kemp, City Clerk, City of
Moore

Brian K. Miller
Brian K. Miller, City Attorney,
Approved as to Form, City of Moore