

**DRAFT
2010**

**Midwest City, Oklahoma
Airport Zoning Ordinance**



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Section 1. General Provisions

1.1 Authority

This Airport Zoning Ordinance is enacted in pursuance to the authority granted by the State of Oklahoma in [Title 3 O.S. \(Aircraft and Airports\) § 103](#) and [Title 11 \(Cities and Towns\) O.S. § 43-101.1](#).

1.2 Declarations

It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

Accordingly, it is hereby declared:

1.2.1. Airport Hazards are a Public Nuisance and Injury to the Community

That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by Tinker Air Force Base (AFB).

1.2.2. Prevention of Airport Hazards

That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented.

1.2.3. Remedies for Existing Airport Hazards

That both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which Midwest City may raise and expend public funds and acquire land or property interests therein.

1.3 Short Title

This [Airport Zoning Ordinance, Appendix B](#) shall be known and may be cited as "Airport Zoning Ordinance."

1.4 Definitions

As used in this Airport Zoning Ordinance, unless the context otherwise requires:

1.4.1. Accident Potential Zone (APZ)

A rectangular area shown on Midwest City's [Airport Zoning Map](#) (Page 35). Midwest City has four (4) APZ areas. APZs are based on crash data from the United States Air Force and indicate where previous military aircraft crash landings have occurred.

1.4.2. Accident Potential Zone – One (APZ-1)

An area measuring 5,000 feet long by 3,000 feet wide where ten (10) percent of military aircraft crash landings have occurred nationally between 1968 and 1995, according to the U.S. Air Force and reported within the 2008 Joint Land Use Study (JLUS).

1.4.3. Accident Potential Zone – Two (APZ-2)

An area measuring 7,000 feet long by 3,000 feet wide where five (5) percent of military aircraft crash landings have occurred nationally between 1968 and 1995, according to the U.S. Air Force and reported within the 2008 Joint Land Use Study (JLUS).





1.4.4. Air Installation Compatible Use Zone (AICUZ) Study

Study established by the Department of Defense (DoD) to promote compatible land use around military airfields. The military services maintain an AICUZ program in an effort to protect the operational integrity of their flying mission. DoD Instruction 4165.57 establishes the AICUZ program, which is similar to the Federal Aviation Administration's Federal Aviation Regulation Part 150 program for civil airports.

The AICUZ program is a land use planning program, not a land acquisition or land management program, and usually precedes the Joint Land Use Study. The Tinker Air Force Base AICUZ Study was completed in December 2006.

1.4.5. Airport

Tinker Air Force Base, Oklahoma.

1.4.6. Airport Hazard

Any structure, object of natural growth or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

1.4.7. Airport Hazard Area

Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Airport Zoning Ordinance.

1.4.8. Airport Zoning Map

The map drawn and maintained by Midwest City, which establishes the area of the City to which the [Airport Zoning Ordinance, Appendix B](#) applies. The map establishes the:

- Clear Zone (CZ),
- Accident Potential Zones (APZs), and
- Day-Night Average Sound Level (DNL) – Noise Contours.

The map also displays the current zoning districts from the [Zoning Ordinance, Appendix A](#) for informational and land calculation purposes only.

1.4.9. Board of Adjustment

The Board of Adjustment created within the Zoning Ordinance of the City of Midwest City, Oklahoma.

1.4.10. City

The City of Midwest City, Oklahoma.

1.4.11. Clear Zone (CZ)

A square area measuring 3,000 feet long by 3,000 feet wide as shown on the Midwest City [Airport Zoning Map](#) (Page 35). Midwest City has one CZ area. The CZ boundaries are based on crash data from the United States Air Force and indicate where previous military aircraft crash landings have occurred. According to the U.S. Air Force and reported within the 2008 Tinker AFB Joint Land Use Study (JLUS), twenty-seven (27) percent of military aircraft crash landings occurred nationally within CZ areas between 1968 and 1995. Development within this area is heavily restricted and is prohibited in most cases.

1.4.12. Community Development Director

The Community Development Director of the City of Midwest City, Oklahoma, or the City Manager's representative. Also, definition may be referenced as the Director.





1.4.13. Coverage, Building

The percentage of lot area covered by all buildings (e.g., main and accessory buildings), but shall exclude all overhanging roofs, covered or uncovered patios, porches and carports.

1.4.14. Day-Night Average Sound Level (DNL) – Noise Contour

The average decibel (dB) day-night average sound level on an A-weighted scale. An A-weighted scale is designed to reflect the characteristics of the human ear as it perceives sound. The sound level data was reported in the 2006 Tinker Air Installation Compatible Use Zone (AICUZ) Study and 2008 Tinker Joint Land Use Study (JLUS). The [Airport Zoning Map](#) (Page 35) of this [Airport Zoning Ordinance, Appendix B](#) depicts the day-night average sound levels, which are also referred to as noise contours.

1.4.15. Joint Land Use Study (JLUS)

A cooperative land use planning effort between an affected local government or governments and a military installation. Twenty persons were named by the Association of Central Oklahoma Governments (ACOG) Board of Directors to the JLUS Policy Committee, including elected officials from each participating jurisdiction, the Oklahoma Strategic Military Planning Commission and Tinker AFB.

The recommendations from the JLUS provide a policy framework for local jurisdictions to support adoption and implementation of compatible development measures designed to: (1) prevent inappropriate land use encroachment; (2) safeguard the military mission; and (3) protect the public health, safety and welfare of the entire community.

Notably, an AICUZ Study is written from the military perspective and contains land use compatibility guidelines based on noise exposure zones, APZs, and obstructions to air navigation. The JLUS report that normally follows is written for the communities, reiterating the AICUZ's compatibility guidelines, and expanding land use policy and regulatory recommendations for the adjacent communities. The primary difference between the two is the JLUS focuses on the framework to support adoption and implementation of compatible development standards designed to prevent urban encroachment; safeguard the military mission; and protect the public health, safety, and welfare.

The Tinker Air Force Base JLUS was completed in July 2008. The 2006 Air Installation Compatible Use Zone (AICUZ) Study preceded the JLUS.

1.4.16. Lot of Record

A lot which is a part of an approved plat or metes and bounds subdivision, the map of which has been recorded in the office of the county registrar of deeds.

1.4.17. Person

Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

1.4.18. Sound Transmission Class (STC)

A measure of a material's ability to reduce sound, and effectively mitigate any adverse noise levels that could impede a person's use of a residential or commercial structure. The higher the STC value, the greater the sound attenuation and presumably the quieter the structure's interior.

1.4.19. Sound Level Reduction (SLR)

Sound decibel reduction. A sound level of zero (0) decibels is approximately the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 decibels. Therefore, all things being equal, if normal speech ceases, the sound level would be reduced by 60.





1.4.20. Structure

Any object constructed or installed by man, including, but it not limited to, buildings, towers, smokestacks, and overhead transmission lines.

1.4.21. Tree

Any object of natural growth.

1.5 Procedure for Adoption – Airport Zoning Commission

1.5.1. Notice and Public Hearing

No airport zoning regulations shall be adopted, amended, or changed under this Airport Zoning Ordinance except by action of the City Council, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

At least fifteen (15) days notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard area to be zoned.

1.5.2. Airport Zoning Commission

Prior to the initial zoning of any airport hazard area under this act, the City Council shall appoint a Commission, to be known as the Airport Zoning Commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefore.

The Planning Commission shall be appointed as the Airport Zoning Commission.

The Airport Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take other action until it has received the final report of the Commission.





1.6 Scope and Jurisdiction

1.6.1. Effect on Existing Airport Zoning Regulations

[Airport Zoning Ordinance, Appendix B](#) and all amendments thereto found in the Code of Midwest City are hereby repealed.

1.6.2. Applicability to Uses and Structures

The [Airport Zoning Ordinance, Appendix B](#) shall apply to all uses and structures and shall include the expansion of all uses and structures, except where provisions have been made for the reuse and rebuilding of existing uses and structures.

(A) *Increase of a Nonconforming Use and Structures Prohibited*

Any nonconforming use or structure shall not increase the amount or degree of its nonconforming status.

1.6.3. Airport Zoning Applies to Limited Areas

The interpretation and application of this Airport Zoning Ordinance shall only apply to the following areas within the corporate limits of Midwest City.

(A) *Clear Zone (CZ)*

This Airport Zoning Ordinance applies to all areas shown as a Clear Zone on the [Airport Zoning Map](#) (Page 35).

(B) *Accident Potential Zones (APZ)*

This Airport Zoning Ordinance applies to all areas shown as an Accident Potential Zone (APZ), such as APZ-1 and APZ-2, on the [Airport Zoning Map](#) (Page 35).

(C) *Day-Night Average Sound Level (DNL) – Noise Contours*

This Airport Zoning Ordinance applies to all areas shown within a DNL – Noise Contours on the [Airport Zoning Map](#) (Page 35). The DNL – Noise Contours depict areas for specific residential sound attenuation standards only. The DNL – Noise Contours do not regulate any type of land uses.

(D) *Land Uses and Buildings/Structures*

The use of all land and any buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of any buildings or structures upon the land shall conform to all regulations applicable to the zone in which the land is located, except as otherwise provided in this [Airport Zoning Ordinance, Appendix B](#).

1.6.4. Validity of Other Law

Where this [Airport Zoning Ordinance, Appendix B](#) imposes greater restrictions than are imposed by other ordinances, laws or regulations, the provisions of this [Airport Zoning Ordinance, Appendix B](#) shall govern.

However, nothing in this [Airport Zoning Ordinance, Appendix B](#) shall be construed to prevent the enforcement of other ordinances, laws, or regulations, which prescribe more restrictive limitations; further, this [Airport Zoning Ordinance, Appendix B](#) shall not be construed to prevent the enforcement of plat restrictions, deed restrictions, and declarations of covenants and restrictions by private parties which may be more restrictive than the provisions of this [Airport Zoning Ordinance, Appendix B](#).





1.6.5. Interpretation of District Boundaries

When uncertainty exists as to the boundaries of the districts on the official [Airport Zoning Map](#) (Page [35](#)), the [Zoning Ordinance, Appendix A](#) interpretation rules shall apply.

1.6.6. Severability

If any of the provisions of this [Airport Zoning Ordinance, Appendix B](#) or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this [Airport Zoning Ordinance, Appendix B](#) which can be given effect without the invalid provision or application, and to this end the provisions of this [Airport Zoning Ordinance, Appendix B](#) are declared to be severable.

1.6.7. Effect on Public Lands

All property owned, leased, or operated by the City of Midwest City, or any other public or governmental body or agency within the zoning jurisdiction, shall be subject to the terms of this [Airport Zoning Ordinance, Appendix B](#).





Section 2. Land Use Standards

2.1 Land Use Standards within CZ and APZ Areas

Land use shall be restricted, in addition to the City's Zoning Ordinance, within CZ and APZ areas according to the following.

2.1.1. Land Use Regulation Rationale

This [Airport Zoning Ordinance, Appendix B](#) is intended to support the mission of Tinker AFB and protect the basic private property rights of its landowners. The 2008 JLUS contains Land Use Compatible Guidelines (Table 4.3) from the 2006 AICUZ Study. The guidelines are suggestions based on a land use classification model that is incompatible with Midwest City's use unit classification system, as contained with the [Zoning Ordinance, Appendix A](#). Additionally, Table 4.3 provides broad guidelines and in many instances requires interpretation by the City to provide for functional regulations.

Therefore, the following land use regulations have been developed in part by using Table 4.3 from the 2006 AICUZ Study as a guide. The remaining sections of this [Airport Zoning Ordinance, Appendix B](#) prescribe standards that are designed to influence land use decisions.

Notably, 95 percent of the total CZ and APZ areas are pre-existing conditions. In February 2010, Midwest City had only approximately 47 privately owned vacant acres or five (5) percent of the 1,038 total acres covered by the CZ and APZ areas remaining to be developed. It is the goal of these regulations to ensure that pre-existing conditions do not expand in a manner that is inconsistent with the recommendations of the 2008 JLUS, as interpreted by Midwest City.

Furthermore, in conjunction with rezoning requests within [Zoning Ordinance, Appendix A](#), residential zoning districts currently in effect within APZ-1 and APZ-2 at the time of the adoption of this [Airport Zoning Ordinance, Appendix B](#) should remain unchanged and no new residential zoning districts should be approved via the [Zoning Ordinance, Appendix A](#) within APZ-1 and APZ-2.

2.1.2. Coordinated Regulations with the Zoning Ordinance, Appendix A

This [Airport Zoning Ordinance, Appendix B](#) shall supplement the regulations and shall apply additional standards to the base zoning district found within the [Zoning Ordinance, Appendix A](#).

2.1.3. Permitted Uses

The following future land uses within the CZ or APZ areas are permitted.

(A) *New Uses*

Per the use regulations of the base zoning district, any new use shall be permitted unless it is a prohibited use as defined in [2.1.5. Prohibited Uses](#) (Page 10).

2.1.4. Uses Requiring an Airport Zoning Special Use Permit

(A) *Applicability*

- (1) In an effort to address the safety exposure risk of uses that may create population densities of twenty-five (25) people within APZ-1 or fifty (50) people within APZ-2 per gross acre or greater, an Airport Zoning Special Use Permit (AZ-SUP) shall be required for specific uses before any permits for the use or building construction are issued.
- (2) An Airport Zoning Special Use Permit (AZ-SUP) shall apply to the uses identified within [2.1.5. \(H\) Specific Use Types from the Zoning Ordinance, Appendix A](#) (Page 11)





(B) *Criteria and Procedures*

- (1) An Airport Zoning Special Use Permit (AZ-SUP) shall adhere to all the requirements, review criteria, and processes of a Special Use Permit (SUP) within the Zoning Ordinance.
 - a. An additional review criteria for an AZ-SUP shall be whether the AZ-SUP is in harmony with the general purpose and intent of the Airport Zoning Ordinance, Appendix B.
- (2) For the purpose of an AZ-SUP, the Airport Zoning Commission would procedurally function as the Planning Commission does regarding a standard SUP.

2.1.5. Prohibited Uses

The following future land uses within the CZ or APZ areas are prohibited.

(A) *Substance Hazards*

Any use or storage of materials releasing into the air any substance which would impair visibility or otherwise interfere with military operations, including ground operations, such as steam, dust or smoke unless the substance is generated from agricultural use.

(B) *Light Hazards*

Any use or storage of materials producing light emissions, either directly, or indirectly or by reflective light, which would interfere with pilot vision, and aerial or ground-based night vision training.

(C) *Electrical Hazards*

Any use or storage of materials producing electrical emissions which would interfere with military ground and aircraft communications and navigation equipment.

(D) *Wildlife Hazards*

Any use or storage of materials attracting birds or waterfowl including, but not limited to, operation of sanitary landfills and maintenance of feeding stations.

(E) *Structural Hazards*

Any use or storage of materials providing for structures within ten (10) feet of defined aircraft approach, departure, or transitional surfaces; or one hundred (100) feet beneath a low-level military aircraft training route as provided by the Federal Aviation Administration.

(F) *Unsightly, Unsanitary, or Unhealthy Hazards*

Any use or storage of materials detracting from the aesthetic appearance, or otherwise create or promote an unsightly, unsanitary or unhealthy appearance of any entrance into a military installation including, but not limited to, automobile or truck salvage yards, equipment storage sites or solid waste storage or disposal sites.

(G) *Residential Use within CZ or APZ-1 Areas*

All residential land uses shall be prohibited within CZ or APZ-1 areas.

(1) Exemption

- a. If an existing residential building on an existing platted lot or "lot of record" has either been destroyed by an act of nature, fire, or otherwise rendered inhabitable, then a new residential building may be constructed to replace the formerly existing structure.





1. The new structure shall not exceed the number of dwelling units, building size, or building coverage of the original residential building.

(H) Specific Use Types from the Zoning Ordinance, Appendix A

Within either APZ-1 or APZ-2 and subject to the base zoning district within the [Zoning Ordinance, Appendix A](#), the following uses shall be prohibited, permitted by an AZ-SUP, or allowed by right.

Prohibited Use Types from the Zoning Ordinance (Appendix A)				
Use #	Use Type	CZ	APZ-1	APZ-2
4.3.1.	Public Service or Utility: Light	Prohibited	AZ-SUP	AZ-SUP
4.3.2.	Public Service or Utility: Moderate	Prohibited	AZ-SUP	AZ-SUP
4.3.3.	Public Service or Utility: Heavy	Prohibited	Prohibited	Prohibited
4.3.4.	Sanitary Landfill	Prohibited	Prohibited	Prohibited
4.3.6.	Low Impact Institutional: Neighborhood Related	Prohibited	Prohibited	Prohibited
4.3.7.	Moderate Impact Institutional	Prohibited	Prohibited	AZ-SUP
4.3.8.	High Impact Institutional	Prohibited	Prohibited	AZ-SUP
4.3.9.	Cultural Exhibits	Prohibited	Prohibited	Prohibited
4.3.10.	Library Services and Community Centers	Prohibited	Prohibited	Prohibited
4.3.14.	Group Care Facility	Prohibited	Prohibited	Prohibited
4.3.15.	Community-Based Care Facility	Prohibited	Prohibited	Prohibited
4.4.1.	Administrative and Professional Office	Prohibited	Prohibited	Allowed
4.4.2.	Adult Entertainment Enterprise	Prohibited	Prohibited	Prohibited
4.4.16.	Business Support Services	Prohibited	Prohibited	Allowed
4.4.17.	Child Care Center and Adult Day Care Center	Prohibited	Prohibited	Prohibited
4.4.21.	Convenience Sales and Personal Services	Prohibited	Prohibited	Allowed
4.4.22.	Drinking Establishments: Sit-Down, Alcoholic Beverages and Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited
4.4.23.	Eating Establishments: Drive-In	Prohibited	Prohibited	Prohibited
4.4.24.	Eating Establishments: Fast Foods	Prohibited	Prohibited	Prohibited
4.4.25.	Eating Establishments: Fast Foods, Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited
4.4.26.	Eating Establishments: Sit-Down, Alcoholic Beverages not Permitted	Prohibited	Prohibited	Prohibited
4.4.27.	Eating Establishments: Sit-Down, Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited





Prohibited Use Types from the Zoning Ordinance (Appendix A)				
Use #	Use Type	CZ	APZ-1	APZ-2
4.4.28.	Eating Establishments: Sit-Down, Alcoholic Beverages and Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited
4.4.34.	Gasoline Sales: Restricted	Prohibited	Prohibited	Allowed
4.4.35.	Gasoline Sales: General	Prohibited	Prohibited	Prohibited
4.4.36.	Health Clubs	Prohibited	Prohibited	Prohibited
4.4.37.	Laundry Services	Prohibited	Prohibited	Prohibited
4.4.39.	Medical Services: Restricted	Prohibited	Prohibited	Allowed
4.4.40.	Medical Services: General	Prohibited	Prohibited	Prohibited
4.4.41.	Participant Recreation and Entertainment: Indoor, Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited
4.4.42.	Participant Recreation and Entertainment: Indoor, Alcoholic Beverages and Low-Point Beer Permitted	Prohibited	Prohibited	Prohibited
4.4.43.	Participant Recreation and Entertainment: Outdoor	Prohibited	Prohibited	AZ-SUP
4.4.44.	Personal Services: Restricted	Prohibited	Prohibited	AZ-SUP
4.4.45.	Personal Services: General	Prohibited	Prohibited	Prohibited
4.4.49.	Retail Sales and Services: General	Prohibited	Prohibited	Prohibited
4.4.50.	Retail Sales and Services: Outdoor Swap Meets	Prohibited	Prohibited	Prohibited
4.4.52.	Spectator Sports and Entertainment: Restricted	Prohibited	Prohibited	Prohibited
4.4.53.	Spectator Sports and Entertainment: General	Prohibited	Prohibited	Prohibited
4.4.54.	Spectator Sports and Entertainment: High Impact	Prohibited	Prohibited	Prohibited
4.4.55.	Tourist Accommodations: Campground	Prohibited	Prohibited	Prohibited
4.4.56.	Tourist Accommodations: Lodging	Prohibited	Prohibited	Prohibited
4.5.6.	Hazardous Industrial	Prohibited	Prohibited	Prohibited
4.8.1.	Mining and Processing: Minerals and Raw Materials	Prohibited	Prohibited	Prohibited
4.8.2.	Mining and Processing: Oil and Gas	Prohibited	Prohibited	Prohibited

Note: The above use number and use types may be updated within the [Zoning Ordinance, Appendix A](#) and any updates shall be interpreted by the Director.





2.2 Density Standards

Land use and buildings shall be restricted, in addition to the City’s Zoning Ordinance, within CZ and APZ areas according to the following.

2.2.1. Residential Dwelling Unit Density Standard

In order to protect the health, safety, and welfare of the individuals on the ground within the APZ areas, residential densities shall be limited according to this subsection.

(A) Maximum Residential Density within APZ-2: Four (4) Units per Gross Acre

The residential density shall not exceed four (4) dwelling units per acre based on the total acreage of all residentially zoned areas with APZ-2. The four (4) dwelling units per acre shall not be applied per individual acre.

Total Area of All APZ-2 Areas within Midwest City	
APZ-2 of Runway 17/35	417 Acres
APZ-2 of Runway 12/30	11 Acres
Total Area of All APZ-2 Areas	428 Acres

- (1) Establishing the Maximum Number of Dwelling Units Allowed by Right within all APZ-2 Areas.
 - a. The total gross acreage of all residentially zoned land within APZ-2 areas shall be multiplied by four (4) dwelling units to establish the maximum number of dwelling units within APZ-2 areas.
- (2) Maximum Number of Dwelling Units Allowed by Right within all APZ-2 Areas.
 - a. The current maximum number of dwelling units allowed by right within all APZ-2 areas shall be 1,712 dwelling units.
 - 1. In order to account for changes in the number of acres zoned for residential uses, the maximum number of dwelling units shall be maintained and updated by the Community Development Director.

(B) Current Residential Density Calculations

- (1) Current number of dwelling units within APZ-2 Areas.
 - a. 1,303 dwelling units were documented within all APZ-2 areas during a housing count survey in February 2010.
- (2) Current dwelling units per gross acre.
 - a. 3.04 dwelling units per gross acre shall be the current residential density within all APZ-2 areas.
 - b. The current units per gross acre shall be calculated by dividing the current number of dwelling units by the total area of all APZ-2 areas within Midwest City.





(C) *Permitting New Dwelling Units within APZ-2 Areas*

(1) New Dwelling Units Permitted by Right.

- a. If the maximum number of dwelling units within APZ-2 areas is not exceeded, then new dwelling units shall be permitted by right.
- b. If the maximum number of dwelling units within APZ-2 areas is exceeded, then additional dwelling units shall not be permitted.

(D) *Monitoring of the Number of Dwelling Units and Residential Acreage with APZ-2 Areas*

(1) Community Development Director Monitoring.

The Director shall maintain accurate records of the number of existing dwelling units and the number of all new dwelling units permitted within the APZ-2 areas

(2) Annual Report to the Airport Zoning Commission.

The Director shall annually present an updated number of existing dwelling units and the number of all new dwelling units permitted within the APZ-2 areas for the current year to the Airport Zoning Commission.

(E) *Exemptions*

If an existing residential building on an existing platted lot or "lot of record" has either been destroyed by an act of nature, fire, or otherwise rendered inhabitable, then a new residential building may be constructed to replace the formerly existing structure.

- (1) A new structure and associated property shall be exempt from the above residential density standard, but shall not exceed the number of dwelling units of the original residential building.





2.2.2. Nonresidential Population Density Standards

In order to protect the health, safety, and welfare of the individuals on the ground within the APZ areas, population densities shall be limited according to this subsection.

(A) APZ-1 Maximum Population Density: 25 Persons per Gross Acre

Within all APZ-1 areas, the maximum density of any individuals on a site at any given time shall not exceed 25 persons per gross acre of a property.

(B) APZ-2 Maximum Population Density: 50 Persons per Gross Acre

Within all APZ-2 areas, the maximum density of any individuals on a site at any given time shall not exceed 50 persons per gross acre of a property.

(C) Exemptions: Existing Uses and New Uses within Existing Structures

- (1) If an existing nonresidential building on an existing platted lot or "lot of record" has either been destroyed by an act of nature, fire, or otherwise rendered inhabitable, then a new nonresidential building may be constructed to replace the formerly existing structure.
 - a. A new structure and associated property shall be exempt from the above nonresidential density standard, but shall not exceed the population density of the original property unless the original property had a population density less than the maximum 25 or 50 persons per acre per APZ-1 or APZ-2. In these specific case, the new structure/property may not exceed the above density standards of either 25 or 50 persons per acre per APZ-1 or APZ-2.
 - b. Using the population density calculation methods provided within the 2008 JLUS on page VII-14, the population density for all existing properties shall be calculated on a ratio of 1.5 persons per parking space.
- (2) A new use within an existing structure shall be allowed a population density not to exceed a ratio of 1.5 persons per existing parking space or the above density regulations of 25 persons for APZ-1 or 50 persons for APZ-2 per gross acre, whichever is greater.





2.3 Building Coverage Standards

Land use and buildings shall be restricted, in addition to the City's Zoning Ordinance, within CZ and APZ areas according to the following.

2.3.1. Residential Building Coverage Standards

Per the recommendation contained within the 2008 Joint Land Use Study (JLUS), the maximum building coverage for all residential buildings shall be thirty (30) percent.

(A) Exemptions

If an existing single family building on an existing platted lot or "lot of record" has either been destroyed by an act of nature, fire, or otherwise rendered inhabitable, then a new single family building may be constructed to replace the formerly existing structure.

- a. A new structure and associated property shall be exempt from the above residential building coverage standard, but shall not increase the coverage to exceed the original residential building unless the original structure had a coverage less than the maximum thirty (30) percent. In these specific case, the structure may not exceed the above thirty (30) percent coverage standard.

2.3.2. Nonresidential Building Coverage Standards

Per the recommendation contained within the 2008 JLUS, the maximum building coverage for all nonresidential buildings shall be as follows:

(A) Maximum Building Coverage within All APZ-1 Areas

- (1) Commercial Uses: 11.7 Percent
- (2) Industrial Uses: 39.0 Percent

(B) Maximum Building Coverage within All APZ-2 Areas

- (1) Retail Uses: 15.6 Percent
- (2) Combination of Retail and Commercial Uses: 15.6 Percent
- (3) Commercial Uses: 23.4 Percent
- (4) Industrial Uses: 78.0 Percent

(C) Exemptions

If an existing nonresidential building on an existing platted lot or "lot of record" has either been destroyed by an act of nature, fire, or otherwise rendered inhabitable, then a new nonresidential building may be constructed to replace the formerly existing structure.

- (1) A new structure shall be exempt from the above nonresidential building coverage standards, but shall not increase the coverage to exceed the original building unless the original structure had a coverage less than the applicable maximum percent listed above. In these specific case, the structure shall not exceed the applicable maximum percent listed above.





Section 3. Height Standards

3.1 Slope and Maximum Elevation

Except as otherwise provided in this Airport Zoning Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone.

3.1.1. Maximum Height Under 1:100 Slope

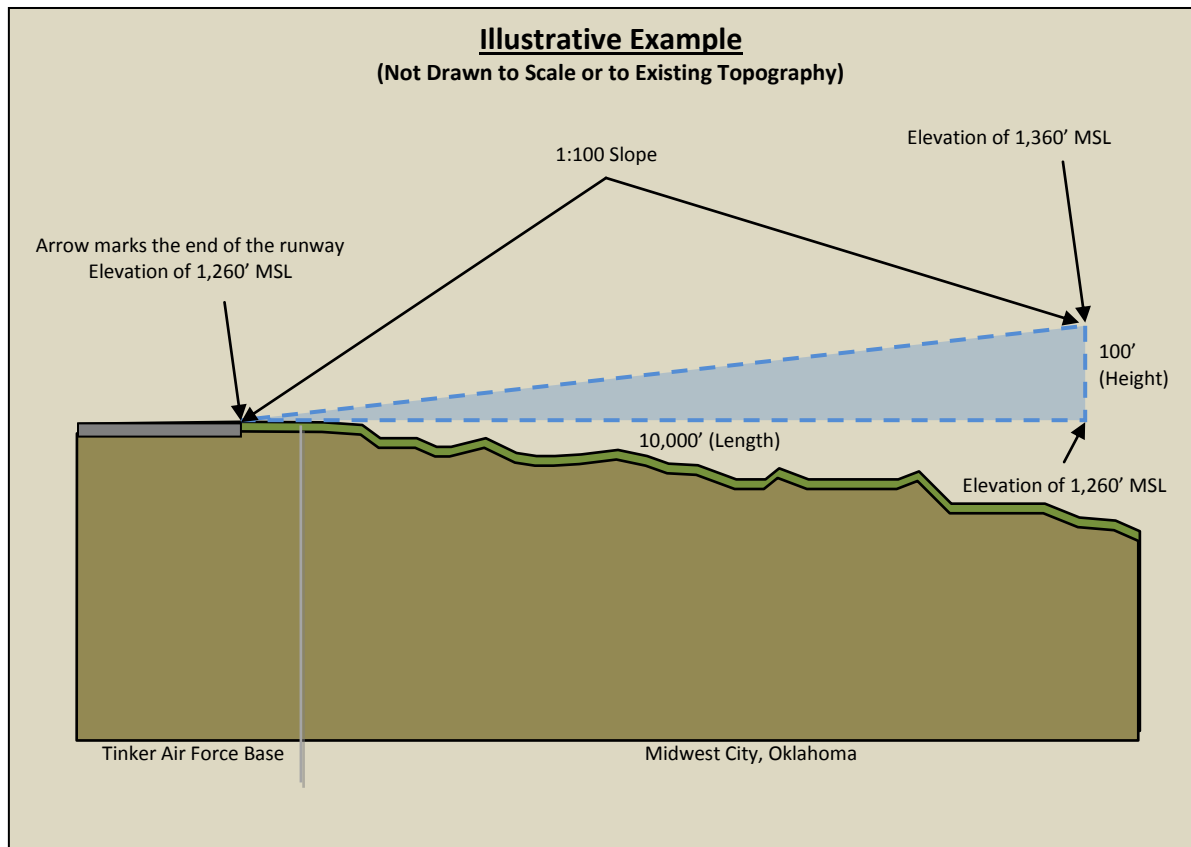
No structure shall be at or above a slope of one (1) foot in height for each one hundred (100) feet in horizontal distance from the nearest end of a runway.

3.1.2. Maximum Elevation Above Mean Sea Level (MSL)

No structure shall be at or above a mean sea level of 1,441 feet.

3.1.3. Illustrative Example of Slope and Mean Sea Level

The following is for illustrative purposes only and is not drawn to scale.





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Section 4. Sound Attenuation Standards

4.1 Single Family Facility Sound Attenuation

The following sound attenuation standards apply to all new single family detached residential uses permitted after December 31, 2010 and located within a Day-Night Average Sound Level (DNL) – Noise Contour as defined on the [Airport Zoning Map](#) (Page 35).

4.1.1. Decibel (db) DNL Zones

The Airport Zoning Ordinance shall have the following Day-Night Average Sound Level (DNL) – Noise Contours Zones.

- (A) **65-70 dB DNL Zone**
This zone shall be the area between the 65 and 70 db DNL depicted on the Airport Zoning Map.
- (B) **70-75 dB DNL Zone**
This zone shall be the area between the 70 and 75 db DNL depicted on the Airport Zoning Map.
- (C) **75-80 dB DNL Zone**
This zone shall be the area between the 75 and 80 db DNL depicted on the Airport Zoning Map.
- (D) **80 dB DNL Zone**
This zone shall be the area shown within the 80 db DNL depicted on the Airport Zoning Map.

4.1.2. Sound Level Reduction (SLR) Standards

All new single family detached residential uses permitted after December 31, 2010 shall achieve an average interior sound level of not more than 45 decibels (dB).

In order to achieve an average interior sound level of not more than 45 dB within APZ, sound level reduction (SLR) standards shall be used in new construction.

The U.S. Air Force has established sound reduction standards designed to provide outdoor-to-indoor SLR of 25 dB, 30 dB and 35 dB. The requirements within this subsection are in agreement with the 2008 JLUS.

The overall SLR required within a given noise zone can be determined by subtracting the required level (45 dB) from the highest noise level within that contour. For example, at the 70 dB DNL, the required reduction to obtain an internal 45 dB for residential structures is calculated as 70 dB minus 45 dB equals 25 dB.





4.1.3. Single Family Detached Uses Uses within 75-80 dB DNL Zone or Greater Standards

All newly constructed single family detached uses within the 75-80 dB DNL zone or any zone with a greater dB DNL rating shall adhere to the following standards.

(A) Compliance

- (1) Future construction shall comply with the "Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, Wyle Research Report WR 89-7."
- (2) Uses shall achieve an average interior sound level of not more than 45 decibels (dB).
- (3) Uses shall provide proof of compliance with the aforementioned report.

4.1.4. Single Family Detached Uses within the 70-75 dB DNL Zone Standards

Uses shall follow the following standards to achieve a SLR of not more than 30 dB within the 70-75 db DNL zones.

(A) Compliance

Compliance with the following standards shall be deemed to meet the requirements of the compatible use noise zones in which an SLR 30 is specified.

(B) General

- (1) Brick veneer, masonry blocks, or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
- (2) At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar.
- (3) Window and/or through-the-wall ventilation units shall not be used.
- (4) Operational vented fireplaces shall not be used.
- (5) All sleeping spaces shall be provided with either a sound-absorbing ceiling or a carpeted floor.
- (6) Through-the-wall and/or door mailboxes shall not be used.

(C) Exterior Walls

- (1) Exterior walls other than as described below shall have a laboratory sound transmission class rating of at least STC-44.
- (2) Masonry walls having a surface weight of at least forty (40) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy bridging paint.
- (3) Stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one (1) inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly





to the studs if the exterior is brick veneer or stucco. If the exterior is siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

- b. Continuous composition board, plywood, or gypsum board sheathing shall cover the exterior side of the wall studs behind wood or metal siding. The sheathing and facing shall weigh at least four (4) pounds per square foot.
- c. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.
- d. Insulation material at least two (2) inches thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

(D) Windows

- (1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.
- (2) Glass of double-glazed windows shall be at least one-eighth (1/8) inch thick. Panes of glass shall be separated by a minimum three (3) inch air space.
- (3) Double-glazed windows shall employ fixed sash or efficiently weather-stripped operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed one-half (0.5) cubic foot per minute per foot of crack length in accordance with ASTM-E-283-65-T.
- (4) Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
- (5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-0027, TT-S-00230, or TT-S-00133.
- (6) The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed twenty (20) percent of the floor areas.

(E) Doors

- (1) Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.
- (2) Double door construction is required for all door openings to the exterior. Openings filled with side-hinged doors shall have one solid-core wood or insulated hollow metal core door at least one and three-fourths (1¾) inches thick separated by an airspace of at least four (4) inches from another door, which can be a storm door. Both doors shall be tightly fitted and weather-stripped.
- (3) The glass of double-glazed sliding doors shall be separated by a minimum four (4) inch airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material as specified in subsection (D)(3) above.





- (4) Glass of all doors shall be at least three-sixteenth (3/16) inch thick. Glass of double sliding doors shall not be equal in thickness.
- (5) The perimeter of door frames shall be sealed airtight to the exterior wall construction as indicated in subsection (D)(5).
- (6) Glass of doors shall be set and sealed in an airtight non-hardening sealant, or a soft elastomer gasket or glazing tape.

(F) Roofs

- (1) Combined roof and ceiling construction other than described in this section and subsection (G) shall have a laboratory sound transmission class rating of at least STC-44.
- (2) With an attic or rafter space at least six (6) inches deep, and with a ceiling below, the roof shall consist of closely butted composition board, plywood, or gypsum board sheathing topped by roofing as required.
- (3) If the underside of the roof is exposed, or if the attic or rafter spacing is less than six (6) feet, the roof construction shall have a surface weight of at least forty (40) pounds per square foot. Rafters, joists, or other framing may not be included in the surface weight calculation.
- (4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

(G) Ceilings

- (1) Gypsum board or plaster ceilings at least one-half (1/2) inch thick shall be provided where required by subsection (F)(2) above. Ceilings shall be substantially airtight with a minimum number of penetrations.
- (2) Glass fiber or mineral wool insulation at least two (2) inches thick shall be provided above the ceiling between joists.

(H) Floors

- (1) The floor of the lowest occupied rooms shall be slab on fill, below grade or over a fully enclosed basement. All door and window openings in the fully enclosed basement shall be tightly fitted.





(I) *Ventilation*

- (1) A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
- (2) Gravity vent openings in attics shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least three (3) feet in length containing internal sound absorbing duct lining. Each duct shall have a lined 90 degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.
- (3) If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel which shall be lined with one (1) inch thick coated glass fiber, and shall be at least five (5) feet long with one 90 degree bend.
- (4) All vent ducts connecting the interior space to the outdoors excepting domestic range exhaust ducts, shall contain at least a ten (10) foot length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90 degree bend in the duct such that there is not direct line of sight through the duct from the venting cross section to the room opening cross section.
- (5) Duct lining shall be coated glass fiber duct line at least one (1) inch thick.
- (6) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The baffle plate shall be of the same material and thickness as the vent duct material.
- (7) Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.
- (8) Doors between occupied space and mechanical equipment areas shall be solid core wood or 20 gauge steel hollow metal at least one and three-fourth (1¾) inches thick and shall be fully weather-stripped.





4.1.5. Single Family Detached Uses within the 65-70 dB DNL Zone Standards

Uses shall follow the following standards to achieve a SLR of 25 dB within the 65-70 dB DNL zones.

(A) *Compliance*

Compliance with the following standards shall be deemed to meet the requirements of the compatible use noise zones in which an SLR 25 dB is specified.

(B) *General*

- (1) Brick veneer, masonry blocks, or stucco exterior walls shall be grouted or caulked airtight.
- (2) At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked or filled with mortar.
- (3) Window and/or through-the-wall ventilation units shall not be used.
- (4) Through-the-wall and/or door mailboxes shall not be used.

(C) *Exterior Walls*

- (1) Exterior walls other than as described in this section shall have a laboratory sound transmission class rating of at least STC-39.
- (2) Masonry walls having a surface weight of at least twenty-five (25) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy bridging paint.
- (3) Stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half (1/2) inch thick, installed on the studs.
 - b. Continuous composition board, plywood, or gypsum board sheathing at least one-half (1/2) inch thick shall cover the exterior side of the wall studs behind wood or metal siding. Asphalt or wood shake shingles are acceptable in lieu of siding.
 - c. Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.
 - d. Insulation material at least two (2) inches thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

(D) *Windows*

- (1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
- (2) Glass shall be at least three-sixteenth (3/16) inch thick.
- (3) All operable windows shall be weather-stripped and airtight when closed so as to conform to





an air infiltration test not to exceed one-half (0.5) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

- (4) Glass of fixed-sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.
- (5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.
- (6) The total area of glass in both windows and doors in sleeping spaces shall not exceed twenty (20) percent of the floor area.

(E) Doors

- (1) Doors, other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28.
- (2) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one and three-fourth (1 $\frac{3}{4}$) inches thick and shall be fully weather-stripped.
- (3) Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in subsection *(D)*(3). The glass in the sliding doors shall be at least three-sixteenth (3/16) inch thick.
- (4) Glass in doors shall be sealed in an airtight non-hardening sealant or in soft elastomer gasket or glazing tape.
- (5) The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in subsection *(D)*(5) above.

(F) Roofs

- (1) Combined roof and ceiling construction other than described in this subsection and subsection *(g)* shall have a laboratory sound transmission class rating of at least STC-39.
- (2) With an attic or rafter space at least six (6) inches deep, and with a ceiling below, the roof shall consist of closely butted composition board, plywood, or gypsum board sheathing topped by roofing as required.
- (3) If the underside of the roof is exposed, or if the attic or rafter spacing is less than six (6) inches, the roof construction shall have a surface weight of at least twenty-five (25) pounds per square foot. Rafters, joists, or other framing may not be included in the surface weight calculation.
- (4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-28.





(G) Ceilings

- (1) Gypsum board or plaster ceilings at least one-half (1/2) inch thick shall be provided where required by subsection (F)(2) above. Ceilings shall be substantially airtight, with a minimum number of penetrations.
- (2) Glass fibers or mineral wool insulation at least two (2) inches thick shall be provided above the ceiling between joists.

(H) Floors

- (1) Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed two (2) percent of the floor space area of the occupied rooms.

(I) Ventilation

- (1) A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
- (2) Gravity vent openings in attic shall not exceed code minimum in number and size.
- (3) If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with one (1) inch thick coated glass fiber, and shall be at least five (5) feet long with one 90 degree bend.
- (4) All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a five (5) foot length of internal sound absorbing duct lining. Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room opening cross section.
- (5) Duct lining shall be coated glass fiber duct liner at least one (1) inch thick.
- (6) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The baffle plate shall be of the same material and thickness as the bent duct material.
- (7) Fireplaces shall be provided with well-fitted dampers.





Section 5. Nonconforming Uses and Structures

5.1 Standards

Pursuant to [Title 3 O.S. \(Aircraft and Airports\) § 103](#), no airport zoning regulations adopted under this Airport Zoning Ordinance shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in [Marking and Lighting](#).

5.1.1. Continuance of Nonconforming Uses

- (A) *Construction Begun Prior to Effective Date May Continue*
Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Airport Zoning Ordinance.
- (B) *All Planned Unit Developments (PUDs) Remain in Effect*
All PUDs and associated standards within PUDs shall take precedent of the standards within this Airport Zoning Ordinance, with the exception of height regulations and [5.1.2. Marking and Lighting](#).

5.1.2. Marking and Lighting

- (A) *Installation, Operation, and Maintenance of Airport Markers and Lights*
Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the base engineer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.
- (B) *Cost Burden*
Such markers and lights shall be installed, operated, and maintained at the expense of Tinker Air Force Base.

5.1.3. Increasing Hazard of Nonconforming Use Prohibited

- (A) *Expansion of Hazards to Air Navigation*
No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use or natural object to expand or to be made or become higher, or become a greater hazard to air navigation than it was on the effective date of this Airport Zoning Ordinance, or any amendment thereto or than it was when the application for permit was made.
- (B) *Change of Use*
A building use may be changed to a conforming use.





5.1.4. Continuance, Abandonment, or Destruction of Nonconforming Uses or Structures

(A) *New Permits Granted Only for Conforming Uses and Structures*

Unless provided by this Airport Zoning Ordinance, no permit shall be granted that allows a use, structure, or natural object to exceed the applicable height limit or otherwise deviate from the provisions of this Airport Zoning Ordinance or the zoning regulations.

(B) *Nonconforming Use Continuance and Expansion*

(1) If a nonconforming use or any portion thereof is discontinued for a period of two (2) years, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

(2) Any nonconforming use shall not be expanded or moved in whole or in part to any other portion of the lot or parcel on which it is located.

(C) *Structure Abandonment or Destruction*

If the administrative officer or other designated authority has determined that a nonconforming use, structure, or natural object has been abandoned for more than two (2) years or has been more than eighty (80) percent torn down, destroyed, physically deteriorated, or decayed, then no permit shall be granted that deviates from the provisions of this Airport Zoning Ordinance.





Section 6. Administration

6.1 Board of Adjustment

6.1.1. Powers of the Board of Adjustment

All airport zoning regulations adopted under this Airport Zoning Ordinance shall provide for a Board of Adjustment to have and exercise the following powers:

- (A) *Appeals*
To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in [6.3 Appeal to the Board of Adjustment](#) (Page [31](#)).
- (B) *Special exceptions*
To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such Board may be required to pass under such regulations.
- (C) *Specific variances*
To hear and decide specific variances under [6.2.3. Variances](#) (Page [30](#)).

6.1.2. Board of Adjustment Members

The membership of the Board shall be established by the [Zoning Ordinance, Appendix A](#).

6.1.3. Vote

The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

6.1.4. Rules

The Board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created.

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

All hearings of the Board shall be subject to the Open Meeting Act. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.





6.2 Building Permits Required

6.2.1. Permit Required for New Uses

Except as specifically provided by this Airport Zoning Ordinance, no material change shall be made in the use of the land and no structure shall be erected, altered or otherwise established in any zone hereby created, unless a permit is obtained indicating the purpose for which the permit is desired, with sufficient detail to determine whether the resulting use would conform to the provisions of this Airport Zoning Ordinance.

6.2.2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Airport Zoning Ordinance or any amendments thereto or than it is when the application for a permit is made.

Except as indicated, all applications for such a permit shall be granted.

6.2.3. Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Airport Zoning Ordinance, may apply to the Board of Adjustment for a variance from such regulations.

Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Airport Zoning Ordinance.

In granting a variance, the Board of Adjustment shall consider if the variance increases encroachment into development-restricted areas or violates the intent of the recommendations of the 2008 JLUS.

- (A) *Building Permit or Variance Copies Sent to Airport Zoning Commission*
Copies of any request for a permit or variance shall be forwarded to the Airport Zoning Commission within five (5) days of filing.

6.2.4. Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Airport Zoning Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in questions to permit Tinker Air Force Base at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.





6.3 Appeal to the Board of Adjustment

6.3.1. Applicant

Any person aggrieved, or taxpayer affected, by any decision of a City official made in its administration of any airport zoning regulations adopted under this act, or any governing body of a Midwest City, who is of the opinion that a decision of such an City official is an improper application of airport zoning regulations of such governing body or board, may appeal to the Board of Adjustment authorized to hear and decide appeals from the decisions of such City official or governing body.

6.3.2. Reasonable Time

All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Community Development Director and with the Board, a notice of appeal specifying the grounds thereof.

The Community Development Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

6.3.3. Stay All Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed, unless the Community Development Director certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property.

In such cases proceedings shall not be stayed otherwise than by order of the Board on notice to the Community Development Director and on due cause shown.

6.3.4. Hearing of Appeals

The Board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest including the Airport Zoning Commission, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

6.3.5. Board Decision

The Board may, in conformity with the provisions of this Airport Zoning Ordinance, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Community Development Director.





6.4 Judicial Review

Pursuant to [Title 3 O.S. \(Aircraft and Airports\) § 111](#), the following sections shall apply to this Airport Zoning Ordinance.

6.4.1. Applicant

Any person aggrieved, or taxpayer affected, by any decision of a Board of Adjustment, or any governing body of Midwest City who is of the opinion that a decision of a Board of Adjustment is illegal, may present to the district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality.

Such petition shall be presented to the court within thirty (30) days after the decision is filed in the office of the Board.

6.4.2. Court Review

Upon presentation of such petition, the court may review such decision of the Board. The allowance of an appeal shall not stay proceedings upon the decision appealed from, but the court may, on application, and with notice to the Board and on due cause shown, grant a restraining order.

6.4.3. Original Papers

The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the court. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

6.4.4. Affirm, Modify, or Set Aside the Decision

The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Adjustment.

6.4.5. Costs

Costs shall not be allowed against the Board of Adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

6.4.6. Court Holdings Site Specific

In any case in which airport zoning regulations adopted under this Airport Zoning Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.





6.5 Penalty for Violation

Pursuant to [Title 3 O.S. \(Aircraft and Airports\) § 112](#), the following section shall apply to this Airport Zoning Ordinance.

6.5.1. Violations

Each violation of this act or of any regulations, orders, or rulings promulgated by Midwest City or the Airport Zoning Commission pursuant to this Airport Zoning Ordinance, shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred (500) dollars or imprisonment for not more than one (1) year in the county jail, or by both such fine and imprisonment.

In addition, Midwest City may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Airport Zoning Ordinance, or of airport zoning regulations, or of any order or ruling made in connection with the administration or enforcement.

6.6 Aviation Easement

Pursuant to [Title 3 O.S. \(Aircraft and Airports\) § 113](#), the following sections shall apply to this Airport Zoning Ordinance.

6.6.1. Cases in which Aviation Easements may be Required

The State of Oklahoma authorizes cities to acquire aviation easements in the following cases:

- (A) *Reduce Nonconformity*
It is desired to remove, lower, or otherwise terminate a nonconforming structure or use;
- (B) *Runway Approach Protection*
The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or
- (C) *Acquisition Necessary*
It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations.

6.6.2. Authority

Pursuant to [Title 3 O.S. \(Aircraft and Airports\) § 113](#), Midwest City may acquire, by purchase, grant, or condemnation in the manner provided by the law under which Midwest City is authorized to acquire real property for public purposes, such air right, aviation easement, or other estate or interest in the property of nonconforming structure or use in question as may be necessary to effectuate the purpose of this Airport Zoning Ordinance.

6.6.3. Aviation Easement Required

All subdivision, zoning or building permit requests within the Accident Potential Zones for

Runways Number 12/30 and 17/35 of Tinker Air Force Base shall grant an aviation easement to the City of Midwest City as a condition of subdivision, zoning or building permit approval.

This easement shall hold the City, public and Tinker Air Force Base harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near Tinker Air Force Base, not including the physical impact of aircraft or parts thereof.

Aviation easements shall be submitted on easement forms provided by the City of Midwest City.





6.7 Conflicting Regulations

Where there exists conflict between any of the regulations or limitations prescribed in this Airport Zoning Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

6.8 Emergency















Whereas, the immediate operation of the provisions of this Airport Zoning Ordinance is necessary for the preservation of the public health, public safety, and general welfare, and an emergency is hereby declared to exist, and this Airport Zoning Ordinance shall be in full force and effect from and after its passage by the City Council and publication and posting as required by law.




Airport Zoning Map





Midwest City, Oklahoma

The following zoning districts are shown for reference purposes only and do not represent current zoning status. Zoning district boundaries and regulations are found within the Zoning Ordinance and Zoning District Map.

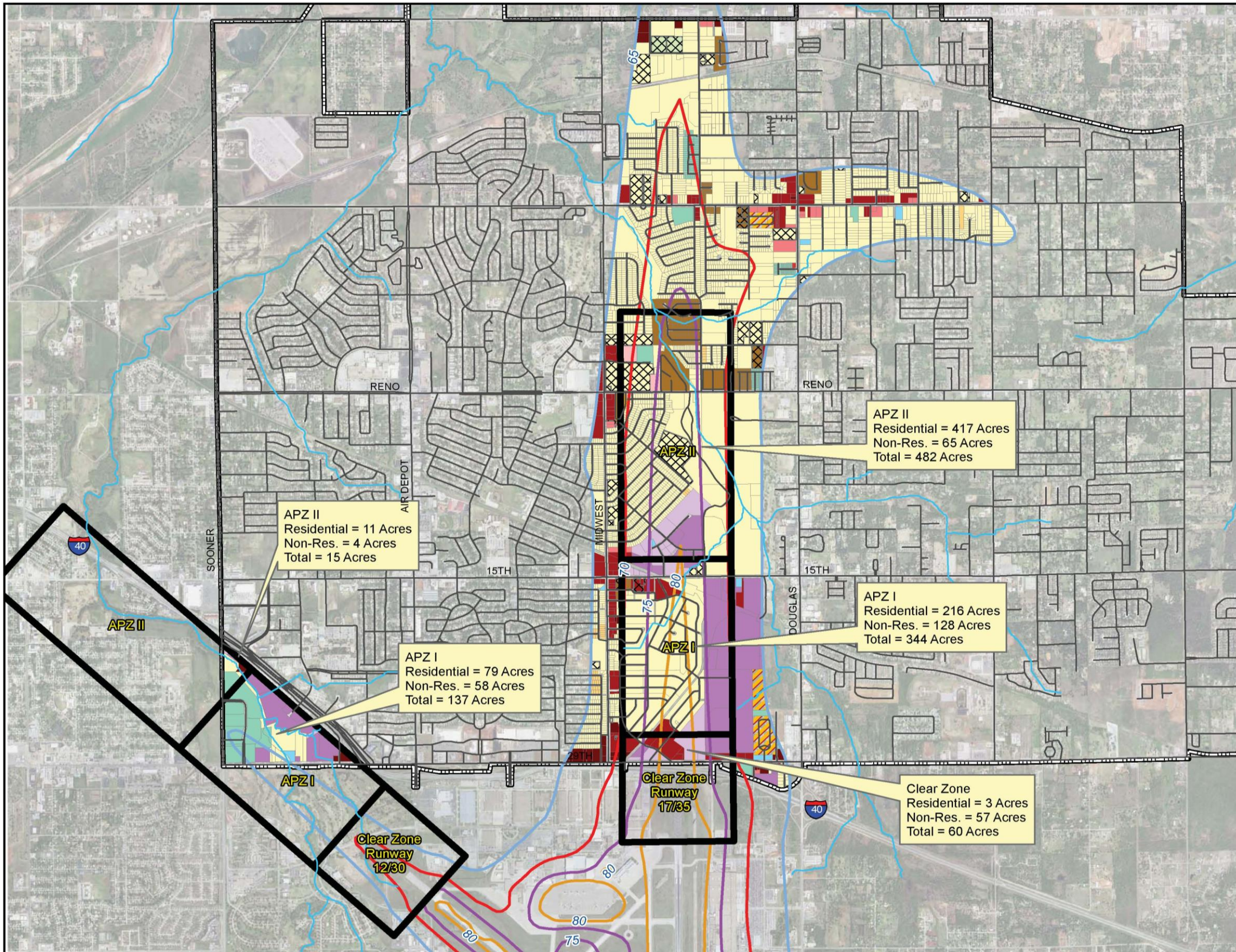
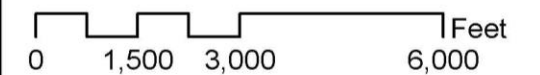
- | | | | |
|--|------|---|---------|
|  | R1D |  | I1 |
|  | RMH2 |  | I2 |
|  | R2 |  | A1 SUP |
|  | R3 |  | R1D SUP |
|  | R4 |  | R4 SUP |
|  | O2 |  | C1 SUP |
|  | C1 |  | C3 SUP |
|  | C2 |  | PUD |
|  | C3 |  | SPUD |
|  | C4 | | |

 Clear Zone or Accident Potential Zone

Noise Contour Line

-  65 db DNL
-  70 db DNL
-  75 db DNL
-  80 db DNL

db DNL = decibel day-night average, A-weighted sound level.



APZ II
Residential = 11 Acres
Non-Res. = 4 Acres
Total = 15 Acres

APZ I
Residential = 79 Acres
Non-Res. = 58 Acres
Total = 137 Acres

APZ II
Residential = 417 Acres
Non-Res. = 65 Acres
Total = 482 Acres

APZ I
Residential = 216 Acres
Non-Res. = 128 Acres
Total = 344 Acres

Clear Zone
Runway
17/35

Clear Zone
Residential = 3 Acres
Non-Res. = 57 Acres
Total = 60 Acres

Clear Zone
Runway
12/30