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ARTICLE V. - SHAWNEE TWIN LAKES—LAKE PROTECTION ZONE (LPZ)

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Sec. 22-101. - Lake protection zone; purpose.

The purpose of the lake protection zone (LPZ) is to protect public health, safety and welfare and to ensure orderly development along and near Shawnee Lake Number 1. It is an overlay zone that is applied as specified below. An overlay zone is a set of zoning standards and regulations that are applied in addition to the existing standards of the base zone. A special zoning district is necessary to ensure adequate environmental protection for the Shawnee Lake Number 1, which serves as a municipal water source for the City of Shawnee.

(Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-102. - Application.

The LPZ overlay zone applies to all lake lot leases administered by the City of Shawnee and the Oklahoma Commissioners of the Land Office (CLO) on Shawnee Lake Number 1. These requirements shall supplement existing zoning and code provisions and where two or more provisions conflict, the more stringent interpretation shall prevail as determined by the community development director. These regulations shall not be extended to city and state lease areas that are not along the shoreline of Shawnee Twin Lakes No. 1, as determined by the city. These regulations do not apply to private property.

(Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-103. - Definitions.

Lake lot lease shall mean those lease areas established by the City of Shawnee, most of which were created in 1936, around Shawnee Lake No. 1, for the purposes of private recreational and residential use. In general, such areas are a minimum of one acre in size and include the right to construct a permanent residence on the subject lease area. A "lake lot lease" shall also include any newly created or defined lots that are or will be leased by the city or the CLO.

Ordinary high water mark, (OHWM) shall mean that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed

on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of vegetation and/or debris, or other appropriate means that consider the characteristics of the surrounding areas. The city shall have final authority in determining the OHWM.

(Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-104. - Permitted uses.

Permitted uses are as specified below and shall not be superseded by the uses listed in the underlying district:

- (1) Single-family detached residences.
- (2) Manufactured and mobile homes, provided that any mobile or manufactured home placed on the lake after December 31, 2010, shall be multi-sectioned construction. No single-wide mobile or manufactured homes shall be allowed, with the exception of an approved guest cottage. A new single-wide manufactured or mobile home shall be allowed as a replacement to an existing single-wide unit which existed prior to the original adoption of this article.
- (3) Boat docks and other similar uses as per section 16-225
- (4) Accessory uses customarily incidental and secondary to the uses permitted by right.
- (5) Other uses specifically authorized by the city via an approved lease, provided that such use shall conform to the underlying zoning district.
- (6) Home occupation.
- (7) Community buildings, buildings associated with clubs/civic organizations and associations and similar uses as determined by the director and as acknowledged by the city commission.
- (8) Guest cottages may be approved as an accessory use to an existing single-family residence with an approved conditional use permit¹, provided that a guest cottage shall not exceed 600 square feet, shall not be sublet, and shall share a common driveway with the main residence.
- (9) Bed and breakfast, subject to the granting of a conditional use permit¹.
- (10) Overnight camping for personal use (not a commercial campground), provided that it is done in a contained unit (e.g., motorhome, fifth-wheel, travel trailer, etc.) and the use is temporary and the unit does not remain on the site between use. Temporary use is considered a use which does not exceed 60 days in a calendar year and does not include any single stay greater than 14 days.

Note:

¹ An application for a conditional use permit within the LPZ shall provide public notice in accordance with the applicable section of the Shawnee Zoning Code, provided that the notice requirements are amended as follows: Notice shall be mailed to all holders of leased property within 300 feet of the exterior boundaries of the subject lease. Additional mailed notice is not required.

(Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-105. - Prohibited uses.

The following uses are expressly prohibited:

- (1) All uses not specifically listed as "permitted" above.

(Ord. No. 2442NS, § 1, 9-7-2010)

Sec. 22-106. - Development standards.

The following development standards apply:

- (1) *Setbacks, other standards.* Building setbacks, area, density and height standards are as follows:

Rear/Lake Front Setback	50 feet from OHWM (residence) 25 feet from OHWM (accessory structures, other than boat docks and boathouses)
Front/Road Setback	25 feet
Side Yard Setback	15 feet
Lot Area	As per lease, no set standard
Lot Width	As per lease, no set standard
Frontage	As per lease, no set standard
Building Height	35 feet
Residential Density	One residential structure per lease area, with the exception of one or more approved guest cottages.

Existing structures that do not meet the above standards shall be considered conforming uses and shall not be required to meet the new setback standards in cases where more than 50 percent of the structure is damaged fire, flood, or other disaster.

- (2) *Docks.* Boat/fishing docks may be constructed. For the purposes of this section, all lease areas are assumed to have the right to use the abutting shoreline to construct a single floating dock. The city may charge an additional annual fee for dock area leases. Dimensional standards for docks shall be as set forth in section 16-235.
- (3) *Lakeshore buffer.* A 25-foot buffer is hereby established landward of the ordinary high water mark on all leased lots for the purpose of watershed protection. This area shall not be used by the general public, except during an emergency situation. Within this buffer, leaseholders are encouraged to preserve existing native vegetation. The area within the lakeshore buffer shall not be fenced. Docks and other approved structures as per section 16-235 may be located within the buffer area. Fertilizers and other chemicals shall not be used within the buffer area.
- (4) *Impervious surface coverage.* The maximum building coverage ratio shall be 20 percent inclusive of all primary and secondary structures. Total impervious area shall not exceed 30 percent of the lease area. Runoff from impervious surfaces, such as roof tops and paved driveways, shall be directed to maximize infiltration. Runoff water shall be maintained in sheet flow (not channelized flow) to the maximum extent practicable.
- (5) *Hazardous materials.* Hazardous materials including, but not limited to solvents, oil, fertilizer, gasoline and other materials shall be stored in an enclosed shed, garage or other approved structure. New accessory structures other than boat docks shall be setback from the OHWM a minimum of 25 feet.
- (6)

Septic system standards. Septic tanks shall be installed and inspected in accordance with the standards set forth in section 16-59 and section 16-328

- (7) *Erosion control.* All new residential construction shall employ erosion control and utilize best management practices (BMPs) to control erosion and sedimentation during construction. All exposed soil must be mulched. A temporary seeding or cover crop must be used on sites where permanent groundcover will not be established until the following year. A site will not be allowed to remain as bare ground with the intention of planting the following growing season. Required erosion control best management practices shall be in place prior to all land disturbing activities.
- (8) *Shared driveways.* Shared driveways may be utilized to prevent unnecessary disturbance of the lakeside area. Residential lease areas need not front upon a dedicated public street.

(Ord. No. 2442NS, § 1, 9-7-2010)

Secs. 22-107—22-130. - Reserved.

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>> ARTICLE II. - TWIN LAKES >> DIVISION 8. - LOT RENTALS >>

DIVISION 8. - LOT RENTALS ⁽⁶¹⁾

Sec. 16-321. - Rental fee; renewal of lease.

Sec. 16-322. - Assignment of lease; sale of improvements.

Sec. 16-323. - Removal of improvements; reversion to city of unremoved improvements.

Sec. 16-324. - Use of property.

Sec. 16-325. - Boathouse, dock facilities; liability of city.

Sec. 16-326. - Cancellation of lease.

Sec. 16-327. - Renewal of lease after cancellation.

Sec. 16-328. - Inspection of lake lot septic/waste disposal systems.

Sec. 16-321. - Rental fee; renewal of lease.

There is established an initial annual lease fee of \$600.00 for the year 2010, for each lot at Shawnee Twin Lakes No. 1 leased by the city. All persons entering into or renewing leases after the effective date of this section shall comply with all applicable city rules and regulations and all terms of the lease and shall pay the applicable rate at time of lease renewal or lease transfer. Lease fees shall increase annually on the anniversary of each lease at a rate of two percent per year, rounded up to the nearest whole dollar, in accordance with the published lease schedule. Such leases shall be for a term of 30 years. The lessee shall have the right and option to renew such lease for an additional 30-year period, under the terms and conditions set forth in City Code and said lease, provided that the city retains the right to adjust the lease rate schedule at the termination of the original 30-year lease or at such time that a transfer is approved. There is no limit to the number of times a lease can be renewed.

(Ord. No. 2441NS, § 2, 9-7-2010)

Sec. 16-322. - Assignment of lease; sale of improvements.

- (a) No lease entered into under this division shall be assigned or sublet, but the lessee may at any time during the term of his/her lease sell and transfer to other persons the improvements on the lot leased by him/her.
- (b) If improvements are sold by the lessee, the transfer shall not become effective until approved by the city commission at a regular or adjourned meeting held for that purpose. The city as lessor reserves the right to reject and disapprove any transfer when, in its opinion, it would be to the best interests of the city and its inhabitants to do so. If the transfer is approved, a new full-term lease shall be entered into between the purchaser and the city, and a transfer charge of \$1,000.00 shall be paid to the city prior to such transfer. No transfer fee shall be charged in cases where the transfer is made as a result of a trust or will or in cases where a lease has joint owners and one owner obtains full ownership rights.

(Ord. No. 2441NS, § 3, 9-7-2010)

Sec. 16-323. - Removal of improvements; reversion to city of unremoved improvements.

Any individual leasing from the city shall be the owner of all improvements which are purchased or placed by him/her. Such improvements, including cabins, other buildings and boathouses, shall constitute personal property, and the lessee shall have the right to remove the property from the lot at the termination of the lease. However, whenever a lease has been canceled by the city, as provided by this division or such lease, the lessee or owner of such improvements shall remove the improvements within 60 days of the date of such cancellation of the lease. Upon failure to do so, the improvements shall revert to and become the property of the city. The city shall have the right, without further notice or demand, to take immediate possession of all such improvements and may enter upon the premises of the lessee with or without process of law, and such improvements shall belong to the first party or its assigns as liquidated damages for the nonfulfillment of the lease by the lessee and the use and rental thereof.

(Ord. No. 2441NS, § 4, 9-7-2010)

Sec. 16-324. - Use of property.

All lots leased by the city pursuant to this division and the cabins or buildings constructed thereon, may be used for recreational or residential purposes when in total compliance with all City Codes and ordinances. Premises shall at all times be kept clean and maintained in a sanitary condition by the lessee.

(Ord. No. 2441NS, § 5, 9-7-2010)

Sec. 16-325. - Boathouse, dock facilities; liability of city.

- (a) In addition to the possession of the property leased, every lessee under this division or under a lease from the State of Oklahoma, shall have the right and privilege of a site for a boathouse and boat dock on the land owned by the city adjoining and immediately in front of the lot leased. The boathouse shall be erected and maintained by and at the cost of the lessee and shall not exceed 30 feet by 30 feet. The boathouse shall never be used as a place of human habitation and shall be the private property of the lessee, who shall have the right of ingress and egress to and from the boathouse, subject to the rights of the public as set forth in this division. Boathouses and docks shall be maintained in good working order and shall not present a hazard to the general public or create a nuisance.
- (b) All docks and boathouses located on arms or coves of Twin Lakes No. 1, shall not extend from the high water line (elevation 1073.5) into the lake more than 100 feet. Docks and boathouses on Lake No. 1 lease lots, which are adjacent to skiing and watercraft areas, shall not extend from the high water line (1073.5) into the lake more than 75 feet.
- (c) Flotation devices for docks and/or boathouses shall be constructed of materials that are not corrosive and are environmentally safe for Lake No. 1.
- (d) Docks and/or boathouses shall not be anchored to or cross over side lot lines of abutting lots. The connections of the dock or boathouse to the shore shall be constructed in such a way as to allow the dock and/or boathouse to float level on the lake during the lake's fluctuating water elevations.
- (e) Any person wishing to construct and/or alter a dock and/or boathouse on Lake No. 1, exclusive of routine maintenance, must obtain a building permit from the city. Failure to obtain a building permit will be considered grounds for the city to terminate the lease.

- (f) The lessee shall agree to keep such lot and boathouse and dock in a clean and sanitary condition and to maintain the lot and boathouse in a safe condition. The city as lessor shall in no manner be liable to the lessee for any damages suffered by the lessee to such lot or boathouse or dock or the improvements thereon on account of the rise and fall of the water line of the lake or for the enlargement or decrease by the city of the size of the lake or on account of any rule or regulation that may be adopted by the lessor governing the regulations of the lake.
- (g) The lessee shall agree to hold the lessor free and harmless from all damages suffered by him or by any other person on account of personal injuries or loss of property that may incur upon such lot, boathouse or boat dock.

(Ord. No. 2441NS, § 6, 9-7-2010)

Sec. 16-326. - Cancellation of lease.

The city commission may upon a showing of intentional disregard for the terms of the lease and this division or other city ordinance pertaining to the lake, cancel the city lease upon 30 days notice to the lessee by mailing a copy of such notice to the lessee at his/her last known address. If a lease is cancelled either by the city or the lessee of a city-owned lot prior to the expiration of the lease term, the lessee shall pay the city an early termination fee of \$1,000.00 in exchange for a release of liability from the remaining term.

(Ord. No. 2441NS, § 7, 9-7-2010)

Sec. 16-327. - Renewal of lease after cancellation.

No lease for a cabin site at Twin Lakes No. 1, shall be renewed in the name of the original owner after such lease has been canceled for nonpayment of rentals or for any other cause, without the original lessee paying to the city a \$1,000.00 renewal fee in addition to the standard yearly lease fee. Such sum shall be paid to the city clerk, and no renewal of the lease shall be made to the original lessee without the payment of the renewal fee.

(Ord. No. 2441NS, § 8, 9-7-2010)

Sec. 16-328. - Inspection of lake lot septic/waste disposal systems.

Each septic system or waste disposal system on all leased lake lots at Twin Lakes No. 1, shall be inspected by city staff once every five years. City staff will determine whether such system is safe and in good working order in accordance with section 16-59. The inspection fee shall be \$75.00. If the city staff determines that such system is defective, the city will notify the leaseholder that the system requires an inspection by representatives of the state department of environmental quality and/or a certified sanitarian or septic installer, to be paid for by the leaseholder. The leaseholder shall have 60 days to have the department of environmental quality inspect and correct any defects found in the system. The leaseholder must then supply the city with a certificate of compliance from the department of environmental quality. Failure to correct the defects in the system within the allotted time shall be grounds for the city to cancel the lease of the leaseholder.

(Ord. No. 2441NS, § 9, 9-7-2010)

FOOTNOTE(S):

⁽⁸¹⁾ *Editor's note—Ord. No. 2441NS, §§ 2—9, adopted Sept. 7, 2010, amended div. 8 in its entirety to read as herein set out. Former div. 8, §§ 16-321—16-328, pertained to similar subject matter, and derived from: Code 1986, §§ 13-106—13-113. [\(Back\)](#)*