

**THE ZONING CODE  
OF  
THE COWETA METROPOLITAN AREA**

**Prepared for  
Wagoner County**

**By the  
MEMBERSHIP SERVICES DIVISION  
INDIAN NATIONS COUNCIL OF GOVERNMENTS**

**Adopted by the Wagoner County Board of Commissioners**

**By Resolution**

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**ZONING ORDINANCE**

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**CHAPTER 1  
TITLE, PURPOSES, INTERPRETATION AND JURISDICTION**

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**SECTION 100 TITLE**

This ordinance shall be known and may be cited as “The Coweta Metropolitan Area Zoning Code”.

**SECTION 100 PURPOSES, INTERPRETATION, AND JURISDICTION**

**110.1 Purposes**

This code is enacted for the purposes of promoting the health, safety, peace, morals, comfort, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate light and air, police protection, transportation, water, sewerage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements, and preventing undue encroachment thereon; conserving the value of buildings and encouraging the most appropriate use of land; encouraging the industrial, commercial and residential growth of the community; and promoting the development of the community in accordance with a comprehensive plan.

**110.2 Interpretation**

**(a) Validity of other laws**

Where this code imposes a greater restriction upon the use of structures or land or upon height or bulk of structures, or requires larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of this code shall govern. However, nothing in this code shall be construed to prevent the enforcement of other ordinances, laws, or regulations which prescribe more restrictive limitations.

**(b) Severability**

In case any portion of this code shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of the code shall not thereby be invalid, but shall remain in full force and effect.

**(c) Tense and Definition**

For the purpose of the code certain terms and words are to be used and interpreted as defined in chapter 22 of this code, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular,

Except where the natural construction of the writing indicates otherwise. The word “shall” is mandatory and not directory.

### **110.3 Jurisdiction**

#### **(a) Territorial Jurisdiction**

**This code shall be in full force and effect in the unincorporated area of Wagoner County, Oklahoma that is within the jurisdiction of the Coweta Metropolitan Area Planning Commission. Property owned, leased, or operated by the City of Coweta, Wagoner County or any other public or governmental body or agency, shall be subject to the terms of this code.**

#### **(b) De-annexed Territory**

**When any territory shall be brought into the zoning jurisdiction of this code by de-annexation or otherwise, such territory shall be deemed to be an (AG) agriculture district.**

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CHAPTER 2

GENERAL PROVISIONS

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**SECTION 200 ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED**

The zoning district and supplemental zoning districts set forth below are hereby established. The district symbol is in the column to the left.

AG	Agriculture District
RS-0	Residential Single-Family Very low Density District
RS-1	Residential Single-Family low Density District
RS-2	Residential Single-Family Medium Density District
RS-3	Residential Single-Family High Density District
RD	Residential Duplex District
RM-1	Residential Multi-Family District
RMHS-1	Residential Mobile Home Subdivision District low Density
RMHS-2	Residential Mobile Home Subdivision Medium Density
RMHP	Residential Mobile Home Park District
O	Office low Intensity District
CN	Neighborhood Commercial District
CG	Commercial General District
IL	Light Industrial District
IM	Medium Industrial District
IH	Heavy Industrial District
PUD	Planned Unit Development

**SECTION 202 OFFICIAL ZONING MAP ESTABLISHED**

The locations and boundaries of the various districts as defined herein shall be established by resolution and shall be shown and delineated on the official zoning map of Coweta metropolitan area. The official zoning map shall be maintained by the inspection officer of Wagoner County, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the official zoning map or for any reference to the official zoning map.

**SECTION 203 DISTRICT BOUNDARY DESCRIPTIONS AND INTERPRETATION**

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the official zoning map. When a map is used, district boundary lines shall be established by dimensions, property lines, recorded lot lines, or the centerline of abutting street, alley, or railroad rights-of-way, as the same were of record at the time of adoption. In all cases where there is doubt as to the exact location of district boundary lines, the same shall be determined by the board of adjustment.

**SECTION 204 LIMITATIONS ON LAND USE**

No person, firm or corporation shall use or permit to be used any land or buildings, nor shall any person, firm or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure or improvement, which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the district in which such land, building, structure or improvement is located except as provided by chapter 18, nonconformities. Nothing in this code shall be deemed to require a change in the plans, construction, or designated use of any building, where a building permit has been lawfully issued prior to the effective date of this code, and pursuant to such permit, construction is diligently carried to completion. Upon completion, such building or use shall be deemed nonconforming and may continue as regulated by chapter 18, nonconformities.

**SECTION 205 DIVISION OF LOTS**

A lot shall not hereafter be divided into two or more lots, unless all lots resulting from such division conform to all the applicable regulations of the zoning district in which located.

**SECTION 206 STREET FRONTAGE REQUIRED**

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 feet of frontage on a public street or dedicated right-of-way accepted by the county for maintenance, except a substandard lot of record or lot within an approved planned unit development.

**SECTION 207 ONE SINGLE-FAMILY PER LOT OF RECORD**

Not more than one single-family or mobile home dwelling may be constructed or placed on a lot, except in the case of a lot which is within an approved planned unit development or mobile home dwelling placed in an approved mobile home park.

**SECTION 208 HOME OCCUPATIONS**

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

- (a) **Location:** Home occupations shall be conducted only within principal structures.
- (b) **Area:** An area equal to not more than twenty-five (25%) percent of the floor area of the principal structure may be utilized for home occupational purposes.
- (c) **Employees:** Only person's resident of the premises may be employed.
- (d) **Merchandise:** The home occupation shall not involve the retail sale of merchandise manufactured off the premises.
- (e) **Visibility of Merchandise:** No merchandise shall be displayed in such a manner as to be visible from off the premises.
- (f) **Outdoor Storage:** No outdoor storage shall be allowed in connection with any home occupation.
- (g) **Maintenance of Residential Character:** No alternation of the residential character of the premises may be made.
- (h) **Signs:** No signs visible from outside the lot relating to home occupations shall be allowed.
- (i) **Parking:** Off-street parking shall be provided in accordance with requirements of Chapter 16.
- (j) **No mechanical equipment shall be used which creates a noise, dust, odor, or electrical disturbance.**

**SECTION 209 NEIGHBORHOOD GROUP HOME**

1. **Must be licensed by the State of Oklahoma, Oklahoma State Health Department and meet contraction standards of the State of Oklahoma, Department of Human Services for group homes for mentally retarded persons.**
2. **No building may be occupied after the effective date of this code until a zoning automatically upon revocation of the state license.**

3. No signs advertising the neighborhood group home shall be permitted on the lot.
4. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.
5. To avoid clustering, a neighborhood group home shall be located on a lot within ½ Mile (2,640 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention/correctional facility.

#### **SECTION 210 FAMILY DAY CARE HOMES**

1. Must be licensed by the State of Oklahoma Department of Human Services.
2. A maximum of five (5) children, including those pre-school children under five years of age who reside in the residence, may be cared for in the home.
3. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver as required by the standards for Family Day Care Homes adopted by the Oklahoma Department of Human Services.
4. No signs advertising the Family Day Care Home shall be permitted on the lot.
5. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.

#### **SECTION 211 COMMUNITY GROUP HOME**

1. Must be licensed by the State of Oklahoma, Oklahoma State Health Department and meet contracting standards of the State of Oklahoma, Department of Human Services for group homes for mentally retarded persons.
2. No building may be occupied after the effective date of this code until a zoning clearance permit is obtained. This permit will be revoked automatically upon revocation of the state license.
3. No signs advertising the community group home shall be permitted on the lot.
4. No exterior alterations of the dwelling or any customary accessory character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.



5. To avoid clustering, a community group home shall not be located on a lot within one mile (5,280 Feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention/correctional facility.

#### **SECTION 220 HEIGHT EXECPTIONS**

The following structures shall not be subject to the height limitations of the district in which they are located:

- (a) Farm buildings and structures.
- (b) Belfries, chimneys, cupolas, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.
- (c) Ground and structure-supported accessory antennas and aerials, including elevating structures (poles and towers), which do not exceed a total aggregate height of sixty (60) feet above the natural land grade and which meet the following requirements:
  1. No Portion of the antenna, aerial, elevating structure or any anchor or guy line may encroach upon the land area or airspace of any adjoining or abutting property;
  2. In a residential district no portion of the antenna, aerial, elevating structure, or any anchor or guy line, may extend beyond the front yard building setback line or extend into any established front yard or into any side yard;

Provided that:

1. Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any city, county, state or federal governmental entities;
2. Non-guyed, Omni-directional, single element vertical antennas not exceed one hundred twelve (112) inches in height, and not exceeding one and three-fourths (1  $\frac{3}{4}$ ) inches outside diameter shall be permitted in addition to the sixty (60) foot aggregate height limitation;
3. The restrictions established by this section may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

#### **SECTION 230 LOT AREA AND WIDTH EXCEPTIONS**

The lot area and width requirements of the zoning districts shall not apply to public protection and utility facilities, other than fire protection and ambulance services.

## **SECTION 240 YARDS**

### **240.1 Compliance with Yard Requirements**

**Except as otherwise provided, required yards shall be open and unobstructed from the ground to the sky. Yards provided for a building, for the purpose of complying with the provisions of the code, shall not be considered the yard for any other building, and yards provided for a lot shall not be considered the yard of any other lot.**

### **240.2 Permitted Yard Obstructions**

**Obstructions are permitted in required yards as follows:**

- (a) Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two (2) feet into a required yard.**
- (b) Fire escapes may project not more than four and one-half (4 ½) feet into a required yard.**
- (c) Fences, hedges, plant materials and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the City of Coweta traffic code. Fences and walls within yards shall not exceed a height of eight (8) feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four (4) feet. The Board of Adjustment, as a special exception, may modify these limitations.**
- (d) Signs which are permitted as accessory uses in residential districts may be located within any yard which is bounded by a public street.**
- (e) In the R districts detached accessory buildings may be located in a rear yard provided the accessory buildings in the aggregate do not cover more than twenty (20%) percent of the rear yard or exceed six hundred (600) square feet of floor area, whichever is less and do not encroach on any utility easement.**
- (f) Swimming pools, tennis courts, and fallout shelters.**
- (g) Mobile home hitches.**
- (h) Customary accessory structures, such as clotheslines, barbecue pits, playground equipments.**
- (i) Carports by special exception requiring Board of Adjustment approval.**

### **240.3 Use of Yards in R Districts**

**No inoperative or unlicensed motor vehicles or trailers requiring licensing for use on public roads shall be parked or stored within an R district, except in a completely enclosed building. No vehicle shall be parked except on a hard surface area constructed of an all-weather material.**

## **SECTION 241 EXISTING BUILDING ENCROACHMENT ON FRONT YARDS OR BUILDING SETBACKS**

Where an existing building or buildings on the same side of the street and within the same block encroach on the required front yard or building setback, the required front yard or building setback for new construction shall be established as follows:

- (a) If the proposed building is to be located more than two hundred (200) feet from an encroaching building, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (b) If the proposed building is to be located between adjacent buildings which conform to the required front yard or building setback, or between a conforming building and an intersection street, the proposed building shall conform to the front yard or setback established for the district in which the proposed building is to be located.
- (c) If the proposed building is to be located within two hundred (200) feet of encroaching buildings on both sides and there are no intervening buildings, the front yard or building setback shall be the average of the front yard or setback of the two nearest front corners of the encroaching buildings.
- (d) If the proposed building is to be located within two hundred (200) feet of an encroaching building on one side, but not both sides, and there are no intervening buildings, the front yard or building setback shall be the average of the otherwise required front yard or setback and the setback of the nearest front corner of the encroaching building.

Provided, however, that the application of (c) or (d) above, the front yard or building setback shall not be reduced to less than five (5) feet plus  $\frac{1}{2}$  of the right-of-way width designated on the Major Street Plan for the abutting street, or five (5) feet plus twenty five (25) feet if the street is not designated on the Major Street Plan.

## **SECTION 250 SCREENING WALL OR FENCE**

### **250.1 Specifications**

For the purpose of maintaining a compatible relationship between certain land uses, a screening requirement is hereby established for the initiation and continuance of particular uses in such instances as may be hereinafter designated.

When the provisions of this code require the construction of a screening wall or fence as a condition for the initiation and subsequent continuance of a use, the screening wall or fence:

- (a) Shall be constructed with customarily used fencing materials which are compatible with the surrounding area, and shall be designed and arranged to provide visual separation of uses irrespective of vegetation;

- (b) Shall not be less than six (6) feet in height;
- (c) Shall be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
- (d) Shall be erected prior to the occupancy of the building or initiation of the use required to be screened.

**250.2 Maintenance**

The screening wall or fence shall be maintained by the owner of the lot containing the use required to construct the screening. Failure to maintain after notice by the Building Inspector shall constitute an offense hereunder.

**250.3 Modification of the Screening Wall or Fence Requirements**

The Board of Adjustment, as a Special Exception, may:

- (a) Modify or remove the screening requirement where existing physical features provide visual separation of uses,
- (b) Modify the screening requirement where an alternative screening will provide visual separation of uses,
- (c) Grant an extension of time to erect a screen where properties which are to be benefitted by the screen are undeveloped, and
- (d) Remove the screening requirement where the purposes of the screening requirement cannot be achieved, or is prohibited by other ordinances and/or regulations.

**250.4 Location where screening walls or fences are required**

Any use in a zoning district in column A is required to erect and maintain a screening wall or fence along the lot line or lines abutting any district in column B if the use is not allowed as a Permitted Principal Use in the districts in Column B.

**Column A**

Any use in RM-1, RMHS-1, RMHS-2, RMHP, O, CN, CG, IL, IM, IH

Any use in O, CN, CG, CH, IL, IM, IH

**Column B**

RS-O, RS-1, RS-2, RS-3, and RD

RM-1, RMHS-1, RMHS-2 and RMHP

“The Coweta Metropolitan Area Major Street and Highway Plan,” hereinafter referred to as “The Major Street Plan” as adopted by the Wagoner County Board of Commissioners on \_\_\_\_\_ or as it may hereinafter be amended by ordinance is hereby adopted by reference and made a part hereof.

**SECTION 270 STRUCTURE SETBACK FROM ABUTTING STREETS**

The structure setback from abutting streets shall be as provided for in each zoning district. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than ½ of the right-of-way designated on the Major Street Plan.

**SECTION 280 CODE OF ETHICS**

Any member of the Wagoner County Board of Commissioners, Planning Commission, or Board of Adjustment to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning this code should not be a participant in that action. The possibility, not the actuality, of a conflict should govern. The individual experiencing a conflict of interest should declare his interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual should not discuss the matter with a fellow official for the purpose of influencing a decision thereon.

**SECTION 290 SATELLITE COMMUNICATION ANTENNAS**

Satellite antennas are regulated as follows:

- (a) Satellite antennas are a permitted use in an RS, RD, RMHS, RMHP, or RM-1 district, provided it meets the following standards:
  - 1. Shall be ground mounted.
  - 2. Shall be located in the rear yard only and shall be setback from the property line(s) one foot for every foot of height.
  - 3. Shall not exceed thirteen (13) feet in height at the grade where it is mounted.
  - 4. Not permitted as a principal use on the lot.
- (b) Satellite antennas are permitted as a matter of right in all other O, C, and I districts, provided if the antenna is to be located on a lot which abuts a residential district, the antenna shall be setback from the common property boundary two (2) feet for every one foot of height above grade.
- (c) Satellite antennas which do not meet the standards as set forth above shall require approval of a Special Exception by the Board of Adjustment.
- (d) Satellite antennas which have been installed prior to the effective date of this code shall be permitted to continue notwithstanding any provision herein to the contrary.

## **SECTION 291 FLOODPLAIN REGULATIONS**

No zoning clearance permit shall be issued for any activity regulated under this ordinance unless that activity complies with the Wagoner County Flood Damage Prevention Ordinance Code, as amended.

## **SECTION 292 SOLID WASTE DISPOSAL**

Solid waste disposal shall be completely enclosed by a six (6) foot high fence in accordance with Section 250. A gate for ingress and egress shall be permitted. A screen wall in accordance with Section 250 shall be erected where a solid waste disposal plant abuts a public street or road or where it can be seen from a residential development, which fact shall be determined by the Inspection Officer. The fence shall be set back at least ninety (90) feet from the center line of any abutting major thoroughfares and at least ten (10) feet from the street line of such thoroughfares. No temporary or permanent building shall be erected within required setback. All solid waste disposal areas shall be located at least one thousand (1,000) feet from any platted residential subdivision, existing residence or public school, except as noted below.

- (a) **Operation of Site** – Access roads to the operation shall be maintained in a dust free condition by surfacing or other treatment. All areas not specifically being worked by the actual digging and filling operation shall be maintained in a dust free condition by surfacing, sodding, or other treatment, i.e., when a trench is dug and subsequently filled, it will be immediately treated to dust free condition while work on the next trench is in process. Dust shall be minimized on the actual working area by wetting or other treatment.

An attendant shall be on duty at all times while hauling and dumping is in process to keep trash blowing at a minimum. When an attendant is not present, the area will be closed to all dumping. The stockpiling of trees, lumber, paper and other burnable materials for subsequent burning shall be prohibited. The waste materials shall be covered at the end of each day and scatterings adequately policed to prevent blowing.

- (b) **Industrial Waste Disposal** – Industrial waste is defined as refuse products, either solid or liquid, which are to be discarded by the producer, and which are toxic to human, animal, aquatic or plant life and which are produced in such quantity that they cannot be safely disposed of in properly operated state approved sanitary landfills, waste or sewage treatment facilities. Controlled industrial waste may include, but is not limited to, explosives, flammable liquids, spent acids, caustic solutions, poisons, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals, infectious materials, and materials such as paper, metal, cloth or wood which are contaminated with controlled industrial waste.

An industrial waste disposal site shall not be less than one hundred sixty (160) acres in size and no other industrial waste disposal site shall be nearer than one (1) mile five thousand two hundred eighty (5,280) feet in any direction from the proposed industrial waste disposal site. The site will be as nearly square as possible.

**All operation of actual disposal site shall be confined to as near the center of the site as practical and in no case in violation of any Oklahoma State Department of Health Rules and Regulations or in violation of any other regulatory requirements. The operator of the industrial waste disposal site shall own in fee both the land (surface) and the minerals.**

**The operator shall file with the Planning Commission a comprehensive drainage spill protection plan which will clearly and specifically detail the permanent and emergency measures and permanent structures to be installed to protect the drainage area and all adjacent drainage areas from any contamination by industrial waste. The site operation plan, filed with the Oklahoma State Department of Health, may be used as a basis for this plan and added to if necessary to meet the requirements of this section.**

**All industrial waste disposal sites shall be located at least one (1) mile from any platted residential subdivision, existing residence or public school. All technical criteria of the industrial waste disposal site shall be controlled by the Oklahoma State Department of Health.**

#### **SECTION 293 EXEPTIONS FROM ZONING REGULATIONS**

**The zoning power conferred herein shall not apply to the erection or use of the usual farm buildings for agricultural purposes or to the planting of agricultural crops, nor to the extraction of oil or natural gas; nor shall the provision of this code apply to any lands which, as of the effective date hereof, (a) are devoted to manufacturing and/or industrial use, or (b) have been acquired by any owner for expansion of facilities devoted to manufacturing and/or industrial use, so long as such use or ownership continues; nor shall the provisions of this code apply to the acquisition of property or easements for or the installation, construction, maintenance or use of structures, facilities and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar state or federal body.**

**CHAPTER 3**

**AG – AGRICULTURE DISTRICT**

<b>300</b>	<b>General Description</b>
<b>310</b>	<b>Permitted Principal Uses</b>
<b>320</b>	<b>Permitted Accessory Uses and Structures</b>
<b>330</b>	<b>Uses Permitted by Special Exception</b>
<b>340</b>	<b>Minimum Yard Requirements</b>
<b>350</b>	<b>Minimum Lot Area</b>
<b>360</b>	<b>Minimum Lot Width and Frontage</b>
<b>370</b>	<b>Maximum Height of Structures</b>

**SECTION 300 GENERAL DESCRIPTION**

**This district is intended to offer protection to agricultural land within Wagoner County from the depreciating affects of objectionable, hazardous, and unsightly uses and, at the same time, prevent untimely scattering of more dense urban development. The types of uses and intensity of use of lands which are authorized in this district are designed to encourage and protect all agricultural uses until urbanization is warranted, and the appropriate changes in district classification are made.**

**SECTION 310 PERMITTED PRINCIPAL USES**

**Property and building in an AG Agricultural district shall be used only for the following purposes:**

- (a) Any use permitted in the RS-1 or RS-2 Single Family Residential district.**
- (b) Church, rectories, convents, parish houses, halls and other religious uses.**
- (c) Public school or school offering general education courses the same as ordinarily given in the public schools and having no rooms regularly used for housing and/or shopping.**
- (d) General farming and ranching operations, including hay barns.**
- (e) Roadside sales stand; provided;**
  - 1. Only products raised on the premises shall be sold in such stand.**
  - 2. Such stands shall be of a temporary nature and shall not be constructed as a permanent structure; the stand shall be removed during winter months.**
  - 3. The stand shall be set back from the front property line an adequate distance to permit parking and ingress and egress; and shall not be constructed in such a location as to create an undue traffic hazard.**



- (f) Country clubs and golf courses, excluding miniature golf courses and driving ranges.
- (g) Municipal use, public building, and public utility.
- (h) Public park or playground.
- (i) Oil well or gas well, including the drilling thereof.
- (j) Business signs or outdoor advertising subject to the provisions of Chapter 17.
- (k) Servant or caretaker's quarters.
- (l) Water reservoir.
- (m) Neighborhood group home subject of the provisions of Section 209.
- (n) Foster home.
- (o) Cemetery.
- (p) Mobile home dwelling on individual lot.

#### **SECTION 320 PERMITTED ACCESSORY USES AND STRUCTURES**

Accessory uses and structures customarily incident to a permitted principal use in the Agriculture district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- (a) Fallout and/or storm shelter.
- (b) Home occupation subject to the provisions of section 208.
- (c) Signs subject to the provisions of Chapter 17.
- (d) Family day care home, subject to the provisions of Sections 210.

#### **SECTION 330 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Advertising signs.
- (b) Sewer lagoon.
- (c) Public stable or riding academy.
- (d) Community group home subject to the provisions of Section 211.

**SECTION 340 MINIMUM YARD REQUIREMENTS**

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty five (35) feet.
- (b) **Side yard** – All buildings shall be setback from the side lot line to comply with the following side yard requirements.
  - 1. For principal buildings on interior lots, there shall be a minimum side yard of twenty (20) feet.
  - 2. For unattached accessory buildings on an interior lot there shall be a minimum side yard of ten (10) feet.
  - 3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty five (25) feet if not designated on the Street Plan, to a setback distance of twenty five (25) feet. The interior side yard requirements shall be the same as in (1) and (2) above.
- (c) **Rear yard** – There shall be a rear yard for principal buildings of not less than twenty five (25) feet. Unattached accessory buildings may be located in the rear yard, but shall be setback at least ten (10) feet from the rear property line or outside any utility easement, whichever is greater.

**SECTION 350 MINIMUM LOT AREA**

The minimum lot area for uses permitted by right or special exception is two (2) acres or the land area required by the County Health Department, whichever is greater.

**SECTION 360 MINIMUM LOT WIDTH AND FRONTAGE**

- (a) The minimum lot width for uses allowed in the Agriculture District is two hundred (200) feet.
- (b) All lots shall abut on a street for a distance of not less than thirty (30) feet.

**SECTION 370 MAXIMUM HEIGHT OF STRUCTURES**

Except as hereinafter provided in Section 220, no structure shall exceed forty (40) feet in height.

**CHAPTER 4**

**RS-O, RS-1, RS-2 AND RS-3 RESIDENTIAL SINGLE FAMILY**

<b>400</b>	<b>General Description</b>
<b>410</b>	<b>Permitted Principal Uses</b>
<b>420</b>	<b>Permitted Accessory Uses and Structures</b>
<b>430</b>	<b>Uses Permitted by Special Exception</b>
<b>440</b>	<b>Minimum Yard Requirements</b>
<b>450</b>	<b>Minimum Lot Area</b>
<b>460</b>	<b>Minimum Lot Width and Frontage</b>
<b>470</b>	<b>Minimum Height of Structures</b>

**SECTION 400 GENERAL DESCRIPTION**

The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

**SECTION 410 PERMITTED PRINCIPAL USES**

Principal uses permitted in the RS-O, RS-1, RS-2, and RS-3 Residential Single Family districts are as follows:

- (a) Detached single family dwellings.
- (b) General purpose farm or garden, but not the raising of livestock or poultry.
- (c) Temporary buildings used specifically for construction purposes only, (not for living purposes) which shall be removed upon completion or abandonment of construction work.
- (d) Foster home.
- (e) Neighborhood group home subject to the provisions of Section 209.

**SECTION 420 PERMITTED ACCESSORY USES AND STRUCTURES**

Accessory uses and structures customarily incident to a permitted principal use in Residential Single Family districts are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- (a) Fallout and/or storm shelter.
- (b) Home occupation, subject to the provisions of Section 208.

- (c) Signs subject to the provisions of Chapter 17.
- (d) Family day care home, subject to the provisions of Section 210.

**SECTION 430 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Municipal use, public building or public utility which holds the right of eminent domain.
- (b) Public school or school offering general educational courses, the same as ordinarily given in a public school and having no rooms regularly used for housing or sleeping.
- (c) Public library.
- (d) Golf course, but not including miniature golf courses or driving ranges.
- (e) Private recreational clubs and recreational areas operated by membership organizations for the benefit of their members and not for gain or profit.
- (f) Church.
- (g) Cemetery, not including animal cemeteries.
- (h) In the RS-3 district only: one family mobile home on an individual lot.
- (i) Community group home subject to the provisions of Section 211.
- (j) Day Nursery.

**SECTION 440 MINIMUM YARD REQUIREMENTS**

- (a) Front yard – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, and ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or 25 feet if not designated on the Street and Highway Plan, to the appropriate distance shown below:

<u>District</u>	<u>Arterial Streets</u>	<u>Non-Arterial Streets</u>
RS-O	35 feet	35 feet
RS-1	35 feet	35 feet
RS-2	35 feet	25 feet
RS-3	35 feet	25 feet

1. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) **Side yard** – All buildings shall be setback from the side lot line to comply with the following side yard requirements:

1. for dwellings located on an interior lot, there shall be a minimum side yard as follows:

RS-O:	15 feet
RS-1:	10 feet
RS-2:	5 feet
RS-3:	5 feet

2. For unattached buildings accessory to residential uses on an interior lot there shall be a minimum side yard of five (5) feet.

3. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Major Street and Highway Plan, or twenty five (25) feet if not designated on the Street Plan, to the appropriate distance shown below:

<u>District</u>	<u>Arterial Streets</u>	<u>Non-Arterial Streets</u>
RS-O	35 feet	25 feet
RS-1	35 feet	20 feet
RS-2	20 feet	15 feet
RS-3	20 feet	15 feet

The interior side yard requirements shall be 1) for dwellings and accessory buildings, the same as in (1) and (2) above; and 2) for all other principal or accessory building, the same as in (4) below.

4. For all other principal or accessory buildings on an interior lot there shall be a minimum Setback as follows:

RS-O:	25 feet
RS-1:	25 feet
RS-2:	20 feet
RS-3:	15 feet

(c) **Rear yard** – There shall be a rear yard for principal buildings of not less than the following:

RS-O:	30 feet
RS-1:	25 feet
RS-2:	20 feet
RS-3:	15 feet

Unattached buildings of accessory uses may be located in the rear yard, but shall be setback at least ten (10) feet from the rear property line or outside any utility easement, whichever is greater.

**SECTION 450 MINIMUM LOT AREA**

(a) For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:

- RS-O: 1 acre
- RS-1: 22,500 square feet
- RS-2: 10,000 square feet
- RS-3: 6,000 square feet

(b) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for any of uses, except churches, permitted by this section.

(c) For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yards required by this section and the off street parking areas required in Chapter 16.

(d) There shall be no more than one (1) dwelling unit and one (1) use per lot in the Single Family Residential districts.

**SECTION 460 MINIMUM LOT WIDTH AND FRONTAGE**

(a) For dwellings there shall be a minimum lot width at the front building line of the following:

- RS-O: 150 feet
- RS-1: 100 feet
- RS-2: 75 feet
- RS-3: 50 feet

(b) For uses other than dwellings, the lot width shall be adequate to provide the setbacks required in the Residential Single Family districts.

(c) All lots shall abut on a street for a distance of not less than the following:

- RS-O: 50 feet
- RS-1: 45 feet
- RS-2: 35 feet
- RS-3: 30 feet

**SECTION 470 MAXIMUM HEIGHT OF STRUCTURES**

No structures shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height.

**CHAPTER 5**

**RD RESIDENTIAL, TWO-FAMILY**

**500 General Description**  
**510 Permitted Principal Uses**  
**520 Permitted Accessory Uses and Structures**  
**530 Uses Permitted by Special Exception**  
**540 Minimum Yard Requirements**  
**550 Minimum Lot Area**  
**560 Minimum Lot Width and Frontage**  
**570 Maximum Height of Structures**

**SECTION 500 GENERAL DESCRITPION**

This residential district is designed to provide for a slightly higher population density than the RS districts, yet be compatible near single-family uses. This district is generally located adjacent to the high density multi-family district and provides a transition from the high density land uses to single family uses.

**SECTION 510 PERMITTED PRINIPAL USES**

Principal uses permitted in the RD residential, Two-family districts are as follows:

- (a) Any principal use permitted other than by special exception, in the RS-3 Residential Single Family district.
- (b) Two-Family dwellings.

**SECTION 520 PERMITTED ACCESSORY USES AND STRUCTURES**

Accessory uses and structures customarily incident to a permitted principal use in Residential Two Family district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- (a) Fallout and/or storm shelter.
- (b) Home occupation, subject to the provisions of Section 208.
- (c) Signs subject to the provisions of Chapter 17.
- (d) Family day care home subject to the provisions of Section 210.

**SECTION 530 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as Special Exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Any uses permitted by Special Exception in the RS-3 Single Family Residential district.

## SECTION 540 MINIMUM YARD REQUIREMENTS

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty five (35) feet on arterial streets and twenty five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- (b) **Side yard** – All buildings shall be setback from the side lot line to comply with the following side yard requirements:
- 1) For dwellings located on an interior lot, there shall be a minimum side yard of five (5) feet.
  - 2) For unattached buildings accessory to residential uses on an interior lot there shall be a minimum side yard of five (5) feet.
  - 3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Major Street and Highway Plan, or twenty five (25) feet if not designated on the Street Plan, to a setback of twenty (20) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard requirements shall be for dwellings and accessory buildings, the same as in (1) and (2) above; for all other principal or accessory building, the same as (4) below.
  - 4) For all other principal or accessory buildings on an interior lot there shall have a minimum setback of fifteen (15) feet.
- (c) **Rear yard** – There shall be a rear yard for principal buildings of not less than fifteen (15) feet.

Unattached buildings of accessory uses may be located in the rear yard, but shall be setback at least five (5) feet from the rear property line or outside any utility easement, whichever is greater.

## SECTION 550 MINIMUM LOT AREA

- (a) For each residential structure and buildings accessory thereto, there shall be a lot area of not less than:
- 1) For Single Family dwelling: 5,000 sq. ft.
  - 2) For Two-Family dwelling: 8,000 sq. ft.
- (b) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective



date of this ordinance, that lot may be used for any of the uses, except churches, permitted in the RS-1 district.

- (c) For churches and main accessory buildings, other than a dwelling and buildings accessory to the dwelling, the lot area shall be adequate to provide the minimum yard areas required by this section and the off-street parking areas required in Chapter 16.

**SECTION 560 MINIMUM LOT WIDTH AND FRONTAGE**

- (a) For residential structures there shall be a minimum lot width at the front building line of the following:
  - 1) for Single Family dwellings: 50 feet
  - 2) for Two-Family dwellings: 80 feet
- (b) For uses other than dwellings, the lot width shall be adequate to provide the minimum side yards required in the Residential Two-Family district.
- (c) All lots shall abut on a street for a distance of not less than the following:
  - 1) for Single Family dwellings: 30 feet
  - 2) for Two-Family dwellings: 40 feet

**SECTION 570 MAXIMUM HEIGHT OF STRUCTURES**

No structures shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height.

## CHAPTER 6

### RM-1 RESIDENTIAL MULTI-FAMILY

<b>600</b>	<b>General Description</b>
<b>610</b>	<b>Permitted Principal Uses</b>
<b>620</b>	<b>Permitted Accessory Uses and Structures</b>
<b>630</b>	<b>Uses Permitted by Special Exception</b>
<b>640</b>	<b>Minimum Yard Requirements</b>
<b>650</b>	<b>Minimum Lot Area</b>
<b>660</b>	<b>Minimum Lot Width</b>
<b>670</b>	<b>Maximum Height of Structures</b>

#### SECTION 600 GENERAL PRINCIPAL DESCRIPTION

The RM-1 Multi-Family Residential district is provided to allow medium to high population density along with religious, recreational and educational facilities. The district is generally located adjacent to the commercial districts and permits a transition to the Single Family Residential districts.

#### SECTION 610 PERMITTED PRINCIPAL USES

Principal uses permitted in the RM-1 Residential, Multi-Family district are as follows:

- (a) Any principal use permitted other than by Special Exception, in RS-3 or RD Residential districts.
- (b) Multi-Family dwellings, apartments, boarding or rooming houses.
- (c) Rowhouses and townhouses within a planned unit development.
- (d) Community group home subject to the provisions of Section 211.
- (e) Elderly/Retirement housing, life care retirement center, rest home, nursing home or convalescent home licensed by the State of Oklahoma.
- (f) Convent, monastery or novitiate.

#### SECTION 620 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures customarily incident to a permitted principal use in the Residential Single Family district are permitted in such districts. In addition, the following uses are permitted as accessory uses:

- (a) Fallout and/or storm shelter.
- (b) Home occupations, subject to the provisions of Section 208.

(c) **Roomers and Boarders.**

In a dwelling unit occupied as a private residence, one or more rooms may be rented or table board furnished, to not more than: (a) two persons who are non members of the family occupying said premises as a permitted accessory use; or: (b) more than two persons by special exception requiring Board of Adjustment approval. However, in either case, no window display or sign board shall be used to advertise such use.

(d) **Signs subject to the provisions of Chapter 17.**(e) **Family day care home subject to the provisions of Section 210.****SECTION 630 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as Special Exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Any use permitted by Special Exception in the RS-1, RS-2, RS-3, or RD Residential District.
- (b) Social services facilities.
- (c) Medical facilities, other than those allowed as permitted uses in the district.
- (d) High rise apartments.
- (e) Fraternal organization facilities.
- (f) Any public building erected and used by any department of city, county, state or federal government.
- (g) Institutions of a religious, educational or philanthropic nature.
- (h) Any use permitted as a Special Exception in the RS-3 Single Family Residential district.
- (i) Emergency and protective shelter.

**SECTION 640 MINIMUM YARD REQUIREMENTS**

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan, to a setback of thirty five (35) feet on arterial streets and twenty five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- (b) **Side yard** – All buildings shall be setback from the side lot line to comply with the following side yard requirements:

- 1) For buildings located on an interior lot, there shall be a minimum side yard on both sides of the building of five (5) feet for single and two family dwellings and ten (10) feet plus five (5) feet for each additional story or part thereof over one for all other principal structures.
- 2) For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet.
- 3) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add  $\frac{1}{2}$  of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty five (25) feet if not designated on the Street Plan, to a setback of twenty (20) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard shall be the same as for structures on interior lots.

(c) **Rear yard** – There shall be a rear yard for principal buildings of not less than twenty (20) feet and for garage apartments or detached accessory buildings five (5) feet from the utility easement or ten (10) feet from the rear property line, whichever is greater.

#### SECTION 650 MINIMUM LOT AREA

(a) For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:

- 1) 5,000 square feet: for single family dwelling;
- 2) 7,000 square feet: for two family dwelling;
- 3) 2,500 square feet: for each dwelling in a multi-family dwelling.

(b) For other principal uses except dwellings, the lot area shall be adequate to provide the minimum yard requirements of Section 640 and the off-street parking required in Chapter 16.

#### SECTION 660 MINIMUM LOT WIDTH AND FRONTAGE

(a) For dwellings there shall be a minimum lot width at the front building line of the following:

- 1) 50 feet for single family dwellings on individual lots.
- 2) 70 feet for two family dwellings on individual lots.
- 3) 75 feet plus an additional five (5) feet for each additional dwelling over three (3), but in no case greater than 200 feet for multi-family dwellings or group developments other than townhouses or rowhouses.

(b) For uses other than dwellings, the lot width shall be adequate to provide the minimum side yards required in the Residential Multi-Family district.

(c) All lots shall abut on a street for a distance of not less than the following:

- 1) 30 feet for single family dwellings on individual lots.
- 2) 35 feet for two-family dwellings on individual lots.
- 3) 35 feet plus an additional two (2) feet for each additional dwelling over three (3) but in no case greater than 100 feet for multi-family dwellings or group developments including townhouses and rowhouse developments.

**SECTION 670 MAXIMUM HEIGHT OF STRUCTURES**

No structures shall exceed three (3) stories or forty (40) feet in height.

27  
CHAPTER 7

**RMHS-1 AND RMHS-2 – RESIDENTIAL, MOBILE HOME SUBDIVISION**

<b>700</b>	<b>General Description</b>
<b>710</b>	<b>Permitted Principal</b>
<b>720</b>	<b>Permitted Accessory Uses and Structures</b>
<b>730</b>	<b>Uses Permitted by Special</b>
<b>740</b>	<b>Minimum Yard Requirements</b>
<b>750</b>	<b>Minimum Lot Area</b>
<b>760</b>	<b>Minimum Lot Width and Frontage</b>
<b>770</b>	<b>Maximum Height of Structures</b>
<b>780</b>	<b>Minimum District Size</b>

**SECTION 700 GENERAL DESCRIPTION**

This zoning district is intended to provide for an alternate dwelling type to conventional single family housing. The purpose of this district is to provide a residential subdivision for mobile homes and modular housing units which are not generally compatible with conventional single family homes. This district provides for individual lots which the home is situated. A minimum zoning district size is established to assure that a desirable residential environment is created and to provide separation from neighboring conventional housing areas. The requirements established in this district are intended to encourage site and development plans which will maximize compatibility between mobile home developments and developments on adjoining land, and to protect and enhance the mobile home site and its environs.

**SECTION 710 PERMITTED PRINCIPAL USES**

Principal use permitted in the RMHS Residential, Mobile Home Subdivision district are as follows:

- (a) Any principal use permitted, other than by Special Exception, in the RS-3 Residential Single Family District.
- (b) One family single, double or triple wide mobile homes or modular homes located on individual lots, placed on permanent foundations, tied-down according to county regulations, with all hitches, wheels and axles removed and the area under the home completely enclosed.

**SECTION 720 PERMITTED ACCESSORY USES AND STRUCTURES**

Accessory uses and structures customarily incident to a permitted principle use in Residential Mobile Home Subdivision (RMHS) district are permitted in such district. In addition, the following uses are permitted as accessory uses:

- (a) Those accessory uses allowed in the RS-3 Residential, Single Family district.
- (b) Signs subject to the provisions of Chapter 17.

**SECTION 730 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as special exceptions in the RS-1 Residential Single Family district.

**SECTION 740 MINIMUM YARD REQUIREMENTS**

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty five (35) feet on arterial streets and twenty five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

- (b) **Side yard** – All buildings shall be setback from the side lot line to comply with the following side yard requirements:

- 1) For dwellings and unattached buildings accessory thereto located on an interior lot, there shall be a minimum side yard of:

RMHS-1: 10 feet

RMHS-2: 5 feet

- 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan or twenty five (25) feet if not designated on the Street Plan, to a setback distance of twenty five (25) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard requirements shall be the same as for structures on interior lots.
- 3) For all other principal buildings and unattached buildings accessory thereof, there shall be a minimum setback of fifteen (15) feet.

- (c) **Rear yard** – There shall be a rear yard for principal buildings of not less than:

RMHS-1: 25 feet

RMHS-2 20 feet

Unattached buildings of accessory uses may be located in the rear yard, but shall be setback at least five (5) feet from the rear property line or outside any utility easement, whichever is greater.

**SECTION 750 MINIMUM LOT AREA**

(a) For each dwelling and buildings accessory thereto, there shall be a lot area of not less than:

- RMHS-1: 22,500 square feet
- RMHS-2: 10,000 square feet

(b) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for the placement of one dwelling unit if required yard requirements are met.

(c) For principal and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the minimum yards required by this Chapter and the off street parking areas required in Chapter 16.

**SECTION 760 MINIMUM LOT WIDTH AND FRONTAGE**

(a) For dwellings there shall be a minimum lot width at the front building line of:

- RMHS-1: feet
- RMHS-2: feet

(b) For uses other than dwellings, the lot width shall be adequate to provide the minimum yard requirements of this Chapter.

(c) All lots shall abut a street for a distance of not less than thirty (30) feet.

**SECTION 770 MAXIMUM HEIGHT OF STRUCTURES**

No structures shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

**SECTION 780 MINIMUM DISTRICT SIZE**

No new RMHS-2 district may be established which contains less than two (2) acres.



## CHAPTER 8

## RMHP – RESIDENTIAL – MOBILE HOME PARK

800	General Description
810	Permitted Principal Uses
820	Permitted Accessory Uses and Structures
830	Uses Permitted by Special Exception
840	Minimum Yard Requirements
850	Minimum Lot and Space
860	Minimum Lot Width and Frontage
870	Maximum Height of Structures
880	Minimum District Size

## SECTION 800 GENERAL DESCRIPTION

This zoning district is intended to provide for mobile homes in a mobile home park as an alternate living style and dwelling type to conventional multi-family housing. The purpose of this district is to provide a grouping of mobile home sites within the setting of a mobile home park which has the necessary improvements and amenities to provide a suitable living environment for its residents. A minimum size for individual mobile home space is required so that overcrowding is prevented and minimum levels of privacy are maintained. A minimum mobile home park size is established to assure a desirable residential environment is created and to provide separation from neighboring conventional housing areas.

## SECTION 810 PERMITTED PRINCIPAL USES

Principal use permitted in the RMHP Residential, Mobile Home Park district are as follows:

- (a) One family single, double, or triple wide mobile homes or modular homes located on individual lots or in mobile home parks, tied down in accordance with county regulations.
- (b) Foster home.

## SECTION 820 PERMITTED ACCESSORY USES AND STRUCTURES

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Those uses permitted as Special Exceptions in the RS-1 Residential Single Family district.

- (b) Those uses allowed as Permitted Principal Uses in the RS-1 Residential, Single Family district.
- (c) Mobile home parks on tracts of three and one-half (3.5) acres or grater, but less than five (5) acres.
- (d) Family day care home subject to the provisions of Section 209.

**SECTION 840 MINIMUM YARD REQUIREMENTS**

- (a) A single mobile home on an individual lot shall comply with the minimum yard requirements of the RMHS Residential, Mobile Home Subdivision district.
- (b) For mobile home parks, all buildings, mobile homes or other structures shall comply with the following setbacks from the exterior boundaries of the mobile home park:
  - 1) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the center line of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) fee if not designated on the Street and Highway Plan, to the appropriate distance shown below.

<u>Arterial Streets</u>	<u>Non-Arterial Streets</u>
35 feet	25 feet

When a lot has double frontage, the front yard requirements shall be provided on both streets.

- 2) **Side yard** – All structures shall be setback from the side lot line to comply with the following side yard requirements:
    - i. For all structures located on an interior lot, there shall be a minimum side yard of fifteen (15) feet.
    - ii. On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback distance of twenty (20) feet on arterial streets and fifteen (15) feet on non-arterial streets. The interior side yard shall be the same as for structures or interior lots
  - 3) **Rear yard** – All structures shall be setback from the rear lot line not less than twenty (20) feet or to the edge of any utility easement, whichever is greater.
- (c) Interior spacing requirements for mobile home parks are as follows:

- 1) **Minimum separation between mobile homes or other structures – fifteen (15) feet.**
- 2) **Minimum internal street surface width – twenty-four (24) feet.**
- 3) **Minimum mobile homes setback from the centerline of a private internal street – twenty-seven (27) feet.**

**SECTION 850 MINIMUM LAND AREA**

- (a) **A single mobile home on individual lot area requirements of the RMHS Residential, Mobile Home Subdivision district.**
- (b) **A mobile home park shall comply with the following land area requirements.**
  - 1) **Minimum tract size – five (5) acres.**
  - 2) **Minimum land area per dwelling unit – five thousand eight hundred fifty (5,850) square feet.**
  - 3) **Minimum recreational area per dwelling unit – five hundred (500) square feet. Recreational areas shall be provided in common areas of not less than seven thousand five hundred (7,500) square feet, located so as to be conveniently accessible to the mobile homes it is intended to serve, and of appropriate shape and terrain for active recreational uses but not including any portion of an individual mobile home space. All recreational areas shall be maintained in a clean, safe, well groomed manner and such maintenance shall be the responsibility of the owner of the mobile home park.**
  - 4) **Minimum area of individual mobile home spaces, exclusive of streets, required off-street parking, and required recreational space – four thousand (4,000) square feet.**

**SECTION 860 MINIMUM WIDTH AND FRONTAGE REQUIREMENTS**

- (a) **A single mobile home on an individual lot shall comply with the width and frontage requirements of the RMHS Residential, Mobile Home district.**
- (b) **A mobile home park shall comply with the following requirements:**
  - 1) **Mobile home park tract shall have a minimum width of two hundred fifty (250) feet, with a minimum frontage on a public street of two hundred (200) feet.**
  - 2) **Minimum width of individual mobile home spaces is forty (40) feet.**
  - 3) **All individual mobile home spaces shall front on a private internal street, a minimum distance of twenty (20) feet and all access to off-street parking spaces shall be from internal streets.**

**SECTION 870 MAXIMUM HEIGHT OF STRUCTURES**

**No structures shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.**

**SECTION 880 MINIMUM DISTRICT SIZE**

**No new RMHP district may be established which contains less than five- (5) acres, except as provided under Section 830.**

## CHAPTER 9

## O – OFFICE AND INSTITUTIONAL

900	General Description
910	Permitted Principal
920	Permitted Accessory Uses and Structures
930	Uses Permitted by Special Exception
940	Minimum Yard Requirements
950	Minimum Lot Area and Intensity of Use
960	Minimum Lot Width and Frontage
970	Maximum Height of Structures

## SECTION 900 GENERAL DESCRIPTION

This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

## SECTION 910 PERMITTED PRINCIPAL USES

- (a) Offices.
- (b) Photography studios, art studios, art galleries, art sales, interior design studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- (c) Ethical Pharmacies, medical and dental laboratories, establishments for the fitting and sale of prosthetic devices.
- (d) Hospitals, medical and health related clinics.
- (e) Nursing homes, rest homes, convalescent homes, and homes for orphans licensed by the State of Oklahoma.
- (f) Auditoriums, libraries, museums, legitimate theaters.
- (g) Funeral homes.
- (h) Elementary schools, high schools, business and vocational schools not involving operations of an industrial or retail nature.
- (i) Colleges and universities.
- (j) Churches and other places of worship, including educational buildings related thereto.
- (k) Private clubs and lodges, fraternities, sororities, denominational student centers.

- (l) Day nursery.
- (m) Rooming and boarding houses.
- (n) Cemeteries.
- (o) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural, or recreational uses.
- (p) Veterinary establishments, provided that all animals are kept within suitably designed sound proof, air conditioned buildings.

**SECTION 920 PERMITTED ACCESSORY USES AND STRUCTURES**

- (a) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools and the like.
- (b) Home Occupations subject to the provisions of Section 208.
- (c) Signs subject to the provisions of Chapter 17.
- (d) Uses and structures which:
  - 1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures,
  - 2) Are located on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership, and
  - 3) Are in keeping with the character of the district.

**SECTION 930 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) As accessory uses to permitted principal uses and structures, barber shops, beauty shops, restaurants, drug stores, newsstands and similar uses not enumerated as permitted principal uses, designed primarily to serve the convenience of persons living or working in the building in which such accessory uses are located. No accessory uses shall be permitted unless the Board finds that:
  - 1) It is reasonably necessary to serve the needs of the persons involved.
  - 2) It is accessory and clearly incidental to the permitted principal use.
  - 3) It is not designed or intended to attract clientele from outside the district, and

- 4) It will not adversely affect neighboring uses or the district as a whole.
- (b) Utility substations provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding citing or characteristics of use potentially incompatible with nearby uses.
- (c) Rehabilitation centers or halfway house with a lot area of at least ten thousand (10,000) square feet.
- (d) Temporary borrow pits for fill dirt and top soil.
- (e) Any use permitted in the RM-1 Residential Multi-Family district which is not a permitted use in the O Office and Institutional district.
- (f) Structures exceeding the maximum height requirements of Section 970.
- (g) Emergency and protective shelter.

#### SECTION 940 MINIMUM YARD REQUIREMENTS

The area regulations for dwellings shall be the same as those in the RM Multi-Family Residential district. For all other uses permitted in this district, the following requirements shall apply:

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- (b) **Side yard:**
  - 1) On the side of an interior lot or the interior side of a corner abutting a residential district, there shall be a side yard of not less than ten (10) feet.
  - 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.
  - 3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.
- (c) **Rear yard** – For dwellings in the O district, the rear yard requirements shall be the same as the RM-1 Multi-Family Residential district.

When the O zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

**SECTION 950 MINIMUM LOT AREA AND INTENSITY OF USE**

- (a) The lot area requirements for dwellings shall be the same as those in the RM-1 Multi-Family Residential district.
- (b) For all other uses allowed there shall be a lot area of not less than six thousand six hundred (6,600) square feet and a maximum floor area ratio of 0.35.
- (c) For main and accessory buildings other than dwellings, and buildings accessory to dwellings, the lot area shall be adequate to provide the yard area required by this section.
- (d) Where a lot has less area than herein required and all boundary lines of that lot touch land under other ownership on the effective date of his ordinance, that lot may be used for any use permitted in this district as long as all setback requirements are carried out.

**SECTION 960 MINIMUM LOT WIDTH AND FRONTAGE**

There shall be a minimum lot width of sixty (60) feet at the front building line and such lot shall abut on a street for a distance of not less than forty (40) feet.

**SECTION 970 MAXIMUM HEIGHT OF STRUCTURES**

No building shall exceed a height of three (3) stories or forty (40) feet.



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CHAPTER 10  
CN NEIGHBORHOOD COMMERCIAL

1000	General Description
1010	Permitted Uses
1020	Permitted Accessory Uses and Structures
1030	Uses Permitted by Special Exception
1040	Minimum Yard Requirements
1050	Minimum Lot Width
1060	Minimum Intensity of Use
1070	Maximum Height

**SECTION 1000 GENERAL DESCRIPTION**

This district is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

**SECTION 1010 PERMITTED USES**

**(a) Retail establishments limited to the following uses:**

- 1) Variety stores limited to five thousand (5,000) square feet of floor area.
- 2) Retail merchandise vending machine operations (not including motor fuel).
- 3) Retail food stores limited to ten thousand (10,000) square feet of floor area.
- 4) Liquor stores.
- 5) Book stores.
- 6) Stationery stores.
- 7) Arts and crafts supply stores.
- 8) Garden and supply stores.
- 9) Florists.
- 10) Cigar and cigarette stores.
- 11) Newspaper and magazine stores.
- 12) Gift, novelty and souvenir stores.
- 13) Hardware stores limited to five thousand (5,000) square feet of floor area.
- 14) Drug stores limited to (5,000) square feet of floor area.
- 15) Sporting good and bicycle stores limited to (5,000) square feet of floor are.
- 16) Art galleries and sales.
- 17) Antique shops.

**(b) Personal service establishments limited to the following uses:**

- 1) Laundering and dry cleaning (self-service).
- 2) Pressing, alteration and garment repair; laundry and dry cleaning pickup services (only).
- 3) Beauty and barber shops.
- 4) Shoe repair shops.

- 5) Tailoring and dressmaking shops limited to not more than three thousand (3,000) square feet of floor area.
- (c) Professional services establishments limited to the following:
- 1) Photography.
  - 2) Interior design studios.
  - 3) Craft studios.
  - 4) Establishments for the teaching of music, dancing or other performing arts.
  - 5) Art studios.
  - 6) Doctor's and dentist's offices.
- (d) Elementary, middle and high schools, business and vocational schools not involving operations of an industrial nature.
- (e) Churches and other places of worship, including educational buildings related thereto.
- (f) Private clubs and lodges, denominational student centers, civic or fraternal uses, excluding residential uses.
- (g) Parks, playgrounds, playfields, golf courses, tennis courts and miniature golf.
- (h) Community services structures and uses, such as community service centers, libraries, fire stations and civic, cultural or recreational uses.
- (i) Day nursery.
- (j) Cemeteries.

#### **SECTION 1020 PERMITTED ACCESSORY USES AND STRUCTURES**

- (a) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, for occupancy only by owners or employees thereof.
- (b) Signs subject to the provisions of Chapter 17.
- (c) Other structures and uses which:
  - 1) are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
  - 2) are located on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership.
  - 3) do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

**SECTION 1030 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Retail establishments not exceeding five thousand (5,000) square feet of gross floor area, which are not permitted outright, but excluding establishments dealing in salvaged merchandise, automobiles service stations, or establishments selling automobiles or automotive equipment and supplies.
- (b) Personal and professional service establishment not permitted outright.
- (c) Eating and drinking establishments, including drive-in eating and drinking establishments, provided that it shall be determined that the characteristics of such establishments will be compatible with nearby uses and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.
- (d) Commercial recreational and entertainment structures and uses such as theaters and bowling alleys, provided that such uses are housed in structures and are of such a size and situation that they are not likely to be incompatible with nearby residential zoning districts, and further provided that the board shall specifically determine that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.
- (e) Utility substations provided that the Board of Adjustment shall impose appropriate conditions and safeguards regarding citing or characteristics of use potentially incompatible with nearby uses.
- (f) Stores and shops which are permitted outright in Section 1010, except that they exceed the maximum size requirements set for it that section, if the Board of Adjustment determines that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions. The Board may place appropriate conditions and safeguards as it deems necessary upon the characteristics of operation or construction of such establishments to assure the compatibility of these uses.
- (g) Temporary borrow pits for fill dirt and tip soil.
- (h) Mini-storage.

**SECTION 1040 MINIMYM YARD REQUIREMENTS**

The minimum yard requirements for the CN, Neighborhood Commercial district are as follows:

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting

street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) **Side yard:**

- 1) On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.
- 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.
- 3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.

- (c) **Rear yard** – For dwellings in the CN district, the rear yard requirements shall be the same as the RM-1 Multi-Family Residential district. When the CN zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

**SECTION 1050 MINIMUM LOT WIDTH**

No minimum required except as needed to meet other requirements of this ordinance.

**SECTION 1060 MAXIMUM INTENSITY OF USE**

There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.35.

**SECTION 1070 MAXIMUM HEIGHT**

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

## CHAPTER 11

## CG GENERAL COMMERCIAL

1100	General Description
1110	Permitted Principal Uses
1120	Permitted Accessory Uses and Structures
1130	Uses Permitted by Special Exception
1140	Minimum Yard Requirements
1150	Minimum Lot Width
1160	Minimum Intensity of Use
1170	Maximum Height

## SECTION 1100 GENERAL DESCRIPTION

This district is intended to accommodate a variety of general commercial and non-residential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as a special exception subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

## SECTION 1110 PERMITTED PRINCIPAL USES

- (a) Retail establishments.
- (b) Trade and service establishments.
- (c) Personal service establishments including such uses as beauty shops, barber shops, shoe repair shops, dry cleaning, laundry, dressmaking and tailoring.
- (d) Offices.
- (e) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- (f) Financial institutions.
- (g) Eating and drinking establishments, including drive-in eating and drinking establishments.
- (h) Commercial recreation and entertainment structures and uses, such as theaters, bowling alleys, miniature golf courses, night clubs and the like.
- (i) Hotels and motels.
- (j) Commercial parking lots and parking garages.

- (k) Commercial printing and job printing establishments.
- (l) Radio stations, television stations.
- (m) Passenger terminals.
- (n) Veterinary establishments, provided that all animals are kept within suitably designed sound proof, air conditioned buildings.
- (o) Funeral homes.
- (p) Business and vocational schools not involving operations of an industrial nature.
- (q) Private clubs and lodges, civic and fraternal organizations not involving residential uses.
- (r) Medical and health related centers, clinics, laboratories.
- (s) Parks, playgrounds and playfields.
- (t) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
- (u) Churches and other places of worship, including educational buildings related thereto.
- (v) Utility substations.
- (w) Automobile service stations.
- (x) Cemeteries.
- (y) Signs subject to the provisions of Chapter 17.

**SECTION 1120 PERMITTED ACCESSORY USES AND STRUCTURES**

Signs subject to the provisions of Chapter 17.

Structures and uses which:

- (a) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
- (b) Are located wholly on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership;
- (c) Do not involve operations not in keeping with the character of the area.

**SECTION 1130 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

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- (a) Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged provided that no such facility shall have a lot area of less than one (1) acre, and that no building in connection with such facility shall be closer than twenty-five (25) feet to any lot residentially zoned.
- (b) Day nursery.
- (c) Temporary borrow pits for fill dirt and top soil.
- (d) Wholesaling and distribution establishments not containing over twenty thousand (20,000) square feet of area for storage of wares to be wholesaled or distributed.
- (e) Mini-storage.

#### SECTION 1140 MINIMUM YARD REQUIREMENTS

The minimum yard requirements for the CG General Commercial district are as follows:

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add  $\frac{1}{2}$  of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) feet if not designated the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- (b) **Side yard:**
  - 1) On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.
  - 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add  $\frac{1}{2}$  of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.
  - 3) In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.
- (c) **Rear yard** – When the CH zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet.

**Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.**

**SECTION 1150 MINIMUM LOT WIDTH**

**No minimum required except as needed to meet other requirements of this ordinance.**

**SECTION 1160 MAXIMUM INTENSITY OF USE**

**There is no minimum lot area, but the floor area ratio for any lot must not exceed 0.75.**

**SECTION 1170 MAXIMUM HEIGHT**

**No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.**



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CHAPTER 12

IL – LIGHT INDUSTRIAL

1200	General Description
1210	Permitted Principal Uses
1220	Permitted Accessory Uses and Structures
1230	Uses Permitted by Special Exception
1240	Minimum Yard Requirements
1250	Minimum Lot Area
1260	Minimum Lot Width
1270	Maximum Intensity of Use
1280	Maximum Height of Structures

**SECTION 1200 GENERAL DESCRIPTION**

This district is intended to accommodate wholesaling, distribution, Storage, processing, light manufacturing and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. This district does not allow any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor or obnoxious dust, vapor or offensive noise or vibration.

**SECTION 1210 PRINCIPAL PERMITTED USES**

- (a) Wholesaling, warehousing, storage, supply and distribution.
- (b) Truck terminals, freight terminals and passenger terminal.
- (c) Light manufacturing and processing. (See Appendix A).
- (d) Outdoor storage lots and yards, except automobile junk yards, scrap yards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of junk, scrap or salvaged materials.
- (e) Retail establishments, sales and display rooms.
- (f) Offices.
- (g) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- (h) Financial institutions.
- (i) Hotels and motels.
- (j) Eating and drinking establishments, including drive-in eating and drinking establishments.

- (k) Personal service establishments.
- (l) Business service establishments.
- (m) Service and repair establishments including automobile service stations and repair garages.
- (n) Amusement, recreational and entertainment establishments.
- (o) Laboratories and establishments for fitting repair or production of eyeglasses, hearing aids or prosthetic devices.
- (p) Radio and television stations.
- (q) Veterinary establishments.
- (r) Commercial printing and job printing.
- (s) Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.
- (t) Rehabilitation centers.
- (u) Parking lots and parking garages.
- (v) Clubs, lodges, civic and fraternal organizations.
- (w) Parks, playgrounds, and playfields.
- (x) Utilities substations.
- (y) Churches and other places of worship, including educational buildings related thereto.
- (z) Community service structures and use such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
- (aa) Cemeteries.
- (bb) Signs subject to the provisions of Chapter 17.
- (cc) Mini-storage.

#### **SECTION 1220 PERMITTED ACCESSORY USES AND STRUCTURES**

- (a) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.
- (b) Signs subject to the provisions of Chapter 17.

(c) **Other structures and uses which:**

- 1) **Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.**
- 2) **Are located wholly on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership.**
- 3) **Do not involve operations not in keeping with the character of the area, or of a nature prohibited under “Prohibited Uses and Structures” for this district.**

(d) **Day nursery.**

**SECTION 1230 USES PERMITTED BY SPECIAL EXCEPTION**

**The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.**

- (a) **Front yard – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.**
- (b) **Side yard:**
  - 1) **On the side of an interior lot or the interior side of a corner lot which abut a residential district, a side yard of not less than twenty (20) feet shall be provided.**
  - 2) **On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback distance of thirty-five (35) feet on arterial streets and twenty (20) feet for non-arterial streets.**
  - 3) **In all other cases, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width shall be provided.**

- (c) **Rear yard** – When the IL zoned property abuts residentially zoned property, or the properties are separated only there from by an alley or easement, there shall be a rear yard of not less than fifteen (15) feet, and if the building is to be serviced from the rear, then there shall be a rear yard requirement of thirty (30) feet. Unattached buildings of accessory use shall be setback five (5) feet from the utility easement or alley line, whichever is greater.

**SECTION 1250 MINIMUM LOT AREA**

No minimum lot area required except as needed to meet other requirements herein.

**SECTION 1260 MINIMUM LOT WIDTH**

No minimum lot width required except as needed to meet other requirements herein.

**SECTION 1270 MAXIMUM INTENSITY OF USE**

No limitations except as needed to meet other requirements herein.

**SECTION 1280 MAXIMUM HEIGHT OF STRUCTURES**

No building shall exceed forty (40) feet in height.

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CHAPTER 13

**IM – MODERATE INDUSTRIAL**

<b>1300</b>	<b>General Description</b>
<b>1310</b>	<b>Permitted Principal</b>
<b>1320</b>	<b>Permitted Accessory Uses and Structures</b>
<b>1330</b>	<b>Uses Permitted by Special Exception</b>
<b>1340</b>	<b>Minimum Yard Requirements</b>
<b>1350</b>	<b>Minimum Lot Area</b>
<b>1360</b>	<b>Minimum Lot Width</b>
<b>1370</b>	<b>Maximum Intensity of Use</b>
<b>1380</b>	<b>Maximum Height of Structures</b>

**SECTION 1300 GENREAL DESCRTIPTION**

This district is intended to accommodate those manufacturing and industrial uses which sometimes produce moderately objectionable influences on residential, commercial, and light industrial uses by reason of the emission of odor, heat, smoke, noise, or vibration.

**SECTION 1310 PRINCIPAL PERMITTED USES**

- (a) Those uses permitted in the Light Industrial District.
- (b) All other industrial and manufacturing uses, EXCEPT the following:

- Acetylene Gas Manufacturing
- Acid Manufacture for Wholesale
- Auto Salvage
- Blast Furnace
- Brick Manufacturing, Tile Manufacturing
- Cement, Lime, Gypsum, Plaster of Paris or Asphalt Manufacturing
- Chlorine or Hydrochloric, Nitric, Picric, Sulphurous, Sulphuric Acid or Ammonia Manufacture
- Coke Manufacturing
- Creosote Manufacturing, or Treatment
- Disinfectant or Insecticide Manufacturing
- Distillation of Bones
- Explosive Manufacture or Storage
- Fat Rendering
- Fertilizer Manufacture from Mineral or Organic Materials
- Garbage, Offal or Dead Animal Reduction or Dumping
- Glue Manufacture
- Insecticide Manufacturing
- Junk Yard
- Paint, Oil, Varnish, Turpentine Manufacturing
- Paper or Pulp Manufacturing by Sulphide Process
- Petroleum Refining
- Refuse Dump
- Salvage Yards, NEC

**Slaughtering of Animals  
Smelting**

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**Solid or Liquid Waste Disposal or Storage  
Soap Manufacturing  
Soda Ash, Caustic Soda and Washing Compound Manufacturing  
Stockyard  
Storage of Dismantled Automobiles or any form of Junk or Salvage Material  
Tar Distillation or Manufacturing  
Trades, Industries, or uses that have heavily objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration  
Turpentine Manufacturing  
Varnish Manufacturing**

**SECTION 1320 PERMITTED ACCESSORY USES AND STRUCTURES**

- (a) Dwelling units in connection with permitted or permissible uses or structures provided that:
- 1) The residential occupation of the premises is specifically required because of the nature of the operations being conducted thereon or for the safekeeping thereof.
  - 2) The dwelling unit is located on the same premises with the use for which it is required.
- (b) Other structures and uses which:
- 1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
  - 2) Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
  - 3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

**SECTION 1330 USES PERMITTED BY SPECIAL EXCEPTION**

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Dwelling units with densities and building placements which are compatible with the character of the surrounding area.
- (b) Elementary, middle and high schools, colleges and universities.

**SECTION 1340 MINIMUM YARD REQUIREMENTS**

- (a) Front yard – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Major Street and Highway Plan or twenty-five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-

arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

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(b) **Side yard:**

- 1) On the side of an interior lot or the interior side of a corner lot, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width is required.
- 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add  $\frac{1}{2}$  of the right-of-way designated in the Coweta Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets.

(c) **Rear yard** – No rear yard is required if buildings are built to the rear lot line, otherwise at least three (3) feet of rear yard depth is required.

(d) **Building Adjacent to Residential Districts** – The side and rear yard requirements in (b) and (c) do not apply when the building is adjacent to a residential district. In this case, all buildings constructed in an IH zone shall be at fifty (50) feet from the boundary of any residential district.

**SECTION 1350 MINIMUM LOT AREA**

No minimum lot area required except as needed to meet other requirements herein.

**SECTION 1360 MINIMUM LOT WIDTH**

No minimum lot width required except as needed to meet other requirements herein.

**SECTION 1370 MAXIMUM INTENSITY OF USE**

No limitations except as needed to meet other requirements herein.

**SECTION 1380 MAXIMUM HEIGHT OF STRUCTURES**

No building shall exceed forty (40) feet in height.

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CHAPTER 14

**IH – HEAVY INDUSTRIAL**

<b>1400</b>	<b>General Description</b>
<b>1410</b>	<b>Permitted Principal Uses</b>
<b>1420</b>	<b>Permitted Accessory Uses and Structures</b>
<b>1430</b>	<b>Prohibited Uses and Structures</b>
<b>1440</b>	<b>Uses Permitted by Special Exceptions</b>
<b>1450</b>	<b>Minimum Yard Requirements</b>
<b>1460</b>	<b>Minimum Lot Area</b>
<b>1470</b>	<b>Maximum Lot Width</b>
<b>1480</b>	<b>Maximum Intensity of Use</b>
<b>1490</b>	<b>Maximum Height of Structures</b>

**SECTION 1400 GENERAL DESCRIPTION**

This district is intended to accommodate primarily those uses of a manufacturing and industrial nature and secondarily uses which are functionally related thereto such as distribution, storage and processing. General commercial uses are allowed but are considered incidental to the predominantly industrial nature of the district. Certain related structures and uses required to serve the needs of the primary uses are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance. In addition, certain uses are permitted only as special exceptions or are prohibited in order to protect such uses from the potentially incompatible characteristics of industrial areas.

**SECTION 1410 PERMITTED PRINCIPAL USES**

Any use which is otherwise lawful, which would not otherwise be prohibited by this ordinance, except those uses listed in Section 1430 below as being specifically prohibited and those uses listed in Section 1440 as special exceptions.

**SECTION 1420 PERMITTED ACCESSORY USES AND STRUCTURES**

- (a) Dwelling units in connection with permitted or permissible uses or structures provided that:
- 1) The residential occupation of the premises is specifically required because of the nature of the operations being conducted thereon or for the safekeeping thereof.
  - 2) The dwelling unit is located on the same premises with the use for which it is required.
- (b) Other structures and uses which:
- 1) Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.



- 2) Are located wholly on the same lot as the permitted principal use or structures, or on a contiguous lot in the same ownership;
  - 3) Do not involve operations not in keeping with the character of the area, or of a nature prohibited under “Prohibited Uses and Structures” for this district.
- (c) Day nursery.
  - (d) Signs subject to the provisions of Chapter 17.

#### SECTION 1430 PROHIBITED USES AND STRUCTURES

- (a) Hospital, sanitariums, rest rooms, convalescent homes, homes for the aged, homes for orphans.
- (b) Hotels and motels.
- (c) Funeral homes.
- (d) Fraternities, sororities, denominational student headquarters, provided no residential use is involved.
- (e) Rehabilitation centers.
- (f) Day nurseries and kindergarten as primary uses.

#### SECTION 1440 USES PERMITTED BY SPECIAL EXCEPTION

The following uses may be permitted as special exceptions by the Board of Adjustment in accordance with the provisions contained in Chapter 20.

- (a) Dwelling units with densities and building placements which are compatible with the character of the surrounding area.
- (b) Elementary, middle and high schools, colleges and universities.
- (c) Sanitary landfill, solid or liquid waste disposal or storage subject to the provisions of Section 292.

#### SECTION 1450 MINIMUM YARD REQUIREMENTS

- (a) **Front yard** – The depth of the required front yard shall be determined in the following manner. Measured from the centerline of the abutting street, add ½ of the right-of-way designated on the Coweta Metropolitan Area Major Street and Highway Plan or twenty-five (25) feet if not designated on the Street and Highway Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets. When a lot has double frontage, the front yard requirements shall be provided on both streets.

(b) **Side yard:**

- 1) On the side of an interior lot or the interior side of a corner lot, no side yard is required if the buildings are built to the side lot line, otherwise at least three (3) feet of side yard width is required.
- 2) On any corner lot, the depth of the required exterior side yard shall be determined in the following manner. Measured from the centerline of the abutting street, add  $\frac{1}{2}$  of the right-of-way designated in the Coweta Metropolitan Area Major Street and Highway Plan, or twenty-five (25) feet if not designated on the Street Plan, to a setback of thirty-five (35) feet on arterial streets and twenty-five (25) feet on non-arterial streets.

(c) **Rear yard** – No rear yard is required if buildings are built to the rear lot line, otherwise at least three (3) feet of rear yard depth is required.

(d) **Building Adjacent to Residential Districts** – The side and rear yard requirements in (b) and (c) do not apply when the building is adjacent to a residential district. In this case all buildings constructed in an IH zone shall be at least fifty (50) feet from the boundary of any residential district.

**SECTION 1460 MINIMUM LOT WIDTH**

No minimum lot width required except as needed to meet other requirements herein.

**SECTION 1480 MAXIMUM INTENSITY OF USE**

No Limitation except as needed to meet other requirements herein.

**SECTION 1490 MAXIMUM HEIGHT OF STRCUTURES**

- (a) Buildings in excess of forty (40) feet in height are permitted outright.
- (b) Buildings in excess of forty (40) feet in height, provided there is an increase of one foot in side, front and rear yards over the minimum front, rear and side yard requirements for each additional three (3) feet of height.

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CHAPTER 15

**PUD – PLANNED UNIT DEVELOPMENT**

<b>1500</b>	<b>General Description and Purpose</b>
<b>1510</b>	<b>Types of Planned Unit Developments</b>
<b>1520</b>	<b>Uses Permitted Generally</b>
<b>1530</b>	<b>Uses Permitted by Special Exception</b>
<b>1540</b>	<b>Prohibited Uses</b>
<b>1550</b>	<b>Area Regulations and Setbacks</b>
<b>1560</b>	<b>Intensity of Use</b>
<b>1570</b>	<b>Maximum Area of Commercial Uses in PUD-R District</b>
<b>1580</b>	<b>Off-Street Parking and Loading Requirements</b>
<b>1590</b>	<b>Administrative Application and Review Process</b>

**SECTION 1500 GENERAL DESCRIPTION AND PURPOSE**

The intent of the Planned Unit Development district is to derive the benefits of efficiency, economy and flexibility by encouraging unified developments of a site, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. It is the intent of this ordinance to allow development of sites subject to specific regulations concerning permitted uses, but only subject to regulations concerning lot area, building coverage, yard spaces, and building height in so far as the governing body shall deem appropriate to fulfill the intent of this code and the Comprehensive Plan.

**SECTION 1510 TYPES OF PLANNED UNIT DEVELOPMENT**

Two types of Planned Unit Developments accommodating primarily residential or non-residential uses are allowed as follows:

**(a) PUD-R Planned Unit Development – Residential**

The PUD-R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as secondary uses.

**(b) PUD-C Planned Unit Development – Commercial**

The PUD-C district is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as secondary uses.

**SECTION 1520 USES PERMITTED GENERALLY**

The types of residential dwelling units, and the types of non-residential uses allowed to be established in these districts increase with increasing site size, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments, separating uses with potentially incompatible characteristics of use, design of access patterns, and relationship of uses within such planned

unit developments with uses in adjacent districts. It is the intent of this ordinance that such design and planning features be incorporated properly into any PUD district hereafter created, and that the Planning Commission and Board of County Commission may consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such a district. The permitted principal uses for various site sizes and types of PUD districts are the uses enumerated for the zoning districts listed below.

<u>Site Size in Acres</u>	<u>PUD-R</u>	<u>PUD-C</u>
Less than 20	RM-1	CG
20 to less than 50	RM-1, CN	CG
50 to less than 80	RM-1, CG	CG, IL
80 or more	RM-1, CG	CG, IH

When uses for more than one district are permitted, the uses of the less restrictive district will be permitted.

Accessory uses and structures may be permitted as for the least restrictive districts indicated in above for any specific site size.

#### **SECTION 1530 USES PERMITTED BY SPECIAL EXCEPTION**

No special exception actions are required to establish any specific use. Uses normally by special exception in the least restrictive districts indicated in Section 1520 above. For any specific site size may be permitted, provided however, that the Planning Commission and governing body shall ascertain that the affects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the terms of the proposed planned unit development.

#### **SECTION 1540 PROHIBITED USES**

All uses not specifically permitted as principal or accessory uses or special exceptions for the least restrictive districts indicated in Section 1520 above for any specific site size are prohibited in a PUD district.

#### **SECTION 1550 AREA REGULATIONS AND SETBACKS**

No minimum lot area is required for any specific structure; however, a minimum site size to accommodate specific uses is required. No structure shall be erected within twenty-five (25) feet of any external lot line of any planned unit development, except for PUD districts of one or less acres, where a ten (10) feet setback from external lot lines shall be observed. Minimum lot width, yard sizes, floor area ratio, and maximum height are not otherwise regulated within PUD districts, provided however, that the Planning Commission and governing body ascertain that the characteristics of the building sites shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this ordinance and the Comprehensive Plan.

#### **SECTION 1560 INTENSITY OF USE**

All PUDs should be of an intensity of development which does not exceed that set forth for the site in the Comprehensive Plan.

**SECTION 1570 MAXIMUM AREA OF COMMERCIAL USES IN PUD-R DISTRICTS**

The PUD-R districts in which commercial uses are permitted, the site area and total gross area of such commercial uses shall not exceed the percentage listed below as related to gross floor area of all structures within the PUD at any time.

<u>Total PUD Site Size in Acres</u>	<u>Maximum Percentage of Site Area for Commercial and Office Structures or Uses</u>	<u>Maximum Allowable Gross Floor Area for Commercial and Office Structures or Uses</u>
Less than 20	0	0
20 but less than 50	20%	50%
50 but less than 80	30%	50%
80 or more	40%	50%

**SECTION 1580 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-Street Parking and Loading spaces for any specific use shall be provided in conformance with the requirements of Chapter 16 Off-Street Parking and Loading Requirements. Required spaces may be provided on the lot containing the dwelling units or other uses for which it is designed and located so as to be accessible to the use it is intended to serve. Provisions for the ownership and maintenance of common parking areas as will insure its continuity and conservation, shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1590.3 below.

**SECTION 1590 ADMINISTRATIVE APPLICATION AND REVIEW PROCEDURES**

**1590.1 General**

The establishment of a PUD district shall be by amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a PUD district shall be subject to the provisions of Chapter 21 “Amendments”, and in addition, the procedures described below shall apply. It is the intent of this ordinance that the public interest will be served not only by consideration of the total anticipated effect of the planned unit development upon the community at large. The provisions of the PUD district represent an option for appropriate quality design, and in return for a degree of design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the governing body in establishing such developments.

To that end the regulations set forth herein are minimum requirements and it is the intent of this code that the governing body may impose conditions and safeguards in excess of or in addition to the specific requirements set forth herein, and that guarantee of meeting the minimum requirements set forth herein does not per se create an indication that an applicant should be entitled to such an amendment, and notice is hereby given to that effect.

#### **1590.2 Pre-application Conference**

The applicant is encouraged to communicate his intentions to establish a planned unit development, and the proposed characteristics thereof, to the Planning Commission and its staff prior to initiating an application for amendment in order to avoid undue delay in the review process after initiating such an application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in pre-application of material in final form which may later be found to be unacceptable or incomplete.

#### **1590.3 Site Development Plan**

The applicant shall submit a site development plan to the Planning Commission and its staff for review which shall be similar in content and format to a preliminary plat required for review by the Subdivision Regulations of the County. In addition, the site development plan shall provide the following graphic and written information:

(a) The Site Plan shall show

1. Proposed location of uses, including off-street parking, open spaces and public uses;
2. Public and private vehicular and pedestrian circulation;
3. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of non-residential uses expressed in floor area, allocated to each identifiable segment of the Planned Unit Development;
4. Proposed screening and landscaping;
5. Proposed location, height and size of any ground sign;
6. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed;
7. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

(b) Written information shall include:

1. An explanation of the character of the PUD;
2. The expected schedule of development, including all phasing;

3. In a proposed PUD-R the number
4. If applicable, an indication of how a homeowner's association or other group maintenance or group ownership arrangement will operate;
5. Development standards for the location, height, setback and size of buildings and other structures;
6. Other information the Planning Commission or its staff may deem necessary to properly evaluate the proposal.

**(c) Planning Commission Action**

After the public hearing as provided for in Chapter 21, the Planning Commission shall make its recommendation to the governing body. In making this recommendation the Planning Commission shall consider at least the following factors:

1. Whether the PUD is consistent with the Comprehensive Plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site;
4. Whether the PUD is consistent with the stated purposes and standards of this Section.

**(d) Governing Body Action**

Upon receipt of the application, the site development plan with specific information as required under Section 1590.3 © above, and Planning Commission recommendation, the governing body shall hold a hearing and review the proposal according to the procedures outlined. Upon approval of the application by the governing body, the zoning map shall be amended to reflect the zoning designation PUD-R as appropriate, and the applicant shall be authorized to process a subdivision plat incorporating the provisions of the approved specific site development plan.

**(e) Planned Unit Development Plat**

A planned unit development subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations shall include:

1. Details as to the location of uses and street arrangement.
2. Provisions for the ownership and maintenance of the common open space as will reasonably insure is continuity and

conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the governing body, after the recommendation of the Planning Commission.

3. Such covenants as will reasonably insure that continued compliance with the approved site development plan. The Planning Commission and governing body may require covenants which provide for detailed site plan review and approval by said Planning Commission prior to the issuance of any building permits within the PUD.

(f) Issuance of building permits

After the filing of an approved PUD subdivision plat and the submittal of a detailed development schedule including specifics about the phasing of development and the percentage of construction to be completed before the platting of a particular phase, to be at the discretion of the Planning Commission and notice to the Inspection Officer, no building permits shall be issued on lands within the PUD except in accordance with the approved plat and development schedule.

(g) Amendments of a PUD

Minor changes in the PUD may be authorized by the Planning Commission and the governing body which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the site development plan and the progress and standards of the PUD provisions hereof. Changes which would represent a significant departure from the site development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development. It shall be the duty of the Inspecting Officer to determine whether any specific request shall be considered a major or minor change, but this decision may be reversed when reviewed by the Planning Commission. If it is determined that a major change is requested then a new application will be processed in accordance with the provisions of Chapter 21 of this ordinance.

(h) Failure to begin, complete or make adequate progress

If there is failure to begin, complete, or make adequate progress as agreed upon in the approved site development plan, detailed development schedule and subdivision plat, after the recommendation of the Planning Commission, governing body may change the zoning classification of the Planned Unit Development in accordance with the provisions of Chapter 21, and thus terminating the right of the applicant to continue development or may initiate action to charge the developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above.

(i) Abandonment

Abandonment of a Planned Unit Development shall require the approval of the governing body, after recommendation by the Planning Commission, of an



**Application for amendment to the zoning map repealing the zoning designation of a PUD-R or PUD-C, as appropriate. At the same time the governing body, after recommendation by the Planning Commission and appropriate public notice and hearing shall design a new zoning district designation to the land previously in the PUD.**

**(j) Fee**

**At the time application is made to the Zoning Administrator of the Planning Commission such application will be accompanied by a fee of \$250.00.**

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CHAPTER 16

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

- 1610** Applicability of Requirements
- 1620** General Requirements
- 1630** Setbacks
- 1640** Design Standards for Off-Street Parking
- 1650** Design Standards for Off-Street Loading
- 1660** Prohibited Off-Street Parking and Loading
- 1670** Off-Street Parking and Loading Requirements for Various Types of Uses

**SECTION 1610 APPLICABILITY OF REQUIREMENTS**

The off-street parking and off-street loading facilities whether they are principal uses, accessory uses, or a minimum requirement of the initiation, enlargement, or change of use, shall meet the requirements of this Chapter as follows:

- (a) For all buildings and structures erected and all uses of land established after the effective date of this code, parking and loading facilities shall be provided as required for the particular use by this Chapter.
- (b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- (c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is nonconforming as to parking requirements, then parking requirements for a change in use shall be governed by Chapter 16 Parking and Loading Nonconformities.
- (d) Accessory off-street parking and loading facilities in existence on the effective date of this code and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this code.

**SECTION 1620 GENERAL REQUIREMENTS**

- (a) Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities.

- (b) Within the front and exterior side yards in the RM districts, not more than one vehicle shall be parked for each six hundred (600) square feet of area contained in the front or exterior side yards.
- (c) Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials, or supplies.
- (d) Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided.
- (e) Required enclosed off-street parking and loading areas shall meet the minimum yard requirements of the zoning district in which located, except that enclosed off-street parking and loading areas which are required, shall not be included in the computation of permitted floor area.
- (f) The capacity of an off-street parking area shall be the number of parking spaces, having minimum required dimensions, that are located thereon in such a manner that each space can be entered without passing through another space, except in the RS, RD, RMHS and AG districts, where access may be obtained through another parking space.
- (g) Required off-street parking surfacing shall be completed prior to the initiation of the use.

#### **SECTION 1630 SETBACKS**

- (a) Off-street loading areas shall not be located within fifty (50) feet of any abutting property which is within an R districts unless it is wholly within an enclosed building or screened on all sides abutting the R district by a screening wall or fence.
- (b) Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth in Table 1 below.

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Table 1

Off-Street Parking and Loading Area Setbacks from Centerline of Abutting Streets*			
	Parking Area 1 to 5 spaces 5 Spaces	Parking Area 6 or more Spaces	Loading Area
<b>In an R district</b>			
Accessory to a dwelling	28 ft.	35 ft.	NA
Accessory to another use	40 ft.	50 ft.	50 ft.
<b>Not in an R district, but within 50 feet of an R district</b>			
	40 ft.	50 ft.	50 ft.

\*If the right-of-way width designated on the Major Street Plan exceeds fifty (50) feet, add ½ of the amount by which the designated right-of-way exceeds fifty (50) feet.

**SECTION 1640 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**

- (a) A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length exclusive of access drives or aisles. Such space shall have a vertical clearance of at least six (6) feet six (6) inches.
- (b) Each required parking space shall be accessible from a public street without passing through another required space and no maneuvering incidental to parking shall be on any public street, except the RS, RD and AG districts.
- (c) Lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from properties within an R district which do not contain uses for which the parking is being provided.
- (d) Unenclosed off-street parking areas shall be surfaced with an all weather asphalt or concrete material or its equivalent material designed to carry the maximum load normally expected on that surface.
- (e) Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an R district. Unenclosed off-street parking areas, containing six (6) or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an RS district, provided that if the parking area is located more than fifty (50) feet from the RS lot line or lines, the screening requirements shall not apply.

**SECTION 1650 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**

- (a) Unless otherwise specified, a required off-street loading berth shall be at least ten (10) feet in width, thirty (30) feet in length, exclusive of aisles, and shall have a vertical clearance of at least fourteen (14) feet.

- (b) Required off-street loading berths shall be provided access to and from a public street or alley by an access drive of at least twelve (12) feet in width designed to permit convenient access by semi-trailer trucks.
- (c) Unenclosed off-street loading areas shall be surfaced with an all weather material.
- (d) Unenclosed off-street loading berths shall not be located within fifty (50) feet of any property in an R district unless it is screened on all sides abutting the R district by screening wall or fence.
- (e) Lighting used to illuminate an off-street loading area shall be so arranged as to direct the light away from the properties within an R district which do not contain uses for which the loading area is being provided.

**SECTION 1660 PROHIBITED OFF-STREET PARKING AND LOADING**

Off-street parking and loading is prohibited except in properly prepared off-street parking and loading spaces meeting the requirements of this Chapter.

**SECTION 1670 OFF-STREET PARKING AND LOADING REQUIRMENTS FOR VARIOUS TYPES OF USES**

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Airports	1 per each 500 sq. ft. of enclosed passenger terminal area.	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per each additional 100,000 sq. ft.
Public Protection and Utility Facilities	None	None
Aquarium, art gallery, museum planetarium, and cultural facility NEC	1 per 800 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each 200,000 sq. ft. of floor area.
Children’s Nursery	1 per 1,000 sq. ft. of floor area.	None
Church	1 per 40 sq. ft. of chapel Or sanctuary floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
College, University	1 per 600 sq. ft. of classroom floor area plus 1 per 4 dormitory beds, plus 1 per 4 stadium seats.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Community Center	1 per 500 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Emergency and Protective Shelter	1 per 1,000 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Golf Course	5 per green plus 1 per 400 sq. ft. of club house floor area.	1 per 10,000 to 100,000 plus 1 per each additional 100,000 sq. ft. of floor area.
Hospital	1 per bed.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Library	1 per 500 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Private Club	1 per 400 sq. ft. of floor area.	1 per 10,000 or 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Public Park	1 per 4 stadium seats plus 1 per 500 sq. ft. of community center or recreation building plus 1 per 300 sq. ft. of pool area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Public Tennis Court	2 per court, plus 1 per 400 sq. ft. of club house area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Residential Treatment Center and Transitional Living Center	1 per each 1,000 sq. ft. floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Schools Elementary & Junior High	1 per 1,200 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Senior High	1 per 800 sq. ft. of floor area plus 1 per 4 stadium seats.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Single-family detached dwelling, neighborhood group home and foster home	2 per dwelling unit.	None
Duplex dwelling	2 per dwelling unit.	None
Convent, Monastery And Novitiate	1 per 1,000 sq. ft. of floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Elderly/Retirement	.75 per dwelling unit.	None
Community/Group Home	1 per 900 sq. ft. of floor area.	None
Fraternity or Sorority House	1 per 2 beds.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Life Care Retirement Center	.75 per dwelling unit and .35 per nursing center bed.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Mobile Home	2 per each mobile home dwelling unit.	None
Multi-family dwelling	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling unit.	None
Nursing Home	.35 per nursing center bed.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft.

of floor area.

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<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Rooming/Boarding House	1 per 2 beds.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Townhouses	1.5 per efficiency or 1 bedroom dwelling unit. 2 per 2 or more bedroom dwelling unit.	None
Funeral Home	1 per 40 sq. ft. of assembly floor area plus 1 per 300 sq. ft. of non-assembly floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Office NEC	1 per 300 sq. ft. of floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Medical & Dental Clinics & Laboratories	1 per 250 sq. ft. of floor area.	Same as above
Entertainment and/or Drinking Establishments other than Theater	1 per 75 sq. ft. of floor area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Eating Establishments	1 per 100 sq. ft. of floor area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Motion Picture Theater	1 per 4 seats.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Retail Trade 1 and Service Establishments	1 per 225 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Antique and Furniture Stores	1 per 300 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.



<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Trade or Service Establishments	1 per 400 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Gasoline Service Station	None	None
Agriculture Implements, Automotive, Camper, Mobile home, Motorcycle and Truck Sales	1 per 600 sq. ft. of floor area plus 1 per 1,000 sq. ft. of open air display or service area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Automobile Rental and Vehicle Repair	1 per 600 sq. ft. of floor area.	None
Auto Wash	None	None
Mini-Storage	1 per 5,000 sq. ft. of floor area.	None
Drive-in Restaurants	None	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Hotel, Motel	1 per sleeping room plus 1 per 225 sq. ft. of accessory facilities such as card shop, flower shops, barber and floor area, plus 1 per beauty shops, etc., and 1 per 100 sq. ft. for accessory facilities such as restaurants and taverns.	1 per 40,000 to 150,000 sq. ft. plus 1 per each additional 150,000 sq. ft. 5,000 to 25,000 sq. ft., plus 1 per each 25,000 sq. ft. of accessory facilities.
Billiard Parlor Bowling Alley, Gymnasium, Health Club, Racketball Club, Rifle Range (enclosed) Skating Rink, Slot Car Track, Swimming Pool (enclosed)	1 per 225 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Tennis Club, Video Games (enclosed) Commercial Recreation Establishments, NEC		

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Golf Driving Range	1 per tee.	None
Drive-in Theater	None	None
Uses providing spectator seating such as stadiums, arenas, rodeo grounds	1 per 4 seats.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Other Uses	1 per 800 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Warehousing, NEC Wholesale Establishments NEC, Trucking Establishments, Truck Rentals	1 per 5,000 sq. ft. of floor area.	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 5,000 sq. ft. of floor area.
Mining and quarrying, processing of mineral products i.e., washing, crushing, grading or manufacture of Portland cement, concrete or asphaltic concrete	1 per 1,000 sq. ft. of floor area.	None
Manufacturing and Industry, NEC	1 per 1,000 sq. ft. of floor area.	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per 40,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.

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CHAPTER 17

**BUSINESS SIGNS AND OUTDOOR ADVERTISING**

- 1700 General Location Requirements**
- 1710 General Use Conditions**
- 1720 Signs Permitted in the Agriculture District**
- 1730 Signs Permitted in the Residential District**
- 1740 Signs Permitted in the Office District**
- 1750 Signs Permitted in the Commercial and Industrial Districts**

**SECTION 1700 GENERAL LOCATION REQUIREMENTS**

- (a) **Street Setback – No sign or portion thereof shall be permitted in the right-of-way of any street or area designated in the Coweta Metropolitan Area Street and Highway Plan as a future street under any circumstances except authorized traffic signals, signs or devices.**
- (b) **Intersection Setback – No sign shall be located less than thirty-five (35) feet from the intersection of the pavement of two (2) streets or from the intersection of street pavement and a railroad track. The point of intersection shall be measured from the edge of the paving.**
- (c) **Traffic Signal Clearance – No sign shall be located in such a manner as to obstruct or obscure or in any manner interfere with any traffic signal light or public warning sign.**
- (d) **Obstruction of View – Signs when located in such a manner so as to prevent any motorists from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along any public right-of-way are prohibited.**
- (e) **No business or outdoor advertising sign shall be located within fifty (50) feet of an R district if visible from such district.**
- (f) **Any ground sign shall maintain a minimum separation of fifty (50) feet from any other ground sign.**

**SECTION 1710 GENERAL USE CONDITIONS**

- (a) **For the purpose of display surface area calculation, where a lot abuts more than one public street, that street frontage which is the larger shall be used.**
- (b) **Only one side of a double-faced sign shall be included in the computation of display surface area.**
- (c) **Illumination, if any shall be by constant light.**
- (d) **The following signs shall not be included in the computation of display surface area:**

1. Nameplates, attached to the face of the wall and not exceeding two (2) square feet in surface area.
2. Temporary real estate and construction signs.
3. Signs which are not visible from a public street.
4. Signs painted on glass surfaces of windows or doors and pertaining to the business conducted therein.
5. Tablets built into the wall of a building or other structure and used for inscriptions or as memorial tablets or for similar purposes.
6. Signs of warning, directive, or instructional nature erected by a public agency, franchised transportation company, or governmental agency.
7. Legal notices and street numbers.
8. Election campaign signs, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following an election.
9. Signs located within a building.
10. Signs not exceeding three (3) square feet of display surface area of a warning, directive, or instructional nature, including entrance, exit, and restroom signs.
11. Signs which are attached labels of a commodity offered for sale.

#### **SECTION 1720 SIGNS PERMITTED IN THE AGRICULTURE DISTRICT**

(a) Signs as a Principal Use are subject to the following conditions:

1. Business signs and outdoor advertising may only be erected on a lot abutting a designated state or federal highway. All signs or outdoor advertising erected on such lots shall be oriented to be read from such highways and meet all state and federal regulations.
2. The maximum display surface area per sign shall be six hundred seventy two (672) square feet.
3. A minimum five hundred (500) feet spacing shall be maintained between signs except in the case of back-to-back signs, v\*shaped signs, or signs separated by a building or other obstruction.
4. A ground sign shall not exceed thirty (30) feet in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setbacks prescribed in Section 1700 the sign is setback one foot for each foot of height exceeding thirty (30) feet provided the sign shall not exceed fifty (50) feet regardless of setback. Within one hundred (100) feet of the right-of-way of an abutting

elevated street, a ground sign may be erected to a height of fifteen (15) feet above the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed sixty (60) feet.

(b) Signs as Accessory Use are subject to the following conditions:

1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twenty (20) square feet in area, nor fifteen (15) feet in height.
2. One identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, nor fifteen (15) feet in height.
3. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the premises. The sign shall not exceed eighty (80) square feet in surface area, nor fifteen (15) feet in height.

#### SECTION 1730 SIGNS PERMITTED IN THE RESIDENTIAL DISTRICTS

(a) Signs as Principal Uses are not allowed in residential districts.

(b) Signs as Accessory Uses are subject to the following conditions:

1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in area, nor fifteen (15) feet in height.
2. One identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, nor fifteen (15) feet in height.
3. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be erected on each perimeter street frontage of the development. The sign shall not exceed sixty-four (64) square feet in surface area, nor fifteen (15) feet in height, and illumination, if any, shall be by constant light. All such signs must be removed upon completion of construction or revocation of the building permits being issued on more than 75% of the lots in the subdivision.
4. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed eight (8) square feet in surface area, nor fifteen (15) feet in height, in an RM, RD or RMHP district. In an RS or RMHS district the sign shall not exceed four (4) square feet in surface area, nor more than six (6) feet in height and shall not be illuminated in any way.

## **SECTION 1740 SIGNS PERMITTED IN THE OFFICE DISTRICT**

- (a) Signs as a Principal Use are not allowed in the Office District.**
- (b) Signs as Accessory Uses are subject to the following conditions:**
  - 1. In the O district, one business sign not exceeding thirty-two (32) square feet in surface area may be erected on each street frontage of a lot. Ground signs shall not exceed the height of the building in which the principal use is located twenty (20) feet, whichever is lower.**
  - 2. During the period of construction, a temporary sign advertising of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed one hundred sixty (160) square feet in surface area, nor fifteen (15) feet in height.**
  - 3. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed thirty-two (32) square feet in surface area, nor fifteen (15) feet in height.**

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CHAPTER 18

NONCONFORMITIES

- 1800 General
- 1810 Nonconforming Uses of Unimproved Land
- 1820 Nonconforming Uses of Buildings
- 1830 Nonconforming Signs
- 1840 Nonconforming Lots
- 1850 Structural Nonconformities
- 1860 Repairs
- 1870 Parking, Loading and Screening Nonconformities

**SECTION 1800 GENERAL**

Within the districts established by this code or amendments that may later be adopted there exists uses, structures, and lots which were lawful before this code was adopted or amended, but which would be prohibited under the terms of this code or future amendment to this code. These uses, structures, and lots, herein referred to as “nonconformities” may continue as regulated by this chapter. A use lawfully existing prior to the effective date of this code, or amendment thereto, which does not comply with a parking, loading, screening, bulk and area, sign, or enclosure requirement or requirements, but which is otherwise lawful shall be deemed nonconforming and may continue as regulated by this chapter.

**SECTION 1810 NONCONFORMING USES OF UNIMPROVED LAND**

When at the effective date of this code or amendment thereto a lawful use of land exists, which would not be permitted by the terms of this code or amendments thereto, and the only structures employed in connection with such uses are all accessory or incidental to such use and in the aggregate do not cover more than 10% of the lot area devoted to the nonconforming use, such use shall be deemed a nonconforming use of unimproved land and shall terminate as follows:

- (a) If the replacement cost of the accessory structures (other than fences) is less than one thousand dollars (\$1,000.00), the nonconforming use shall terminate within five (5) years from the effective date of this code or from the date the use became nonconforming, whichever is later.
- (b) If the replacement cost of the structures (other than fences) is one thousand dollars (\$1,000.00) or more, the nonconforming use shall be terminated on the basis of amortization of the replacement cost of the accessory structures at a rate of two hundred dollars (\$200.00) per year from the effective date of this code or from the date the use became nonconforming, whichever is later.

Pending termination, the nonconforming use of land may be continued provided:

- (a) No such nonconforming use shall be changed to another nonconforming use, nor enlarged or increased, nor extended to occupy a greater

Area of land than was occupied at the effective date of this code or amendment thereof.

- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this code or amendment thereof.
- (c) No additional structure (other than fences) shall be erected in connection with such nonconforming use of land.
- (d) If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, (except when government action impedes access to or use of the premises) any subsequent use of such land shall conform in all respects to the regulations of the district in which located.

#### **SECTION 1820 NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION**

When at the effective date of a building, or use of a principal building and land, or use of land and accessory structures, such structures covering more than 10% of the lot area, and such use would not be permitted by right under the terms of this code or amendment thereto, such use shall be deemed nonconforming and may continue subject to the following provisions:

- (a) No building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located.
- (b) A nonconforming use of a portion of a building may be extended to the remaining portions of the building if such portions were manifestly arranged and designed for such use, but such use shall not be extended to occupy any land outside the building.
- (c) A nonconforming use of a building, or building and land in combination, if superseded by a permitted use, shall not thereafter be resumed.
- (d) A nonconforming use of a building, or building and land in combination, if discontinued for twenty four (24) consecutive months or for twenty four (24) months during any three (3) year period, (except when governmental action impedes access to or the use of the premises) shall not thereafter be resumed.
- (e) Where nonconforming use status applies to a building and land in combination, termination of use of the building within the meaning of 1820 (d) shall eliminate the nonconforming status of the use of the land.
- (f) A nonconforming use of a building or of a building and land in combination; when located within a residential district shall not be changed unless changed to a use permitted in the district in which located. A nonconforming use of a building or of a building and



Land in combination; when located within a district other than a residential district, may, as a special exception, be changed upon approval of the Board of Adjustment after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

- (g) Should the structure containing a nonconforming use be damaged or partially destroyed to the extent of more than 50%, but less than 75% of its current replacement cost at time of damage, the restoration of the structure shall be subject to the Board of Adjustment's finding after adherence to the procedural requirements for a special exception, that the contemplated restoration is necessary for the continuance of the nonconforming use, and will not result in any increase of incompatibility with the present or future use of proximate properties. Should the structure containing a nonconforming use be damaged or destroyed to the extent of more than 75% of its replacement cost at time of damage, the nonconforming use shall not thereafter continue or be resumed.

## SECTION 1830 NONCONFORMING SIGNS

### 1830.1 Outdoor Advertising Signs

- (a) Outdoor advertising signs lawfully existing on the effective date of this code but which would be prohibited by its terms, shall be removed, or made to conform if possible, on or before January 1, 1999. In addition, said sign shall be subject to the following regulations:
1. The sign shall be maintained in good repair and visual appearance.
  2. Should the sign be damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of damage, the sign shall be removed, or made to conform if possible.
  3. If the sign is not used for advertising purposes for a period of one hundred eighty (180) consecutive days, the sign shall be deemed abandoned and shall be removed.

### 1830.2 Business Signs

- (a) Business signs lawfully existing on the effective date of this ordinance, or amendment thereto, but which would be prohibited by its terms shall be removed, or made to conform if possible, on or before January 1, 1999.
- (b) Signs with flashing lights lawfully existing on the effective date of this ordinance or amendment thereto, but which would be prohibited by its terms shall be removed, or made to conform to the provisions of this chapter, within one year from the effective date of this amendment provided, however, that promotional business signs shall comply with this ordinance immediately, from and after its effective date.

**SECTION 1840 NONCONFORMING LOTS**

- (a) In residential districts, on any lot or subdivision of record on or before a single-family detached dwelling may be erected without complying with the required area or width of the required side yard which abuts a public street, provided that no side yard shall be less than five (5) feet and all other requirements of the district are complied with.
- (b) In nonresidential districts, on any lot or subdivision filed of record on or before the permitted use may be located on such lot irrespective of its area or width provided that other requirements of the district are complied with.

**SECTION 1850 STRUCTURAL NONCONFORMITIES**

A structure, lawfully existing at the effective date of the adoption or amendment of this code, but which would be prohibited by the terms code by reason of restriction on floor area, density, intensity, height, yards, its location on the lot, or other requirements concerning the structure, shall be deemed nonconforming and may continue, subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in any manner which increases its nonconformity, provided that the addition of a mezzanine or similar alteration which does not increase the cubic content of the structures shall not constitute an “increase in nonconformity”.
- (b) Should such structure be damaged or partially destroyed by any means to the extent of more than 50% of its current replacement cost at time of damage, the restoration as a nonconforming structure shall be subject to the Board of Adjustment’s finding, after adherence to the procedural requirements for a special exception, that its restoration to a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.
- (c) Should such structure be moved for any distance whatever, it shall thereafter conform to the provisions of the district in which located.
- (d) A mobile home or a mobile home park which lawfully existed at the effective date of the code, but which would be prohibited by the terms of this code is classified as a structural nonconformity and may continue, except for the following conditions and the other provisions of Section 1850:
  - 1. A conforming mobile home, outside of a licensed mobile home park, if removed from the site, shall not be thereafter reestablished, or if said mobile home remains unoccupied for a period of twelve (12) months during any eighteen (18) month period, the mobile home shall be removed from the site at the owner’s expense.

2. If a nonconforming mobile home park discontinues operations for twelve (12) months during any eighteen (18) month period, the mobile home park shall not thereafter resume operations.

#### **SECTION 1860 REPAIRS**

- (a) On any building containing a nonconforming use or any nonconforming structure, ordinary repairs and maintenance may be made provided that the cubic content of the building is not increased, and structural nonconformity is not increased.
- (b) If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and a final order of vacation or demolition is entered by any duly authorized official by reason of physical condition, it shall not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the district in which located.

#### **SECTION 1870 PARKING, LOADING AND SCREENING NONCONFORMITIES**

A use lawfully existing at the effective date of this code, or amendment thereto, but which does not comply with a parking, loading or screening requirement or requirements of this code, shall be deemed nonconforming and may continue, subject to the following provisions:

- (a) No such use may be enlarged or extended unless parking and loading is provided as required for the enlargement or extension.
- (b) No such use may be enlarged or extended unless screening is provided as required for the use.
- (c) No such use may be changed unless parking, loading and screening is provided as required for such use; provided however, that the Board of Adjustment may modify such parking and loading requirements as a special exception after finding that the proposed use meets the standards contained in Section 2080.3, and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.

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**CHAPTER 19**

**ENFORCEMENT**

- 1900 Duty of Inspecting Officer or his Designee**
- 1910 Zoning Clearance Permit**
- 1920 Penalties for Violation**
- 1930 Construction and Use to be as provided in Applications, Plans and Permits**

**SECTION 1900 DUTY OF INSPECTING OFFICER OR HIS DESIGNEE AND OTHER OFFICIALS**

It shall be the duty of the Inspecting Officer or his designee to enforce this code. If the Inspecting Officer or designee shall find that any of the provisions of this code are being violated, they shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials, and employees of Wagoner County vested with the duty or authority to issue permits or licenses shall comply with the provisions of this code, and construction, structure, building, or sign in conflict with the provisions of this code.

**SECTION 1910 ZONING CLEARANCE PERMIT**

**1910.1 Zoning Clearance Permit Required**

It shall be unlawful for any person, firm or corporation to erect, move, add to or structurally alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Clearance Permit has been issued by the Inspecting Officer or his designee.

**1910.2 Application for Zoning Clearance Permit**

Application for a Zoning Clearance Permit shall be accompanied by a legal description of the lot and plans in duplicate, drawn to scale in black line or blueprint, showing the actual shape and dimension of the lot; the location and dimensions of all easements; the location, size and height of any existing buildings or structures to be erected or altered; the existing and intended use of each building or structure and portion of the lot; the number of dwellings and buildings it intended to accommodate, if any; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this code.

**1910.3 Response to Application for Zoning Clearance Permit**

After an application for a Zoning Clearance Permit is filed in compliance with the provisions herein, the Inspecting Officer or his designee shall issue a Zoning Clearance Permit, and copy of submitted plans or shall

Notify the applicant, in writing, of his refusal to issue a permit setting forth the reasons therefore.

**1910.4 Fees for Zoning Clearance Permits**

No Zoning Clearance Permit shall be issued until a fee shall have been paid in accordance with the schedule of fees adopted by resolution of the governing body. A group Zoning Clearance Permit may be issued covering five (5) or more residential lots in the same subdivision upon payment of a fee in accordance with the adopted schedule of fees.

**SECTION 1920 PENALTIES FOR VIOLATION**

Any person, firm or corporation violating any provisions of this code or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, shall be deemed guilty of a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Nothing herein contained shall prevent Wagoner County or its authorized officials from taking other action, authorized by law, to remedy violations.

**SECTION 1930 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, AND PERMITS**

Zoning permits, variances, or special exception uses issued on the basis of approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 1920.

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CHAPTER 20  
BOARD OF ADJUSTMENT

2000	Establishment of the Board
2010	Powers of the Board
2020	Proceedings of the Board
2030	Appeals from decisions of the Inspecting Officer
2040	Variances
2050	Special Exceptions
2060	Appeals to District Court
2070	Notice of Public Hearing

**SECTION 2000 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT**

The Board of County Commissioners shall appoint a County Board of Adjustment composed of five (5) members, residents of Wagoner County, two (2) of whom shall reside outside the corporate limits of the County of Wagoner, for a term of three (3) years, except that when the first appointment is made hereunder, the term of office of two (2) said members shall be one (1) year, the term of two (2) of said members shall be two (2) years, and the term of office of one (1) of said members shall be three (3) years. A member of such Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the Board of County Commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the Board of County Commissioners to serve his unexpired term. All members of the Board of Adjustment shall serve as such without compensation.

The Board of Adjustment shall elect its own Chairman and shall adopt rules or procedures consistent with the provisions of this act. The Chairman, or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of the Board of Adjustment shall constitute a quorum. All meetings of the Board of Adjustment shall be open to the public and a public record shall be kept of all proceedings.

The Board of Adjustment may, with the approval of the Board of County Commissioners, appoint such employees as may be necessary and may incur necessary expenses, within the limits of the appropriations authorized by the Board of County Commissioners.

For each petition and for each request for a public hearing, the County Board of Adjustment shall collect a fee the amount thereof to be fixed by the respective Boards of County Commissioners which such fees shall be deposited with the County Treasurer as required by law, and credited to the general fund of the county, and report thereof made to the Board of County Commissioners each month. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

**SECTION 2010 POWERS OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall have the power to hear appeals from the determinations of the Inspection Officer in enforcing this code, to grant

Special exceptions, to grant variances, and to make interpretations of the zoning map and test, in accordance with the substantive and procedural standards hereinafter set forth.

In acting upon any appeal, such Board of Adjustment shall, in its consideration of and decision thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations, resolutions and in the comprehensive plan.

#### **SECTION 2020 PROCEEDINGS OF THE BOARD**

Meetings shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings, deliberations and voting of the Board of Adjustment shall be open to the public. The Board of Adjustment 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 be immediately filed in the office of the Board of Adjustment shall be a public record. In all matters, the Board of Adjustment shall decide within ninety (90) days after the filing of an application for relive. The quorum, notice, filing and substantive requirements of the Board of Adjustment shall be set forth in the following sections concerning the Board of Adjustment exercise of a particular power.

#### **SECTION 2030 APPEALS FROM DECISION OF THE INSPECTING OFFICER**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the County Inspecting Officer in administering the county zoning regulations or building line and setback regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the County Board of Adjustment and the County Inspecting Officer, stating the grounds thereof. An appeal from the Board of Adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

In exercising the above powers, such Board of Adjustment may, in conformity with the provisions of this ordinance and other pertinent statutes, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from any may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

#### **SECTION 2040 VARIANCES**

##### **2040.1 General**

Where, by reason of exceptional narrowness, shallowness, shape topography or other extraordinary or exceptional situation or condition of a specific

Piece of property, the strict application of any regulation adopted under this code would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of such property. The Board of Adjustment may authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan or other element of the comprehensive plan as embodied in the zoning regulations and map.

Provided that the Board of Adjustment in granting a variance shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

#### **2040.2 Application**

A request for a variance shall be initiated by the filing of an application with the Inspecting Officer or his designee and shall be set for public hearing in accordance with the rules established by the Board of Adjustment.

#### **2040.3 Public Hearing**

The Board shall hold a public hearing and give notice prior to any action on a request, as provided for in Section 2070.

#### **2040.4 Board of Adjustment Action**

Before granting a variance request the Board of Adjustment shall:

- 1) Make a finding that the representations in the application responding to the requirements of Section 2040.1 are valid, and,
- 2) Further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and,
- 3) Further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

#### **2040.5 Time Limitation on Variances**

A variance which has not been utilized within one (1) year from the date of the order granting the variance shall thereafter be void, provided that the Board has not extended the time for utilization. For the purpose of



This provision, utilization shall mean actual use or the issuance of a building permit when applicable, provided construction is diligently carried to completion.

## **SECTION 2050 SPECIAL EXCEPTION**

### **2050.1 General**

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth may grant the following special exceptions:

- 1) Special Exception Uses as designated and regulated within the zoning district's "Uses Permitted by Special Exception" Section.
- 2) The change of a nonconforming use as provided in Section 1820 (f), Chapter 18, Nonconformities.
- 3) The restoration of a partially destroyed structure, containing a nonconforming use as provided in Section 1820 (g), Chapter 18, Nonconformities.
- 4) The restoration of a partially destroyed nonconforming structure as provided in Section 1850, Chapter 18, Nonconformities.
- 5) The modification of a screening requirement as provided in Section 240.2 and Section 250, Chapter 2, General Provisions.
- 6) The modification of the parking and loading requirements as provided in Section 1870 (c), Chapter 18, Nonconformities.
- 7) Satellite antennas which do not meet all of the standards as set forth in Section 291 of this code.

### **2050.2 Application**

A request for a special exception shall be initiated by the filing of an application with the Inspecting Officer or his designee and shall be set for public hearing in accordance with the rules established by the Board.

### **2050.3 Board of Adjustment Action**

The Board of Adjustment shall hold the hearing, and upon the concurring vote of three (3) members may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board of Adjustment in granting special exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

### **2050.4 Time Limitation on Special Exceptions**

A special exception which has not been utilized within one (1) year from date of the order granting same shall thereafter be void, provided that the Board of Adjustment has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

#### **SECTION 2060 APPEALS TO DISTRICT COURT**

An appeal to the District Court from any decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or person, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the clerk of the Board of Adjustment within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the District as in other cases. Upon filing of such notice, the clerk of the Board of Adjustment shall forthwith transmit to the clerk of the District Court the originals or certified copies of all papers constituting the record in such case, together with the order, judgment or decisions of said Board of Adjustment. Said cause shall be tried in the District Court and said court shall have the same power and authority as the Board of Adjustment, together with all other powers of the District Court in law or in equity. An appeal to the Supreme Court from the decision of the District Court shall be allowed as in other cases.

#### **SECTION 2070 NOTICE OF PUBLIC HEARING**

Notice of all public hearings herein provided for shall be given by one (1) publication in a newspaper of general circulation in the county at least fifteen (15) days prior to the date of such hearings. For variance or special exception, in addition to the published notice requirements, notice may also be given by posting notice of such hearing on the affected property.

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CHAPTER 21

AMENDMENTS

- 2100 General
- 2110 Policy on Zoning Map Amendments
- 2120 Zoning Text Amendments
- 2130 Zoning Map Amendments

**SECTION 2100 GENERAL**

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the governing body, a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

**SECTION 2110 POLICY ON ZONING MAP AMENDMENTS**

It is the policy of the governing body that in the consideration of proposed amendments to this Code that:

Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

**SECTION 2120 ZONING TEXT AMENDMENTS**

The Planning Commission upon its own motion may, or at the direction of the governing body shall hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within thirty (30) days transmit its report and recommendation to the governing body.

**SECTION 2130 ZONING MAP AMENDMENTS**

**2130.1 Initiated by Application**

- (a) Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the Inspecting Officer, or his designee shall be in such form and content as the Planning Commission may by resolution establish, and shall be accompanied by payment of a fee, the amount of which shall be established by resolution adopted by the governing body. Cost of notice and posting of signs shall be billed to the applicant.

- (b) An application shall be filed with the governing body or his designee at least thirty (30) days prior to the date of public hearing and shall be set for public hearing.

#### **2130.2 Initiated by Planning Commission**

In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the governing body shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within fifteen (15) days transmit its report and recommendation to the Board of County Commissions.

#### **2130.3 Notice Required**

- (a) The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:

- 1) At least fifteen (15) days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the metropolitan area.
- 2) In addition to published notice requirements, notice may also be given by posting notice of such hearing on the affected property.

- (b) Notice of Rezoning Shall confer jurisdiction:

- 1) Notice of the proposed RM-1 rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon RM-1, RD, RS-3, RS-1, and RS-O or combination thereof in the disposition of the application, and in like manner, notice of any R district, including RMHS, and RMHP shall confer jurisdiction to consider any less dense R district, except RMHS and RMHP. However, notice of a RMHP shall confer jurisdiction to consider the RMHS districts and notice of RMHS-2 shall confer jurisdiction to consider the RMHS-1 district.
- 2) Notice of a proposed CG rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon CG, CN, and O, or combination thereof in the disposition of the application, and in like manner, notice of any C district, shall confer jurisdiction to consider any less intense C or O district.
- 3) Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon IH, IM, IL, and combinations thereof in the disposition of the application and in like manner, notice of proposed IM rezoning shall confer jurisdiction on Planning Commission and governing body to consider and act upon IM and IL in the disposition of the application.
- 4) Specific notice of a proposed AG, PUD or RMHP district shall be required to confer jurisdiction on the Planning Commission and governing body to consider such AG, PUD or RMHP district.

#### **2130.4 Planning Commission Action on Zoning Map Amendments**

After notice and public hearing, the Planning Commission shall vote to:

- (a) Recommend to the governing body that the application be approved as submitted, or as amended, or be approved subject to modification or;
- (b) Recommend to the governing body that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the governing body within fifteen (15) days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further unless the applicant within fifteen (15) days from the date of the Planning Commission action, files a written request with the County Clerk for a hearing by the Board of County Commissioners. The request for hearing shall be accompanied by the payment of a \$25.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the Board of County Commissioners.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within fifteen (15) days from the date of Planning Commission action.

#### **2130.5 Board of County Commissioners Action on Zoning Map Amendments**

The Board of County Commissioners shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 2130.2. The governing body shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application.

#### **2130.6 Time Limit for Resubmittal of Denied Applications**

When the Board of County Commissioners has denied an application to amend the zoning classification of a particular tract of land, or when the Planning Commission has denied such application and no appeal was made to the governing body, no subsequent application on such tract or portion thereof, shall be set for public hearing by the Planning Commission until one hundred eighty (180) days have elapsed from the date of the Planning Commission action on the original application.

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CHAPTER 22

DEFINITIONS

**SECTION 2200 DEFINITIONS**

**Abutting** – In the context of a screening or enclosure requirement, abutting shall mean contiguous or separated there from only by a non-arterial street. In other instances, abutting shall mean contiguous.

**Accessory Use or Structure** – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

**All-Weather Material** – A hard surface, dust-free material capable, during ordinary use of withstanding without substantial deterioration, normal weather conditions.

**Anticipated Development** – Full potential urbanization of the contributing watershed, considering the Comprehensive Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or water course.

**Arterial** – A street designated on the Major Street Plan as a primary arterial or secondary arterial.

**Average Ground Elevation** – The midpoint between the highest and lowest ground elevations at the building wall.

**Board of Adjustment** – The Wagoner County Board of Adjustment.

**Building** – A structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.

**Building Setback** – The horizontal distance, from the point of measurement, such as the centerline of an abutting street or the boundary line of an abutting zoning district to the nearest building wall.

**Care Home** – Premises used for the housing and caring for the aged or infirmed, and includes convalescent homes, homes for the aged, and nursing homes.

**Community Group Home** – A community based residential facility for independent living that provides room and board, personal care, and rehabilitation services in a family environment as a single housekeeping unit to 6-12 resident mentally retarded and/or physically limited persons with at least one (1) but not more than three (3) resident staff persons. Personal care and rehabilitation services exclude on-site institutional type educational training, medical or nursing care.

**Copy Area** – The net geometric area enclosed by the smallest rectangles encompassing the outer extremities of all letters, figures, characters and delineations contained in the sign.

**County** – Wagoner County, Oklahoma.

**Curb Level** – The mean level of the establishment curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or its equivalent for the purposes of this code.

**Day Nursery** – Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days one or more children not related to the persons providing such temporary custodial care, and which comply with the licensing requirements of the Oklahoma State Health Department, but excluding Family Day Care Homes.

**Detention/Correctional Facility** – A facility for the detention, confinement, treatment and/or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, pre-release center, correctional community treatment center, jail and prison.

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

**Display Surface** – The surface of a sign upon, against, or through which the message is displayed or illustrated.

**Display Surface Area** – The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters, and delineations, but not including the structural supports for free-standing signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign provided, that as applied to wall or canopy signs having a non-illuminated background, display surface are shall mean copy area.

**Dwelling** – A building or structures used in whole or in part for human habitation.

**Dwelling, Duplex** – A building containing two dwelling units, designed for occupancy by not more than two families.

**Dwelling, Mobile Home** – A detached dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, connection to utilities, and similar installation activities, located on jacks or other temporary or permanent foundation. It does not include recreational vehicles or travel trailers.

**Dwelling, Multi-Family** – A building containing three or more dwelling units.

**Dwelling, Single-Family** – A building, other than a mobile home dwelling, containing one dwelling unit designed for occupancy by not more than one family.

**Dwelling Unit** – A room or group of rooms arranged, intended, or designed as a habitable unit, containing kitchen, bath and sleeping facilities, for not more than one family living independently of any other family.

**Elderly/Retirement Housing** – A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

**Emergency and Protective Shelter** – A residential facility which provides room and board for a temporary (30 days or less) period, protection counseling, and pre-placement screening for abused, displaced, or transient children or adults.

**Family** – One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but further provided that domestic servants may be housed on the premises without being designated as a family.

**Family Daycare Home** – A dwelling used to house and provide supervision and care for five children, said total to include those preschool children under five (5) years of age who reside in the residence.

**Flood** – A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

**Flood Regulatory** – A flood having a one (1) percent chance of being equaled or exceeded in any given year based upon the full potential urbanization of the contributing watershed considering the Comprehensive Plan, adopted Floodplain Management Policies and the watershed Master Drainage Plan were adopted.

**Floodway** – The channel of a river or other watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regulatory flood.

**Flood Area** – The sum of the gross horizontal areas of the several floors, including basements, of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included.

**Floor Area Ratio** – The floor area of a building or buildings on a lot divided by the lot area.



**Foster Home** – A dwelling used in whole or in part as living quarters for a household including one or more minor children placed by a licensed child placement agency who are not members of the family occupying said dwelling but, are under their supervision, Further, provided that a maximum of five (5) children are allowed to reside in the home including any natural children living in the home, if any children in the home are age two (2) or younger. If no children are under two (2) years, the maximum number of children residing in the home is six (6).

**Freeway** – A street designated as a freeway on the Major Street Plan.

**Freeway Sign Corridor** – An area four hundred (400) feet in width on each side of and adjacent to the publicly acquired right-of-way of a freeway.

**Frontage** – The lineal measurement of a lot boundary which abuts a public street or the lineal measurement of the building setback line when the boundary of the lot abuts a curved non-arterial street or cul-de-sac.

**Governing Body** – Wagoner County Board of Commissioners.

**Habitable Floor** – Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a “habitable floor”.

**Halfway House** – A building used in whole or in part as a treatment center and dwelling quarters for persons unrelated by blood or marriage who are undergoing care or rehabilitation for alcoholism or other forms fo drug abuse.

**Height, Building** – The vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure, provided that Height Exceptions listed under Section 220 shall apply.

**Height, Sign** – The vertical distance measured form the curb level to the highest point of the sign.

**Inspecting Officer** – The Wagoner County Inspecting Officer.

**Kennel** – The use of land or buildings for the purpose of selling, breeding, boarding or training cats or dogs, or both.

**Land Area** – The area of a lot plus one-half or thirty (30) feet, whichever is less, of the right-of-way of any abutting street to which the lot has access.

**Land Coverage** – The land area of a lot covered by building or buildings, except structural parking.

**Life Care Retirement Center** – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Oklahoma as an Intermediate Care Facility or a Skilled Nursing Center.

**Livability Space** – The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street or loading area.

**Loading Berth, Off-Street** – A space of at least ten (10) feet in width and thirty (30) feet in length and having a vertical clearance of at least fourteen (14) feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

**Lot** – A lot of record.

**Lot of Record** – A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of the County in which the lot is located or a parcel of land, the deed of which is recorded in the office of the County Clerk of the County in which the parcel is located.

**Lot, Double Frontage** – A lot other than a corner lot with frontage on more than one street other than an alley.

**Lot, Interior** – A lot other than a corner lot, with only one frontage on a street.

**Lot Line** – Any boundary of a lot.

**Lot Line, Front** – The boundary of a lot which abuts a public street. Where the lot abuts more than one street, the owner may select the front lot line.

**Lot Line, Rear** – The boundary of a lot which is most distant from and most nearly parallel to the front lot line.

**Lot Line, Side** – Any boundary of a lot which is not a front lot line or a rear lot line.

**Lot Width** – The average horizontal distance between the side lot lines.

**Major Street Plan** – The Coweta Metropolitan Area Major Street and Highway Plan, as adopted by the Board of County Commissioners, or as it may hereafter be amended.

**Mini-Storage** – A building containing small partitioned storage spaces, which are separately and individually rented or leased, for the storage of personal goods or merchandise, but excluding commercial warehousing.

**Mobile Home** – See Dwelling, Mobile Home.

**NA** – Not applicable.

**Nameplate** – A sign, attached flush against a building identifying the name of the building or the name of an occupant thereof.

**NEC** – Not elsewhere classified.

**Neighborhood Group Home** – A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than five (5) resident mentally retarded and/or physically limited persons with at least one (1) but not more than two (2) resident staff persons. Personal care and habilitation services exclude on-site institutional type educational training, medical or nursing care.

**Nursing Home** – A residential health care facility licensed and regulated by the State of Oklahoma which provides lodging, personal care and supervision for aged, chronically ill, physically infirm or convalescent patients.

**Obstruction** – Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or mater in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Parking Space** – A space on a lot intended and reserved for the parking of an automobile.

**Planning Commission** – The Coweta Metropolitan Area Planning Commission.

**Planned Unit Development** – A discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.

**Setback** – A horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term “setback” is used in conjunction with a modifying word or words such as “parking area”, the setback shall in its application include, but not be limited to, buildings.

**Sign, Business** – A sign which directs attention to a business, commodity, service, or entertainment conducted on the premises.

**Sign, Canopy** – A sign wholly supported by a canopy as defined in Title 51 Coweta Revised Ordinances.

**Sign, Construction** – A temporary sign erected during the period of construction advertising the construction of improvements on the property.

**Sign, Ground** – A sign which is attached to or is a part of a self-supporting structure, other than a building or portion of a building.

**Sign, Outdoor Advertising** – A sign which directs attention to a business, commodity, service, or entertainment, sold or offered elsewhere than the premises and only incidentally on the premises, if at all.

**Sign, Portable** – A sign which is not permanently affixed to the ground or a building, and easily moved from one location on the lot to another.

**Sign, Projecting** – A sign affixed to a building and which extends horizontally more than 12” from the sign supporting portion of the building.

**Sign, Promotional Business** – A sign, temporary in nature, consisting of tinsel, advertising flags, searchlights, balloons, tethered balloons, or banners.

**Sign, Real Estate** – A temporary sign advertising the sale, rental, or lease of the premises.

**Sign, Roof** – A sign other than a promotional business sign which is affixed to a roof, extended roof, pitched roof, or canopy, and which extends above the building wall or parapet wall.

**Sign, Wall** – A sign affixed to a building wall or parapet which does not extend horizontally more than fifteen (15) inches from the wall nor extend above the height of the wall or parapet.

**Special Exception** – A use or a design element of a use which is not permitted by right in a particular district because of potential adverse affect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the Board of Adjustment, where specifically authorized by the Code, and in accordance with the substantive and procedural standards of the Code.

**Story** – A room or set of rooms on one floor level of a building.

**Street** – A public thoroughfare designed to provide the principle means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

**Street Wall** – The wall or part of the building nearest to the street line.

**Structure** – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs. Provided that, for the purposes of Chapter 10, floodway zoning district “structure” means a walled and roofed building that is principally above ground, as well as a mobile home.

**Substantial Improvement** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Supplemental District** – A zoning district to be mapped as an overlay to a use district and which modifies or supplements the regulations of the general district in recognition of distinguishing circumstances such as unit development or flooding propensity while maintaining the character and purposes of the general use district area over which it is superimposed.

**Townhouse Development** – A row of at least three (3) attached dwelling units each separated by a party wall on individual lots and designed for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit; provided that in a development of six (6) or more units, a row of two (2) attached dwelling units may be constructed thereon.

**Variance** – A relaxation; of a restriction of the Code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction, would result in unnecessary hardship.

**Veterinarian Clinic** – A building used exclusively for the care and treatment of animals, including incidental boarding of animals within the enclosed building, but excluding outside animal runs.

**Yard** – An open unoccupied space on a lot between a building and a lot line.

**Yard, Exterior Side** – The side yard of a corner lot which abuts a street.

**Yard, Interior Side** – The side yard of a lot which does not abut a street.

**Yard, Front** – A yard extending along the full length of the front lot lines between the side lot lines.

**Yard, Required** – The minimum permitted distance of open unoccupied space between a building and a lot line.

**Yard, Rear** – A yard extending along the full length of the rear lot line between the side lot line.

**Yard, Side** – A yard extending along a side lot line between the front yard and the rear yard.

## APPENDIX A

## COWETA METROPOLITAN AREA ZONING CASE

## LIGHT MANUFACTURING AND PROCESSING USES

Any Light Industrial or Manufacturing Uses, EXCEPT the following:

- Aluminum, brass, copper, iron or steel foundry works
- Acetylene gas manufacture in excess of fifteen (15) pounds pressure per square inch
- Acid manufacture for wholesale
- Ammonia, bleaching powder or chlorine manufacture
- Asphalt manufacture or refining
- Auto salvage yards
- Blast furnace, except as a minor and incidental part of another permitted industrial use
- Boiler works or forge works
- Brick, tile or terra cotta manufacture
- Celluloid manufacture
- Coke manufacture
- Concrete read-mix plant
- Creosote manufacture or treatment
- Disinfectant or insecticide manufacture
- Distillation of bones, coal tar or wood
- Dyestuff manufacture
- Fat rendering
- Fertilizer manufacture (organic)
- Gas (heating or illuminating) manufacture or storage, except where such gas is to be entirely consumed on the same premises
- Glue, Gelatin or size manufacture
- Incineration or reduction of dead animals, garbage, offal or refuse other than garbage, offal or refuse accumulated and consumed within or on the same premises
- Lamp black manufacture
- Match manufacture
- Lime, cement or plaster of paris manufacture
- Oilcloth or linoleum manufacture
- Pickle, sausage, sauerkraut or vinegar manufacture
- Paint, oil, varnish or turpentine manufacture
- Paper or pulp manufacturing by sulphide processes emitting noxious gases or odors
- Printing ink manufacture
- Rayon or cellophane manufacture
- Refining of petroleum or other crude materials
- Rolling mill
- Rubber manufacture from crude materials
- Shoddy manufacture
- Soda ash, caustic soda and washing compound manufacture
- Solid or liquid waste disposal or storage
- Slaughtering of animals, exclusive of poultry and rabbit killing
- Smelting
- Soap manufacture
- Starch, glucose, dextrin manufacture

- **Stock yards**
- **Storage of dismantled automobiles or any form of junk or salvage material**
- **Sugar refining**
- **Tallow, grease or lard manufacture or refining**
- **Tanning or curing of leather, raw hides or skins or storage of raw hides or skins**
- **Tar distillation or manufacture**

**APPENDIX A**

**COWETA METROPOLITAN AREA ZONING CASE**

**LIGHT MANUFACTURING AND PROCESSING USES  
(Cont'd)**

- **Tar roofing or tar water-proofing manufacture**
- **Trades, industries, or uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration**
- **Wool scouring, hair manufacture**
- **Yeast manufacture for wholesale**