



# WAGONER METROPOLITAN AREA PLANNING COMMISSION

## ZONING CODE

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### ARTICLE 2: DISTRICT PROVISIONS

#### SECTION 2.1 AGRICULTURAL DISTRICT PROVISIONS

##### 2.1.1. DESCRIPTION OF AGRICULTURAL DISTRICTS

The agricultural district is intended to provide areas primarily for agriculture and related uses. The Agriculture General District (AG) is intended primarily for areas designated as agricultural on the Comprehensive Plan and which are likely to remain in agricultural use for the foreseeable future. It is a purpose of this district to protect the agricultural and other permitted uses from unplanned and premature, scattered, urban type development, pending proper timing for the providing of major streets, highways, utilities, and other public and quasi-public facilities.

##### 2.1.2. USES PERMITTED IN AGRICULTURAL DISTRICTS

Uses permitted in the various agricultural districts are as set forth in the Permitted Uses Table.

##### 2.1.3 BULK AND AREA REGULATIONS IN AGRICULTURAL DISTRICT

Every use in the Agricultural District shall be subject to the regulations set forth in Bulk and Area Use Table and to the modifications thereof set forth in Article 4.

For any parcel of ten acres or more in an AG District, there may be split in any calendar year not more than one residential lot **having minimum dimensions consistent with the AG District outlined in Bulk and Area Use Table and having an area less than that that required in the AG District also outlined in the Bulk and Area Use Table but not less than 90,000 square feet (2.07 acres) in area.** No parcels may be combined for the purpose of meeting the requirements **set forth in this section.**

In determining lot area in an Agricultural District, the adjacent halves of abutting streets and alleys may be included. The same rule may be applied to the width of such lot.

Height limits are provided in the Bulk and Area Use Table for all districts except as may be provided in Article 3 and in Section 4.6.2 for certain utility facilities.

#### SECTION 2.2 RESIDENTIAL DISTRICT PROVISIONS

##### 2.2.1 DESCRIPTION OF RESIDENTIAL DISTRICTS

The regulations for Residential Districts are designed



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- To protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities
- To encourage a suitable environment for family life by permitting appropriate neighborhood facilities, such as churches, schools, and playgrounds
- To permit certain institutions and utility facilities considered necessary in or compatible with residential neighborhoods
- To preserve openness of the living areas and to avoid overcrowding by requiring certain minimum yards, open spaces, and site areas, and maximum bulk of structures
- To provide for access of light and air to windows and for privacy, so far as possible, by controls over the spacing and height of buildings and other structures
- To make available areas suitable for a variety of dwelling types and densities to permit a wide range of individual choice
- To assure the provision of adequate off-street parking space to provide for the parking needs of the permitted uses
- To protect residential areas against hazardous, offensive, or objectionable influences
- To protect residential areas from heavy traffic and against through traffic of all kinds

The RS residential District is intended for detached single family dwellings. The RST Residential district is intended primarily for detached single family dwellings, but individual mobile homes are allowed, one per lot, if they meet the requirements of Section 3.8.7. The RM District is intended for multi-family dwelling. The RT Residential District is intended for mobile home parks. The RM-T District is designed for attached single family townhouse dwellings, on separate lots, from separate ownership.

### 2.2.2 USES PERMITTED IN RESIDENTIAL DISTRICTS

Uses permitted in various residential districts are as set forth in the Permitted Use Table.

### 2.2.3 BULK AND AREA REGULATIONS IN RESIDENTIAL DISTRICTS

Every residential use in a Residential District shall be subject to the requirements set forth in the Bulk and Area Use Table, and to the modifications thereof set forth in Article 4. In addition, residential lot sizes must conform to the requirements of both the Oklahoma Health Department and the Wagoner County Health Department.

In the case of multi-family dwellings in RM Districts, the area in abutting streets out to the center line for a distance not to exceed 65 feet and in abutting public open spaces to the center thereof for a distance not exceeding 65 feet may be counted as part of the area of the lot in determining lot area per dwelling unit.

### 2.2.4 BULK AND AREA REGULATIONS FOR NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS



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All nonresidential uses in Residential Districts shall be subject to the provisions applying to one-family dwelling set forth in Subsection 2.2.3 except as may be provided in Section 3.8 for certain nonresidential uses in residential districts in other sections of Article 3 for certain specified uses, and in Section 4.6.2 for certain utility facilities.

### **SECTION 2.3 PARKING DISTRICT PROVISIONS**

#### **2.3.1 DESCRIPTION OF THE PARKING DISTRICT**

The Parking District is designed to facilitate the providing of accessory off-street parking facilities in locations where more intensive commercial or industrial development is not appropriate.

#### **2.3.2 USES PERMITTED IN THE PARKING DISTRICT**

Uses permitted in the Parking District shall be as follows:

- a) All uses permitted in the least restrictive contiguous residential district, as regulated therein, and
- b) Off-street parking lots which are accessory to principal uses on other lots, which other lots may be in office, commercial, industrial, or mining districts, subject to section 3.10.

#### **2.3.3 BULK AND AREA REGULATIONS IN PARKING DISTRICTS**

Permitted uses in the Parking Districts shall be subject to bulk and area regulations as follows:

- a) Residential Uses: the same regulations as are provided for residential uses in the least restrictive contiguous residential district
- b) Off-Street Parking Uses: as provided in Section 3.10
- c) Other Uses: the same regulations as are provided for nonresidential uses in the least restrictive contiguous residential district

### **SECTION 2.4 OFFICE DISTRICT PROVISIONS**

#### **2.4.1 DESCRIPTION OF THE OFFICE DISTRICT**

The Office District is designed primarily to facilitate the locating of professional and business offices and uses compatible therewith in close proximity to residential areas, especially in the vicinity of hospitals, and to protect and maintain existing development of this type.



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### 2.4.2 USES PERMITTED IN THE OFFICE DISTRICT

Uses permitted in the Office District shall be as follows:

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| MEDICAL AND DENTAL OFFICES   |
| MEDICAL CLINICS  |
| ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, AND INTERIOR DESIGN OFFICES  |
| REAL ESTATE OFFICE   |
| LAW OFFICE   |
| ACCOUNTANT AND BOOKKEEPING OFFICE  |
| MEDICAL AND DENTAL LABORATORIES  |
| ADVERTISING AGENCY   |
| DATA PROCESSING SERVICE  |
| FINANCIAL INSTITUTION, OTHER THAN PAWN SHOP  |
| PHOTOGRAPHY STUDIO   |
| PRESCRIPTION PHARMACY  |
| OTHER – PROFESSIONAL OR BUSINESS SERVICE THAT DOES NOT PRODUCE MORE NOISE, ODOR, DUST, VIBRATION, OR TRAFFIC THAN THOSE ABOVE* |

\* Requires a Special Exception Permit issued by the Board of Adjustment

### 2.4.3 BULK AND AREA REGULATIONS IN THE OFFICE DISTRICT

Permitted uses in Office Districts shall be subject to bulk and area regulations the same as provided for nonresidential uses in the least restrictive contiguous residential district (See RS6 in the Bulk and Area Use Table).

## SECTION 2.5 COMMERCIAL DISTRICT PROVISIONS

### 2.5.1 DESCRIPTION OF COMMERCIAL DISTRICTS

The purpose of the Commercial Districts shall be as follows:

C1 Local Shopping District: The C1 District is designed to provide for local shopping and includes a wide range of convenience stores and personal service establishments which cater to frequently recurring needs. The district regulations are designed to promote convenient shopping and stability of retail development by encouraging continuous retail frontage and by excluding local service establishments which tend to break

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such continuity and to limit uses or characteristics of operation which encourage traffic from outside the immediate neighborhood.

**C2 Community Shopping District:** The C2 District is designed to accommodate regional and community shopping centers to provide for a wide range of essential local commercial services.

**C3 Central Commercial District:** The C3 District is designed primarily to provide:

- Concentrated central cores of retailing and personal services of all kinds satisfying the personal and household needs of the residents of the entire metropolitan area and outlying trade areas
- Areas accommodating central administrative, business, financial, general, and professional offices and related services satisfying the needs of the residents, businesses, industries, and other enterprises of the metropolitan area and the trade area. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage

**C4 Central Service District:** The C4 District is designed primarily to provide for certain high intensity commercial and light industrial activities which need a central location, but which either do not require a location in the core of a central business district, or are not compatible with principal uses of the core.

**C5 Highway Commercial District:** The C5 District is designed primarily to encourage the developing of recognizable, attractive groupings of facilities to serve trucks and truckers, as well as persons traveling by automobile, and to provide certain amusement facilities serving the metropolitan area. It is ordinarily located along U.S. numbered highways, particularly along interstate highways.

### **2.5.2 USES PERMITTED IN COMMERCIAL DISTRICTS**

Uses permitted in various commercial districts are as set forth in the Permitted Use Table.

### **2.5.3 BULK AND AREA REGULATIONS IN COMMERCIAL DISTRICTS**

Every permitted use in a Commercial District shall be subject to the requirements set forth in the Bulk and Area Use Table and to modifications thereof set forth in Article 4.

Where a lot in a Commercial District abuts property in an AG, RS, RT, RM, or O District, no structure on such lot adjacent to such other district shall exceed the height of 20 feet, unless the portions exceeding such height are setback in the same manner as in provided herein for structures in such other districts.

### **2.5.4 SCREENING**



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Whenever a commercial developed lot is adjacent or abutting an AG, RS, RM, P, or O District, the lot will be screened as provided in Section 4.1.3 of these regulations.

### SECTION 2.6 INDUSTRIAL DISTRICT PROVISIONS

#### 2.6.1 DESCRIPTION OF INDUSTRIAL DISTRICTS

General Purposes: the purposes of the industrial districts shall be, in general:

- To meet the needs of the metropolitan area's industrial economy by making available a wide range of suitable sites for all types of manufacturing and related services
- To reserve such sites for industrial use by protecting them from encroachment by non-industrial uses
- To use the less intensive industrial districts as buffers between residential districts and the more intensive industrial districts
- To protect industrial development from congestion by limiting the bulk of buildings in relations to their sites, by requiring appropriate yards, and by requiring that adequate off-street parking and loading facilities be provided

Specific Purposes: In addition to the general purposes set forth above, the specific purposes of the several industrial districts shall be as set forth below:

- I1 District: the I1 District is designed primarily to provide an environment conducive to the development and protection of **animal health, horticulture, dairies, industrial crops, parishes, farm product warehousing and storage and other light wholesaling enterprises**, which uses are ordinarily free from objectionable influence on most other uses
- I2 District: The I2 District is designed primarily to provide areas suitable for uses similar to those in I1 but at a greater intensity of use. This district is also designed to permit industrial utilization of land which has been platted into lots too small to meet requirements of I1 District
- I3 District: The I3 District is designed primarily to group together a wide range of industrial uses which sometimes produce moderately objectionable influences on residential, commercial, and light industrial uses
- I4 District: The I4 District is designed primarily for those industrial uses which tend to produce hazards or substantially objectionable influences on other classes of uses

#### 2.6.2 USES PERMITTED IN INDUSTRIAL DISTRICTS

Uses permitted in various industrial districts are as set forth in the Permitted Use Table.

#### 2.6.3 BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS



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Every permitted use in an Industrial District shall be subject to the requirements set forth in the Bulk and Area Use Table and to modifications thereof set forth in Article 4.

Where a lot in an Industrial District abuts property in an AG, RS, RT, RM, or O District, no structure on such lot adjacent to such other district shall exceed the height of 20 feet, unless the portions exceeding such height are setback in the same manner as in provided herein for structures in such other districts.

### 2.6.4 SCREENING

Whenever an industrial developed lot is adjacent or abutting an AG, R, P, or O District, the lot will be screened as provided in Section 4.1.3 of these regulations.

## SECTION 2.7 MINING DISTRICT PROVISIONS

The M District is designed to encourage and facilitate the mining and quarrying of minerals other than oil and gas.

### 2.7.1 USES PERMITTED IN THE MINING DISTRICT

Uses permitted in the M District are as follows:

- Underground Mining: Mining activities carried out beneath the surface by means of shafts, slopes, tunnels, or other openings leading to the mineral being mined and the extraction of the mineral through such shafts, slopes, tunnels, or other openings.
- Surface Mining: Mining activities carried out on the surface, including strip mining, auger mining, quarrying, dredging, pumping, or the use of hydraulic methods.
  - o Surface mining shall not include excavation or removal of shale, sand, gravel, clay, rock or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property.
  - o Surface mining shall not include excavations or grading conducted for forming on-site road construction or other on-site construction or the extract of minerals other than anthracite or bituminous coal by a landowner for his own noncommercial use from land owned or leased by him.
  - o Surface mining shall not include the extraction of such non-coal minerals for commercial purposes in an amount less than five hundred (500) tons per acre of aggregate or mass of mineral matter in any permit year.
  - o Surface mining shall not include the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a

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bond, contract, and specifications which substantially provide for and require reclamation of the area affected.

- Surface mining shall not include the handling, processing, or storage of slag on the premises of a manufacturer as part of the manufacturing process.
- Strip Mining: means those mining activities carried out by removing the overburden lying above natural deposits of minerals, and mining directly from such natural deposits thereby exposed, but excluded auger mining, quarrying, dredging, pumping or the use of hydraulic methods
- Ton: 2000 pounds avoirdupois (0.90718 metric ton)

### 2.7.2 BULK AND AREA REGULATIONS IN THE MINING DISTRICT

Every permitted use in the Mining District shall be subject to the requirements set forth in the Bulk and Area Use Table.

### 2.7.3 ACCESS

Road access to such use shall be controlled by means of a gate. A sign warning of hazardous conditions, if such exist, shall be affixed to the gate or placed in a conspicuous position near the gate. Access roads within two hundred feet of other property in an AG or R District shall be maintained in dust free conditions by surfacing or other treatment.

### 2.7.4 FENCING AND SCREENING

A fence as described in Section 4.1 shall be erected around the entire site or portions thereof, where the Planning Commission determines that such fencing is necessary for the safety of the public, but such fence shall not be required where a screening wall is required under this paragraph.

If any portion of the use is conducted within 165 feet of other property in an AG or R District, then a screening wall, as described in Section 4.1 shall be installed and maintained on the property where the use is conducted to shield the use from the other property.

Where no fence or screening wall is required, there shall be adequate planting of vegetation to shield mining operations. These planting shall be made generally along roadsides and property lines, but not necessarily limited to those areas.

### 2.7.5 YARD AND SETBACK REQUIREMENTS

No mining or quarrying excavation or sedimentation ponds shall be permitted within 165 feet of any property line or public right-of-way. This requirement shall include spoil piles and stockpiles.





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Structures and buildings related to production and processing with respect to mining and quarrying shall not be located closer than 100 feet to other property in an AG or R District, or closer than 50 feet to other property in Districts other than AG or R. Office buildings, scale facilities, equipment storage yards, and other similar structures shall be exempted from this provision, but shall not be located closer than 25' to common property lines.

### **2.7.6 REDUCTIONS OF NOISE AND VIBRATION**

All equipment, machinery, processing, and excavation shall be operated and maintained in such a manner as to minimize dirt, noise, and vibration. Mufflers shall be installed on internal combustion engines used within 1,000 feet of other property in an AG or R District.

### **2.7.7 STAGNANT WATER IN EXCAVATION PROHIBITED**

Mining and quarrying shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in excavations.

### **2.7.8 LATERAL SUPPORT**

The banks of all excavations running substantially parallel to adjacent property lines or public rights-of-way and within 165 feet shall be sloped no steeper than two feet horizontal to one foot vertical.

### **2.7.9 LAND REHABILITATION**

Reclamation, restoration, and rehabilitation of the land shall be in conformity with applicable state and federal statutes. The producer shall agree as a condition to any permit issued or zoning allowed that no other land may be substituted for reclamation and that reclamation in accordance with state and federal statutes will be practiced on the land zoned or permitted.

### **2.7.10 ABANDONMENT**

Within a period, six months, after the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus, or appurtenances accessory to the operation shall be removed.

### **2.7.11 NEIGHBORLINESS**

Drainage: Suitable drainage systems shall be constructed or installed if natural drainage is not possible. No alteration of the original drainage pattern with respect to perimeter properties will be allowed.

Existing trees and ground cover along public and road frontage shall be preserved and maintained for the depth of the setback required.



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Traffic Control: Insofar as practicable, all means of access to the property from any street or road shall be located and designed as to avoid the routing of vehicles to and from property over streets and roads that primarily serve abutting residential development.

### SECTION 2.8 FLOODPLAIN DISTRICTS (FD & FW)

The purpose of the Floodplain Districts is to prevent building hazards and threats of life and property created by flooding. The flood hazard zone (FD) designates the land in a floodplain subject to a one percent or greater chance of flooding in any given year. The floodway zone (FW) designates the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the flood having a one percent or greater chance of occurring in any given year. It is the intent of the policies and standards to protect life and property by reducing building intensity in these areas, by requiring special construction techniques or by requiring the study of such areas by a qualified person prior to construction. The policies and standards of this sections are based on technical information contained in the Comprehensive Plan.

A Floodway Supplemental District, identified by the Flood Hazard Area Maps, shall be adopted. The Floodway Supplemental District will identify the 100 year flood as established on the Flood Hazard Area maps prepared by the Federal Emergency Management Agency (FEMA), or the city engineer or any other maps prepared by a certified registered engineer in the State of Oklahoma meeting the criteria established by FEMA, or to stricter standards. Development within the FD District must meet the **criteria outlined in Flood Hazard Prevention Ordinance adopted by resolution by the Wagoner County Board of Commissioners**. The Floodplain District also contains a Floodway District (FW) which designates the actual watercourse itself. All development within the FW zone is prohibited.

### SECTION 2.9 SOLID WASTE DISPOSAL DISTRICT

The Solid Waste Disposal District is designed to regulate the location of Solid Waste Disposal sites in a manner that will:

- protect the public health, safety, and welfare
- conserve valuable land and other natural resources
- prevent injury to neighborhoods
- be in harmony with the spirit and intent of this Ordinance
- prevent the concentration of this land use in any one general location

#### 2.9.1 USES PERMITTED IN SOLID WASTE DISPOSAL DISTRICT

Use permitted in the Solid Waste Disposal District are as follows:



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All uses permitted by the Oklahoma State Department of Health according to the Oklahoma Solid Waste Management Act, Oklahoma Statute Title 63, as amended here in after referred to as “The ACT”, as a use by right

### 2.9.2 BULK AND AREA REGULATIONS IN SOLID WASTE DISPOSAL DISTRICT

For any parcel in a Solid Waste Disposal District the minimum area requirement shall be forty (40) acres. In determine the area in a Solid Waste Disposal District, the adjacent halves of abutting streets may be included. The maximum height of a Solid Waste Disposal Facility shall be no more than thirty-five (35) feet higher at any point on the site than the lowest elevation of the site.

### 2.9.3 LOCATION STANDARDS

A Solid Waste Disposal Site shall not be located according to the following criteria:

- Within one (1) mile of an occupied dwelling house, school or church, except that a smaller separation may be allowed if the applicant provides notarized statements made and signed by owners of all of the dwelling, schools, or church within one (1) mile of the site, evidencing consent and acceptance of the location of the proposed site
- Within one (1) mile of a ground water supply hydraulically down gradient of the site, if such ground supply is classified as Class 1 in Regulation 2.1.2.1 of The ACT
- Within one (1) mile upgradient of streams, ponds, springs, reservoirs, impoundments or lakes suitable for use as potential water supplies for domestic consumption
- Within two (2) miles of a platted residential subdivision
- **Within five (5) miles of either an existing or closed.....**



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### ARTICLE 3: USE CONDITIONS

#### SECTION 3.1 GENERAL

Uses permitted in any district under the district provisions of these regulations shall be subject to the requirements of the district provisions as supplemented or modified by the provisions of this article. With respect to any permitted use the provisions of this article are applicable, regardless if such use is specifically identified in the **Permitted Use Table** as being subject to a section of this article.

#### SECTION 3.2 ACCESSORY BUILDINGS IN SINGLE FAMILY, DUPLEX AND OFFICE DEVELOPMENTS

In addition to any other applicable provisions of these regulations, accessory buildings to single family, duplex and office districts shall be subject to the following conditions:

- No accessory buildings shall be constructed upon a lot until **a building permit has been issued and** the construction of the main building has commenced, and no accessory building shall be used unless the main building on the lot is also being used.
- An accessory building erected as an integral part of the principal shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to principle buildings.

A detached accessory building shall be located:

- On the rear two-thirds (2/3) of the lot, but this limitation shall not apply to carports, provided that the required front yard is observed;
- At least six (6) feet from any existing dwelling or dwelling under construction
- At least three (3) feet from any interior lot line; and
- If on a corner lot:
  - o shall not project in front of the front building line required or
  - o shall not project in front of the front building line existing on the adjacent lot
  - o if no front building line is established, shall not be closer than 25 feet **to any street edge** from which vehicular access is gained

Accessory buildings shall not cover more than 35 percent of the area of the required rear yard.

#### SECTION 3.3 ACCESSORY COMMERCIAL USES IN MULTI-FAMILY RESIDENTIAL DISTRICTS AND OFFICE DISTRICTS

Permitted Uses: Where the district provisions permit accessory retail sales in specific Residential and Office District, the types of uses thus permitted shall be as follows:



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| RETAIL TRADE ESTABLISHMENTS  | PERSONAL SERVICES ESTABLISHMENTS    |
|------------------------------|-------------------------------------|
| MERCHANDISE VENDING MACHINES | BEAUTY SHOPS                        |
| FOOD                         | BARBER SHOPS                        |
| EATING PLACES                | PRESSING, ALTERATION, GARMET REPAIR |
| DRUG AND PROPRIETARY         | LAUNDRY SERVICES                    |
| LIQUOR                       | DRY CLEANING SERVICES               |
| BOOK AND STATIONARY          |                                     |
| FLORIST                      |                                     |
| TOBACCO PRODUCTS             |                                     |
| NEWSPAPER AND MAGAZINES      |                                     |

### Conditions Applying to Uses:

Uses set forth in the paragraph above shall be permitted as accessory uses in the specified intensity districts only if they:

- Are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said buildings
- Do not occupy more than ten (10%) percent of the gross floor area of the building in which located
- Have no signs or other advertising visible from outside the zoning lot on which located
- Are located in or contiguous to the lobby of the principal buildings
- Have at least one (1) lobby entrance

## SECTION 3.4 ANIMALS

### 3.4.1 GENERAL PROVISIONS

The keeping of animals within the territorial jurisdiction of these regulations shall be subject to the provisions of this section and all applicable county or municipal regulations.

### 3.4.2 SEPARATION PROVISIONS

The following uses, where permitted, shall be conducted no nearer than fifty (50) feet to the boundary of a Residential, Parking, or Office Districts or to a dwelling on the same premises:



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- Animal hospital serving household pets and similar small animals
- Breeding, raising, or boarding of household pets and similar small animals for commercial purposes
- Kennels
- Egg farms

The following uses, where permitted, shall be conducted no nearer than one hundred (100) feet to the boundary of a Residential or Office District or to a dwelling on the same premises:

- Animal hospital serving livestock and similar animals
- Apiary
- Boarding or training of horses
- Dairy farms
- Poultry farm
- Farm for raising cattle, goats, horses, sheep, rabbits, or poultry

The following uses, where permitted, shall be conducted no nearer than two hundred (200) feet to the boundary of a Residential or Office District, or to a dwelling on the same premises:

- fur animal raising; hog raising
- livestock assembly, breeding, feeding, sales, or shipment
- stockyards

### 3.4.3 ADDITIONAL PROVISIONS FOR ANIMAL HOSPITALS

Animal hospitals located within five hundred (500) feet of a Residential or Office District shall be so constructed and operated so that sounds therefrom are not audible in such district. All runs shall be surfaced with an impervious material and shall be enclosed by a solid, eight foot walls. No burning of refuse or dead animals shall be permitted, and all drainage shall be away from adjoining properties.

### SECTION 3.5 DWELLING GROUPS

Except:

- where dwelling groups are permitted, or
- in the case of a garage apartment to the rear of a single-family dwelling (010 Accessory Living Quarters)

Not more than one (1) dwelling may be erected or placed on any lot.



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In those districts where dwelling groups are permitted uses (115 Dwelling Groups permitted in RM District, see Permitted Use Table), the Planning Commission Staff may issue a building permit for the erection of such a dwelling group, provided that the development conforms to the following minimum conditions and requirements.

- Minimum Lot Area: The area of the lot on which the dwelling group is to be erected shall be at least twenty percent (20%) greater than the aggregate of the minimum lot areas otherwise required for the individual in the group.
- Separation Other than Fronting: In each case, the distance between principal buildings, other than the distances specified in the Bulk and Area Use Table, shall not be less than the sum of the least widths of the affected yards required in the district in which the dwelling group is to be located.
- Access to a Public Street: Every residential structure in the dwelling group shall be within sixty (60) feet of a public street or a private access roadway with a minimum width of fifty (50) feet provided that the length of such private access road be a maximum of 300 feet, measured from the street edge to the end of a turnaround. Pavement design, including turnaround, shall comply with the adopted Subdivision Regulations.
- Compliance with Other Zoning Requirements: Except as modified in this Section, such dwelling group shall conform to all the requirements of the zoning regulations for the district in which it is to be located.

## SECTION 3.6 HOME OCCUPATIONS

### 3.6.1 GENERAL PROVISIONS

In any dwelling unit in a district where home occupations are permitted, all home occupations, collectively in the unincorporated area, shall not occupy more than forty (40%) percent of the gross floor area of one floor of said dwelling unit, and not more than six hundred (600) square feet of the gross floor area of one floor of said dwelling unit, whichever is greater. ~~and in the City of Wagoner, shall not occupy more than thirty percent of the gross floor area nor more than three hundred feet of the gross floor area, whichever is greater, but~~ These limitations shall not apply to foster family care, or the providing of room or board as an accessory use. ~~provided further, that~~ No exterior alterations of the structure shall be made which are of a nonresidential nature, no advertising or display shall be permitted, except for a two (2) square foot sign as authorized in Section 3.13, no person is employed other than a member of the immediate family residing on the premises, and no mechanical equipment is used which creates a disturbance such a noise, dust, odor, or electrical disturbance. Except for the permitted accessory identification sign, no evidence of any home occupation shall be perceptible to an observer in the street or on any other property. A minimum of two (2) off-street parking spaces must be provided in addition to those required for family vehicles.



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#### 3.6.2 HOME BEAUTY SHOPS

A home beauty shop shall be a permitted home occupation only if it is located in the main dwelling, is operated only by inhabitants of such dwelling (**no outside residence employees**), has only one operator on duty at any time, and has at least two (2) off-street parking spaces meeting the requirements of Section 3.10 in addition to the spaces required for the residential use of the dwelling.

#### SECTION 3.7 MOBILE HOME PARKS

Mobile home parks may be established provided that each park complies with the following conditions:

##### 3.7.1 BULK AND AREA REQUIREMENTS

Mobile Home Park Tract: Each mobile home park tract shall meet the **requirements outlined in the Bulk and Area Use Table**.

The Board of Adjustment may permit a mobile home park on a tract of less than five (5) acres but not less than two (2) acres, if it is contiguous for at least one-sixth (1/6) of its boundary with an **existing or under development** mobile home park which meets the requirements of this section. The mobile home park shall be a single parcel, unless divided by a public right-of-way in such a manner as not to preclude efficient design and operation; if so divided, no part shall be less than one (1) acre.

Individual Mobile Home Spaces: Each individual mobile home space in a mobile home park shall meet the **requirements outlined in the Bulk and Area Use Table**.

##### 3.7.1 COMMON RECREATION SPACE IN MOBILE HOME PARKS

There shall be at least six hundred (600) square feet of common recreation space per mobile home space; the minimum area of any common recreation area shall be 10,000 square feet, and the minimum width of any such area shall be eighty (80) feet. Each required common recreation area shall be within three hundred (300) feet of each of the mobile homes it is intended to serve, measured along a route of pedestrian access. Such recreation area shall be no nearer than twenty-five (25) feet to any property line **abutting the Mobile Home Park**. Each required common recreation area shall be graded and drained so as to dispose of all surface water accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

##### 3.7.3 OFF-STREET PARKING AREAS IN MOBILE HOME PARKS





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Off-street parking space may be provided on common areas improved in accordance with provision for common recreation areas and shall be located within two hundred (200) feet of each lot so served, measured along a route of pedestrian access.

If parking space is provided with each lot, the minimum lot area shall be increased by three hundred seventy-five (375) square feet.

### **3.7.4 INTERIOR DRIVEWAYS**

Interior driveways shall be improved in accordance with the requirements for streets set forth in the subdivision regulations and property maintained.

### **3.7.5 ACCESSORY COMMERCIAL FACILITIES**

In a mobile home park containing at least 100 improved mobile home spaces there may be provided accessory commercial uses for the convenience of the residents of the development, provided that:

- The gross floor area of such accessory uses shall not exceed twenty-five (25) square feet for each mobile home space in the park; and
- All commercial uses shall be governed by the requirements of this regulation; but, shall be so located and arranged that their commercial character is not evident from the street or from any other residential development
- No such structure shall be closer than fifty (50) feet to any residential or office development outside the Mobile Home Park

### **3.7.5 OTHER REGULATIONS**

In addition to complying with this section, any mobile home park shall comply with all pertinent rules and regulations of the State of Oklahoma and of the local unit of government, concerning, but not limited to water supply, sewage disposal, electrical distribution, refuse handling, insect and rodent control, fuel supply and storage, and fire protection. The mobile home park shall be screened, utilizing a screen outlined in Section 4.1.3. The screen shall be on the perimeter of the mobile home park, except for street frontage.

### **3.7.7 INDIVIDUAL MOBILE HOME LOCATION**

No mobile home shall be placed or erected unless:

- It is located in a mobile home park which either:
  - o meets the requirements of these regulations, or
  - o was in existence at the effective date of these regulations and meets the requirements of the City-County Health Department, or

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- It has been converted to a permanent improvement or structure supported on a permanent masonry or material matching the mobile home siding, except for necessary openings for access and ventilation (not to exceed 10 percent of the skirt wall), and
  - used as a single-family dwelling, and
  - meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and
  - is placed on land owned by the owner of the mobile home thereof and
  - is listed and assessed for ad valorem taxation and
  - shall not be placed nearer than 165 feet to another residence
- It is used as a temporary construction office at the site of a project:
  - Only one mobile home per project may be permitted as a dwelling unit for a period of time not to exceed one (1) year unless granted a variance by the Board of Adjustment, and
  - must meet the health codes and other ordinances; and
  - must meet the Bulk and Area Use Table requirements outlined for RT individual mobile home dwelling units

### 3.7.8 TRAVEL TRAILERS OR RECREATIONAL VEHICLE LOCATION

No travel trailer or recreational vehicle shall be parked and used as a dwelling for more than one (1) month per year at any one location, parcel, or tract of land unless:

- It is located in an AG district with minimum parcel size of 10 acres and
  - used as a single-family dwelling, and
  - meets all the requirements of these regulations, the construction code, health and safety code, and other pertinent codes of the local unit of government; and
  - is placed on land owned by the owner of the travel trailer thereof and
  - is listed and assessed for ad valorem taxation and
  - shall not be placed nearer than 165 feet to another residence
  - is not placed in a platted subdivision and
  - shall meet all requirements outlined in the Bulk and Area Use Table for AG residential uses
- It is located on a mobile home park, a travel trailer park, or an area specifically designated as a campground and complies with other regulations and ordinances, or
- It is on a travel trailer sales lot, or
- It is used as a temporary construction office at the site of a project



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- Only one recreational unit per project may be permitted as a dwelling unit for period of time not to exceed one (1) year unless granted a permit by the Board of Adjustment, and
- must meet health codes and other ordinances, and
- **must meet the Bulk and Area Use Table requirements outlined for RT individual mobile home dwelling units**

#### 3.7.9 MODULAR HOMES

A modular home may be placed in an AG or R District and in accordance with other provisions of these regulations and the following requirements:

- The modular home's manufacturer and model shall have been approved by the Planning Commission **Staff**
- The modular home shall be placed on a permanent masonry foundation wall, under all exterior, walls, enclosed, except for necessary openings for access and ventilation, not to exceed 10 percent of the foundation wall
- The completed unit shall have a width (least dimension) of twenty feet or over; the main body of the unit must be at least forty feet in length
- The exterior finish shall be of a flat variety, not creating excessive reflection.

#### 3.7.10 MOBILE OR PORTABLE TEMPORARY ACCESSORY OFFICE OF LIMITED SHOP

A temporary mobile or portable accessory office or limited shop may be placed on an I3 or I4 District subject to the following requirements:

- The first one hundred and twenty (120) days subject to the owner securing a temporary permit from the Planning Commission **Staff**
  - Provided the unit is supported on a foundation and is completely enclosed beneath or skirted with masonry matching the siding except for necessary openings for access and ventilation (not to exceed 10 percent of the skirt wall)
  - Used as a temporary accessory office or limited shop, and
  - meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and
  - is placed on land owned by the owner of the mobile or portable office or limited shop and is in an I3 or I4 District



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For continued placement of the unit as set out above in this section the Board of Adjustment may grant **Special Exception** for any period of time in excess of the initial one hundred and twenty (120) days but in no case shall the **Special Exception** be granted for a period of time in excess of twenty-four (24) months.

### SECTION 3.8 NONRESIDENTIAL USES IN RESIDENTIAL AREAS

The following requirements apply to all charitable, cultural, educational, recreational, health, institutional, religious, social, and similar nonresidential facilities where permitted or abutting an R District. They do not apply to utility, protective, and similar facilities. Separation of structures or areas of uses listed above from the nearest other property in an R District shall be as follows, unless more stringent requirements appear elsewhere in this ordinance.

| <b>Table 3.8 Nonresidential Uses Separation Requirements</b>   |                             |
|--|-----------------------------|
| Type of Structure or Element of the Facility   | Minimum Separation (feet)   |
| <b>Outdoor Facility or Use</b>   |                             |
| Eating or picnic area  | 100                         |
| Entrance driveway  | 20                          |
| Landscaped or otherwise planted area   | None                        |
| Off-street parking area  | As provided in Section 3.10 |
| Outdoor activity area, NEC*  | 75                          |
| Outdoor spectator facilities for sports and similar events   | 200                         |
| Outdoor sports area without spectator facilities   | 100                         |
| Air conditioning tower or condenser unit, but not including a window unit  | 50                          |
| <b>Indoor Facility or Use</b>  |                             |
| Auditorium, ballroom, dining room or meeting room having a floor area of more than 1,200 square feet, game room gymnasium, locker or shower room, place where alcoholic beverages are served, spectator facilities, swimming pool, theater or similar indoor facility: |                             |
| if fully air conditioned   | 100                         |
| if not fully air conditioned   | 200                         |
| Building of a general hospital or convalescent home  | 50                          |
| Building of a facility for alcoholic, mental, nervous, narcotic or contagious patients   | 200                         |
| All other indoor facilities: If fully air conditioned  | 50                          |
| All other indoor facilities: If not fully air conditioned  | 100                         |
| * NEC = Not Elsewhere Covered  |                             |



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In case any facility or element falls within two or more of the categories set forth above, the greatest separation shall apply. All lighting facilities both indoor and outdoor, shall be so located and shielded so that no light source or glare will be visible from other property in an R District. All outdoor activity areas shall be made dustless by turfing, paving, or other suitable means.

### SECTION 3.9 OFF-STREET LOADING

Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment, or any similar use, which has, or is intended to have an aggregate gross floor area of 10,000 square feet or more, shall provide truck loading berths in accordance with the following table.

| <b>Table 3.9.A Off-Street Loading Requirements =&lt; 10,000 Square Feet</b> |                                  |
|---|----------------------------------|
| <b>Square Feet of Aggregate Gross Floor Area</b>                            | <b>Required Number of Berths</b> |
| 10,000 up to and including and including 16,000                             | 1                                |
| 16,001 up to and including 40,000   | 2                                |
| 40,001 up to and including 64,000   | 3                                |
| 64,001 up to and including 96,000   | 4                                |
| 96,001 up to and including 128,000  | 5                                |
| 128,001 up to and including 160,000   | 6                                |
| 160,001 up to and including 196,000   | 7                                |
| For each additional 36,000  | 1 additional                     |



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Every auditorium, convention hall, exhibition hall, sports arena, hotel, office building, restaurant, or any similar use, which has or is intended to have an aggregate gross floor area of 40,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table.

| <b>Table 3.9.B Off-Street Loading Requirements =&lt; 40,000 Square Feet</b> |                           |
|---|---------------------------|
| Square Feet of Aggregate Gross Floor Area                                   | Required Number of Berths |
| 40,000 up to and including 60,000   | 1                         |
| 60,001 up to and including 160,000  | 2                         |
| 160,001 up to and including 264,000   | 3                         |
| 264,001 up to and including 388,000   | 4                         |
| 388,001 up to and including 520,000   | 5                         |
| 520,001 up to and including 652,000   | 6                         |
| 652,001 up to and including 784,000   | 7                         |
| 783,001 up to and including 920,000   | 8                         |
| For each additional 140,000   | 1 additional              |

### 3.9.2 SIZE AND LOCATION OF OFF-STREET LOADING SPACES

Each loading space shall measure not less than thirty (30) feet by twelve (12) feet, and shall have an unobstructed height of fourteen and one-half (14.5) feet and shall be made permanently available for such purpose, and shall be adequately improved and properly maintained. Such facilities shall be so located that trucks using them shall not interfere with areas reserved for off-street parking nor project into any public right-of-way and shall be adjacent the building to be served. Any floor area provided by addition to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space. No required off-street loading area shall be eliminated or made inaccessible so long as the uses are continued for which it was originally required.

## SECTION 3.10 OFF-STREET PARKING

### 3.10.1 GENERAL INTENT AND APPLICATION

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It is the intent of these requirements that adequate parking be provided off the street in an easement for each use of land within the territorial jurisdiction. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

### 3.10.2 REQUIRED OFF-STREET PARKING

Every building hereafter erected and every open use of land hereafter established shall be provided with parking spaces as required in this section and such parking spaces shall be made permanently available and be permanently maintained for parking purposes, and except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks.

Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats, or beds.

### 3.10.3 LOCATION OF OFF-STREET PARKING SPACES

Required off-street parking spaces shall be located within two hundred (200) feet, by route of pedestrian access, from the principal uses they serve and shall have direct access to a street or alley.

In Residential or Office District, parking in front and exterior side yards shall be permitted only on driveways or other areas surfaced as required by this section **and adopted subdivision regulations**, and not more than one vehicle shall be parked in such yard per twenty (20) feet of abutting street. No driveway entrance serving a dwelling shall be more than **thirty (30)** feet wide, and no parking area other than a driveway shall be within four (4) feet of a street line.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. NO major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.



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### **3.10.4 JOINT PARKING FACILITIES**

Whenever two or more uses are located together in common buildings, shopping center or other integrated building complex, the parking requirement may be complied with by providing permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

### **3.10.5 SIZE OF OFF-STREET PARKING SPACE**

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area of ingress and egress.

### **3.10.6 NUMBER OF OFF-STREET PARKING SPACES REQUIRED**

Off-street parking spaces shall be provided for all uses except for the C3 District in accordance with the following schedule:

- Single Family Dwelling or Duplex: Two spaces per dwelling unit
- Multi-Family Dwelling: One space for each two (2) beds
- Hospital: One space for each two (2) patient beds exclusive of bassinets
- Sanatoriums, Convalescent, or Nursing Home: One space for each four (4) patient beds.
- Community Center, Theater, Auditorium, or Church Sanctuary: One space for each four (4) seats, based on maximum seating capacity
- Convention hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One space for each fifty (50) square feet of floor area used for assembly or recreation in the building
- Office Building Other than Medical or Dental: One space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services
- Commercial Establishment Not Otherwise Classified: One space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public
- Industrial Establishments: One space per one and one-half (1.5) employees.

For all uses not covered above, the Board of Adjustment shall make a determination of the parking demand to be created by the proposed use and the amount of parking thus determined shall be the off-street parking requirement for the permitted use except that no off-street parking shall be required for uses in the C3 District.





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All required parking spaces and all parking spaced in front and exterior side yards, **within 50 feet of a street**, shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from continued use.

### 3.10.8 PARKING LOTS IN RESIDENTIAL AREAS

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent a Residential, Parking, or Office District the following provisions shall apply:

- All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall, or dense evergreen hedge have a height of not less than five (5) or more than six (6) feet tall. Such fence, wall, or hedge shall be maintained in good condition
- No parking shall be permitted within a front yard setback line established fifteen (15) feet back from the property line of interior and corner lots when the parking lot is located in a residential development or immediately abuts the front yard of a residential unit. In all other cases no setbacks shall be required
- All yards shall be landscaped with grass, shrubs, or other **Planning Commission Staff approved landscaping material** and maintained in good condition continually
- Driveways used for ingress and egress shall be confined to and shall not exceed thirty (30) feet in width. Exclusive of curb returns
- All the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use
- Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential development
- No sign of any kind shall be erected except information signs used to guide traffic and to state the condition of terms of the use of the lots. Only nonintermittent lighting of signs shall be permitted

### SECTION 3.11 DELETED

### SECTION 3.12 DELETED

### SECTION 3.13 SIGNS: GENERAL

All signs, whether accessory or advertising, shall comply with the provisions of this section, except where provisions to the contrary appear in the district provisions. All signs shall also comply with all applicable provisions of other regulations of the local unit of government.

### 3.13.1 NUMBER AND AREA OF SIGNS



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The number of signs and total area of all faces of all signs, both accessory and advertising, exclusive of real estate signs, on any lot or any street frontage of any lot, shall not exceed the number and areas set forth in the following table.

In the case of a lot abutting two or more streets, the permitted area of any sign or group of signs shall be computed on the basis of the street frontage on the street nearest such signs. For this purpose, the term “frontage” shall be considered as referring to all abutting streets, whether they are the front or the side of the lot.

In addition to the area of signs permitted on any lot, there shall be permitted on each street frontage of any lot a sign advertising the sale, lease, or rental of property on which it is situated. No such signs on any lot shall exceed an area of 0.1 square feet for each foot of street frontage on which they are located.

| <b>Table 3.13.1 Maximum Number and Area of Sign</b>   |  |
|---|--|
| Type of Use and Type of Control   | Controls by District   |
|   | RS, RM, RT      AG, C1, C2, I4      C3, C4, C5      I2      I3, I4 |
| <b>One- and two-family dwellings:</b>   |  |
| Number of signs per dwelling unit   | 1  |
| Area (sq. ft.) of signs per dwelling unit   | 2  |
| <b>Home Occupations:</b>  |  |
| Number of signs per dwelling unit   | 1  |
| Area (sq. ft.) of signs per dwelling unit   | 2  |
| <b>Multi-family dwellings, townhouse developments, mobile home parks, institutions, and similar uses:</b> |  |
| Number of signs per premises  | 1  |
| Area (sq. ft.) of signs per premise   | 12   |
| <b>All other uses on one premise:</b>   |  |



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|  |     |     |     |     |
|--|-----|-----|-----|-----|
| Square feet of sign area per<br>lineal foot of street frontage | 0.5 | 1.0 | 1.5 | 2.0 |
|--|-----|-----|-----|-----|

### 3.13.2 LOCATION OF SIGNS

No sign other than signs placed by agencies of government shall be placed on any public property, except as provided for projecting signs. No signs shall be placed on any utility pole except for utility identifications or similar purposes. No sign shall be placed on any tree or rock.

No sign shall project over a public right-of-way except in the C3 District, and such sign shall not extend nearer than two (2) feet to the curb line or edge of pavement. No horizontal projecting sign shall exceed fifty (50) square feet in area, and no vertical projecting sign shall exceed one hundred (100) square feet in area.

No sign shall extend more than one (1) foot into a required front yard or exterior side yard except for the following:

- Projecting signs in C3 Districts, as provided above,
- A sign having area of not more than twelve (12) square feet identifying a shopping center or industrial park whose site area is at least two and one-half (2.5) acres,
- Identification and direction signs, each not exceeding three (3) square feet in area,
- Customary gasoline service stations signs, identifying the gasoline company so that for each street frontage, one such sign having two faces of not more than sixteen (16) square feet each; customary identification signs on the faces of gas pumps

No signs shall be so located that they will obscure or interfere with the function of any traffic sign or signal or result in a safety hazard by reducing visibility at any street intersection, change in alignment, or driveway entrance or ext.



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### 3.13.3 HEIGHT

Except as provided in subsequent paragraphs, no sign or sign structure shall exceed the heights set for in the following table:

| <b>Table 3.13.3 Maximum Sign Height</b> |                       |
|---|-----------------------|
| District                                | Maximum Height (feet) |
| AG, RS, RM, RT, P, O, C1                | 20                    |
| C2, C4, I1                              | 25                    |
| C3, C5, I2, I3, I4, M                   | 30                    |

No sign shall be painted on or mounted on the roof of any structure. Any sign or sign structure located within one hundred and sixty-five (165) feet of the right-of-way line of an interstate highway or other toll road or freeway may be erected to a height of not more than forty-five (45) feet above grade level of such thoroughfare at the point thereon nearest such sign or structure subject to the following:

- No sign or sign structure shall be erected to a height greater than the horizontal distance from such sign or structure to the nearest other property in a Residential, Agriculture, or Office District

### 3.13.4 CHARACTER OF DESIGN

No sign shall be of such design or character that it may readily be confused with a traffic sign or signal erected by public authority. No real estate sign shall be erected or maintained if it advertises for uses other than for which the property is zoned or incorrectly states the zoning of the property.



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No sign shall be illuminated or animated except in accordance with the following table:

| <b>Table 3.13.4 Illumination or Animation of Signs</b>             |                  |    |           |      |           |               |    |            |   |
|--|------------------|----|-----------|------|-----------|---------------|----|------------|---|
| Illumination or Animation Permitted                                | Zoning Districts |    |           |      |           |               |    |            |   |
|  | AG               | RS | RM,<br>RT | P, O | C1,<br>C2 | C3, C4,<br>C5 | I1 | I2, I3, I4 | M |
| Not Illuminated  | X                | X  | X         | X    | X         | X             | X  | X          |   |
| Illuminated - Not Flashing, Intermittent                           |                  |    |           |      |           |               |    |            |   |
| Without bulb or tube visible from outside the lot on which located |                  |    |           |      |           |               |    |            |   |
| reflected light  | X                |    | X         | X    | X         | X             |    | X          | X |
| light passing through translucent materials                        | X                |    |           |      | X         | X             |    | X          | X |
| With bulb or tube visible from outside the lot on which located    |                  |    |           |      |           |               |    | X          | X |
| Illuminated - Flashing or Intermittent                             |                  |    |           |      |           |               |    | X          | X |
| Animated   |                  |    |           |      |           |               |    | X          | X |

No flashing sign shall be of the instantaneous type. No flashing or intermittent sign shall be erected which is within two hundred (200) feet of a Residential or Office District and visible from such development. No illuminated sign shall be erected which is within fifty (50) feet of other property in an R District and visible from such property.

### 3.13.5 AREAS HAVING LESS RESTRICT REGULATIONS

Where a lot is across the street from property having less restrictive zoning regulations applying to signs than those applying to such lot, any sign on such lot, visible from such street shall be subject to such less restrictive regulations.

### SECTION 3.14 ADVERTISING SIGNS

Each advertising sign shall meet the following requirements, in addition to the requirements of Section 3.13.

There shall be only one advertising sign on each six hundred and sixty (665) feet of street frontage on which such signs are located. No advertising sign shall be located less than one hundred fifty (150) feet from a Residential District or less than twenty-five (25) feet from any property line other than a street line.

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### SECTION 3.15 LOCATION OF SEXUALLY ORIENTED BUSINESSES

#### 3.15.1 DEFINITIONS

As used in this Section, the terms 'sexual conduct' and specific anatomical areas' shall mean as follows:

- 'Sexual Conduct' includes the following:
  - o The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
  - o Ultimate sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, sodomy;
  - o Masturbation; and
  - o Excretory functions as part of or in connection with any of the activities set forth in (a) through (d) above.
- 'Specified Anatomical Areas' includes the following:
  - o Human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola;
  - o Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

For the purposes of this Ordinance, the 'sexually-oriented businesses' are defined as follows:

- Adult Amusement or Entertainment: Amusements or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or related to 'Sexual Conduct' or 'Specified Anatomical Areas', as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
- Adult Bookstore: An establishment having as a significant portion of its stock in trade books, film, magazines, and other periodicals which are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
- Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
- Adult Motel: A motel wherein material is presented, as part of the motel services, via closed circuit T.V., or otherwise, which is distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
- Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.



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- Adult Motion Picture Theater: An enclosed with a capacity of 50 or more person used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
- Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulations of the human body occurs as part of or in connection with 'Sexual Conduct' or where any person providing such treatment, manipulation or services related thereto exposes 'Specific Anatomical Areas'.
- Model Studio: Any place where, for any form of consideration or gratuity, figure models who display 'Specified Anatomical Areas' are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuity.
- Sexual Encounter Group: Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in person contact with or to allow personal contact by, employees, devices, or equipment or by personnel provide by the establishment which appeals to the prurient interest of the patron, to include, but not be limited to bath houses, massage parlors, and related or similar activities.

#### 3.15.2 PROHIBITION

No person shall or permit the establishment of any of the 'sexually-oriented businesses' as defined above in an area zoned other than I-IV or I-V. In addition, no person shall cause or permit the establishment of any of the 'sexually-oriented businesses' as defined above within one thousand (1,000) feet of any other sexually-oriented business, church, school, park, playground, or areas of developed or platted as residential.

The 'establishment' of a 'sexually-oriented business' shall include the opening of such businesses as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section 3.15.1

#### 3.15.3 NONCONFORMING USES

Any business existing as of the effective date of this Ordinance that is in violation hereof shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue for a period not to exceed five (5) years, unless sooner terminated for any reason whatsoever or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. In the event that two or more sexually-oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible zone, the first such sexually-oriented business licensed and continually operated at a particular location shall be the conforming use and the later-established business(es) shall be nonconforming.



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Nothing in this Ordinance is intended to make legal any business or activity that is expressly declared illegal under any other provisions of this Code or under any state or federal law.

### SECTION 3.16 TAVERNS

No taverns are allowed within 300 feet, measured along a common frontage, from a school, church, hospital, park, playground, or residential development. In addition, a six (6) foot screen, as outlined in Section 4.1, is required between a tavern and any residential development to the side or rear of the tavern.

### SECTION 3.17 TOWN HOUSE DEVELOPMENT

In any town house development there shall be a recreation area for use in common by all the resident of the development. The Area of such recreation area shall be as set forth in the following table:

| Table 3.17 Town House Development Recreation Area Requirement |   |           |
|---|---|-----------|
| District  | Minimum Area (sq. ft.) of Recreation Area |           |
|   | Per Dwelling Unit                         | Each Area |
| RM6   | 1,600                                     | 10,000    |
| RM4   | 800                                       | 5,000     |
| RM1.5   | 200                                       | 3,000     |
| RM-T  | 200                                       | 3,000     |

Such area shall be of such shape and location and so developed as to make it suitable for recreational use by the residents of the development.





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### ARTICLE 4: GENERAL REGULATIONS

#### SECTION 4.1 FENCES AND SCREEN WALLS

##### 4.1.1 GENERAL REQUIREMENT

Wherever any provision of these regulations requires the construction and maintenance of a fence or screen wall as a condition for initiating and subsequently continuing any use, such fence or screen wall shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with the provisions of this section. Where a fence or screen is required between two different uses, the second use proposed is responsible for the screen or fence.

##### 4.1.2 FENCE REQUIRED

The fence required by Subsection 4.1.1 shall be of the chain link types (barbed wire not permitted), at least six (6) feet high (unless a different height is required elsewhere in these regulations), constructed of good, substantial material, of first class workmanship, and so erected as to resist wind pressure, ensure public safety and present a neat, attractive and uniform appearance. Supporting uprights shall be erected on the inside of such fence.

##### 4.1.3 SCREEN WALL

The screen wall required by Subsection 4.1.1 shall be of solid fence of the stockade type or a masonry wall not less than six (6) feet in height unless a different height is provided elsewhere in these regulations. The fence or wall shall be so constructed that all bracing, supports, or posts, except those provided expressly for aesthetic purposes, shall be on the same side of the fence or wall as the use is to be screened. The fence, wall, or hedge shall be designed and constructed in such a way as to:

- Facilitate maintenance and
- Not modify natural drainage in such a way as to endanger property other than on which such use is located

##### 4.1.4 REQUIRED MAINTENANCE OF FENCE OR SCREEN WALL

The required fence, wall, or hedge, and trees, shrubs and grass, if provided shall be properly cared for and maintained by the owner of the zoning lot containing the use required to provide the fence or wall. Any dead trees or shrubs shall be replaced by such owner at the next appropriate planting season. No sign shall be erecting on the outer side of a wall or fence.

#### SECTION 4.2 ENCLOSURE OF USES



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Except as provided subsequent, no raw materials, waste materials, products, goods, machinery, or equipment shall be stored, displayed, operated or processed out-of-doors within two hundred (200) feet of a major street or highway or within two hundred (200) feet of any property in an R, P, O, or C1 or I1 District even though such activities may be permitted uses in such districts, unless such materials or articles are so screened as not to be visible to an observer driving on such street or highway or standing on the ground in such district.

The requirements above shall not apply to the following:

- Animals
- Boats
- Construction equipment in use on construction projects
- Electric substation or similar facility, unless granted by the Board of Adjustment
- Farm and garden equipment, in use in fields and gardens
- Gasoline pumps and similar service station equipment customarily not enclosed
- Household articles customarily stored or used out-of-doors
- Monuments and tombstones
- Motor vehicles
- Oil derricks or pumps and similar equipment at oil wells
- Pressure regulator stations or similar facility, unless required by the Board of Adjustment
- Plants, living, including trees and shrubs
- Signs
- Sports, play and similar equipment, customarily used outdoors
- Structures attached to the ground or a building
- Transit vehicles
- Transportation equipment in operation of goods being transported
- Trucks and trailers
- Utility Facilities, not elsewhere classified



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### SECTION 4.3 HEIGHT EXCEPTIONS

Any building may exceed the height limits set forth in the **Bulk and Area Use Table** provided that the portions of the building whose height exceeds such limits shall be set back in accordance with the same. Such setbacks shall be measured from lines parallel to and inside the side lot lines and the rear lot line and distant therefrom the width of the narrowest require side yard for such building.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extent above the height limits set forth in the district provisions without additional setback being required, provided that the sum of the horizontal cross-sectional areas of all such projections on any lot does not exceed five (5%) percent of the area of the lot.

### SECTION 4.4 OPEN SPACE, OTHER THAN YARDS

An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure. No dwelling shall be erected on a lot which does not abut on at least one (1) street, at least fifty (50) feet in width, for at least thirty-five (35) feet. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of these regulations.

On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs the line of sight at elevations between two (2) feet six (6) inches and six feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along the front and side lot lines and connecting the points so established to form a right triangle on the area of the lot adjacent to the street intersection.



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### SECTION 4.5 PLANNED DEVELOPMENTS

#### 4.5.1 APPROVAL

On recommendation by the Planning Commission, after public hearing the governing body may approve a plan for a planned development for a tract of land which lies in one or more of any R, C, or O Zoning Districts. All planned developments, prior to public hearing, shall adhere to all zoning map amendment application notice requirements as outlined in Oklahoma State Statute Title 19, Section 866.29.

#### 4.5.2 MODIFICATION OF REQUIREMENTS

The plan for a planned development may depart from the dwelling type, lot area, lot area per dwelling unit, lot width, yard, and coverage requirements of the district or districts in which it is located provided that:

- The total number of dwelling units to be built on the tract shall not exceed the number which could be built on the tract under the district provisions, counting one-fifth (1/5) of the tract area for streets, regardless of the area actually used for streets.
- The total area of the tract covered by structures shall not exceed the sum of the areas that would be permitted under the district provisions, counting one-fifth (1/5) of the tract area for streets.
- All lots in the tract abutting property in an AG or R District shall meet the provisions of those districts they are abutting.
- No mobile homes shall be permitted except in mobile home parks.

#### 4.5.3 ASSURANCES FOR COMMON AREA AND DENSITY

No plan for a planned development shall be approved unless the governing body makes a finding that the plan contained adequate provisions to assure that the conditions set forth in Subsection 4.5.1 will be met, and that adequate provisions have been made for the ownership and continued maintenance of any areas provided for common use and/or ownership by residents of the planned development.

#### 4.5.4 REQUIREMENT BY PLAT

Following approval of a plan for a planned development as provided by this section, no structure shall be built in such development, nor shall any permit be issued for any construction therein, until a plat for the planned development has been approved by the Planning Commission at a public hearing and construction plans reviewed and approved in accordance with the adopted Subdivision Regulation.

### SECTION 4.6 LOT AREA AND WIDTH

#### 4.6.1 SUBSTANDARD LOT OF RECORD



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In any district where dwelling are permitted, if any lot is smaller than the minimum requirement herein contained and all sides of such lot touch lands that were under other ownership at the effective date of these regulations, such lot may be used for the erection of one single family detached dwelling. In such case, the Board of Adjustment may permit appropriate reductions of required yard and increase of permitted lot coverage.

Where a lot has been created for nonresidential purposes under Section 4.6.2 or any other section of these regulations and such lot does not comply with the residential setback and FAR requirements of the district in which it is located, such lot shall not be used for residential purposes.

### **4.6.2 LOT FOR CERTAIN UTILITY FACILITIES**

Where a lot is proposed to be used as the site for a utility substation, pumping station, pressure regulating station, or similar facility whose nature is such that the lot area or width may appropriately be less than the minimum established herein for the district in which the lot is located, the Board of Adjustment may, on application, reduce the minimum for such individual facility and the Planning Commission may approve a plat contacting a lot so reduced.

## **SECTION 4.7 STREET ACCESS**

No dwelling shall be erected on a lot which does not abut on at least one (1) street with right-of-way at least fifty (50) feet in width for at least thirty-five (35) feet, except that a townhouse lot need not abut a street for more than the required width of a townhouse lot. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

## **SECTION 4.8 YARDS**

### **4.8.1 PROJECTIONS INTO REQUIRED YARDS**

Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two (2) feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five (5) feet. Fences, walls, and hedges in residential development may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in the front of the front building line shall exceed three (3) feet in height and no other wall or fence shall exceed seven (7) feet in height.

### **4.8.2 FRONT YARDS ON NARROW STREETS**



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Where a lot abuts on a dedicated street right-of-way less than fifty (50) feet wide (or half right-of-way less than twenty-five (25) feet wide), the required front or exterior side yard shall be measured from a line twenty-five (25) feet from the center line of such street.

### 4.8.3 COVERAGE OF REAR YARD

Accessory buildings which are not part of main building may be built in the rear yard, but shall not cover more than **thirty-five (35)** percent of the rear yard.

### 4.8.4 BUILDING SETBACK LINES

Where building setback lines adopted by proper authority establish deeper building setbacks than the front and exterior yards established by these regulations, such setback lines shall prevail.



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### ARTICLE 5: NONCONFORMING STRUCTURES AND USES

#### SECTION 5.1 NONCONFORMING STRUCTURES

##### 5.1.1 GENERAL INTENT

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which are lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance.

##### 5.1.2 NONCONFORMING LOTS OF RECORD

In any district in which single family dwelling are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.

##### 5.1.3 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- No structure may be enlarged or altered in a way which increases its nonconformity.
- Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

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- Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### 5.1.4 NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use for the structure to a use permitted in the district in which it is located.
- Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for one year, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district which it is located.
- Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

### 5.1.5 NONCONFORMING USES OF LAND

Where at the effective date of adoption or amendment of this Ordinance, lawful uses of land exist that are no longer permissible under the terms of this Ordinance as enacted or amended, such uses may be continued, so long as they remain otherwise lawful, subject to the following provisions:

- No such nonconforming use shall be enlarged or increased, no extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- If any such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.





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### **SECTION 5.2 CONSTRUCTION AUTHORIZED OR IN PROGRESS**

#### **5.2.1 BUILDING PERMIT ISSUED**

If, before the effective date of these regulations or amendment thereof, a building permit authorizing construction was lawfully issued, such construction may be started or continued after such date, subject to the provisions of Section 7.2.3.

#### **5.2.2 AREA PREVIOUSLY NOT UNDER ZONING JURISDICTION**

If, before the effective date of these regulations or amendment thereof, construction was started at a location not then subject to these regulations and was subsequently diligently pursued, and such construction on such date did not conform to such regulations, such construction may be continued after such date provided in Section 7.2. For the purpose of this section, construction shall be deemed to have been started before such date if the Board of Adjustment finds, on application, that before such date the foundation had been completed or costs equaling five percent of the total estimated construction cost had been incurred and would be lost if construction were not permitted to proceed.



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### ARTICLE 7: ENFORCEMENT AND ADMINISTRATION

#### SECTION 7.1 ZONING VERIFICATION

Zoning verification is conducted by the Planning Commission Staff to determine that a particular development meets all the requirements of this regulation. Zoning verification is part of the building permit process but does not authorize construction, it simply clears the land and structure in terms of zoning and authorizes the Planning Commission Staff to issue the building permit, if all other regulations, codes, and ordinances are met. In addition, the Planning Commission Staff conducts verification of floodplain ordinance compliance and subdivision regulation compliance prior to issuance of any building or construction permits. This process provides a good check for the applicant in that any irregularities can be eliminated before the detailed plans are prepared.

##### 7.1.1 EXISTING BUILDINGS

Any buildings, structure or use lawfully existing at the time of enactment of this Ordinance may be continued even though such buildings, structure or use does not conform with the provision of this Ordinance. However, no building or other structure shall be erected, constructed, enlarged, altered, or repaired, in such a manner as to prolong the life of the building; nor shall any land or building or other structure be changed without a building permit issued authorizing such construction, alteration, repair, or use changes as being in compliance with the provisions of this Ordinance. If change in use does not require the construction, alteration, or repair of any existing structures, a zoning verification should be requested to ensure the change in use is compliant with this regulation.

##### 7.1.2 APPLICATION FOR RE-ZONING

An application for a re-zoning, if the intended change in use is not authorized, shall be made to the Planning Commission Staff by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon.

Each application shall be filed with the Planning Commission at least (30) days prior to the date of the public hearing at which it is to be considered.

When the governing body shall have, after public hearing, denied any application to change the zoning classification of any land, no application to change the zoning classification of such land or any part thereof shall be eligible for public hearing within twelve months after such prior public hearing, provided, however, that the latter application is for a zoning district which is clearly more restrictive than that described in the



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~~prior application, the new application shall be eligible for public hearing six months after the prior public hearing.~~

### ~~7.1.3 ACCOMPANYING MATERIAL~~

~~All applications for re-zoning shall be accompanied by a plat plan, drawn to scale on suitable paper, showing the actual dimensions of the lot to be built upon and the size and location of the building to be erected, or utilized, and such other information as may be necessary to satisfy the requirements of these regulations.~~

### ~~7.1.4 FEES~~

~~Assessed fees for a re-zoning application shall be in accordance with the Fee Schedule adopted by the Board of County Commissioners.~~

### ~~7.1.5 PENALTIES~~

~~Any person, firm or corporation violating any provisions of this Ordinance is guilty of a misdemeanor and shall be fined in compliance with the Code Enforcement Manual and Fee Schedule adopted by the Board of County Commissioners.~~

## **SECTION 7.2 BUILDING PERMITS**

No building or other structure shall be erected, added to, or structurally altered unless a building permit therefor has been issued by the **Planning Commission Staff**, but no building permit shall be required for:

- Improvements having a cost or value of less than one hundred dollars.
- Uses exempt from these regulations as set forth in **Oklahoma Statute Title 19, Section 866.30**.

No building or part of a building shall be moved through or across any street, alley or highway unless a building permits for the moving thereof has been issued by the **Planning Commission Staff** except for uses exempt for these regulations, **Oklahoma Statute Title 19, Section 866.30**. No building or part of a building shall be moved from one part of a lot to a contiguous lot, unless a building permit for the moving thereof shall have been issued by the **Planning Commission Staff**. Permits for moving buildings shall be provided in Section 7.1.4.

### **7.2.1 APPLICATION FOR BUILDING PERMIT**

Each application for a building permit shall be on a form supplied by the **Planning Commission Staff**, shall include such information as may be required by the **Planning Commission Staff** as necessary for determining compliance of the proposed construction with these regulations and shall be accompanied by:



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- Site plans, drawn to scale, showing the scale and dimensions of the lot to be built upon and the shapes, dimensions, and locations on the lot of all existing and proposed buildings or alterations
- **All other requirements as outlined on the Building Permit Form**

All applications related to property in Flood Districts shall include additional statements and plans setting forth means by which the Flood District requirements are proposed to be met as set out in applicable flood control regulations adopted by the County of Wagoner.

### 7.2.2 ACTION ON APPLICATION FOR BUILDING PERMIT

No building permit shall be issued by the **Planning Commission Staff** except in conformity with the provisions of these regulations, unless **documentation from** the Board of Adjustment in the form of a **granted appeal, special exception, variance, or findings** as provided by these regulations. **Documentation from the Board of Adjustment may include approved and publicly posted minutes from the public hearing.**

One copy of the **building permit and associated attachments** shall be returned to the applicant by the **Planning Commission Staff upon review, approval, and payment. The Planning Commission Staff shall retain one copy.**

No building permit shall be issued with respect to property in a Flood District until the Engineer certifies in writing that the application complies with all applicable requirements **via the Floodplain Permit, reference the Flood Damage Prevention Ordinance.**

### 7.2.3 EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the **Planning Commission Staff** and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially complete within **one (1) year** of the date of issuance thereof, said permit shall expire and be cancelled by the **Planning Commission Staff**, and written notice thereof shall be given to the person affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

### 7.2.4 BUILDING PERMIT FOR MOVING A BUILDING

Any person desiring to move a building shall first file with the **Planning Commission Staff** a written application setting forth the following information;



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- Type and kind of building to be moved.
- The original cost of such buildings.
- The extreme dimensions of the length, height, and width of the building
- Its present location and proposed new location by lot and block numbers and subdivision names, or other legal description and street address if established.
- The approximate time such building shall be upon the streets, alleys, or highways, and the contemplated route that will be taken from the present location to the new location.

If in the opinion of the **Planning Commission Staff**, the moving of any buildings will cause serious injury to person or property or serious injury to the streets, alleys, highways, or other public improvements, or the building to be moved has deteriorated more than fifty (50) percent of its original value by fire or other elements, or the moving of the building will violate any of the requirements of these regulations or other regulations or ordinances of the unit of government, the permit shall not be issued and the building shall not be moved.

### SECTION 7.3 CERTIFICATE OF OCCUPANCY

#### 7.3.1 GENERAL REQUIREMENT

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the **Planning Commission Staff** stating that the proposed use of the building or land conforms to the requirements of these regulations, except as provided below. No certificate of occupancy shall be required for:

- The continuation, unchanged or existing use, except as provide for nonconforming uses in Subsection 7.3.2.
- The planting or harvesting of crops or gardens or the grazing of cattle or horses where permitted by the district regulations.
- Uses exempt from these regulations, as set forth in **Oklahoma Statute Title 19, Section 866.30**.

#### 7.3.2 NONCONFORMING STRUCTURES AND USES

No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of occupancy shall have been issued by the **Planning Commission Staff**. The certificate of Occupancy shall state specifically where the nonconforming use differs from the provision of these regulations, provided that upon enactment or amendment of these regulations, owners, or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of occupancy. Failure to make such



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application within three (3) months shall be presumptive evidence that the property was a conforming use at the time of enactment or amendment of these regulations.

### 7.3.3. APPLICATIONS FOR AND ISSUANCE OF CERTIFICATE OF OCCUPANCY

Each application for a certificate of occupancy shall be on a form supplied by the **Planning Commission Staff**. The form may be combined with the application for a building permit and shall include such information as may be required by the **Planning Commission Staff** for determining compliance of the proposed use with these regulations.

No certificate of occupancy shall be issued by the **Planning Commission Staff** except in conformity with these regulations. Where an application for a certificate of occupancy accompanies an application for a building permit, the certificate of occupancy shall not be issued until the building described is in the building permit has been completed in conformity with these regulations.

### 7.3.4 TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary certificate of occupancy may be issued by the **Planning Commission Staff** for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

### 7.3.5 RECORDS AND COPIES

The **Planning Commission Staff** shall maintain a record of all certificates of occupancy and a copy shall be furnished upon requires to any person.

### 7.3.6 FAILURE TO OBTAIN CERTIFICATE OF OCCUPANCY

Failure to apply for a certificate of occupancy, where required by this section, shall be a violation of these regulations and punishable under Section 7.5 thereof.

## SECTION 7.4 COMPLIANCE WITH APPLICATIONS AND PERMITS

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the **Planning Commission Staff** authorized only the use, arrangement and construction set forth in such 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 these regulations and punishable as provided in Section 7.5.

## 7.5 VIOLATIONS



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Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the **Planning Commission Staff**. The **Planning Commission Staff** shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations **and the Code Enforcement Manual adopted by the Board of County Commissioners**.

Violation of the provisions of these regulations or failure to comply with any of their requirements including violations of conditions and safeguards established in connection with grants of variances or **special exception**, shall constitute a misdemeanor. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined **in accordance with the Fee Schedule and Code Enforcement Manual Adopted by the Board of County Commissioners**.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffering the penalties herein provided.

Nothing herein shall prevent the unit of government from taking such other lawful action as is necessary to prevent or remedy any violation.

### SECTION 7.6 AMENDMENT OF ZONING REGULATIONS

#### 7.6.1 APPLICATION FOR AMENDMENT

Any person, association, firm or agency of government may apply for amendment of these regulations. An application for zoning map amendment shall be in such form and have such content as the Planning Commission may, by resolution, establish.

Each application shall be filed with the Planning Commission at least (30) days prior to the date of the public hearing at which it is to be considered.

When the governing body shall have, after public hearing **by the Planning Commission and appeal to the governing body**, denied any application to change the zoning classification of any land, no application to change the zoning classification of such land or any part thereof shall be eligible for public hearing within twelve (12) months after such prior public hearing.

#### 7.6.2 GENERAL ACTION ON APPLICATION FOR AMENDMENTS

Any application for amendment of these regulations shall be reviewed and acted upon as follows:



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- An application for amendment of these regulations shall be submitted to the Planning Commission Staff. The Director of the Planning Commission shall review the application and may set the application for public hearing before the Planning Commission **once all application requirements are met.**
- If the Director does not set the application for public hearing, a report will be submitted to the Planning Commission, who shall vote to set the application or modification thereof for public hearing or deny it.
- Prior to recommending approval of an application or approval subject to modification, the Planning Commission shall hold a public hearing thereon, **as required by Oklahoma State Statute Title 19 Section 866.29.** Following the public hearing, the Planning Commission shall within a reasonable time vote to
  - o recommend to the governing body that the application be approved or approved as modified
  - o recommend to the governing body to deny the application
- If the Planning Commission votes to deny an application or to modify it in a manner not acceptable to the applicant, as provided under Paragraph 3, the applicant may within fifteen (15) days **notify the Planning Commission Staff of the desire to** appeal the Planning Commission's action to the governing body.
- In the event of such appeal, the governing body may:
  - o Approve the application
  - o Return it to the Planning commission for further study and report
    - i. The governing body may recall the appeal at any time to approve or deny
  - o Deny it
- Before approving an application for a zoning map amendment which does not conform with the Planning Commission's recommendation thereon, the governing body shall hold a public hearing hereon as provided below:
  - o Such public hearing shall be held after receipt of the Planning Commission's recommendations on the applications
- After approval of the any amendment to these regulations, **the County Clerk shall file the amendment in the form of a resolution from the Board of County Commissioners,** and the Director of the Planning commission shall change the official zoning map, in the case of a map amendment. No map amendment shall be effective unless and until it is entered on the official zoning map.



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### 7.6.3 ACTION ON APPLICATION FOR AMENDMENTS IF PROPERTY LOCATED WITHIN THE UNINCORPORATED AREAS OF WAGONER COUNTY

- Notice of all public hearings shall be in accordance with Oklahoma State Statute Title 19, Section 866.29.
- The zoning regulations imposed and the districts created under authority of this ordinance may be amended, supplemented, changed, modified, or repealed from time to time by resolution of the Board of County Commissioners as it affects its jurisdiction, but no such change shall be made without public notice and hearing and the filing of a report and recommendations upon such proposed change by the Planning Commission.
- All projects or matters that fall within the purview of the duties of the Planning Commission for investigation and report before any final action shall be taken thereon; provided, however, that if the Planning Commission fails to make an investigation and report on any matter or subject referred to it for a period of thirty (30) days, such failure shall be considered a refusal to approve the proposed plan or project and the Board of County Commissioners shall be under no obligation to wait longer for reports or recommendations concerning said projects.

### 7.6.5 EFFECT OF PROTEST

In case of a protest against such proposed amendment signed by the owners of twenty (20%) percent or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated therefrom only by an alley or street, such amendment shall not be effective except by the favorable vote of two-thirds of all members of the Board of County Commissioners.

## SECTION 7.7 CLASSIFICATION OF CERTAIN AREAS

### 7.7.1 CLASSIFICATION OF DEANNEXED AREAS

Whereas the Wagoner County Zoning Regulations were prepared by and recommended for adoption by the Planning Commission to the Board of County Commissioners of Wagoner County, with the intent that the ordinance should work together harmoniously with other incorporated cities to effect the Comprehensive Plan and whereas, provisions should be made for zoning newly deannexed land by the County.

Therefore, the following provisions are hereby adopted:

- All territory that is deannexed by any incorporated city within the planning area after the effective date of these regulations, if it has prior thereto been zoned for that city, shall thereupon be placed in the same or most nearly corresponding zoning district classification under these regulations until otherwise classified by amendment of these regulations.



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- All territory that is deannexed by any incorporated city within the planning area after the effective date of these regulations, if it has not prior thereto been zoned by the city, shall be an Agricultural District, unless otherwise classified by the Board of County Commissioners at the time of deannexation.
- All territory that is annexed to the municipality after the effective date of these regulations, if it has prior thereto been zoned by the county shall thereupon be placed in the same or most nearly corresponding zoning classification under these regulations until otherwise classified by amendment of these regulations.
- All territory that is annexed to the municipality, after the effective date of these regulations, if it has not prior thereto been zoned by the County shall be as Residential District unless otherwise classified at the time of annexation by the governing body. These areas will be rezoned by the municipality within one year of annexation.

### **7.7.2 CLASSIFICATION OF UNDESIGNATED AREAS**

In the event there is an area on the zoning map for which the zoning district classification is not shown, such area shall be classified as an Agricultural District until reclassified by the governing body.