

## CHAPTER 2

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#### SECTION 200 ZONING AND SUPPLEMENTAL ZONING DISTRICTS ESTABLISHED

The Zoning Districts and Supplemental Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

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

## SECTION 202 OFFICIAL ZONING MAP ESTABLISHED

The locations and boundaries of the various districts as defined herein shall be established by resolution and shall be shown and delineated on the Official Zoning Map of Coweta Metropolitan Area. The Official Zoning Map shall be maintained by the Inspecting Officer of Wagoner County, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Official Zoning Map or for any reference to the Official Zoning Map.

## SECTION 203 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

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

## SECTION 204 LIMITATION ON LAND USE

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

## SECTION 205 DIVISION OF LOTS

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

## SECTION 206 STREET FRONTAGE REQUIRED

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

## SECTION 207 ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD

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

## SECTION 208 HOME OCCUPATIONS

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

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

## SECTION 209 NEIGHBORHOOD GROUP HOME

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

3. No signs advertising the neighborhood group home shall be permitted on the lot.
4. No exterior alterations of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structure. Fire escapes, if required, must be located on the rear of the structure if architecturally feasible or on the side of the structure and screened.
5. To avoid clustering, a neighborhood group home shall not be located on a lot within  $\frac{1}{2}$  mile (2,640 feet) of any other lot containing a neighborhood group home, a community group home, a residential treatment center, a transitional living center, an emergency or protective shelter, or detention/correctional facility.

#### SECTION 210 FAMILY DAY CARE HOMES

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

#### SECTION 211 COMMUNITY GROUP HOME

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

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

#### SECTION 220 HEIGHT EXCEPTIONS

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

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

Provided that:

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

#### SECTION 230 LOT AREA AND WIDTH EXCEPTIONS

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

## SECTION 240 YARDS

### 240.1 Compliance With Yard Requirements

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

### 240.2 Permitted Yard Obstructions

Obstructions are permitted in required yards as follows:

- (a) Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two (2) feet into a required yard.
- (b) Fire escapes may project not more than four and one-half (4 1/2) feet into a required yard.
- (c) Fences, hedges, plant materials and walls may be located in any yard provided that corner traffic visibility is maintained in accordance with the City of Coweta Traffic Code. Fences and walls within yards shall not exceed a height of eight (8) feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four (4) feet. The Board of Adjustment, as a special exception, may modify these limitations.
- (d) Signs which are permitted as accessory uses in residential districts, may be located within any yard which is bounded by a public street.
- (e) In the R districts detached accessory buildings may be located in a rear yard provided the accessory buildings in the aggregate do not cover more than 20% of the area of the rear yard or exceed (600) square feet of floor area, whichever is less and do not encroach on any utility easement.
- (f) Swimming pools, tennis courts, and fallout shelters.
- (g) Mobile home hitches.
- (h) Customary accessory structures, such as clotheslines, barbecue pits, playground equipment.
- (i) Carports by special exception requiring Board of Adjustment approval.

### 240.3 Use of Yards in R Districts

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

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

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

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

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

## SECTION 250 SCREENING WALL OR FENCE

### 250.1 Specifications

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

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

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

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

250.2 Maintenance

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

250.3 Modification of the Screening Wall or Fence Requirements

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

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

250.4 Location Where Screening Walls or Fences are Required

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

Column A

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

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

Column B

RS-0, RS-1, RS-2, RS-3 and RD

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

SECTION 260 MAJOR STREET PLAN

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

## SECTION 270 STRUCTURE SETBACK FROM ABUTTING STREETS

The structure setback from abutting streets shall be as provided for in each zoning district. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than 1/2 of the right-of-way designated on the Major Street Plan.

## SECTION 280 CODE OF ETHICS

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

## SECTION 290 SATELLITE COMMUNICATION ANTENNAS

Satellite antennas are regulated as follows:

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

## SECTION 291 FLOODPLAIN REGULATIONS

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

## SECTION 292 SOLID WASTE DISPOSAL

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

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

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

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

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

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

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

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

#### SECTION 293 EXEMPTIONS FROM ZONING REGULATIONS

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

