

ARTICLE 1

INTRODUCTORY PROVISIONS

Section 1.1 Adoption and Citation

This ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Chapter 7, Section 401-410 of the Oklahoma Statutes and in Title 19, Oklahoma Statutes Annotated, Sections 866.1 to 866.36, shall be known as the City of Wagoner-Wagoner County Metropolitan Area Zoning Ordinance and may be cited as such and is referred to herein as "these zoning regulations" or "these regulations".

Section 1.2 Purpose and Necessity

The regulations contained herein are necessary and are established for the purposed of promoting the public health, safety, peace, morals, comforts, convenience, prosperity, order, and general welfare; lessening danger and congestion of public transportation and travel; securing safety from fire and other dangers; preventing overcrowding of land; avoiding undue concentration of population; providing adequate police protection, transportation, water, sewage, schools, parks, forests, recreational facilities, military and naval facilities, and other public requirements and preventing undue encroachment thereon; creating a stable pattern of land uses upon which to plan for such services and facilities; encouraging the most appropriate uses of land, maintaining and stabilizing the value of property; and carrying out the Comprehensive Plan.

Section 1.3 Nature and Application

1.3.1 Nature

These regulations classify and regulate the use of land, buildings, and structures within the territorial jurisdiction as defined herein. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the territorial jurisdiction into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, and coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

1.3.2 Exemption of Uses

Other provisions of these regulations to the contrary notwithstanding, these regulations shall not apply to:

- Transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivisions plats, or

The following uses, exempt under the provisions of 19 O.S. Sections 866.16 and 866.30:*

- The erection or use of the usual farm buildings for agricultural purposes,
- the planting of agricultural crops,
- the extraction of oil and gas,
- the acquisition of property or easements for 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.

The following uses, exempt under the provisions of 11 O.S. Sections 402 and 410:**

- Telephone exchange buildings.
- The property of any railway company or terminal company.

*Applies to unincorporated area only.

**Applies to City of Wagoner only.

Section 1.4 Regulation of Use, Height, Area, Yards, and Open Spaces

Except as herein otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in conformity with the regulations contained herein.

Section 1.5 Zoning Districts

Parts of the territorial jurisdiction are hereby divided into districts, as shown on the zoning map filed with the Clerk. The zoning map and all explanatory material thereon are hereby made a part of these regulations.

Districts shall be designated as follows:

AG	Agriculture General District
RS60	Single Family Low Density District
RS25	Single Family Medium Density District
RS10	Single Family High Medium Density District
RS6	Single Family High Density District

RMT	Multi-Family Townhouse
RM6	Multi-Family Low Density District
RM4	Multi-Family Low Medium Density District
RM1.5	Multi-Family High Density District
RT	Mobile Home Park District
RST	Single Family/Mobile Home Subdivision
P	Parking District
O	Office District
C1	Local Shopping District
C2	Community Shopping District
C3	Central Commercial District
C4	Central Service District
C5	Highway Commercial District
I1	Restricted Industrial District
I2	Light Industrial District
I3	Medium Industrial District
I4	Heavy Industrial District
M	Mining District
FW	Flood Channel District
FD	Flood Plain District

Section 1.6 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of street, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning map.

- Where the boundary of a district line follows a railroad line, such boundary shall be determined to be the center line of the main track, unless otherwise clearly indicated on the zoning map.

Section 1.7 Interpretation of Permitted Uses

1.7.1 Identification of Permitted Uses

Uses permitted in the several agricultural, residential, commercial, and industrial districts are as set forth in Tables 1-1, 2-1, 5-1, and 6-1, respectively. Where an "X" appears in the column of a district in such table, the use set off opposite the "X" is permitted as a use of right in that district. Where a "P" appears, the use is permitted subject to the granting of a conditional use permit by the Board of Adjustment, in accordance with the provisions of Article 6.

Uses permitted in the parking, office, mining, and flood districts are set forth in the text of the respective district provisions.

1.7.2 Reference for Interpretation of Permitted Uses.

In the event of question as to the meaning of permitted uses, reference shall be made to the Standard Land Use Classification Manual, January, 1965 edition, published by the Urban Renewal Administration of the U.S. Housing and Home Finance Agency and the Bureau of Public Roads of the U.S. Department of Commerce and to the Standard Industrial Classification Manual, 1957 edition, published by the U.S. Bureau of the Budget. The former reference shall take precedence over the latter.

1.7.3 Miscellaneous Provisions

(a) In the event an unlisted area use can be interpreted as being in two or more listed areas, the most restrictive interpretation shall apply.

(b) Uses set forth in the tables of permitted uses are principal uses, unless they are identified as accessory uses.

(c) Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions set forth in the regulations of the more restricted district, unless otherwise specified.

Amended: 12-87