

ARTICLE 8
DEFINITIONS

Section 8.1 General

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined in this article. Words used in the present tense shall include the future tense, words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

Section 8.2 Definitions

ACCESSORY: A use, building or structure, part of a building or other structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure or use on the same lot, including a private garage, except that accessory off-street parking need not be located on the same lot with the principal use to which it is accessory. If an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

ACCESSORY LIVING QUARTERS: (a) In the case of districts in which dwelling units are permitted, the term means living quarters within an accessory building for the sole use of the family or of persons employed on the premises; such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit. The term includes "guest house". (b) In the case of districts where dwelling units are not permitted, the term means sleeping facilities for watchmen and caretakers employed on the premises.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

BOARD OF ADJUSTMENT: The Board of Adjustment of the unit of government.

BOARD: Means Board of Adjustment, unless the context clearly indicated otherwise.

BOARDING HOUSE: A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more, but not exceeding twenty persons on a weekly or monthly basis.

BUILDING: Any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

CHIEF EXECUTIVE: The chairman of the Board of County Commissioners or the mayor of the municipality.

CITY: Any city or town who by virtue of an agreement is a participating member of the City of Wagoner, Wagoner County Metropolitan Area Planning Commission.

CLERK: The clerk of the unit of government.

COMMISSION: The Planning Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Metropolitan Area.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relocation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provision for such conditional uses is made in these zoning regulations.

COUNTY: Wagoner County, Oklahoma.

COURT, INNER: A court which is bounded by either (a) building walls, (b) building walls and one or more lot lines other than a front lot line, or (c) building walls, except for one opening on any open area along a side lot line or rear lot line which area has a width of less than thirty feet at any point.

COURT, OUTER: A court, which, except for one opening upon a front lot line, a front yard, a rear yard, or any open area along a rear lot line or along a side lot line, which open area has a width or depth of at least thirty feet and extends along the entire length of such rear or side lot line, is bounded by either (a) building walls, or (b) building walls and one or more lot lines other than a front lot line.

COVERAGE: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

DIRECTOR: The Director of the Planning Commission, or other official so designated by the governing body.

DRIVE-IN EATING PLACE: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

DWELLING: Any building or portion thereof which is designed or used as living quarters for one or more families.

DWELLING GROUP: Two or more detached dwellings other than mobile homes, on the same lot, as defined herein, but not including a single family dwelling with a garage apartment to the rear.

DWELLING, SINGLE FAMILY: A detached dwelling, other than a mobile home, designed to be occupied by one family.

DWELLING MULTI-FAMILY: A detached dwelling, other than a mobile home, hotel, or motel, designed to be occupied by three or more families living independently of each other.

DWELLING, TWO FAMILY: A detached dwelling, other than a mobile home, designed to be occupied by two families living independently of each other.

DWELLING UNIT: One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

ENGINEER: The engineer of the unit of government or the person designated by the governing body to serve in that capacity.

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

FD DISTRICT: A zoning district whose designation begins with the letters "FD".

FLOOD DISTRICT: A zoning district whose designation begins with the letters "FD", and defined in Section 2.8.

FLOOR AREA: The total square feet of floor space within the outside dimensions of a building including each floor level, halls, lobbies, stairways, elevator shafts, basement, and covered exterior balconies, but not including covered parking areas or garages in residential developments.

FLOOR AREA RATIO: The floor area on a lot divided by the area of the lot.

GOVERNING BODY: The governing body of the unit of government.

HOME OCCUPATION: An occupation conducted on a dwelling unit as a use accessory to the residential use of such unit, subject to Section 3.6. Home occupations include:

Beauty Shops

Fine Art Studios

Professional Offices

Teaching of not more than four pupils simultaneously, or in the case of musical instruction, of not more than one pupil at a time.

Home occupations do not include:

Barber Shops

Commercial Stables or Kennels

Interior Decorators' Offices or Workshops

INSPECTING OFFICER: The officer designated by the governing body to administer these regulations.

LOCALITY: The area subject to the jurisdiction of the unit of government.

LOT: For the purposes of these regulations, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have a frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (d) A parcel of land described by meets and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations.

LOT AREA: The total area included within lot lines, measured on a horizontal plane.

LOT, CORNER: A lot which has at least two adjacent sides abutting for their full length on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT DEPTH: The distance between the midpoints of (a) straight line connecting the foremost points of the side lot lines and (b) a straight line connecting the rearmost points of the side lot lines.

LOT FRONTAGE: The length of a front lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot, as defined herein.

LOT LINE, FRONT: Any street line, provided that:

- (a) in the case of a corner lot having street lines unequal length, the shorter of such lines shall be deemed a front lot line and the longer of such lines shall be deemed a side lot line;
- (b) in the case of one end of a block and bounded on three sides by streets, the street line at the end of the block shall be deemed a lot line and the other two street lines shall be deemed front lot lines;
- (c) in the case of a lot consisting of an entire block:
 - o if the sides are not of equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lines;
 - o if the sides are of equal length, all sides shall be deemed front lot lines.

LOT LINE, REAR: A lot line (other than a line designated elsewhere herein as a front lot line or a side lot line) which is opposite and most distant from a front lot line, except as follows:

- (a) In the case of irregular, triangular, or gore-shaped lot; a line ten feet long within the lot, parallel to and at the maximum distance from the front lot line.
- (b) In the case of a through lot or part thereof at least 150 feet deep, bounded by two street lines and two other straight lines intersecting such street lines; a line midway between the street lines.
- (c) In the cases of (1) portions of a through lot that cannot be bounded by two street lines and two other straight lines intersecting such street lines and (2) a lot bounded entirely by street lines: a line or lines, ordinarily at or near the midline of the block, determined by the inspecting officer after consideration of the existing platting pattern in the immediate vicinity of such lot.

LOT LINE, SIDE: A lot line other than a front lot line or a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH: A lot other than a corner lot abutting more than one street.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of any lot on the turn-around of a cul-de-sac, where 80 percent requirement shall not apply.

M DISTRICT: A mining district.

MAJOR STREET OR HIGHWAY: A street so designated in the Comprehensive Plan.

METROPOLITAN AREA: The City of Wagoner, Wagoner County Metropolitan Area.

MINING DISTRICT: A zoning district designation beginning with the letter "M".

MOBILE HOME: A detached dwelling unit, which is designated for transportation after fabrication, on streets or highways on its own wheels or on a trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities, and similar operations. The term "mobile home" does not include the term "travel trailer", "recreational unit" or "modular home".

MODULAR HOME: A pre-manufactured living unit without wheels, axles or hitches especially manufactured to become a permanently located dwelling unit. This definition shall not be construed to include a mobile home with an "add on", "pull out" or "fold out" room. (Modular homes are subject to the requirements set forth in Section 3.7.9.)

MOBILE OR PORTABLE OFFICE OR LIMITED SHOP: A pre-manufactured unit with or without wheels, axles or hitches, especially manufactured or modified to become an office or limited shop. The term "mobile or portable office or limited shop" does not include the term "mobile home, travel trailer, recreational unit, or modular home.

NONCONFORMING STRUCTURE: A structure or portion thereof, which was lawfully erected or altered and maintained but which, because of application of these regulations to it no longer conforms to the regulations of the district in which it is located as defined by these regulations.

NONCONFORMING USE: A use which was lawfully established and maintained but which, because of the application of these regulations to it, no longer conforms to the

use regulations of the district in which it is located as defined by these regulations.

PARKING SPACE, OFF-STREET: A parking space meeting the requirements of Section 3.10.

PERSON: An individual, corporation, partnership, trust, or other association.

PLANNING COMMISSION: The City of Wagoner, Wagoner County Metropolitan Area Planning Commission.

RECREATIONAL UNIT: A travel trailer, pickup camper, converted bus, tent trailer, tent or similar device used for temporary portable housing.

RESTRICTIVENESS OF DISTRICTS: The "least restrictive contiguous residential district" is the district requiring the least lot area per dwelling unit.

SCRAP AND WASTE MATERIALS, WHOLESALE: Establishments engaged in assembling breaking up, sorting, or distributing scrap and waste materials, including auto wrecking and junk establishments.

SIGNS: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- (a) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (b) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- (c) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (d) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ACCESSORY: A bulletin board, home occupation sign, identification sign or real estate sign.

SIGN, ADVERTISING: See SIGN, OUTDOOR ADVERTISING.

SIGN, ANIMATED: A sign having visible moving parts or moving lights.

SIGN, IDENTIFICATION: An accessory sign whose content is limited to the same and/or occupation of the occupant of the premises or a permanent sign identifying a subdivision area or structure.

SIGN, NUMBER AND SURFACE AREA: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed

in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN, OUTDOOR ADVERTISING: A sign which directs attention to a business, commodity, service, or establishment which is entirely or primarily conducted, sold, or offered elsewhere than on the lot on which the sign is located.

SIGN, REAL ESTATE: A temporary accessory sign advertising the sale, rental, or lease of the premises on which it is maintained or identifying architects, builders, contractors, financial institutions, or engineers during the period of construction of a structure on the premises.

STANDARD SUBDIVISION IMPROVEMENT SPECIFICATIONS: The standard subdivision improvement specifications of the unit of government.

STREET: Any public or private right-of-way, highway, road, land, square, court, or way set aside as a permanent right-of-way for street purposes, thirty feet or more in width if it existed at the time of the enactment of these regulations, and any public or private way fifty feet or more in width if created after the enactment of these regulations.

STREET, HALF: Any street platted twenty-five feet or more in width, where at the time of approval of the plat it is the intent of the governing body that said street dedication shall constitute only a part of the total street easement width.

STREET, INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

SUBDIVISION REGULATIONS: The subdivision regulations of the Planning Commission.

TERRITORIAL JURISDICTION: The area within the boundaries of the unit of government.

TOWN HOUSE: One of a series of from three to ten attached dwelling units, separated from one another by continuous vertical party walls without opening from basement floor to roof.

TOWN HOUSE DEVELOPMENT: A tract of land on which there is built or is proposed to be built three or more town houses, including the sites of the town houses and all common spaces.

TOWN HOUSE, INDIVIDUAL LOT: A zoning lot on which there is built or is proposed to be built one town house.

TRAVEL TRAILER: Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use and when factory equipped for the road, it shall have a body width not exceeding eight feet and an overall length not exceeding thirty-five feet, including hitch and coupling and is licensed as a travel trailer under H.B. 1541.

VARIANCE: An adjustment in the application of the specific provisions of these regulations to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district and which adjustment remedies disparity in privileges.

YARD: An open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward, except where otherwise specifically provided in these regulations that a structure or portion of a structure may be located in a portion of a required yard.

YARD, DEPTH OR WIDTH OF: In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending along the full length of a front lot line.

YARD, REAR: A yard extending across the rear of the lot between inner side yard lines.

YARD, SIDE: A yard extending along a side lot line with the rear line of the front yard to the rear line of the lot.