

This Planning Study Has Been Prepared
For and Under the Jurisdiction of the
Wagoner Metropolitan Area Planning Commission

WAGONER METROPOLITAN AREA PLANNING COMMISSION

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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



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 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 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 and the resulting remaining parcel must remain a conforming lot of record for AG districts. 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 RSMH Residential district is intended primarily for detached single family dwellings, but individual mobile and manufactured homes are allowed, one per lot, if they meet the requirements of Section 3.8.7. The RMH Residential District is intended for mobile home parks.

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, or industrial, 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 RS, RSMH, or RMH 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

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which tend to break 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, RSMH, RMH, 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, RSMH, RMH, 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, dairies, 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, RSMH, RMH, 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, RS, RSMH, RMH, 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

See Section 2.10 Conditional Uses

2.7.1 MINING TYPES AND USES

Uses designated as Mining 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 DELETED

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.

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 AREAS

The purpose of the Floodplain Development Sensitive Areas outlined in the Wagoner Comprehensive Plan are to prevent building hazards and threats of life and property created by flooding. The Special Flood Hazard Area (Zone A or AE) designates the land in a floodplain subject to a one percent or greater chance of flooding in any given year. The Floodway 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. Further information can be found in the Flood Damage Prevention Ordinance.

The regulatory floodplain identifies the 100 year flood as established on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA), or the county 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 adopted by the Board of County Commissioners. Development within the floodplain must meet the criterion outlined in Flood Hazard Prevention Ordinance adopted by resolution by the Wagoner County Board of Commissioners. The floodplain also contains a floodway which designates the actual watercourse itself.

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 determining 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 downgradient 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.....

2.10 CONDITIONAL USES

A use of land, buildings, or structure that because of its inherent nature, extent, and its external effects requires special care in the control of its location, design, and methods of operation in or to ensure protection of the public health, safety, infrastructure, and welfare. The Planning Commission staff will accept applications for conditional use if uses in the Permitted Use Table have a “C” designation the zoning district to which they are proposing the use to take place. Recommendations to the Planning Commission and then to the Governing Body for certain safeguards and conditions concerning setbacks, ingress/egress, off-street parking, loading arrangements, hauling routes, screening, and nuisance abatement may be proposed by the staff. A conditional use is not a use permitted by right in a district; however, conditions on the use may allow its placement in a district for the benefit of the surrounding area.

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An application for conditional use request 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.

2.10.1 APPLICATION FOR CONDITIONAL USE

Any person, association, firm or agency of government may apply for a conditional use request. An application for conditional use shall be in such form and have such content as the Planning Commission Staff may establish. State or Federal regulatory agency application(s) may be required for some use requests.

Each application shall be filed with the Planning Commission Staff at least forty-five (45) days prior to the date of the public hearing at which it is to be considered.

2.10.2 ACTION ON APPLICATION FOR CONDITIONAL USE

- Notice of all public hearings shall be in accordance with Oklahoma State Statute Title 19, Section 866.29.
- A mailed notice to property owners within a three hundred (300) foot radius or 20 property owners, whichever is greater, of the proposed requests. Mailed notices, post-marked no later than fifteen (15) days prior to the public hearing, and affidavit of mailing must be accomplished by a licensed abstractor.
- A physically posted sign is required at least 15 days prior to the public hearing date. Sign specifications are outlined in the Notice Sign Requirements document.

| LEGEND (FOR ALL TABLES IN ARTICLE 2) | |
|--|--|
| X | USE BY RIGHT |
| E | PERMITTED USE SUBJECT TO THE GRANTING OF A <i>SPECIAL EXCEPTION</i> BY THE BOARD OF ADJUSTMENT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6, SECTION 6.2.5 |
| C | PERMITTED USE SUBJECT TO THE GRANTING OF A CONDITIONAL USE PERMIT BY THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH ARTICLE 2, SECTION 2.10 AND ARTICLE 7, SECTION 7.6.4 |
| NEC | MEANS "NOT ELSEWHERE CLASSIFIED IN THIS TABLE" |
| ** | CONFORMING LOTS OF RECORD ONLY |
| A | SUBJECT TO SECTION 4.3 |
| B | MINIMUM OF 10 ACRES IS REQUIRED FOR RST DISTRICT DESIGNATION (APPLICABLE FOR RE-ZONING APPLICANTS) |
| D | MOBILE HOME PARKS ARE SUBJECT TO BULK AND AREA REQUIREMENTS SET FORTH IN SECTION 3.7 |
| L | LAKE AREA SETBACK REDUCTION FOR PRINCIPLE STRUCTURE (TOPPERS, TAYLOR'S FERRY, ROCKY POINT, WHITEHORN COVE, SEQUOYAH BAY, MALLARD BAY, LAKECREST, FLAT ROCK, AND BLUE BILL AREAS) 25' FRONT YARD 10' BACK YARD 25' SIDE YARD ADJACENT TO RIGHT OF WAY |
| G | COUNTY ENGINEER MAY APPROVE EXCEEDANCE VARIANCE $\leq 5\%$ |
| H | AN EXCEPTION TO THE BUILDING LINE DIMENSIONS MAY BE GRANTED FOR ACCESSORY STRUCTURES WITHOUT LIVING QUARTERS WHEN ABUTTING RIGHT-OF-WAY EASEMENTS FORMED FOR THE PURPOSE OF PLAT-WAIVERED SUBDIVISIONS OF LAND. THIS EXCEPTION IS NOT APPLICABLE IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS |
| FAR | FLOOR AREA RATIO: TOTAL SQUARE FOOTAGE OF A STRUCTURE DIVIDED BY LOT AREA |
| MAXIMUM COVERAGE OF NET LOT AREA: PERCENTAGE OF LOT AREA THAT A STRUCTURE CAN OCCUPY | |

BULK AND AREA USE TABLE

| DISTRICT | USE TYPE | ALL SETBACKS ARE MEASURED FROM PROPERTY LINE | | | | | | | | | | NOTES | OFF-STREET PARKING |
|---|---|--|--------------------------------|---|---|--|--|---|--|---|--|--|---|
| | | LOT AREA MINIMUM (ACRES UNLESS SPECIFIED) | MINIMUM LOT WIDTH (FEET) | MINIMUM SIDE AND BACK LOT WIDTHS (FEET) | MAXIMUM BUILDING HEIGHT (FEET) | ADDITIONAL HEIGHT PERMITTED ^A (FT/SIDE FT/FRONT FT) | MINIMUM FRONT YARD BUILDING LINE ^H (FEET) | MINIMUM SIDE YARD BUILDING LINE ADJACENT TO RIGHT-OF-WAY OR PRIVATE STREET ^H (FEET) | MINIMUM SIDE YARD BUILDING LINE ADJACENT TO OTHER PARCELS - INTERIOR YARDS ^H (FEET) | REAR YARD BUILDING LINE ^H (FEET) | MAXIMUM IMPERVIOUS COVERAGE OF NET LOT AREA (%) or FLOOR AREA RATIO (FAR) ^G | | |
| AG | RESIDENTIAL USES | 10 ACRES | 300 | 50% OF LOT WIDTH | 40 | 0.4 | 40 ^L | 35 ^L | 10 | 35 ^L | 20 | | |
| AG | NONRESIDENTIAL USES | 10 ACRES | 300 | | 40 | 0.4 | 35 | 35 | 25 | 25 | 20 | | |
| RS7.5 | SINGLE FAMILY DWELLING | 7.5 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RSMH7.5* | SINGLE FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 7.5 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RS5 | SINGLE FAMILY DWELLING | 5 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RSMH5* | SINGLE FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 5 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RS2.1 | SINGLE FAMILY DWELLING | 2.1 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RSMH2.1 | SINGLE FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 2.1 ACRES | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RS60 | SINGLE-FAMILY DWELLING | 60,000 square feet | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 20 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RSMH60* | SINGLE-FAMILY DWELLING (MOBILE HOMES ALLOWED) | 60,000 square feet | 165 | | 40 | 0.4 | 40 ^L | 35 ^L | 8 | 35 ^L | 25 | PLAT-WAIVER ELIGIBLE IF SUBDIVIDING | |
| RS22.5 | SINGLE FAMILY DWELLING | 22,500 square feet | 120 | | 40 | 0.6 | 35 ^L | 30 ^L | 7 | 30 ^L | 50 | PLATTING REQUIRED IF SUBDIVIDING | |
| RSMH22.5* | SINGLE FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 22,500 square feet | 120 | | 40 | 0.6 | 35 ^L | 30 ^L | 7 | 30 ^L | 50 | B: RE-ZONING OF A MINIMUM OF 10 ACRES REQUIRED; PLAT REQUIRED | |
| RS6 | SINGLE-FAMILY DWELLING | 6000 square feet | 60 | | 40 | 1 | 25 ^L | 25 ^L | 5 | 20 ^L | 60 | PLATTING REQUIRED IF SUBDIVIDING | |
| RMH ^D | SINGLE-FAMILY MANUFACTURED HOME PARKS | 5 ACRES 0.5/DU* ** | 300 120/DU | | 150 60/DU | 30 | 1.3 | 40 25/DU | 20 | 20 5/DU | 20 | 30 | SUBJECT TO SECTION 3.7 **6375/DU WITH INDIVIDUAL LOT PARKING |
| C1 | LOCAL SHOPPING DISTRICT | NONE | NONE | NONE | see 2.5.3 | see 2.5.3 | 25 | NONE | 20 | 10 | 0.3 FAR | SIDE YARD REQUIREMENT ONLY APPLIES IF ABUTTING AG, RS, RM, RT OR O DISTRICTS; OTHERWISE SIDE YARD REQUIREMENT IS ZERO; MAY BE SUBJECT TO SECTION 4.5 | |
| C2 | COMMUNITY SHOPPING DISTRICT | NONE | NONE | NONE | see 2.5.3 | see 2.5.3 | 25 | NONE | 20 | 10 | 0.4 FAR | | |
| C3 | CENTRAL COMMERCIAL DISTRICT | NONE | NONE | NONE | see 2.5.3 | see 2.5.3 | 25 | 0 | 10 | 10 | 0.5 FAR | | |
| C4 | CENTRAL SERVICES DISTRICT | NONE | NONE | NONE | see 2.5.3 | see 2.5.3 | 25 | 0 | 10 | 10 | 0.6 FAR | | |
| C5 | HIGHWAY COMMERCIAL DISTRICT | NONE | NONE | NONE | see 2.5.3 | see 2.5.3 | 75 | 20 | 10 | 10 | 0.7 FAR | | |
| C4 - C5 | TRAVEL TRAILER PARKS | 2 ACRES 1500SF/DU* ** | 165 | NONE | 30 | 0.4 | 40 10/DU | 20 | 20 5/DU | 20 | 30 | INTERIOR LOTS NOT AUTHORIZED TO FRONT ARTERIAL ROADWAYS SUBJECT TO SECTION 3.7 | |
| I1 | LOW TO NO OBJECTIONABLE USES | 10 ACRES | 300 | 150 | 35 | 0.4 | 75 | 60 | 60 | 60 | 0.1 FAR | SIDE YARD REQUIREMENT APPLIES WHEN ABUTTING ALL DISTRICTS EXCEPT I OR C. WHEN ABUTTING I OR C, SIDE YARD IS ZERO; MAY BE SUBJECT TO SECTION 4.5 | |
| I2 | LOW OBJECTIONABLE USES | 0.5 ACRES | 150 | 75 | see 2.6.3 | see 2.6.3 | 25 | 20 | 25 | 25 | 0.5 FAR | | |
| I3 | MODERATELY OBJECTIONABLE USES | NONE | NONE | NONE | see 2.6.3 | see 2.6.3 | 25 | 20 | 50 | 50 | 0.5 FAR | | |
| I4 | SUBSTANTIALLY OBJECTIONABLE USES | NONE | NONE | NONE | see 2.6.3 | see 2.6.3 | 25 | 20 | 75 | 75 | 0.5 FAR | | |
| SWD | SOLID WASTE DISPOSAL DISTRICT | SUBJECT TO SECTION 2.9.2 | | | | | | | | | | | |
| LEGACY ZONING DISTRICTS FROM CMAPC/WMAPC | | | | | | | | | | | | | |
| RS10 | SINGLE-FAMILY DWELLING | 10,000 | 80 | 50% OF LOT WIDTH | 20 | 0.8 | 30 | 25 | 6 | 25 | 50 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RM2 | TWO-FAMILY DWELLING | 7,500 | 75 | 40 | 30 | 1.3 | 25 | 20 | 5 | 20 | 30 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RM3 | THREE-FAMILY DWELLING + | 10,000 | 100 | 50 | 30 | 1.3 | 25 | 20 | 5 | 20 | 30 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RMT | TOWN HOUSE DEVELOPMENTS 3+ DU/LOT | 1,600/DU | 20 | 20 | 26 | 1.3 | 10 | 10 | 5 | 20 | 30 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS-0 | CMAPC SINGLE-FAMILY DWELLING | 1 ACRE | 150 | N/A | 35 | N/A | 35 | 35 | 15 | 30 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS-1 | CMAPC SINGLE-FAMILY DWELLING | 22,500 | 100 | N/A | 35 | N/A | 35 | 35 | 10 | 25 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS-2 | CMAPC SINGLE-FAMILY DWELLING | 10,000 | 75 | N/A | 35 | N/A | 25 | 25 | 5 | 20 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS-3 | CMAPC SINGLE-FAMILY DWELLING | 6,000 | 50 | N/A | 35 | N/A | 25 | 25 | 5 | 15 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RD | CMAPC TWO-FAMILY DWELLING | 8,000 | 80 | N/A | 40 | N/A | 25 | 25 | 10 | 20 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RM-1 | CMAPC MULTI-FAMILY DWELLING | 2,500/DU | 75 | N/A | 35 | N/A | 25 | 25 | 10 | 20 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RMHS-1 | CMAPC MOBILE HOME SUBDIVISION | 22,500 | 100 | N/A | 35 | N/A | 25 | 25 | 10 | 25 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RMHS-2 | CMAPC MOBILE HOME SUBDIVISION | 10,000 | 75 | N/A | 35 | N/A | 25 | 25 | 5 | 20 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RMHP | CMAPC MOBILE HOME PARK | 5 ACRES 5,840/DU | 200 40/DU | N/A | 35 | N/A | 25 | 25 | 15 | 20 | N/A | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| CN | CMAPC NEIGHBORHOOD COMMERCIAL | 6,600 | 40 | N/A | 40 | N/A | 25 | 25 | 10 | 15 | FAR 0.35 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| CG | CMAPC GENERAL COMMERCIAL | N/A | N/A | N/A | 35 | N/A | 25 | 25 | 20 | 30 | FAR 0.75 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| IL | CMAPC LIGHT INDUSTRIAL | N/A | N/A | N/A | 40 | N/A | 25 | 25 | 0 | 5 | NONE | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| IM | CMAPC MODERATE INDUSTRIAL | N/A | N/A | N/A | 40 | N/A | 25 | 25 | 0 | 5 | NONE | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| IH | CMAPC HEAVY INDUSTRIAL | N/A | N/A | N/A | 40 | N/A | 25 | 25 | 0 | 5 | NONE | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| BLISHMENT - ZONING DISTRICTS CREATED TO ALLOW FOR MAINTENANCE | | | | | | | | | | | | | |
| RSMH6* | SINGLE-FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 6,000 | 60 | 50% OF LOT WIDTH | 20 | 1 | 25 | 20 | 5 | 20 | 60 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RSMH10* | SINGLE-FAMILY DWELLING (MANUFACTURED HOMES ALLOWED) | 10000 | 80 | 50% OF LOT WIDTH | 20 | 1 | 25 | 20 | 5 | 20 | 60 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS1.5 | SINGLE-FAMILY DWELLING | 1,500 | 25 | 40 | 30 | 1 | 10 | 10 | 10 | 20 | 30 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| RS4 | SINGLE-FAMILY DWELLING | 4,000 | 25 | 50 | 30 | 1 | 25 | 20 | 15 | 20 | 30 | RE-ZONING TO THIS DISTRICT NOT ALLOWED | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

REQUIRED IN ALL DISTRICTS, SUBJECT TO SECTION 3.10

PERMITTED USES TABLE

| DISTRICT | | | | | | | | | | | | | | USES | | |
|-------------------------------|----|----|-----|---|----|----|----|----|----|----|----|----|----|------|-------|--|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | | |
| ACCESSORY STRUCTURES AND USES | | | | | | | | | | | | | | | | |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 002 | ACCESSORY BUILDINGS SUBJECT TO SECTION 3.2 |
| X | X | X | X | | | | | | | | | | | | 004 | CUSTOMARY HOME OCCUPATIONS, SUBJECT TO SECTION 3.6 |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 010 | ACCESSORY LIVING QUARTERS, SUBJECT TO SECTION 3.2 |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 046 | ACCESSORY OFF-STREET LOADING AND PARKING FACILITIES, SUBJECT TO SECTION 3.9 AND 3.10 |
| X | | | | | | | | | | | X | | | | 054 | ACCESSORY RETAIL SALES: FARM PRODUCTS RAISED ON THE PREMISES |
| | | X | X | X | | | | | | | | | | | 059 | ACCESSORY RETAIL SALES: CONVENIENCE GOODS AND PERSONAL SERVICES, SUBJECT TO SECTION 3.3 AND 3.7 (e.g. VENDING, FOOD, EATING, PHARMACY, LIQUOR, BOOKSTORE, FLORIST, NEWSPAPER AND MAGAZINE, ALTERATIONS, LAUNDRY, DRY CLEANING) |
| | | X | | X | | | | | | | | | | | 062 | ACCESSORY BARBER OR BEAUTY SHOP (OTHER THAN AS A HOME OCCUPATION), SUBJECT TO SECTION 3.3 |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 063 | ACCESSORY SIGNS, SUBJECT TO SECTION 3.13 AND 3.14 |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 066 | TEMPORARY ACCESSORY FACILITIES OF THE CONSTRUCTION INDUSTRY WHICH ARE INCIDENTAL TO THE CONSTRUCTION OF A BUILDING PERMITTED IN THE DISTRICT, AND WHICH SHALL BE REMOVED WHEN CONSTRUCTION IS COMPLETED |
| | | | | | | | | | | | | X | X | | 069 | TEMPORARY ACCESSORY OFFICE OR LIMITED SHOP* FACILITIES, PORTABLE OR MOBILE, PERMISSIVE FOR A PERIOD OF 120 DAYS SUBJECT TO SECTION 3.7.10 |
| | | | | | | | | | | | | E | E | | 070 | TEMPORARY ACCESSORY OFFICE OR LIMITED SHOP* FACILITIES, PORTABLE OR MOBILE, FOR A PERIOD IN EXCESS OF 120 DAYS BUT NOT MORE THAN 24 MONTHS, SUBJECT TO SECTION 3.7.10 |
| | | | | | X | X | X | X | X | | | | | | 099 | ACCESSORY USES FOR COMMERCIAL ESTABLISHMENT, NEC |
| X | | | | | | | | | | X | X | X | X | | 009 | ACCESSORY USES, NEC |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | 11 | HOUSEHOLD UNITS |
| X | X | | | | | | | | | | | | | | 111 | DETACHED SINGLE FAMILY DWELLINGS |
| | | X | | | | | | | | | | | | | 112 | TWO-FAMILY DWELLING* |
| | | X | | | | | | | | | | | | | 113 | MULTI-FAMILY DWELLING* |
| | | X | | | | | | | | | | | | | 114 | TOWNHOUSE DEVELOPMENTS |
| | | X | | | | | | | | | | | | | 115 | DWELLING GROUPS |
| X | X | | | | | | | | | | | | | | 116 | INDIVIDUAL MOBILE HOME |
| C | | X | | | | | | | | | | | | | 121 | ROOMING AND BOARDING HOUSES |
| | | X | | | | | | X | X | | X | | | | 1221 | FRATERNITY AND SORORITY HOUSES |
| C | | X | | | | | | X | X | X | | | | | 124 | RETIREMENT HOMES AND ORPHANAGES |
| C | | X | | | | | | X | X | X | | | | | 1252 | MONISTARIES |
| | | | X | | | | | | | | | | | | 14 | MOBILE HOME PARKS, SUBJECT TO SECTION 3.3, 3.7, and 4.1.3. |
| | | | | | | | | | | | | | | | 15a | HALFWAY HOUSE |
| | | | | | | | | X | X | X | | | | | 151 | HOTELS, TOURIST COURTS, AND MOTELS |
| X | X | X | X | | | | | | | | | | | | 151.1 | VACATION RENTALS (e.g. BED AND BREAKFAST, RESIDENTIAL HOME STAYS) |
| X | | C | C | | | | | C | X | X | | | | | 152 | TRAVEL TRAILER PARKING, SUBJECT TO SECTION 3.7.8. |
| MANUFACTURING USES | | | | | | | | | | | | | | | | |
| | | | | | | | | | | X | X | X | X | | 21 | FOOD PRODUCTS MANUFACTURING (AGRICULTURAL PROCESSING PLANT GREATER THAN 5,000SF) |
| | | | | | | | | X | X | X | | | | | 21.1 | FOOD PRODUCTS MANUFACTURING (AGRICULTURAL PROCESSING PLANT LESS THAN 5,000SF) |
| | | | | | | | | | | | | | | | 22 | TEXTILE MILL PRODUCTS - MANUFACTURING |
| | | | | | | | | | | | X | X | X | | 23 | APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS, LEATHER, AND SIMILAR MATERIALS - MANUFACTURING |
| | | | | | | | | | | | X | X | X | | 24 | LUMBER AND WOOD PRODUCTS (EXCEPT FURNISHINGS) - MANUFACTURING |
| | | | | | | | | | | | X | X | X | X | 25 | FURNITURE AND FIXTURES - MANUFACTURING |
| | | | | | | | | X | X | X | | X | X | X | 27 | PRINTING, PUBLISHING, AND ALLIED INDUSTRIES |
| | | | | | X | X | X | X | | X | X | X | | | 2701 | PRINTING, PUBLISHING, AND ALLIED INDUSTRIES, LIMITED TO 7,000 SQUARE FOOT OF FLOOR AREA |
| | | | | | | | | | | | | | | X | 281 | INDUSTRIAL INORGANIC AND ORGANIC CHEMICALS - MANUFACTURING |
| | | | | | | | | | | | | | | X | 282 | PLASTIC MATERIALS AND SYNTHETIC RESINS, SYNTHETIC RUBBER, SYNTHETIC AND OTHER MANMADE FIBERS (EXCEPT GLASS) - MANUFACTURING |
| | | | | | | | | | | | | | X | X | 283 | DRUG MANUFACTURING (TO INCLUDE MEDICAL MARIJUANA PROCESSING AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) |
| X | | | | | | | | | | X | X | X | X | | 283.2 | DRUG MANUFACTURING (e.g. CONTROLLED SUBSTANCE PRODUCTION & MEDICAL MARIJUANA GROWING AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) LIMITED TO OPERATIONAL AREA NO GREATER THAN 5000SF INDOORS OR OUTDOORS |
| | | | | | | | | | | X | X | X | X | | 283.1 | DRUG MANUFACTURING (e.g. CONTROLLED SUBSTANCE PRODUCTION & MEDICAL MARIJUANA GROWING AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) |
| | | | | | | | | | | | | X | X | | 284 | SOAP, DETERGENTS, AND CLEANING PREPARATIONS, PERFUME, COSMETICS, AND OTHER TOILET PREPARATIONS - MANUFACTURING |
| | | | | | | | | | | | | X | X | | 285 | PAINTS, VARNISHES, LACQUERS, ENAMELS, AND ALLIED PRODUCTS - MANUFACTURING |
| | | | | | | | | | | | | X | | | 286 | GUM AND WOOD CHEMICALS - MANUFACTURING |
| | | | | | | | | | | | | X | | | 287 | AGRICULTURAL CHEMICALS - MANUFACTURING |

PERMITTED USES TABLE

| DISTRICT | | | | | | | | | | | | | | USES | | | |
|----------|----|----|-----|---|----|----|----|----|----|----|----|----|----|------|-------|---|---|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | | | |
| | | | | | | | | | | | | | | X | 289 | OTHER CHEMICALS AND ALLIED PRODUCTS - MANUFACTURING, NEC | |
| | | | | | | | | | | | | | | X | 290 | PETROLEUM REFINING AND RELATED INDUSTRIES, NEC | |
| | | | | | | | | | | | | | | X | X | 2991 | LUBRICATING OILS AND GREASES - MANUFACTURING |
| | | | | | | | | | | | | | | X | X | 31 | RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - MANUFACTURING |
| | | | | | | | | | | | | | | X | X | 32 | STONE, CLAY, AND GLASS PRODUCTS - MANUFACTURING |
| | | | | | | | | | | | | X | X | X | 3255 | POTTERY AND FIGURINES OR OTHE SIMILAR CERAMIC PRODUCTS, USING ONLY PREVIOUSLY PULVERIZED CLAY AND KILNS FIRED BY ELECTRICITY OR GAS | |
| | | | | | | | | | | | | | | X | X | 326 | CONCRETE, GYPSUM, AND PLASTER PRODUCTS - MANUFACTURING |
| | | | | | | | | | | | | | | X | X | 33 | PRIMARY METAL INDUSTRIES |
| | | | | | | | | | | | | | | X | X | 3411 | GUNS, HOWITZERS, MORTARS, AND RELATED EQUIPMENT - MANUFACTURING |
| | | | | | | | | | | | | | | X | 3412 | AMMUNITION (EXCEPT SMALL ARMS) MANUFACTURING AND COMPLETE ASSEMBLING OF GUIDED MISSILES AND SPACE VEHICLES | |
| | | | | | | | | | | | | | X | X | 3413 | TANKS AND TANK COMPONENTS - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3414 | SIGHTING AND FIRE CONTROL EQUIPMENT - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3415 | SMALL ARMS - MANUFACTURING | |
| | | | | | | | | | | | | | | X | 3419 | OTHER ORDINANCE AND ACCESSORIES - MANUFACTURING, NEC | |
| | | | | | | | | | | | | | | | 342 | MACHINERY (EXEPT ELECTRICAL) - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3433 | HOUSHOLD APPLIANCES - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3434 | ELECTRIC LIGHTING AND WIRING EQUIPMENT - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3436 | COMMUNICATION EQUIPMENT, INCLUDING RADIO AND TELEVISION RECEIVING SETS - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 3437 | ELECTRONIC COMPONENTS AND ACCESSORIES - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 344 | TRANSPORTATION EQUIPMENT - MANUFACTURING (AIR, WATER, AND GROUND) | |
| | | | | | | | | | | | | X | X | X | 3492 | CUTLERY, HAND TOOLS, AND GENERAL HARDWARE - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 35 | PROFESSIONAL, SCIENTIFIC AND CONTROLLING INSTRUMENTS PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES AND CLOCKS - MANUFACTURING | |
| | | | | | | | | | | X | | X | X | X | 391 | JEWELRY, SILVERWARE, AND PLATED WARE - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 392 | MUSICAL INSTRUMENTS AND PARTS - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 393 | TOYS, AMUSEMENT, SPORTING AND ATHLETIC GOODS - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 394 | PENS, PENCILS, AND OTHER OFFICE AND ARTIST'S MATERIALS - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 395 | COSTUME JEWELRY, COSTUME NOVELTIES, BUTTONS, AND MISCELLANEOUS NOTIONS (EXCEPT PRECIOUS METALS) - MANUFACTURING | |
| | | | | | | | | | | | | X | X | X | 396 | TOBACCO - MANUFACTURING | |
| | | | | | | | X | X | X | | | X | X | X | 397 | MOTION PICTURE PRODUCTION | |
| | | | | | | | | | | | | | | | 399 | OTHER MISCELLANEOUS MANUFACTURING | |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 401 | FACILITIES OF ELECTRIC COOPERATIVE OR PUBLIC UTILITIES SUBJECT TO THE JURISDICTION OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA OR OTHER SIMILAR STATE OR FEDERAL BODY | |
| X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 402 | TRANSPORTATION, COMMUNICATION, AND UTILITY FACILITIES WHICH UTILIZE PUBLIC RIGHT-OF-WAY OR PRIVATE EASEMENT CUSTOMARILY PROVIDED IN SUBDIVISION PLATS OR OBTAINED FOR VEHICULAR OR RAIL USE | |
| C | | | | | | | | | | | X | X | X | X | 403 | SOLAR OR WIND RENEWABLE ENERGY FARMS | |
| | | | | | | | | C | C | X | X | X | X | X | 404 | CRYPTOCURRENCY MINING | |
| | | | | | | | | | | | | | | X | X | 42 | MOTOR VEHICLE TRANSPORTATION BUSINESS (e.g., TAXI-CAB, PARK & RIDE FACILITY) |
| | | | | | | | | | | | | | | X | X | 421 | BUS TRANSPORTATION (e.g., BUS TERMINAL) |
| | | | | | | | | | | | | | | X | X | 4214 | BUS GARAGING AND EQUIPMENT MAINTENANCE |
| | | | | | | | | | | | | | | X | X | 422 | MOTOR FREIGHT TRANSPORTATION (e.g. CARGO TERMINAL) |
| C | | | | | | | | | | | | | | | 422.1 | GRAIN TERMINAL | |
| | | | | | | | | | | | | | | X | X | 43 | AIRCRAFT TRANSPORTATION (e.g. AIRCRAFT STORAGE AND EQUIPMENT MAINTENANCE, FREIGHT TERMINALS, PASSENGER TERMINALS) |
| | | | | | | | | | | | | | | X | X | 431 | AIRPORTS AND FLYING FIELDS |
| | | | | | | | | | | | | | | X | X | 44 | MARINE CRAFT TRANSPORTATION |
| | | | | | X | X | X | X | X | | | | | | | 46 | AUTOMOBILE PARKING, AS A PRINCIPAL OR ACCESSORY USE, SUBJECT TO SECTION 3.7, 3.9, AND 3.10 |
| | | | | | | X | X | X | X | X | | | | | | 47 | COMMUNICATION (e.g. RADIO AND TELEVISION BROADCASTING) |
| C | | | | | | | | C | C | C | C | C | C | C | 484 | SEWAGE AND WATER TREATMENT PLANTS | |
| | | | | | | | | | | | | | | X | X | 492 | TRANSPORTATION SERVICES AND ARRANGEMENTS |
| | | | | | | | | X | X | X | X | X | X | X | 4921 | FREIGHT FORWARDING SERVICES | |
| | | | | | | | | X | X | X | X | X | X | X | 4922 | PACKING AND CRATING SERVICES | |
| | | | | | X | X | X | X | X | X | X | X | X | X | 4923 | TRAVEL ARRANGING SERVICES | |
| | | | | | X | X | X | X | X | X | X | X | X | X | 4924 | TRANSPORTATION TICKET SERVICES | |
| | | | | | | | | X | X | X | X | X | X | X | 4929 | OTHER TRANSPORTATION SERVICES AND ARRANGEMENTS, NEC | |
| | | | | | | | | | | | | | | X | 493 | AIRPORTS | |
| | | | | | | | | | | | | X | X | X | 293A | PROPERTY OF A RAILWAY COMPANY USED FOR RAILWAY PURPOSES | |
| | | | | | | | | | | | | | | | | TRADE USES | |
| | | | | | | | | | | | | X | X | X | 511 | MOTOR VEHICLES AND AUTOMOTIVE EQUIPMENT - WHOLESALE | |

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|---------------|----|----|-----|---|----|----|----|----|----|----|----|----|----|--------|--|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | |
| | | | | | | | | | | X | X | X | X | 512 | DRUGS, CHEMICALS, AND ALLIED PRODUCTS - WHOLESALE (NOT MANUFACTURING, MAY INCLUDE COMMERCIAL MEDICAL MARIJUANA WHOLESALE AS DEFINED BY THE OKLAHOMA MEDICAL MARIJUANA AUTHORITY) |
| | | | | | | | | X | X | | X | X | X | 513 | DRY GOODS AND APPAREL - WHOLESALE |
| | | | | | | | | X | X | | X | X | X | 514 | GROCERIES AND RELATED PRODUCTS - WHOLESALE |
| | | | | | | | | X | X | X | X | X | X | 515 | FARM PRODUCTS (RAW MATERIALS) - WHOLESALE |
| C | | | | | | | | X | X | | X | X | X | 5156 | LIVESTOCK AUCTION - WHOLESALE (STOCKYARDS), SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | X | X | X | X | 5156.5 | LIVESTOCK PACKER |
| | | | | | | | | X | X | | X | X | X | 516 | ELECTRICAL GOODS - WHOLESALE |
| | | | | | | | | X | X | | X | X | X | 517 | HARDWARE, PLUMBING, HEATING EQUIPMENT AND SUPPLIES - WHOLESALE |
| | | | | | | | | X | X | | X | X | X | 518 | MACHINERY, EQUIPMENT, AND SUPPLIES - WHOLESALE |
| | | | | | | | | | | | X | X | X | 5191 | METALS AND MINERALS (EXCEPT PETROLEUM PRODUCTS AND SCRAP) - WHOLESALE |
| | | | | | | | | | | | X | X | X | 5192 | PETROLEUM BULK STATIONS AND TERMINALS - WHOLESALE |
| | | | | | | | | | | | X | X | X | 5193 | SCRAP AND WASTE MATERIALS - WHOLESALE, SUBJECT TO SECTION 3.11 (e.g., |
| | | | | | | | | | | X | X | X | X | 5194 | TOBACCO AND TOBACCO PRODUCTS - WHOLESALE |
| | | | | | | | | | | | X | X | X | 5195 | BEER, WINE, AND DISTILLED ALCOHOLIC BEVERAGES - WHOLESALE |
| | | | | | | | | X | X | | X | X | X | 5196 | PAPER AND PAPER PRODUCTS - WHOLESALE |
| | | | | | | | | X | X | | X | X | X | 5197 | FURNITURE AND HOME FURNISHINGS - WHOLESALE |
| | | | | | | | | | | X | X | X | X | 5198 | LUMBER AND CONSTRUCTION MATERIALS - WHOLESALE |
| | | | | | | | | | | | | | X | 5199 | OTHER WHOLESALE TRADE, NEC |
| | | | | | | | | X | X | | X | X | X | 521 | LUMBER AND OTHER BUILDING MATERIALS - RETAIL |
| | | | | | | | | X | X | | X | X | X | 522 | HEATING AND PLUMBING EQUIPMENT - RETAIL |
| | | | | X | X | X | X | X | X | | X | X | X | 523 | PAINT, GLASS, AND WALLPAPER - RETAIL |
| | | | | X | X | X | X | X | X | | X | X | X | 524 | ELECTRICAL SUPPLIES - RETAIL |
| | | | | X | X | X | X | X | X | | X | X | X | 5251 | HARDWARE - RETAIL |
| | | | | | | | | X | X | | X | X | X | 5252 | FARM EQUIPMENT - RETAIL |
| | | | | | X | X | X | X | X | | X | X | X | 531 | DEPARTMENT STORES |
| | | | | X | X | X | X | X | X | | X | X | X | 533 | LIMITED PRICE VARIETY STORES (e.g. DOLLAR STORES) |
| | | | | X | X | X | X | X | X | | X | X | X | 534 | MERCHANDISE VENDING MACHINE OPERATORS |
| | | | | X | X | X | X | X | X | | | | | 54 | RETAIL TRADE: FOOD |
| X | | | | | | | | | | X | X | X | X | 5431 | FRUITS, VEGETABLES, AND NUTS GROWN ON THE PREMISES - RETAIL |
| | | | | | | | | X | X | | X | X | X | 551 | MOTOR VEHICLES - RETAIL |
| | | | | | X | X | X | X | X | | X | X | X | 552 | TIRES, BATTERIES, PARTS, AND ACCESSORIES - RETAIL |
| | | | | | | | | X | X | | X | X | X | 553 | FUEL FULL SERVICE STATIONS (e.g. NATURAL GAS, GASOLINE, DIESEL) |
| | | | | | | | | X | X | | X | X | X | 555 | SELF-SERVICE FUEL PUMPS (e.g. NATURAL GAS, GASOLINE, DIESEL) |
| | | | | | | | | X | X | | X | X | X | 559 | OTHER RETAIL TRADE - AUTOMOTIVE, MARINE CRAFT, AIRCRAFT, AND ACCESSORIES - RETAIL |
| | | | | | X | X | X | X | X | | | | | 56 | RETAIL TRADE: APPAREL ACCESSORIES |
| | | | | | X | X | X | X | X | | | | | 57 | RETAIL TRADE: FURNITURE, HOME FURNISHINGS, AND HOUSEHOLD EQUIPMENT, NEC |
| | | | | | X | X | X | X | X | | | | | 5811 | EATING PLACES OTHER THAN DRIVE-IN |
| | | | | | | | | X | X | | | | | 5812 | EATING PLACES, DRIVE-IN |
| | | | | | | | | X | X | X | | | | 582 | TAVERNS, SUBJECT TO SECTION 3.16 |
| | | | | X | X | X | X | X | X | | | | | 591 | DRUG AND PROPRIETARY - RETAIL (TO INCLUDE PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) |
| | | | | | | | | X | X | X | | | | 592 | LIQUOR - RETAIL |
| | | | | X | X | X | X | X | X | | | | | 593 | ANTIQUES AND SECONDHAND MERCHANDISE - RETAIL |
| | | | | X | X | X | X | E | | | | | | 594 | BOOK AND STATIONARY - RETAIL |
| | | | | X | X | X | X | X | | | | | | 595 | SPORTING GOODS AND BICYCLES - RETAIL |
| | | | | | C | X | X | X | | X | X | X | | 596 | FARM AND GARDEN SUPPLIES - RETAIL |
| | | | | | X | X | X | X | | | | | | 597 | JEWELRY - RETAIL |
| | | | | X | X | X | X | X | | X | X | X | | 5981 | ICE - RETAIL |
| | | | | | | | | X | X | | X | X | X | 5983 | BOTTLED GAS - RETAIL |
| | | | | X | X | X | X | X | | | | | | 5991 | FLORISTS - RETAIL |
| | | | | X | X | X | X | X | | | | | | 5992 | CIGARS AND CIGARETTES - RETAIL |
| | | | | X | X | X | X | X | | | | | | 5993 | NEWSPAPERS AND MAGAZINES - RETAIL |
| | | | | | X | X | X | X | | | | | | 5994 | CAMERA AND PHOTOGRAPHIC SUPPLIES - RETAIL |
| | | | | X | X | X | X | X | | | | | | 5995 | GIFTS, NOVELTIES, AND SOUVENIRS - RETAIL |
| | | | | | X | X | X | X | | | | | | 5996 | OPTICAL GOODS - RETAIL |
| SERVICES USES | | | | | | | | | | | | | | | |
| | | | | X | | | X | X | X | | | | | 60 | OFFICE OF ANY KIND |
| | | | | X | | X | X | X | X | | | | | 61 | FINANCE, INSURANCE, AND REAL ESTATE SERVICES |
| | | | | X | X | X | X | X | X | X | X | X | X | 6214 | LAUNDERING AND DRY CLEANING: PICK-UP OR SELF-SERVICE |
| | | | | X | X | X | X | X | X | X | X | X | X | 6221 | PHOTOGRAPHIC (PORTRAIT) STUDIOS |
| | | | | X | X | X | X | X | X | | | | | 623 | BEAUTY AND BARBER SHOPS (e.g. NAIL SALON, SALONS, SPAs, etc.) |
| C | X | X | | | | | | X | X | | | | | 6231 | HOME BEAUTY AND BARBER SHOPS, SUBJECT TO SECTIONS 3.3 AND 3.6 |
| | | | | | | | | X | X | | X | X | X | 6241 | FUNERAL AND CREMATORY SERVICES |
| C | | | | | | | | | | | | | | 6242 | CEMETERIES |
| | | | | X | X | X | X | X | X | X | X | X | X | 625 | APPAREL REPAIR AND ALTERATION, SHOE REPAIR SERVICES |

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| DISTRICT | | | | | | | | | | | | | | USES | |
|--|----|----|-----|---|----|----|----|----|----|----|----|----|----|--------|--|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | |
| X | | | | | X | X | X | X | X | X | X | X | X | 6312 | OUTDOOR ADVERTISING SIGNS, SUBJECT TO SECTION 3.13 AND 3.14 |
| | | | | | | | X | X | X | | X | X | X | 632 | CREDIT REPORTING SERVICES; ADJUSTMENT AND COLLECTION SERVICES |
| | | | | | X | X | X | X | X | | X | X | X | 633 | DUPLICATING, MAILING, STENOGRAPHIC, BLUEPRINTING, AND PHOTOCOPYING SERVICES (e.g. POSTAL STORES) |
| | | | | | | | | | | X | X | X | X | 6371 | FARM PRODUCTS WAREHOUSING AND STORAGE (EXCLUDING STOCKYARDS; INCLUDING COMMERCIAL MEDICAL MARIJUANA WAREHOUSING AND STORAGE AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) |
| X | | | | | | | | | | | | | | 6371A | FARM PRODUCTS, PRODUCED ON-SITE OR SURROUNDING AGRICULTURAL AREA, WAREHOUSING AND STORAGE (EXCLUDING STOCKYARDS AND COMMERCIAL MEDICAL MARIJUANA WAREHOUSING AND STORAGE AS DEFINED BY OKLAHOMA MEDICAL MARIJUANA AUTHORITY) LIMITED TO AN OPERATIONAL AREA NO GREATER THAN 10,000SF |
| | | | | | | | | X | X | | X | X | X | 6373 | REFRIGERATED WAREHOUSING (EXCLUDE FOOD LOCKERS; SEE 6371 & 6371A FOR REFRIGERATED FARM PRODUCTS WAREHOUSING AND STORAGE) |
| | | | | | X | X | X | X | X | | | | | 6374 | FOOD LOCKERS (WITH OR WITHOUT FOOD PREPARATION FACILITIES) |
| | C | C | C | | | | | X | X | | X | X | X | 6375 | HOUSEHOLD GOODS WAREHOUSING AND STORAGE |
| | | | | | | | | X | X | | X | X | X | 6376 | GENERAL WAREHOUSING AND STORAGE |
| | | | | | | | | | | | X | X | X | 6379.1 | SALVAGE YARD TO INCLUDE PARTS SALES AND SERVICES |
| | | | | | | | | | | | X | X | X | 6391 | RESEARCH, DEVELOPMENT, AND TESTING SERVICES |
| | | | | | | | X | X | X | | X | X | X | 6392 | BUSINESS CONSULTING SERVICES |
| | | | | | | | X | X | X | | X | X | X | 6393 | DETECTIVE AND PROTECTIVE SERVICES |
| | | | | | | | X | X | X | | X | X | X | 6394 | EQUIPMENT RENTAL AND LEASING SERVICE |
| | | | | | | | X | X | X | | X | X | X | 6397.1 | AUTOMOBILE RENTAL SERVICES |
| | | | | | | | | X | X | | X | X | X | 6397.2 | TRUCK RENTAL SERVICES |
| | | | | | | | | X | X | | X | X | X | 6411 | AUTOMOBILE REPAIR SERVICES |
| | | | | | | | | X | X | | X | X | X | 6412 | AUTOMOBILE WASH SERVICES |
| | | | | | | | | | | | X | X | X | 6412.1 | WASH SERVICES FOR TRUCKS, TRACTORS, SIMILAR VEHICLES, AND CONSTRUCTION EQUIPMENT |
| | | | | | | | | | | | X | X | X | 6413 | REPAIR SERVICES FOR TRUCKS, TRACTORS, SIMILAR VEHICLES, AND CONSTRUCTION EQUIPMENT |
| | | | | | | X | X | X | X | | X | X | X | 6491 | ELECTRICAL REPAIR SERVICES, EXCEPT RADIO AND TELEVISION |
| | | | | | | X | X | X | X | | X | X | X | 6492 | RADIO AND TELEVISION REPAIR SERVICES |
| | | | | | | X | X | X | X | | X | X | X | 6493 | WATCH, CLOCK, AND JEWELRY REPAIR SERVICES |
| | | | | | | X | X | X | X | | X | X | X | 6494 | REUPHOLSTERY AND FURNITURE REPAIR SERVICES |
| | | | | | | | X | X | | | X | X | X | 6496 | LOCKSMITH AND GUNSMITH SHOPS |
| | | | | X | | | | | | | X | X | X | 65 | PROFESSIONAL SERVICES |
| | | | | | | | | | | | X | X | X | 6543 | HOSPITAL |
| | | | | | | | | | X | | X | X | X | 6547 | MEDICAL CLINIC - OUT PATIENT SERVICES ONLY |
| | | | | | | | | | | | X | X | X | 6549 | MENTAL HEALTH FACILITY |
| | | | | | | | | | | | X | X | X | 6549a | TRANSITIONAL HOUSING SHELTER |
| C | | | | | | | | | | | X | X | X | 6549b | TRANSITIONAL HOUSING SHELTER FOR MINORS |
| G | G | | | | | X | X | X | | X | X | X | X | 6549c | ASSISTED LIVING AND NURSING HOMES |
| C | | | | | X | X | X | X | X | X | X | X | X | 6549d | THERAPEUTIC BEHAVIORAL AND MENTAL HEALTH PROGRAMS |
| | | | | | | | X | X | | X | X | X | X | 6621 | PLUMBING, HEATING, AND AIR CONDITIONING SERVICES |
| | | | | | | X | X | X | X | | X | X | X | 6622 | PAINTING, PAPERHANGING, AND DECORATIVE SERVICES |
| | | | | | | | X | X | X | | X | X | X | 6623 | ELECTRICAL SERVICES |
| | | | | | | | X | X | | X | X | X | X | 6624 | MASONRY, STONEMASONRY, TILE SETTING, AND PLASTERING SERVICES |
| | | | | | | | X | X | | X | X | X | X | 6625 | CARPENTERING AND WOOD FLOORING |
| | | | | | | X | X | | | X | X | X | X | 671 | EXECUTIVE, LEGISLATIVE, AND JUDICIAL FUNCTIONS |
| | | | | X | X | X | X | X | | X | X | X | X | 673 | POSTAL SERVICES |
| C | | | | | | | | | | | X | X | X | 674 | CORRECTIONAL INSTITUTIONS |
| | | | | | | | | | | | X | X | X | 675 | MILITARY BASES AND RESERVATIONS |
| | | | | | | | X | X | | X | | | | 681 | SCHOOLS: NURSERY, PRIMARY, SECONDARY |
| | | | | | | | X | X | | X | | | | 682 | UNIVERSITY, COLLEGE, JUNIOR COLLEGE, AND PROFESSIONAL SCHOOL EDUCATION |
| | | | | | | X | X | | | X | X | X | X | 6831 | VOCATIONAL AND TRADE SCHOOLS |
| | | | | | | X | X | | | X | | | | 6832 | BUSINESS AND STENOGRAPHIC SCHOOLS |
| | | | | | X | X | X | | | X | | | | 6833 | BARBER AND BEAUTY SCHOOLS |
| | | | | | X | X | X | | X | X | | | | 6834 | ART AND MUSIC SCHOOLS |
| | | | | | X | X | X | | X | X | | | | 6835 | DANCING SCHOOLS |
| | | | | | | X | X | | | X | X | X | X | 6836 | DRIVING SCHOOLS |
| X | C | C | C | | C | C | C | | | X | X | | | 6911 | CHURCHES, SYNAGOGUES, AND TEMPLES |
| | | | | | | | X | X | | X | X | | | 6991 | BUSINESS ASSOCIATIONS |
| | | | | | | | X | X | | X | X | | | 6992 | PROFESSIONAL MEMBERSHIP ORGANIZATIONS |
| | | | | | | | X | X | | X | X | | | 6993 | LABOR UNIONS AND SIMILAR LABOR ORGANIZATIONS |
| | C | C | C | | X | X | X | X | X | X | X | | | 6994 | CIVIC AND FRATERNAL ORGANIZATIONS |
| | | | | | | | | | | | X | X | X | 676a | GOVERNMENTAL AGENCY TRAINING FACILITIES |
| CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES | | | | | | | | | | | | | | | |
| | C | C | C | | X | X | X | X | X | | | | | 7111 | LIBRARIES |
| | | | | | X | X | X | X | X | | | | | 7112 | MUSEUMS |

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|---|----|----|-----|---|----|----|----|----|----|----|----|----|----|--------|--|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | |
| | | | | | X | X | X | X | X | | | | | 7113 | ART GALLERIES |
| | | | | | | X | X | X | X | | | | | 7117 | BOWLING |
| C | | | | | X | X | X | X | X | | | | | 7121 | PLANETARIUM |
| | | | | | | | | X | X | | X | X | X | 7122 | AQUARIUMS |
| C | | | | | | | | | X | | | | X | 7124 | ZOOS |
| | | | | | | X | X | X | X | | | | X | 7211 | AMPHITHEATERS |
| | | | | | | X | X | X | X | | | | X | 7212 | MOTION PICTURE THEATERS |
| | | | | | | | X | X | X | | | | X | 7213 | DRIVE-IN MOVIES |
| | | | | | | X | X | X | X | | | | X | 7214 | LEGITIMATE THEATERS |
| | | | | | | X | X | X | X | | | | X | 7221 | STADIUMS |
| | | | | | | | | | | | | | X | 7223 | RACE TRACKS |
| | | | | | C | X | X | X | X | | X | X | X | 723 | PUBLIC ASSEMBLY, MISCELLANEOUS PURPOSES |
| | | | | | | | | X | X | | | | X | 724 | RODEO ARENA |
| | | | | | | | | X | X | | | | X | 7311 | FAIRGROUNDS |
| | | | | | | | | | | | | | X | 7312 | AMUSEMENT PARKS |
| | | | | | | | X | X | X | | | | | 7391 | PENNY ARCADES |
| | | | | | | | X | X | X | | | | | 7391A | BILLIARDS, POOL, AND SIMILAR GAMES |
| | | | | | | | X | X | | | | X | X | 7392 | MINIATURE GOLF |
| E | | | | | | | X | X | | | | X | X | 7393 | GOLF DRIVING RANGE |
| | | | | | C | C | X | X | X | | | | X | 7394 | GO-CART TRACKS |
| C | C | C | C | | C | X | | X | X | | | | X | 7412 | GOLF COURSES |
| C | X | X | X | | C | X | X | X | X | | | | X | 7413 | TENNIS COURTS |
| | | | | | C | X | X | X | X | | | | X | 7414 | SKATING |
| C | | | | | | | | | | | | | X | 7416 | RIDING STABLES |
| | | | | | | X | X | X | X | | | | X | 7417 | BOWLING |
| C | C | C | C | | X | X | X | | | | | | | 7418 | ARCHERY RANGES |
| C | | | | | | | X | X | X | X | X | X | X | 7419 | FIRING RANGES - INDOOR OR OUTDOOR |
| | E | E | E | | E | E | X | X | X | | | | X | 742 | PLAYGROUNDS AND ATHLETIC AREAS |
| | E | E | E | | E | E | X | X | X | | | | X | 743 | SWIMMING AREAS |
| | E | E | E | | E | E | X | X | X | | | | X | 7431 | SWIMMING BEACHES |
| X | E | E | E | | E | E | X | X | X | | | | X | 744 | MARINAS |
| X | E | E | E | | E | E | X | X | X | | | | X | 7491 | CAMPING AND PICNIC AREAS |
| C | | | | | | | X | X | X | | | | | 75 | RESORTS AND GROUP CAMPS |
| C | | | | | | | X | X | X | | | | | 7512 | DUDE RANCHES |
| | | | | | | | X | X | | | | | X | 7513 | HEALTH RESORTS, SPAS, GYMS, FITNESS CENTERS |
| C | X | X | X | | | | | | | | | | | 76 | PARKS |
| RESOURCE PRODUCTION AND EXTRACTION USES | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | 81 | AGRICULTURE, SUBJECT TO SECTION 3.4 |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 810 | THE ERECTION OR USE OF THE USUAL FARM BUILDINGS FOR AGRICULTURAL PURPOSES |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 811 | PLANTING OF AGRICULTURAL CROPS (NOT TO INCLUDING GROWTH OF CONTROLLED SUBSTANCES) |
| C | | | | | | | | | | | | | | 812 | AGRITOURISM |
| X | | | | | X | X | X | X | X | | | | | 813 | FARMERS MARKETS |
| X | | | | | | | | | | X | X | X | X | 815 | FARMS: DAIRY, SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | | | | | 8161 | FARMS AND RANCHES: CATTLE (RANGE OPERATIONS), SUBJECT TO SECTION 3.4 |
| | | | | | | | | | | | X | X | X | 8161.1 | CONCENTRATED ANIMAL FEEDING OPERATION, SUBJECT TO SECTION 3.4 |
| | | | | | | | | | | | X | X | X | 8161.2 | CONCENTRATED SWINE FEEDING OPERATION, SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | X | X | X | X | 8161.3 | ANIMAL FEEDING OPERATIONS, SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | X | X | X | X | 8161.4 | SWINE FEEDING OPERATIONS, SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | X | X | X | X | 8161.5 | POULTRY FEEDING OPERATION, SUBJECT TO 3.4 |
| C | | | | | | | | | | X | X | X | X | 8161.6 | POULTRY WASTE FACILITY, SUBJECT TO SECTION 3.4 |
| X | | | | | | | | | | | | | | 819 | OTHER AGRICULTURE AND RELATED ACTIVITIES, NEC, SUBJECT TO SECTION 3.4 |
| X | C | | | | | | | | | X | X | X | X | 8193 | APIARY MORE THAN 20 COLONIES, SUBJECT TO SECTION 3.4 |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 8193.1 | APIARY 20 OR FEWER COLONIES, SUBJECT TO SECTION 3.4 |
| | | | | | | | | | | | X | X | X | 821 | AGRICULTURAL PROCESSING GREATER THAN 10,000SF |
| X | | | | | | | | | | | | | | 821 | AGRICULTURAL PROCESSING, LESS THAN 10,000SF, MOBILE EQUIPMENT, AGRICULTURAL PRODUCTS PRODUCED ON-SITE |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 822 | ANIMAL HUSBANDRY SERVICES, SUBJECT TO SECTION 3.4 |
| C | C | C | C | | C | C | X | X | X | X | X | X | X | 8221 | VERTERINARIAN SERVICES (NO OUTSIDE RUNS OR BOARDING OF ANIMALS ALLOWED) |
| C | C | C | C | | X | X | X | X | | | | | | 8221.1 | PET GROOMING AND SPA SERVICES (NO OUTSIDE RUNS OR BOARDING OF ANIMALS ALLOWED) |
| X | C | | | | X | X | X | X | | | | | | 8221.2 | ANIMAL DAY CARE FACILITY (9 OR FEWER ANIMALS ON PREMISES AT ONE TIME), SUBJECT TO SECTIONS 3.4 AND 3.6 |
| C | | | | | | X | X | X | | X | X | | | 8221.3 | ANIMAL DAY CARE FACILITY (10 OR MORE ANIMALS ON PREMISES AT ONE TIME) |
| C | | | | | | | | | | | | X | X | 8222 | ANIMAL HOSPITALS, SUBJECT TO SECTION 3.4 |
| C | | | | | C | C | C | C | C | X | X | X | X | 8222.1 | ANIMAL HOSPITALS FOR HOUSEHOLD PETS, SUBJECT TO SECTION 3.4 |
| | | | | | | | C | C | C | X | X | X | X | 8222.2 | ANIMAL SHELTERS |
| X | | | | | | | | X | | X | X | X | X | 8291 | HORTICULTURAL SERVICES (e.g. LANDSCAPE CONTRACTORS, NURSERIES, SOD FARMS) |

PERMITTED USES TABLE

| DISTRICT | | | | | | | | | | | | | | USES | |
|----------|----|----|-----|---|----|----|----|----|----|----|----|----|----|--------|---|
| AG | RS | RM | RMH | O | C1 | C2 | C3 | C4 | C5 | I1 | I2 | I3 | I4 | | |
| X | C | | C | | | | | | | | | | | 8292 | KENNELS, SUBJECT TO SECTION 3.4 |
| | | | | | C | C | C | C | C | X | X | X | X | 8292.1 | COMMERCIAL KENNELS, SUBJECT TO SECTION 3.4 |
| C | | | | | | | | | | X | X | X | X | 8421 | FISH HATCHERIES |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 85A | THE EXTRACTION OF SAND, GRAVEL, ROCK, STONE, EARTH OR FILL FROM BORROW PITS FOR HIGHWAY OR STREET CONSTRUCTION PURPOSES |
| X | X | X | X | | X | X | X | X | X | X | X | X | X | 852 | EXTRACTION OF OIL AND NATURAL GAS |
| C | | | | | C | C | C | C | C | C | C | C | C | 855 | MINING AND QUARRY SERVICES |

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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:

- At or behind the front façade of the principle structure, but this limitation shall not apply to:
 - o Unplatted parcels or tracts
 - o Structures located or planned to be located one thousand (1000) feet away from front yard right-of-way
- 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 the required dedication of right-of-way associated with each roadway classification outlined in the Wagoner County Subdivision Regulation

Maximum lot coverage is outlined in the Bulk and Area Use Table, Article 2: No accessory structure, to include other impervious surfaces such as swimming pools and car ports, may comprise more area than outlined in the particular zoning district.

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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:

| 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

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The keeping of animals within the territorial jurisdiction of these regulations shall be subject to the provisions of this section.

3.4.2 SEPARATION PROVISIONS

The following uses, where permitted, shall be conducted no nearer than twenty (20) feet to the boundary of a Residential, Parking, or Office Districts or to a dwelling on the same premises:

- Apiary of 20 or fewer colonies
- Animal Day Care Facility of 9 or fewer animals on premises at one time
- Kennels
- Pet Grooming and Spa Services

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:

- Animal Day Care Facility of 10 or more animals on premises at one time
- Animal hospital serving household pets and similar small animals
- Commercial Kennels
- Animal Shelters

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 of 20 or more colonies
- Boarding or training of horses
- Swine Feeding Operation
- Poultry Feeding Operation
- Animal Feeding Operation
- Poultry Waste Facility

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:

- Concentrated Animal Feeding Operation
- Concentrated Swine Feeding Operation
- Livestock Packer
- Livestock Auction Market (aka stockyards)
- Exotic animal boarding, raising, feeding, sales, assembly, or shipment

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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
- where accessory living quarters are permitted

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

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

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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. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use (see authorized districts for dwelling units in Permitted Use Table). 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 and must meet surfacing and driveway requirements as outlined in this regulation, section 3.10.

Home occupations may take place in accessory structures, but are limited to the same gross floor area requirements as outlined above.

All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two (2) vehicles per home occupation.

The property shall contain no outdoor display or storage of goods, supplies, equipment, or services that are associated with the home occupation.

Wholesale or retail sales of goods shall not occur on the premises.

The home occupation shall not create traffic or parking congestion.

The following occupations are not authorized for application for home occupation:

- Auto repair
- Motorized implement repair
- Dance, music, or other types of instruction if more than 4 students at one time
- Dental offices
- Medical offices
- Vehicle, trailer, or boat painting
- Private schools
- Towing operations
- Welding shops (not including home décor manufacturing or mobile-welding businesses)

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- Nursing homes
- Bed and Breakfast offering more than two rooms and must meet operational area requirements
- Mass gathering venues or other public assembly businesses
- Sexual Oriented Businesses as outlined in Section 3.15

3.6.2 HOME BEAUTY AND BARBER SHOPS

A home beauty shop shall be a permitted home occupation only if it 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. No more than two chairs are permitted.

3.6.3 VACATION RENTALS

The renting out of a residential structure (with compensation) for a temporary time frame is allowable in all zoning districts. This is not to be confused with transient lodging. Size and limits shall be based off allowable residential area.

- Parking will follow the Multi- Family Dwelling standard of 1 additional space required per 2 beds.

3.6.4 EXCEPTIONS

AG zoning district, conforming lots of record may operate a home occupation in up to 5000SF of indoor enclosed area in an accessory structure, not being limited to the 40% first floor area rule. Authorized home occupations in these circumstances may include venues and gathering spaces with no more than one gathering, ceremony, or meeting within any given 24 hour period, shall meet all maximum impervious area requirements as set out in the Bulk and Area Use table, shall provide adequate parking for all guests in accordance with section 3.10, shall not accommodate more than 75 persons for more than one four (4) hour period, and shall not cause noise, light, dust, odor pollution or disturbances . Fire-rated occupancy requirements must be met. All sanitary and other utility requirements must be met and approved by the Planning Commission staff prior to operation. Registration with the Planning Commission staff is required and notification of the operation given to the Wagoner County Assessor's office.

All home occupations in AG zoning districts must be at least 75' from bordering property boundaries, unless the occupation includes the usual farm operations practices or is addressed in Section 3.4 of this regulation.

All other home occupation rules in section 3.6 apply.

SECTION 3.7 MOBILE HOME AND TRAVEL TRAILER PARKS

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

3.7.1 BULK AND AREA REQUIREMENTS

Mobile Home and Travel Trailer Parks: 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 and Travel Trailer Spaces: Each individual 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

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

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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 and in a travel trailer park containing at least 30 improved travel trailer spaces there may be provided accessory commercial uses for the convenience of the residents and recreational visitors of the development, provided that:

- The gross floor area of such accessory uses shall not exceed twenty-five (25) square feet for each 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 when located in a mobile home park. This is not required in a Travel Trailer Park
- No such structure shall be closer than fifty (50) feet to any residential or office development outside the Mobile Home or Travel Trailer Park

3.7.5 OTHER REGULATIONS

In addition to complying with this section, any mobile home or travel trailer 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 and travel trailer parks shall be screened, utilizing a screened outlined in Section 4.1.3. The screen shall be on the perimeter of the mobile home or travel trailer park, except for street frontage.

3.7.7 INDIVIDUAL MOBILE OR MANUFACTURED HOME LOCATION

In accordance with Title 47 of the Oklahoma State Statutes, Section 1102, a manufactured home means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et. Seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle or travel trailer.

In accordance with Title 47 of the Oklahoma State Statutes, Section 1102, a mobile home means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.;

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No mobile or manufactured home shall be placed or erected unless:

- It is located in a mobile home park:
 - o Meets the requirements of these regulations
 - o Meets the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
OR
 - o Was in existence at the effective date of these regulations and meets the requirements of the City-County Health Department,
 - o May not be utilized as an accessory structure
- It is located in an RMH zoning district or AG zoning district
 - Used as a single-family dwelling
 - Meets all the requirements of these regulations
 - Meets the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
 - Is placed on land owned by the owner of the mobile home thereof
 - Is listed and assessed for ad valorem taxation
 - Shall not be placed nearer than 150 feet to another residence (measurement is a direct line from structure to structure)
 - Must include installed skirting
 - May not be utilized as an accessory structure
- 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
 - Must obtain a building permit for placement and meet all requirements of these regulations
 - Meets the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
- Upgrade of pre-existing homes on AG non-conforming or substandard lots of record
 - Mobile or manufactured homes placed on AG non-conforming lots, as described in Section 5.1.2 of this regulation or substandard lots of record as described in Section 4.6.1 of this regulation, prior to January 1, 2020, may be upgraded with the same or better mobile or manufactured home.
 - Existing and new home must be used as a single-family dwelling
 - Existing and new home meets all other requirements of these regulations

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- New home meets the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.,
- New home is placed on land owned by the owner of the mobile home thereof
- Existing home is listed and assessed for ad valorem taxation
- New home must include installed skirting
- New home may not be utilized as an accessory structure

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 20 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 in 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
 - 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:

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- 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.
- Shall conform to the International Building Code and Residential Building Code adopted by Wagoner County

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
 - o 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)
 - o Used as a temporary accessory office or limited shop, and
 - o meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and
 - o 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

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.

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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.

| Table 3.8 Nonresidential Uses Separation Requirements | |
|--|-----------------------------|
| Type of Structure or Element of the Facility | Minimum Separation (feet) |
| Outdoor Facility or Use | |
| 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 |
| Indoor Facility or Use | |
| 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 | |

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.

| Table 3.9.A Off-Street Loading Requirements =< 10,000 Square Feet | |
|---|---------------------------|
| Square Feet of Aggregate Gross Floor Area | Required Number of Berths |
| 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.

| Table 3.9.B Off-Street Loading Requirements =< 40,000 Square Feet | |
|---|---------------------------|
| 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.

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SECTION 3.10 OFF-STREET PARKING

3.10.1 GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking be provided off the street 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 by the 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.

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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.

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.

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All required parking spaces and driveways within 50 feet of the edge of a sealed surfaced street shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from continued use. All private parking and remaining driveway lengths outside of the fifty (50) feet proximity listed above have no specific surfacing requirement.

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.

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3.13.1 NUMBER AND AREA OF SIGNS

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.

| Table 3.13.1 Maximum Number and Area of Sign | | | | | |
|---|----------------------|-------------------|---------------|-----|--------|
| Type of Use and Type of Control | Controls by District | | | | |
| | RS, RMH, RSMH | AG, C1, C2, I4 | C3, C4, C5 | I2 | I3, I4 |
| One- and two-family dwellings: | | | | | |
| Number of signs per dwelling unit | 1 | | | | |
| Area (sq. ft.) of signs per dwelling unit | 2 | | | | |
| Home Occupations: | | | | | |
| Number of signs per dwelling unit | 1 | | | | |
| Area (sq. ft.) of signs per dwelling unit | 2 | | | | |
| Multi-family dwellings, townhouse developments, mobile home parks, institutions, and similar uses: | | | | | |
| Number of signs per premises | 1 | | | | |
| Area (sq. ft.) of signs per premise | 12 | | | | |
| All other uses on one premise: | | | | | |
| Square feet of sign area per lineal foot of street frontage | | 0.5 | 1.0 | 1.5 | 2.0 |

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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 exit.

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:

| Table 3.13.3 Maximum Sign Height | |
|----------------------------------|-----------------------|
| District | Maximum Height (feet) |
| AG, RS, RSMH, RMH, P, O, C1 | 20 |
| C2, C4, I1 | 25 |
| C3, C5, I2, I3, I4, M | 30 |

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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.

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

| Table 3.13.4 Illumination or Animation of Signs | | | | | | | | | |
|--|------------------|----|--------------|------|-----------|---------------|----|------------|---|
| Illumination or Animation Permitted | Zoning Districts | | | | | | | | |
| | AG | RS | RSMH, RMH | P, O | C1, C2 | C3, C4, 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

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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.

SECTION 3.15 LOCATION OF SEXUALLY ORIENTED BUSINESSES OR EVENTS

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 or events' 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

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bottomless dancers, exotic dancers, strippers, drag queens, other 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'.
- 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 or events' 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 or events' as defined above within one thousand

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(1,000) feet of any other 'sexually-oriented businesses or events', church, school, park, playground, or areas of developed or platted as residential.

The 'establishment' of a 'sexually-oriented businesses or events' 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, whether routinely used or used for these purposes on occasion, 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.

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.

SECTION 3.18 EXTERIOR LIGHTING

The purpose of this section is to establish standards for the use of outdoor lighting facilities that serve private developments; provide adequate lighting for customer, pedestrian, and driver use; and mitigate any nuisance and glare to adjacent properties.

All exterior lighting for any type of land use shall comply with these standards unless exempted below:

- Outdoor lighting associated with single-family residential dwellings
- Outdoor lighting used for streets and public rights-of-way
- Public utility companies when working on public utility lighting for public utility purposes within designated easements
- Outdoor lighting used for public or private recreational activities, sporting events at a stadium or ball field, concerts, plays, or other outdoor events
- Outdoor lighting used for temporary decorative seasonal lighting or other temporary events

Light poles shall not be placed in street rights-of-way or utility easements adjacent to street rights-of-way, except by franchised utility companies or by Wagoner County, as a part of a street lighting project. Light poles may be placed in other utility easements with the approval of the utility companies occupying the easement; and if light poles are allowed to be placed in utility easements, a note shall be placed on the face of the building permit site plan stating the following: "Property owner(s) assumes all liability and replacement responsibilities for any damage to light poles placed in utility easements."

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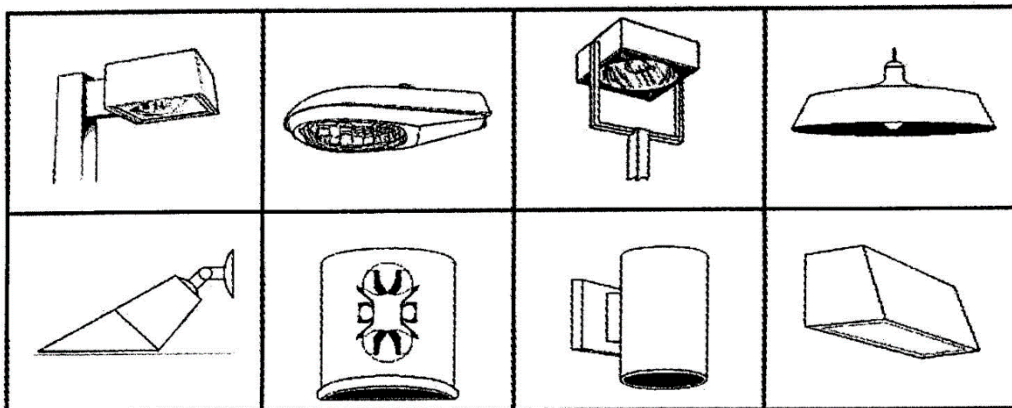
Illumination of the perimeter of the site shall be reduced in intensity when adjacent to lesser intensive uses or public rights-of-way measured in footcandles (fc) at three feet above grade as follows for either the fixture height or the photometric standard:

- Site adjoining another nonresidential zoning district: 3.0 fc.
- Site adjoining agricultural/residential zoning districts: 0.5 fc.
- Site adjoining public rights-of-way: 3.0 fc.

(A foot candle is a term used to measure the amount of light that falls on a surface that is 1 foot away from a singular candle.)

Light levels shall be measured with a direct-reading, portable light meter, calibrated within the last year by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor shall be located at the top of the visual screening fence on the property line (or at a height of three feet above the surrounding local grade if there is no fence), aimed towards the subject property in horizontal position. Readings shall be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these two readings will then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the sources in question can be determined.

Light sources shall be concealed or shielded by luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted. (See Illustration below)



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All outdoor lighting shall be by shielded fixtures. Light fixtures shall be parallel to the final grade and installed so that no direct light will shine beyond the subject property. The height of light poles and fixtures shall meet the following requirements; allowable heights of light fixtures shall be measured from the light-emitting surface to the base of the pole location as follows:

- Maximum height of 16 feet, within 50 feet of agricultural/residential zoned districts, or public right-of-way;
- Maximum height of 20 feet, within 51 feet to 250 feet of agricultural/residential zoned districts, or public right-of-way;
- Maximum height of 35 feet, if located a minimum 251 feet from agricultural/residential zoned districts, or public right-of-way;
- Maximum fixture height shall not exceed 35 feet; and
- Canopy lighting shall be by recessed fixtures with diffusers that do not extend below the canopy surface.



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.

4.1.5 EXCEPTIONS TO FENCING AND SCREENING

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The screen wall or fence required by section 4.1.1 shall not be required if the following conditions can be met:

- In the C5 Commercial District and in the I3 and I4 Industrial Districts if directly accessed from a Department of Transportation numbered highway or interstate:
 - o Obtain a signed petition by all property owners abutting the subject property with unanimous agreement that the requirement for screen wall or fencing is not desired.
 - The signed petition may be in the form of a letter from each abutting owner or on one document so long as each owner's signature is notarized.
 - Obtained petition required prior to issuance of certificate of occupancy, as applicable, or operation of commercial or industrial activity.
 - Those seeking this exception are not required to obtain signatures from Oklahoma Department of Transportation for property owned for the use of right-of-way on a numbered highway or interstate.

SECTION 4.2 ENCLOSURE OF USES

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

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- Transportation equipment in operation of goods being transported
- Trucks and trailers
- Utility Facilities, not elsewhere classified



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.



SECTION 4.5 PLANNED DEVELOPMENTS

Planned Developments are overlay zoning districts and are intended as an alternative to traditional zoning map amendment applications. The below provisions are established to permit variable development densities within the specified land use intensity outlined in the Wagoner County Comprehensive Plan while encouraging innovation, creativity, and allowing for flexibility in structures and areas to be developed. Planned Developments should be representative of an improvement in quality over what could be accomplished through strict application of zoning districts. These improvements should include but not be limited to:

- Improvements to public access of open space
- Protection of Natural Resources
- Increased choice of living and housing environments

4.5.1 APPLICATION AND APPROVAL

On recommendation by the Planning Commission, after public hearing the governing body may approve a Planned Development for a tract of land which lies in one or more of any R, C, or O Zoning Districts. Application for Planned Developments are required in all Zoning Districts where the minimum lot size is less than 22,500 square feet. All Planned Developments are to be accompanied with a Develop Plan, meeting the criteria in Section 4.5.4.

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, and in this regulation. Effect of Approval: Upon approval of a Planned Development, no modification of use or bulk and area requirements may be effectuated until a subdivision plat incorporating the provisions approved in the Development Plan has been approved by the Planning Commission and Governing Body then duly filed of record in the office of the Wagoner County Clerk. All procedures and processes for platting outlined in the subdivision regulation shall apply.

4.5.2 MODIFICATION OF REQUIREMENTS

The Development Plan may depart from the dwelling type, dwelling height, 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 in the underlying District, as outlined in the Bulk and Area Use Table, counting one-fifth (1/5) of the tract area for streets, regardless of the area actually used for streets.
 - o EXAMPLE: A Planned Development encompasses an area of 100 acres where 80 of the 100 acres is reserved for residential development (The remaining 20 acres will be reserved for Commercial use and not addressed in this example). The residential development is a combination of 50% RS6, 25% RMT (Townhomes), and 25% AG.
 - 80 acres – 1/5 area = 64 acres

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- 50% = 32 acres; 25% = 16 acres
 - ◆ AG Dwellings/Acre = 0.1; RS6 Dwellings/Acre = 7.26; RMT Dwellings/Acre = 27.2
 - MAX DWELLINGS = $32(0.1) + 16(7.26) + 16(27.2) = 554$
 - *NOTE: Dwelling units may be affected by Open Space requirements outlined in Section 4.5.4 of this regulation.*
- The total area of the tract covered by structures, known as Floor Area or “Floor Area of Building” in the Wagoner County Comprehensive Plan under Land Use Intensity Levels, plus the sum of the areas for driveways, accessory structures, and pools shall constitute “Total Impervious Area”. Total Impervious Area shall not exceed the sum of the areas that would be permitted in the underlying District, as outlined in the Bulk and Area Use table, counting one-fifth (1/5) of the tract area for streets. Commercial and Industrial Zoning Districts do not have a maximum impervious area, they only have maximum Floor Area Ratios (FARs); which, is the ratio of building floor area to lot area.
 - EXAMPLE: A Planned Development encompasses an area of 100 acres where 80 of the 100 acres is reserved for residential development (The remaining 20 acres will be reserved for Commercial use and not addressed in this example). The residential development is a combination of 50% RS6, 25% RMT (Townhomes), and 25% AG.
 - 80 acres – 1/5 area = 64 acres
 - 50% = 32 acres; 25% = 16 acres
 - ◆ AG Max. Impervious Area = $20\% * 16 \text{ acres} = 3.2 \text{ acres or } 139,392\text{SF}$
 - ◆ RS6 Max. Impervious Area = $60\% * 32 \text{ acres} = 19.2 \text{ acres or } 836,352\text{SF}$
 - ◆ RMT Max. Impervious Area = $30\% * 16 \text{ acres} = 4.8 \text{ acres or } 209,088\text{SF}$
 - *NOTE: All Impervious Area Percentages found in the Bulk and Area Use Table*
 - Total SF/Acre = 18,513 SF/acre
- All lots in the tract abutting property in an AG or R District shall meet the following provisions:
 - AG District
 - Total number of dwelling units per acre proposed in the abutting land area of the Planned Development shall not exceed that which is outlined in Intensity Level I of the Wagoner County Comprehensive Plan
 - ◆ NON-CONFORMING/SUBSTANDARD LOTS OF RECORD: If the abutting AG lots are non-conforming lots of record as described in Section 5.1.2 of this regulation or if the abutting AG lots are substandard lots of record as described in Section 4.6.1 of this regulation, then the number of dwelling units per acre proposed in the abutting land area of the Planned Development may conform to the dwelling units per acre of those neighboring lots
 - The maximum impervious area of the abutting parcels proposed in the Planned Development shall be consistent with the maximum outlined in the Bulk and Area Use Table for the AG district
 - The minimum side yard dimensions for lots abutting AG districts shall be consistent with the minimum outlined in the Bulk and Area Use Table for AG Districts
 - R District

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- Lot area proposed in the abutting land area of the Planned Development shall be consistent with the abutting R District lot areas. Variability may be proposed to the Planning Commission for consideration; up to a 20% reduction in lot area will be considered. No limitations exist for increases in lot area.
- The maximum impervious area of the abutting parcels proposed in the Planned Development shall be consistent with the maximum outlined in the Bulk and Area Use Table for the neighboring R District
 - Parcels that are separated by roadways or highways shall also be considered abutting property.
 - No mobile homes shall be permitted except in mobile home parks.

4.5.3 ASSURANCES FOR COMMON AREA AND DENSITY

No Development Plan 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 DEVELOPMENT PLAN

All Planned Development applications must be accompanied by a Development Plan for review by the Planning Commission Staff, Planning Commission, and Governing Body. The Development Plan will also be made available to the public prior to any public hearing. At a minimum, the plan shall address all topics listed below, to include maps and site plans drawn to scale.

Land Use Intensity: The Development Plan should be consistent or not exceed the allowable Land Use Intensity Outlined in the Wagoner County Comprehensive Plan for the geographical area in consideration. Each Land Use Intensity Level is accompanied with a maximum floor area of structures per acre and maximum dwelling units per acre of property for the R, O, and C zoning districts.

Open Space: Land which may be dedicated to or reserved for public or private use to include parks, recreation areas, stormwater detention facilities, floodplains, community or public building sites, and other similar uses. Stormwater detention facilities and floodplains identified for the purposes of Open Space must be accessible in the way of sidewalks, trails, or other methods of enjoyment and leisure. All open space areas are to be maintained by the Homeowners Association or other private association outlined as such in the Covenants of the recorded Plat. In no circumstance will maintenance of Open Spaces be the responsibility of Wagoner County. An explanation of the type of maintenance, quantity, and frequency should be included. Development Plan should include an explanation of the open space areas to include function and design considerations.

| RESIDENTIAL ZONING DISTRICT | MINIMUM OPEN SPACE AREA/DWELLING UNIT |
|-----------------------------|---------------------------------------|
| AG | 0 SF |
| RSMH 0.5 – RSMH7.5 | 0 SF |
| RS0.5 – RS7.5 | 0 SF |

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| | |
|------|--------|
| RMH | 0 SF |
| RS10 | 500 SF |
| RS6 | 550 SF |
| RM2 | 600 SF |
| RM3 | 650 SF |
| RMT | 700 SF |

- EXAMPLE: A Planned Development encompasses an area of 100 acres where 80 of the 100 acres is reserved for residential development. The residential development is a combination of 50% RS6, 25% RMT (Townhomes), and 25% AG.
 - o 80 acres – 1/5 area = 64 acres
 - o 50% = 32 acres; 25% = 16 acres
 - AG Open Space = 0 SF
 - RS6 Open Space = 7.26 DU/acre*32 acres*550SF = 127,776SF
 - RMT Open Space = 27.2 DU/acre*16 acres*700SF = 304,640SF
 - ◆ Total Open Space = 432,416SF (10 acres)
 - NOTE: This Open Space calculation example is assuming maximum dwelling units constructed in each underlying zoning.

Bulk and Area Use: Development Plans shall outline all bulk and area use proposed in each area of the Planned Development.

Perimeter Requirements: Requirements and design for screening, landscaping, and setbacks necessary to assure compatibility with adjoining and proximate properties shall be included in the Development Plan.

- o Perimeter requirements are outlined in Article 4 of this regulation

Existing Character: Include existing character of the proposed development and surrounding lands to include topography, floodplains, trees, streams, waterbodies, and vegetation.

Surrounding Area Relationship: Demonstrate the relationship of the Planned Development to the surrounding area. Explain any variations proposed and anticipated impacts to the area.

Underlying Districts: Display the proposed development areas in the Planned Development to include area, clearly identified. The intensity of uses shall be expressed in number of dwelling units for residential districts, Floor Area Ratio for nonresidential districts, and maximum impervious area for all districts (parking, sidewalks, accessory structures, pools, etc.

- NOTE: Streets are separated as 1/5th of the overall area of the Planned Development. If the street area is greater than 1/5th, should be displayed.

Access: Location of all proposed streets, alleys, off-street parking areas and capacity (see Section 3.10 of this regulation), and private drives shall be displayed. Access streets for residential areas must accommodate fire apparatus access road requirements (IFC Section 503; IFC Appendix D). Traveled ways shall account for expectation that residents and guests of residents will be parking on the street.

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Consideration for postal services, refuse collection, school buses, county road maintenance to include snow removal activities, and any other services shall be included. Things such as mail pull outs, shared mailboxes, designated school bus stops, and pedestrian access to those areas are expected. Traffic calming measures shall be considered and included in the proposed plan. The goal is to create a highly connected transportation system in order to provide choices for drives, bicyclists, and pedestrians, to connected neighborhoods to local destinations, employment, parks, schools, and shopping centers while reducing congestion, traffic accidents, and emergency response times. Putting more local traffic on local roads and off the section-lines, arterials, and collectors should be a major consideration for access planning.

Public Benefit: Provide a statement as to the public benefit contained in and associated with the Planned Development over that of traditional zoning districts.

Technical Advisory Committee Formation and Meeting: Applicants will ensure that a Technical Advisory Committee (TAC) is formed prior to public hearing. The TAC shall include invitations for comment from:

- Servicing Utilities (Water, Sewer, Electric, and Gas – if applicable)
- School District
- Planning Commission Staff
- Responding Fire Department
- Responding Law Enforcement
- Responding Ambulance Services
- Emergency Dispatching Office
- Postal Service

Comments may be solicited by email or mail prior to a scheduled meeting. It is the applicant's responsibility to setup the meeting and send the invitations with the assistance of the Planning Commission staff. Items of discussion must include but are not limited to:

- **Existing Access Analysis:** An analysis of existing access to the proposed Planned Development shall be reviewed and discussed. The most logical routing from arterial or collector streets to the local and residential streets shall be debated. Along the route(s), current roadway condition, traveled way widths, surface type, right-of-way widths, culvert and bridge crossings, and the route(s)' compliance with the County Roads Designed Guide published by Oklahoma Department of Transportation will be reviewed and comments/considerations for the Commissioner and Road Crews will be provided in the Development Plan
- **Emergency Services:** Investigation of current emergency services support for the existing land use and proposed Planned Development shall be discussed, to the maximum extent that data is available, to include but not be limited to:
 - Average response time for fire, ambulance, and sheriff's department for the surrounding area
 - Average scene time for fire, ambulance, and sheriff's department for the surrounding area
 - Call volume for fire, ambulance and sheriff's department for the surrounding area
 - Responding agencies to include any interlocal agreements
 - Routing and infrastructure condition to support emergency response
 - Projected impacts on call volumes due to increase in land use density or intensity

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- **Project Phasing:** Provide an expected development schedule and proposed phasing with considerations for construction traffic and routing. Following discussion, this should be added to the Development Plan
- **Utilities and Public Services:** Discuss/determine all servicing utility areas, their ability to serve, and any upgrades in capacity or extensions in services required.

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

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.

Single family dwelling is the only permitted land use by right on substandard lots of record. The Permitted Use Table refers to uses permitted on conforming lots of record only.

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

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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

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.

4.9 DRAINAGE ANALYSIS REQUIREMENTS

All parcel, lots, tracts, or properties:

- With an area less than 60,000SF
- With an area greater than 60,000SF with land developments wherein the impervious area will amounts to more than 20% of the gross area
- Subject to the Wagoner County Subdivision Regulations

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Are required to detain increases in stormwater runoff that exceed 1 cubic foot per second. The peak release rate of stormwater runoff from the development shall not exceed the peak stormwater runoff rate from the area in its natural, undeveloped state for all stormwater intensities up to and including the 100-year storm frequency (1%) for all durations of rainfall.

The required volume for stormwater detention shall be calculated on the basis of the runoff from a 100-year storm. The detention volume required shall be that necessary to handle the runoff from a 100-year storm frequency to fully urbanized conditions, for any and all durations, less that volume discharged during the same duration at the release rate specified above.

The ownership and maintenance responsibilities for detention facilities shall remain with the private sector or with the establishment of a Homeowners Association (HOA) via subdivision covenant.

4.10 DRIVEWAYS

All driveways along collector and arterial streets or section-line roads must be a distance of fifty (50) feet apart. Parcels with street frontage less than one-hundred and sixty-five (165) feet wide, shall be authorized only one driveway per parcel. Parcels with street frontage greater than three hundred (300) feet may have two (2) or more driveways as approved by the County Engineer. Parcels at the intersection of two (2) collector or arterial streets or section-line roads shall not be authorized a driveway closer than one-hundred (100) feet to the intersection as parcel size allows.



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 dwellings 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.

Single family dwelling is the only permitted land use by right on nonconforming lots of record. The Permitted Use Table refers to uses permitted on conforming lots of record only.

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.

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- 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.
- 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 of amendment of this Ordinance.

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- 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.

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 6: BOARDS OF ADJUSTMENT

SECTION 6.1 GENERAL

There is hereby established two Boards of Adjustment, one for the City of Wagoner and one for the unincorporated portions of Wagoner County, as set out in the paragraphs below.

SECTION 6.2 – DELETED BY BOCC RESOLUTION 20 JULY 2020

SECTION 6.3 COUNTY BOARD OF ADJUSTMENT

The Board of County Commissioners shall appoint a County Board of Adjustment in accordance with Oklahoma Statute Title 19, Section 866.22.

6.3.1 APPEALS AND VARIANCES

Appeals to the County Board of Adjustment may be taken by any person in accordance with Oklahoma Statute Title 19, Section 866.23.

A variance from the terms of these regulations shall not be granted by the Board unless and until:

- A written application for a variance is submitted demonstrating:
 - o That there exist special conditions and circumstances of the type specified above, which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district
 - o That said special conditions and circumstances do not result from the actions of the applicant
 - o That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other property in is the same district under the terms of these regulations
 - o That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.
- The Board shall hold a public hearing as provided in Oklahoma Statute Title 19, Section 866.23
 - EXCEPTION: The staff to the Board of Adjustment, may grant a variance to lot dimensions when those lot dimensions are affected by the purchase of Right-of-Way by the State of Oklahoma, the Oklahoma Turnpike Authority, or by the County in support of an infrastructure improvement project. Consideration is to be given for accessibility to include safe entry and exit from the proposed property, intended use, and effects on public infrastructure. If the staff chooses not to grant a variance, the applicant may go forward to the Board of Adjustment for a decision.

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- The Board shall make a finding that the representations in the application responding to the requirements of Oklahoma Statute Title 19, Section 866.23 are valid
- The board further make finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, buildings, or structure
- The Board shall further make finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare

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

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of these regulations in the district involve, or any use expressly or by implications prohibited by the terms of these regulations in said district.

In granting any variance, the Board may prescribe appropriate conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulation and punishable under Article 7.

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

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

6.3.2 SPECIAL EXCEPTION

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards and requirements set forth herein, may grant special exceptions as set forth in this ordinance. A special exception is a type of variance for a land use or structure which may be authorized by the Board of Adjustment that would not be appropriate generally or without restriction throughout the district but which, if controlled, could be appropriate. Such uses and structures may be permitted if indicated on the Permitted Use Table with an "E" in the zoning district column associated with that specific use. No hardship is

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required to be proved by the applicant. A request for a special exception shall be initiated by the filing of an application with the Board and shall be set for public hearing in accordance with the rules established by Oklahoma Statute Title 19, Section 866.23.

The Board shall make written findings certifying that the application complies with the pertinent individual conditions of use set forth in Article 3. That any additional conditions of use specified in the granting of the special exception are compatible with the general provisions of these regulations, as well as the provisions for the district in which such use is permitted (see Permitted Use Table in Article 2), and that satisfactory provisions and arrangements have been made concerning the following where applicable:

- Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site
- Safety from fire hazard and measures for fire control
- Protection of adjacent property from flood or water damage
- Noise producing elements and glare of vehicular and stationary lights and effects of such lights on the established character of the neighborhood
- Locations, lighting, and types of signs and relation to signs to traffic control and adverse effects on adjacent properties
- Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood
- Adequacy of parking as determined by requirements of these regulations for off-street parking facilities in the sue district in which the site is located, location of ingress and egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust
- Such other measures as will secure and protect public health, safety, morals, and general welfare

The Board shall consider the application and site plan and shall grant or deny the application. In granting an application, the Board shall impose such requirements and conditions, in addition to those expressly stipulated in these regulations for the particular use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

Authority to issue building or occupancy permits pursuant to the granting of a special exception shall expire after two (2) year except when the following conditions have been met:

- Building permits have been issued, materials have been acquired, and the foundation of at least one building has been placed on the site, or
- Where no construction is required, an occupancy permit has been issued, and actual operation of the use has been started.

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After authority for issuance of a building or occupancy permit, pursuant to the granting of a special exception, has expired by default, no building or occupancy permit shall be issued except under a special exception granted pursuant to a new application.

6.3.3 APPEALS TO DISTRICT COURT

An appeal to the District Court shall be in accordance with Oklahoma Statute Title 19, Section 866.24.

6.3.4 NOTICE OF PUBLIC HEARING

Notice of all public hearings herein provided for shall be in accordance with Oklahoma Statute Title 19, Section 866.29. In addition, variance and special exception applications associated with any subdivision of land request, shall include a mailed notice to property owners within a three hundred (300) foot radius of the parcel, lot, or tract in question. Mailed notices, post-marked no later than fifteen (15) days prior to the public hearing, and affidavit of mailing must be accomplished by a licensed abstractor.



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.

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 permit 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

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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 what these regulations and shall be accompanied by:

- 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 requirement 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.

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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;

- 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

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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 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 request 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

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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

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 AND ZONING MAP

7.6.1 APPLICATION FOR AMENDMENT

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

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

When the governing body denies 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 decision. This restriction in repeat applications may be waived if any of the following is met:

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- 1) The land use intensity proposed by the applicant is reduced in level upon reapplication.
 - a. EXAMPLE: Applicant denied for Industrial 4 zoning district, highest land use intensity. Applicant reapplies for Industrial 1 zoning district.
- 2) The land use density proposed by the applicant is reduced in level upon reapplication
 - a. EXAMPLE: applicant is denied for multi-family residential townhomes (RMT district). Applicant reapplies for single-family residential (RS district).

Reapplication requires all notice, publication, and signage requirements as outlined In this regulation. Applicants will submit a new application to the Planning Commission Staff.

7.6.2 GENERAL ACTION ON APPLICATION FOR AMENDMENTS

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

- 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. Previously platted subdivisions in any zoning district, after the establishment of this ordinance, shall not be granted a Zoning Map Amendment application without a successful plat or partial plat vacation accomplished in accordance with State Statute Title 19 or Title 11 processes. Platted properties in specified districts are guaranteed land use while the plat is maintained.
- 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

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- 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
- 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:
 - 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

- Notice of all public hearings shall be in accordance with Oklahoma State Statute Title 19, Section 866.29.
- A mailed notice to property owners within a three hundred (300) foot radius of the proposed change is required for all zoning matters. Mailed notices, post-marked no later than fifteen (15) days prior to the public hearing, and affidavit of mailing must be accomplished by a licensed abstractor.
- A physically posted sign is required at least 15 days prior to the public hearing date. Sign specifications are outlined in the *Notice Sign Requirements* document.
- 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.
 - a. If a quorum is not met at a regularly scheduled Planning Commission meeting, the Board of County Commissioners shall be under no obligation to wait for a report or recommendation concerning any zoning map amendment project.

7.6.4 CONDITIONAL USE PERMITS

A conditional use is a use of land, buildings, or structure that because of its inherent nature, extent, and its external effects requires special care in the control of its location, design, and methods of operation in or to ensure protection of the public health, safety, infrastructure, and welfare.

The Planning Commission staff will accept applications for a conditional use permit if uses in the Permitted Use Table have a "C" designation the zoning district to which they are proposing the use to take place.

Recommendations to the Planning Commission and then to the Governing Body for certain safeguards and conditions concerning setbacks, ingress/egress, off-street parking, loading arrangements, hauling routes, screening, and nuisance abatement may be proposed by the staff. A conditional use is not a use permitted by right in a district; however, conditions on the use may allow its placement in a district for the benefit of the surrounding area.

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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 detached land by the County.

Therefore, the following provisions are hereby adopted:

- All territory that is detached 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.
- All territory that is detached 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 detachment.
- 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.

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ARTICLE 8: DEFINITIONS

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.

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: IN all districts where accessory living is permitted, see Article 2 Permitted Use Table, the term means living quarters within an accessory building for the sole use of the family or person employed on the premises. Such quarters are not to exceed fifty percent (50%) of the principal structure square footage in all districts and shall not include mobile or manufactured homes or trailers. Accessory living quarters may include more than one structure, as authorized by this regulation, by the combination of structures shall not exceed the fifty percent (50%) rule.

AGRICULTURAL PROCESSING: The processing of crops or livestock after harvest, to prepare them for on-site marketing or processing and packaging elsewhere (packaging away from agricultural areas and located in industrial areas). Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; (not including dairies and feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and pre-packaging of fresh or farm-dried fruits and vegetables; sorting and grading of fruits and vegetables, tree nut hulling and shelling; slaughterhouses and milk processing plants; sod cutting, storing, and hauling; cleaning, milling, pulping, drying, roasting, hulling, storing, packing, honey processing, selling, and other similar activities. Any of the above activities performed in the field with mobile equipment not involving permanent structures are permitted by right in agricultural districts. Any of the above activities performed in facilities of less than 10,000 square feet of floor area, and the agricultural product being processed is produced on-site or the surrounding agricultural area, are permitted by right in agricultural districts; larger facilities or receiving areas for product from off-site or multiple agricultural areas are industrial activities. May generate dust, noise, odors, pollutants, or visual impacts that could adversely impact adjacent properties.

AGRICULTURAL PROCESSING PLANT: A facility used for cooking, dehydrating, refining, bottling, canning, pickling, preserving, baking, or other treatment of agricultural products which changes the

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naturally grown product for consumer use. May include warehousing and packaging. Any of the above activities performed in facilities of 5,000 square feet or less are permitted by right in some commercial districts; larger facilities are industrial activities.

AGRITOURISM: means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Must meet parking requirements outlined section 3.10.5 for sizing and approved by the Planning Commission for quantity as part of the conditional use permit.

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.

ALLOWABLE RESIDENTIAL AREA: Living quarters where persons are authorized to inhabit.

AMPHITHEATER: A commercial outdoor area with structure with tiers of seats rising around a field, court, or stage for public gatherings such as concerts. Drive-in movie theaters are also included in this type of use.

AMUSEMENT PARK: Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf courses, merry-go-rounds, car race tracks, motorized rides, water slides, batting cages, the sale of food and drink. May include amphitheaters, theaters, theme parks, and zoos.

ANIMAL DAY CARE FACILITY: A facility providing such services for domestic animal care for all or part of a day to include obedience classes, training, exercising, socializing, and behavioral counseling. Overnight boarding, animal breeding, and animal sales are not permitted. May be included in animal hospitals, shelters, and kennels as a secondary use.

ANIMAL FEEDING OPERATION: A lot or facility where the following conditions are met:

- Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period and
- crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or land where the swine are stabled or confined

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ANIMAL HOSPITAL: An establishment for the care of treatment of animals. May include short term boarding for medical purposes. Permitted use is based on animals served: small animal vs large animal veterinary services, and whether an outdoor run or boarding of animals is included. See all uses for veterinary services, animal hospitals, kennels, and grooming services.

ANIMAL HUSBANDRY: The raising of farm animals such as cattle, horses, mules, donkeys, llamas, goats and sheep where the primary source of food is pasture grazing. Shall not include animal feeding operations. May be included as farm and ranch operations.

ANIMAL SHELTER: Any premises designated for the purpose of temporarily impounding and caring for stray, homeless, abandoned, or unwanted animals found running at large or otherwise subject to impoundment in accordance with local law. Facility must be operated by a public body, an established humane society, animal welfare society, or other nonprofit organizations devoted to the welfare, protection, and humane treatment of animals as well as the protection of the general public.

ANIMAL SHELTER: any nongovernmental facility that maintains ten or more dogs and cats operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats; and any facility that maintains ten or more dogs and cats operated, owned, or maintained by any person or organization for such purpose or the purpose of fostering dogs and cats.

ANIMAL UNIT: a unit of measurement for any animal feeding operation calculated by adding the following numbers: number of slaughter and feeder cattle multiplied by one (1), plus the number of mature dairy cattle multiplied by one and four-tenths (1.4) plus the number of sheep multiplied by one-tenth (0.1), plus the number of horses multiplied by two (2).

APIARY: Place where one or more colonies or nuclei of bees are kept.

AQUARIUM: A commercial establishment where aquatic collections of living organism are kept and exhibited for public or private viewing.

ASSISTED LIVING AND NURSING HOMES: Assisted Living facilities provide services that include assistance with daily activities such as dressing, grooming, bathing, etc. Nursing homes are facilities that provide nursing services and custodial care on a 24-hr basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services. Both are a special combination of housing, supportive services, personalized assistance, and health care for individuals that need such services due to illness, physical infirmity, or advanced age. Facilities may include a central or private kitchens, dining, recreation, and other facilities with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

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AUTOMOBILE REPAIR SERVICES: Any building, structure, improvement, or land used for the repair, maintenance, or replacement of engines, transmissions, differentials, drivetrains, tires, oil change and lubrication, fenders, mufflers, upholstery work or any parts thereof for automobiles, motorcycles, trucks, trailers, or similar vehicles in addition to the replacement of parts, service and incidental repairs, warehousing, office, or sales activities. May also include collision repair and automobile paint booths and restoration.

AUTOMOBILE WASH SERVICES: The use of a property or site for washing, drying, polishing, vacuuming, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

BEE: means any one of the honey-producing generations of Apis including any queen, worker, or drone, or any of their four life stages. The term bee includes, but is not limited to, any species of bees used for commercial pollinating purposes.

BEE COLONY: an aggregate of worker bees, drones, queen, and developing young bees and the hive and its components including comb, honey, propolis, and pollen.

BOARD OF ADJUSTMENT: The Board of Adjustment of Wagoner County.

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

BOARDING HOUSE: The dwelling other than a hotel where the compensation and by prearrangement of 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.

BUS TERMINAL: Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers for transfer of people.

CARGO TERMINAL: A facility for loading, unloading, and warehousing of freight.

CHIEF EXECUTIVE: The chairman of the Board of County Commissioners.

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CITY: Any city or town who by the virtue of an agreement is a participating member of the City of Wagoner and Wagoner County City-County Metropolitan Area Planning Commission as governed by Title 19 Oklahoma Statute Section 866.

CLERK:The clerk of the unit of government.

COMMERCIAL KENNEL: the premises used to house or store dogs and/or cats. The term includes all buildings, property, and confinement areas in a single location or on a single parcel, lot, or tract of land used to conduct an animal shelter, commercial breeding business as defined by the State of Oklahoma, or for personal enjoyment of ten or more dogs and cats.

COMMISSION: The Planning Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan of the City-County, City, or County members of the Wagoner Metropolitan Area Planning Commission. Each City and County may have a separate or shared comprehensive plan.

CONCENTRATED ANIMAL FEEDING OPERATION: An animal feeding operation that meets the following criteria:

- more than the number of animals specified in any of the following categories
 - o 1,000 slaughter and feeder cattle
 - o 700 mature dairy cattle whether milk or dry cows
 - o 500 horses
 - o 10,000 sheep or lambs
 - o 55,000 turkeys
 - o 100,000 laying hens or broilers
 - o 5,000 ducks
 - o 1,000 animal units (see definition)

CONCENTRATED SWINE FEEDING OPERATION: A swine feeding operation with more than the number of swine specified in any of the following categories:

- 750 or more each weighing approximately fifty five (55) pounds

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- 3,000 or more weaned swine each weighing under fifty five (55) pounds or
- 300 or more swine animal units

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning 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 districts as conditional uses, if specific provision for such conditional uses is made in these zoning regulations, specifically identified in Article 2 Permitted Use Table.

CORRECTIONAL INSTITUTIONS: A facility or combination of facilities and property for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include adult detention centers, juvenile detention centers, jails, and prisons. These facilities house prisoners who are in the custody of city/county/state/federal law enforcement. The facilities are normally government owned but may include privately operated facilities. Correctional Institutions may also include custodial care, treatment, and rehabilitation facilities for adults or juveniles in a protective living environment for persons residing voluntarily or by court placement temporarily (e.g. boys and girls homes/ranches, rehabilitation and mental health centers.)

COUNTY: Wagoner County, Oklahoma.

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

DIRECTOR: Director of the Planning Commission also known as the Director of the Planning and Zoning Department.

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 drive the food, refreshments, or beverages on the premises.

DUDE RANCHES: A recreational facility where lodging and horses for riding are furnished for compensation. May include activities such as camping, cattle drives, hunts, and wagon trains. May also include fishing and hunting camps. See also Agritourism.

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

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DWELLING GROUP: Two or more detached dwelling other than mobile homes, on the same lot, as defined herein, but not including 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.

FAIRGROUNDS: An area of land use including agricultural related office buildings, animal show and judging areas, community meeting space, concessions, rodeo arenas, storage, areas for sales, auctions, jackpots, trade shows, or exhibitions. May include recreational vehicle parking. May include amusement park uses and circus attractions if assembled in a temporary nature for seasonal fairs and festivals. May include areas for concerts or other public gathering events, though of a smaller nature than that found at a theater or amphitheater as a secondary use.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, 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.

FARM FOOD: food made from products grown or raised on a farm including crops, crops grown from trees, crops grown on vines or bushes, livestock, and aquatic goods.

FARM PRODUCTS: An agricultural commodity such as wheat, corn, soybeans, or a species of livestock such as cattle, hogs, sheep, horses, or poultry used or produced in farming operations, or a product of such crop or livestock in its processed, unprocessed, or unmanufactured state (such as ginned cotton, wool-clip, grains, hides, skins, raw furs, tobacco leaf, wool, mohair, maple syrup, milk, and eggs), that is in the possession of a person engaged in farming operations.

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FARMERS MARKET: a designated area where farm food producers and value-added processors from a designated region rather on a consistently scheduled basis to sell approved farm food and value-added products from approve sources directly to the purchaser. Farmers markets must meet parking requirements outlined section 3.10.5 for sizing and approved by the Board of Adjustment for quantity.

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.

FOOD LOCKERS: A secure compartment that holds takeout orders for retail food sales. Designed to hold food while customers or delivery drivers are on the way to pickup then deliver meals.

GRAIN TERMINAL: A facility for the storage of agricultural grains.

GOVERNING BODY: The governing body of the member unit of government of the Wagoner Metropolitan Area Planning Commission.

~~**GOVERNMENTAL AGENCY TRAINING FACILITY:** An establishment for training state or local law enforcement, fire safety, and other emergency services which may include but not limited to dining and overnight accommodations, classrooms, indoor shooting ranges, auto test tracks, and fire suppression simulations.~~

~~**HALFWAY HOUSE:** A licensed home for inmates on release from more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. The facility is owned or operated by an agency or an individual authorized by license to provide housing, food, treatment, and supportive services. The facility must be situated as a single family residence on a single parcel and occupancy of the house shall not exceed 12 individuals on supervised release from the state or local criminal justice system.~~

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.

HORTICULTURAL SERVICES: The use of land for commercial growing or production of fruits, vegetables, flowers, nursery stock, ornamental plants, trees, cultured sod, and the like growing outdoors or inside greenhouses. Nurseries and Sod Farms may include the sales services and required offices for such production as well as the warehousing, storage, and sales of associated products such as mulch, topsoil, needed tools and supplies as a secondary use. Landscape contractor services may be included as a secondary use.

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~~HOSPITAL: One or more buildings with the principal purpose of providing medical and surgical care to the sick or injured, including operating room and beds for overnight stays. The secondary uses may include cafeteria, restaurant, medically related heliports, nursing homes, extended care clinics, physical therapy, employee exercise facilities and housing, temporary patient family housing, shops for medical equipment, gifts, books, magazines, toiletries, flowers, candy, and pharmacies, childcare centers, and optical facilities, and medical office buildings. Such secondary uses are primarily for the benefit of patients, staff, and visitors and are located so as not to normally attract other retail customers.~~

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

LIVESTOCK: any cattle, bison, horses, sheep, goats, asses, mules, swine, domesticated rabbits, and chickens, turkeys, and other domesticated fowl, and any animal or bird in captivity.

LIVESTOCK AUCTION MARKET: an established place where livestock is regularly offered for sale at public action. Also known as “stockyards”.

LIVESTOCK PACKER: Any person engaged in the business of buying more than five thousand (5000) animal units of livestock per year in commerce for purpose of slaughter AND any person manufacturing or preparing meats or meat food products for sale of shipment in commerce AND any person marketing meats, meat food products or livestock products in an unmanufactured form acting as a wholesale broker, dealer or distributor. Any of the above activities performed in facilities of less than 10,000 square feet of floor area, and the agricultural product being processed is produced on-site or the surrounding agricultural area, are permitted by right in agricultural districts.

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. In no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of these regulations. Special attention should be given to “remainder deeds”.

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

LOT, CORNER: A lot which has a least two adjacent sides abutting for their full length on a street, provide 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.

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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:

- 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 the side lot line;
- In the case of the 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;
- In the case of a lot consisting of an entire block:
 - a. If the sides are not equal length, the longer sides shall be deemed front lines and the shorter sides shall be deemed side lot lines.
 - b. In 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:

- In the case of irregular, triangular, or gore-shaped lot: a line parallel or near to and at the maximum distance from the front lot line.
- In the case of a through lot or part thereof at least one hundred and fifty (150) feet deep, bounded by two street lines and two other straight lines intersecting such street lines; a line midway between the street lines.
- In the cases of:
 - a. Portions of a through lot that cannot be bounded by two street lines and two other straight lines intersecting such street lines and
 - b. A lot bounded entirely by street lines:
 - i. 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.

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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 (at the building line), provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of any lot on the turn-around of a cul-de-sac, where the eighty (80) percent requirement may be reduced to a minimum of thirty (30) feet of frontage.

MAJOR STREET OR HIGHWAY: A street so designated in the Comprehensive Plan and commonly identified as the Collector or Arterial Functional Roadway Classifications.

MANUFACTURED HOME: In accordance with Title 47 of the Oklahoma State Statutes, Section 1102, a manufactured home means a residential dwelling built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et. Seq., and rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section 582 of this title. Manufactured home shall not mean a park model recreational vehicle, travel trailer, or modular home.

MENTAL HEALTH FACILITY: A facility or institution for diagnosing, treating, caring for, or counseling people requiring mental health services in confinement. May include the developmentally disabled, and substance abusers.

METROPOLITAN AREA: Member city or cities and jurisdictional area of the unincorporated County identified in the agreement between the city or cities and the county.

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. In accordance with Title 47 of the Oklahoma State Statutes, Section 1102, a mobile home means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq.; The term "mobile home" does not include the term "travel trailer", "recreational unit", or "modular home".

MOBILE OR PORTABLE OFFICE OR LIMITED SHOP: A pre-manufactured unit with or without wheels, axels, 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".

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MODULAR HOME: A pre-manufactured living unit without wheels, axles or hitches especially manufactured to become a permanently located dwelling unit and permanent affixed to the real property. Modular dwelling units are not subject to the motor vehicle excise tax imposed as outlined in the Oklahoma Tax Code. This definition shall not be construed to include “mobile home” or “manufactured 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.

MOTEL/HOTEL: A building or group of buildings containing living or sleeping accommodations used only for tourism or short-term accommodations. Rooms are offered singularly for hire. May include restaurants, recreational areas, and indoor conference spaces.

ORPHANAGE: A residential complex designed for minor children who are not members of the administrator or operator of the facility or facilities but are under the supervision of the administrator or operator as designated by the State of Oklahoma. Shall not include rehabilitative services for substance abuse or other type of transient type living arrangements around rehabilitation or corrections.

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

NONCONFORMING USE: The use which was lawfully established and maintained by 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.

PET GROOMING AND SPA SERVICES: Any place where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health. May be included in animal hospitals, shelters, and kennels as a secondary use.

PHARMACY (DRUG STORE): Any place where prescription drugs are dispensed and compounded by a licensed pharmacist. May include other retail sales as secondary use.

POULTRY WASTE FACILITY: any structure or combination of structures utilized to control poultry waste until it can be utilized in land application.

POULTRY: chickens, turkeys, ducks, geese, and any other domesticated bird used for human food, human food production (eggs), and/or animal feed.

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POULTRY FEEDING OPERATION: A property or facility where:

- poultry have been, are, or will be confined and fed or maintained for a total of forty five (45) days or more in a twelve month period
- crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the property or facility and
- produces over ten tons of poultry waste per year

POULTRY WASTE: poultry excrement, poultry carcasses, feed wastes, bedding materials, and any other waste associated with the confinement of poultry from a poultry feed operation.

PROFESSIONAL SERVICES: A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. May include certified public accountants, engineers, chiropractors, dentists, osteopaths, physicians, surgeons, podiatrists, chiropodists, architects, attorneys at law, physical therapists, and life insurance agents. Shall not include veterinarians.

RECTORY OR PARSONAGE: The permanent residence of the pastor or minister of a church. Included as either a single-family dwelling on a single parcel of land or an accessory living structure on the same property as the church. There is no limitation on the size of the home in comparison to the size of the church.

RECREATIONAL UNIT: A travel trailer, pickup camper, converted bus, tent trailer, tent, mobile tiny home, 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.

RETIREMENT HOMES: A residential complex designed for senior citizens which may include nursing homes, rest homes, convalescent houses, assisted living, and elderly living care facilities which function as full-time living units as an integral part of the facility or facilities. May include recreational space, shared community areas, cafeteria, and medical functions for residents. Shall not include rehabilitation centers in a transient type of environment.

RIDING STABLES: A lot, property, parcel, or tract that may be used for commercial purposes open to the general public; boarding of horses, individual or group training, includes arenas used for scheduled, public, or club events; and those uses permitted on a ranch or in the agricultural district. No feedlot or stockyard uses permitted. Shall not include a racetrack unless track in a district permitted for racetracks.

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ROOMING AND BOARDING HOUSES: A residential facility that provides room and board, personal care, habitation services, and supervision in a family setting for mentally retarded or developmentally disabled persons. Facility provides care for individuals not related to the facilitator or property owner thereof who by reason of illness, disease, or physical and mental infirmity are unable to sufficiently or properly care for themselves but do not require services of a registered or licensed nurse except in emergency situations. Shall not include person undergoing rehabilitation treatment for civil or criminal acts, drug or alcohol addiction, or any other substance abuse that creates the necessity for transient living.

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:

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

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

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

SIGN, IDENTIFICATION: An accessory sign whole 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 randomly without organized relationship of elements, or where there is reasonable doubt about the relationship of elements each element shall be considered 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.

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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 standard on the premises.

STADIUM: A commercial structure with tiers of seat rising around a field or court, intended to be primarily for viewing of athletic events. Sport arenas, domes, and auditoriums may also be used for entertainment and other public gathering purposes such as conventions, circuses, or concerts.

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 (50) feet or more in width in created after the enactment of these regulations.

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.

SWINE ANIMAL UNIT: a unit of measurement for any swine feeding operation calculated by adding the following numbers:

- number of swine weighing over fifty five (55) pounds multiplied by four-tenths (0.4), plus the number of weaned swine weighing under fifty five (55) pounds multiplied by one-tenth (0.1)

SWINE FEEDING OPERATION: A lot or facility where the following conditions are met:

- swine have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period and
- crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or land where the swine are stabled or confined

TERRITORIAL JURISDICTION: The area within the boundaries of the Planning Commission member unit of government(s).

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THEATER, MOTION PICTURE: A structure used for indoor showing of motion pictures which may include meal service and party spaces.

THEATER, LEGITIMATE: A structure used for indoor showing of dramatic, operatic, comedic, or other live performances which may include meal service.

THERAPEUTIC BEHAVIORAL AND MENTAL HEALTH PROGRAMS: A licensed facility or land use that is for the mental and behavioral health treatment of persons. These programs are out-patient only, do not include overnight accommodations, nor do these programs include medical, surgical, or pharmaceutical related treatments. Programs primarily include treatment and counseling in groups or one-on-one sessions. Treatment may include animal-assisted therapy involving trained dogs, cats, horses, birds to provide comfort, companionship, and emotional support to individuals in need of such treatment.

TOURIST COURT: A group of attached or detached buildings containing individual living or sleeping units, designed or used temporarily by tourists with garage attached or parking spaces conveniently located to each unit (see also hotels or motels).

TOWN HOUSE: One of a series of from three (3) to ten (10) attached dwelling units, separated from one another by continuous vertical party walls without opening from basement floor to roof.

TOWN HOME DEVELOPMENT: A tract of land on which there is built or is proposed to be built three (3) or more town houses, including the sites of the town houses and all of the common spaces.

TOWN HOUSE, INDIVIDUAL LOT: A zoning lot on which there is built or is proposed to be built one (1) town house.

TRANSIENT LODGING: Living quarters for homeless persons intended for overnight accommodations, general for extended periods of time. Examples may include halfway-houses, sober living homes, dude ranches for troubled youths, or other lodging types intended to provide temporary residence for those without.

TRANSITIONAL HOUSING SHELTER: A licensed facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

TRANSITIONAL HOUSING SHELTER FOR MINORS: A licensed facility that provides short-term (120 days or less) room and board in a supervised living environment utilizing counseling and rehabilitation services for persons 18 years of age and under with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse. May include facilities that are setup as a camping environment.

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TRAVEL TRAILER: Any vehicular portable structure built on a chassis used as a temporary dwelling for travel, recreational, or vacation use. Vehicle should be licensed as a travel trailer under rules promulgated pursuant thereto and the rules promulgated by the Oklahoma Used Motor Vehicle and Parts Commission.

TRUCK, TRACTOR, AND SIMILAR VEHICLE WASH SERVICES: The use of a property or site for washing, drying, polishing, vacuuming, and cleaning of large trucks, truck and trailers, semi-trucks and trailers, large equipment and tractors, and other similar vehicle types used for heavy transport, construction, and agricultural practices.

VACATION RENTAL: A residential dwelling or portion thereof that is available or used for accommodation or lodging of guests paying a fee (rental) or other compensation for less than thirty (30) consecutive days. Vacationers are persons to which travel from their principle residence is temporary and their return is eminent.

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 thereof may be located in a portion of the required yard.

YARD, DEPTH OR WIDTH: in measuring a yard for the purpose of determining the width of the side yard, the depth of the 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 extended 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.