

WAGONER METROPOLITAN PLANNING AREA
ZONING ORDINANCE

Prepared For The
Wagoner Metropolitan Area Planning Commission
By
BRAUN & BARNARD, Inc.
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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 Agriculture District Provisions

2.1.1 Description of Agriculture Districts

The agriculture district is intended to provide areas primarily for agriculture and related uses. The AG Agriculture General District 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 and highways, utilities, and other public or quasi-public facilities.

2.1.2 Uses Permitted in Agricultural Districts

Uses permitted in the various agricultural districts are as set forth in Table 1.1. Where an "X" appears in the column of a district, 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. Where "E" appears, the use is permitted subject to the granting of a Special Exception by the Board of Adjustment in accordance with the provisions of Article 6, Section 6.2.5.

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AG

ACCESSORY STRUCTURES AND USES

X	002 Accessory buildings, subject to Section 3.2
X	004 Customary home occupations, subject to Section 3.6.
X	010 Accessory living quarters
X	046 Accessory off-street loading and parking facilities, subject to Sections 3.9 and 3.10
X	054 Accessory retail sales: farm products raised on the premises.
X	063 Accessory signs, subject to Sections 3.13 and 3.14.
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 work is completed.

^aNEC means "not elsewhere classified in this table".
For meaning of P and X, see paragraph preceding this table.

Table 1.1 (continued)

District	Uses Permitted in the Indicated Districts
AG	
X	009 Accessory uses, NEC.
	RESIDENTIAL USES
	11 Household units.
X	111 Detached single family dwellings.
	112 Two-family dwelling.*
	113 Multi-family dwelling.*
X	116 Individual mobile home.*
	MANUFACTURING USES (see Agricultural Processing)
	40 Transportation, Communication and Utilities-General
P	400 Transportation, communication and utilities, NEC.
X	401 Facilities 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.*
X	402 Transportation, communication, and utility facilities which utilize public right-of-way or easements customarily provided in subdivision plats.
	48 Utilities
P	484 Sewage Disposal.
P	485 Solid waste disposal, subject to Section 3.12.
	TRADE
	51 Wholesale Trade
	515 Farm Products (raw materials) - wholesale.
X	5156 Livestock - wholesale.
	SERVICES
	62 Personal Services
	624 Funeral and crematory services; cemeteries.
X	6242 Cemeteries.
	65 Professional Services
	651 Medical and other health services.
	6513 Hospital services.
	6516 Sanitariums, convalescent, and rest home services.

*Allowed in unincorporated area only.

Table 1.1 (continued)

District	Uses Permitted in the Indicated Districts
AG	
P*	6517 Medical clinic - out-patient services
P*	659 Other professional services, NEC.
	67 Governmental Services
X	672 Protective functions and their related activities.
P	674 Correctional institutions.
X	675 Military bases and reservations.
	68 Educational Services
X	681 Schools: nursery, primary and secondary.
P	682 University, college, junior college, and professional school education.
	69 Miscellaneous Services
	691 Religious activities.
X	6911 Churches, synagogues, and temples.
	6912 Same subject to Section 3.9.
	6912 Parish houses and rectories.
P	692 Welfare and charitable services.
P	699 Other miscellaneous services.
P	6994 Civic and fraternal organizations.
	CULTURAL, ENTERTAINMENT, AND RECREATIONAL
X	71 Cultural Activities and Nature Exhibitions
	72 Public Assembly
	721 Entertainment assembly.
X	7211 Amphitheaters.
X	7214 Legitimate theaters.
X	723 Public assembly, miscellaneous purposes.
	73 Amusements
	731 Fairgrounds and amusement parks.
P	7311 Fairgrounds.
	739 Other amusements, NEC.
X	7392 Miniature golf.
X	7393 Golf driving ranges.
	74 Recreational Activities.
	741 Sports activities.
X	7412 Golf courses.
X	7413 Tennis courts.
X	7416 Riding stables.

* Allowed in unincorporated area only

Table 1.1 (continued)

District	Uses Permitted in the Indicated Districts
AG	
X	742 Playgrounds and athletic areas.
X	743 Swimming areas.
	7431 Swimming beaches.
X	744 Marinas.
	749 Other recreation, NEC.
X	7491 Camping and picnicking areas
X	75 Resorts and Group Camps.
X	76 Parks.
	RESOURCE PRODUCTION AND EXTRACTION
	81 Agriculture, subject to Section 3.4
X	810 The erection or use of the usual farm buildings for agricultural purposes.*
X	811 The planting of agricultural crops.
X	815 Farms: dairy.
	816 Farms and ranches: livestock other than dairy.
	8161 Farms and ranches: cattle.
	8161.1 Feed lots.
X	8161.9 Farms and ranches: cattle, NEC.
X	8162 Farms and ranches: hogs.
X	8169 Farms and ranches: other livestock, NEC,
X	819 Other agriculture and related activities, NEC, subject to Section 3.4.
X	82 Agricultural Related Activities, other than cotton ginning. ^b
X	83 Forestry Activities and Related Services.
X	84 Fishing Activities and Related Services.
X	85 Mining Activities and Related Services.
X	853 Extraction of oil or natural gas.
X	855 Mining services.

^bCotton ginning is included in Transportation, Communication and Utilities.

2.1.3 Bulk and Area Regulations for Residential Uses in Agricultural District

Every residential use in the Agricultural District shall be subject to the regulations set forth in Tables 1.2 and 1.3 and to the modifications thereof set forth in Article 4.

Table 1.2 Lot Area, Width and Height Requirements for Residential Uses in the Agricultural District

Dis- trict	lot area min. (acres)	lot area per dwg. unit, min. (acres)		width min. (feet)	Height Limits	
		mobile homes	other dwgs.		height, maximum (feet), if no addi- tional setback is provided	additional height (feet) permitted for each additional foot of side and rear setback ^a
AG	10.0	10.0	10.0	300	35	0.4

^aSubject to Section 4.4.

From any parcel of ten acres or more in an AG District, there may be split in any calendar year not more than one residential lot having an area less than that required by Table 1.2, provided that such lot has an area less than ten acres and not less than one acre. No parcels may be combined for the purpose of meeting the requirement that the parcel from which the lot is to be split shall have an area of ten acres or more.

In determining the area of a residential lot in an Agricultural District, the adjacent halves of abutting streets and alleys may be included, up to a distance of 100 feet from the lot line; the same rule may be applied to the width of such lot, provided that the new width thereof, exclusive of streets and alleys, shall not be less than 65 feet.

Table 1.3 Yard Requirements for Residential Uses in the Agricultural District

District	Yards, Minimum (feet)					
	Side Yards					
	Front Yard	Interior Lots One Yard	Other Yard	Corner Lots Interior Yard	Exterior Yard	Rear Yard
AG	40	10	15	10	35	35

Section III. Deleting 85 Mining Activities and Related Services and 855 Mining Services from Table 1.1, Section 2.1.2, Uses Permitted in the Agricultural Districts. Provided that any mining use as defined under Section 2.7 of this code permitted by the Oklahoma Department of Mines and in existence as to any contiguous tracts in any agricultural district, as of the date of this amendment, shall not be controlled or limited in operation or scope by the provisions of Article 5 of this code, Nonconforming Structures and Uses.

Amended: 12-7-87

2.1.4 Bulk and Area Regulations for Nonresidential Uses in the Agricultural District

All nonresidential uses in the agricultural district shall be subject to the following requirements.

Front yards and exterior side yards, minimum	35 feet
Rear yards and interior side yards, minimum	25 feet
Coverage of net lot area (exclusive of area in abutting streets), maximum:	
Interior lots	25 percent
Corner lots	30 percent

Height limits: as provided in Section 2.1.3 for residential uses. 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 2.2 Residential District Provisions

2.2.1 Description of Residential Districts

The regulations for Residential Districts are designed (1) to protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities, (2) to encourage a suitable environment for family life by permitting appropriate neighborhood facilities, such as churches, schools, and playgrounds, (3) to permit certain institutions and utility facilities considered necessary in or compatible with residential neighborhoods, (4) 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, (5) 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, (6) to make available areas suitable for a variety of dwelling types and densities to permit a wide range of individual choice, (7) to assure the provision of adequate off-street parking space to provide for the parking needs of the permitted uses, (8) to protect residential areas against hazardous, offensive, or objectionable influences, and (9) to protect residential areas against heavy traffic and against through traffic of all kinds. The RS Residential District is intended for detached single family dwellings. The RST Residential District is intended primarily for detached single family dwellings, but individual mobile homes are allowed, one per lot, if they meet the requirements of Section 3.8.7. The RM District is intended for multi-family dwellings. The RT Residential District is intended for mobile home parks. The RM-T District is designed for attached single family townhouse dwellings, on separate lots, from separate ownership.

2.2.2 Uses Permitted in Residential Districts

Uses permitted in the various residential districts are as set forth in Table 2.1. Where an "X" appears in the column of a district, the use set off opposite

Table 2.1 Uses Permitted in Residential Districts^a

2.7

Table 2.1 (continued)

RS	Districts		Uses Permitted in Residential Districts
	RM	RT	
			TRANSPORTATION, COMMUNICATION, AND UTILITIES
			40 Transportation, Communication and Utilities - General.
P	P	P	400 Transportation, communication and utilities, NEC.
X	X	X	401 Facilities 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.
X	X	X	402 Transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivisions plats.
			48 Utilities.
P	P	P	484 Sewage Disposal.
P	P	P	485 Solid waste disposal.
			SERVICES
			62 Personal Services.
			623 Beauty and barber services.
P	X	X	6231 Home beauty shops, subject to Section 3.6.
	X		6232 Accessory barber and beauty shop, subject to Section 3.3.
			65 Professional Services.
			651 Medical and other health services.
	X		6510 Office to be used by not more than two physicians or dentists provided that not more than one bed is provided to keep patients over night.
P	P	P	6513 Hospital services.
P	P	P	6516 Sanitariums, convalescent, and rest home services.
P	P	P	6517 Medical Clinic - out-patient services.
			67 Governmental Services.
P	P	P	672 Protective functions and their related services.
			68 Educational Services.
P	P	P	681 Schools: nursery, primary and secondary.
P	P	P	682 University, college, junior college, and professional school education.
			69 Miscellaneous Services.
P	X	X	691 Religious activities.
			6911 Churches, synagogues, and temples subject to Section 3.8.
X	X	X	6912 Parish houses and rectories.
P	P	P	692 Welfare and charitable services.
			699 Other miscellaneous services.
P	P	P	6994 Civic.

Table 2.1 (continued)

RS	District		Uses Permitted in Residential Districts
	RM	RT	
			CULTURAL, ENTERTAINMENT, AND RECREATIONAL USES
P	P	P	71 Cultural Facilities and Nature Exhibitions.
			72 Public Assembly.
			721 Entertainment assembly.
P	P	P	7211 Amphitheaters.
P	P	P	7214 Legitimate theaters.
			74 Recreational Activities
			741 Sports activities.
P	P	P	7412 Golf courses.
P	P	P	7413 Tennis courts.
P	P	P	742 Playgrounds, playfields, and similar facilities.
P	P	P	743 Swimming areas.
P	P	P	744 Marinas.
			749 Other Recreation, NEC.
P	P	P	7491 Camping and picnic areas.
P	P	P	76 Parks.
			RESOURCE PRODUCTION AND EXTRACTION
			81 Agriculture.
X	X	X	810 The erection or use of the usual farm building for agricultural purposes.
X	X	X	811 The planting of agricultural crops.
			819 Other agricultural and related activities, NEC, subject to Section 3.4.
X	X	X	8192 Horticultural specialists.
			85 Mining Activities and Related Services.
X	X	X	853 Extraction of oil or natural gas.*

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 Tables 2.2 and 2.3, and to the modifications thereof set forth in Article 4.

*Allowed in unincorporated area only.

Table 2.2 Lot Width and Area Requirements in Residential Districts

District	Lot Width Minimum (feet)				Lot Area, Minimum (square feet)				
	All Other Dwellings				All Other Dwellings				
	Townhouse One Indivi. Lot	One Fam-ily	Two Fam-ily	3 Or more Fam.	Town House Devel- op-ments	Indi- vidual Lots	One Fam-ily	Two Fam-ily	3 Or more Fam.
RS60	-	165	-	-	-	-	60,000	-	-
RS22.5	-	120	-	-	-	-	22,500	-	-
RS10	-	80	-	-	-	-	10,000	-	-
RS6	-	60	-	-	-	-	6,000	-	-
RST40 ^a *	-	150	-	-	-	-	40,000	-	-
RST22.5 ^a *	-	120	-	-	-	-	22,500	-	-
RM6	24	60	75	100	36,000	1,900	6,000	7,500	10,000
RM4	24	60	75	100	24,000	1,900	6,000	7,500	10,000
RM1.5	20	60	75	100	16,000	1,600	6,000	7,500	10,000
RT ^b	24	60	75	100	24,000	1,900	6,000	7,500	10,000

^a A minimum of ten (10) acres is required for RST District designation.

^b Mobile home parks are subject to bulk and area requirements set forth in Section 3.7.

*Unincorporated area only.

In addition to the above requirements, residential lot sizes must conform to the requirements of both the Oklahoma State Health Department and the Wagoner County Health Department.

Amended - 5-83

Table 2.3 Lot Area Per Dwelling Unit and Height Requirements in Residential Districts

lot area per dwelling unit, min. (sq.ft.)							height limits, subject to Sec. 4.30	
Dis- tricts	town house developments		all other dwellings			height, maximum (feet) if no addi- tional setback is provided	additional height (feet) permitted for each additional foot or side and rear setback	
	two or more bed- rooms	one or fewer bed- rooms	two or more bed- rooms	one bed- rooms	no bed- rooms			
RS60	-	-	60,000	60,000	60,000	20	0.4	
RS25	-	-	25,000	25,000	25,000	20	0.6	
RS10	-	-	10,000	10,000	10,000	20	0.8	
RS6	-	-	6,000	6,000	6,000	20	1.0	
RST40*	-	-	40,000	40,000	40,000	20	0.5	
RST25*	-	-	25,000	25,000	25,000	20	0.6	
22.5	-	-	22,500	22,500	22,500	20	0.6	
RM6	6,000	5,200	6,000	5,200	4,500	20	1.0	
RM4	4,000	3,500	4,000	3,500	3,000	30	1.3	
RM1.5	2,000	2,000	1,500	1,300	1,100	30	2.0	
RT	4,000	3,500	4,000	3,500	3,000	30	1.3	

*Unincorporated area only

Table 2.3 continued: RM-T requirements, a minimum of three (3) Townhouse Lots.

Devel- opment width (min)			Land Area Per D.U.	Struc- ture Height	Liva- bility Space per D.U.	Front Yard			
	Lot Width	Lot Area				Arter- ial	Non- Arter- ial	Rear Yard	Side Yard
70'	20'	1600'	3600'	26'	1400'	35'	10'	20'	5'

Table 2.4 Yard and Coverage Requirements in Residential Districts

Dis- trict	front yard	Yards (feet), minimum, measured from						lot coverage (percent), maximum	
		interior lots		corner lots					
		one yard	side yards other yard	in- terior side yard	exterior side yard		rear yard	in- ter- ior lot	cor- ner lot
					if back-to- back with another corner lot	if not back-to- back with another corner lot			
RS60	40	16	8	8	30	35	35	15	20
RS25 ^{22.5}	35	14	7	7	25	30	30	20	25
RS10	30	12	6	6	20	25	25	25	30
RS6	25	10	5	5	15	20	20	25	30
RST40*	40	16	8	8	30	35	35	15	20
RST25* ^{22.5}	35	14	7	7	25	30	30	20	25
RM6	25	10	5	5	15	20	20	25	30
RM4	25	10	5	5	15	20	20	30	35
RM1.5	10	10	5	5	10	10	20	30	35
RT	25	10	5	5	15	20	20	30	35

*Unincorporated Area Only

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

All nonresidential uses in Residential Districts shall be subject to the provisions applying to one-family dwellings 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 P 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 P District shall be as follows: (a) All uses permitted in the least restrictive contiguous residential district, as regulated therein, and (b) off-street parking lots which are accessory to principal uses on other lots, which other lots may be in office, commercial, industrial, or mining districts, subject to Section 3.10.

2.3.3 Bulk and Area Regulations in Parking Districts

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

Residential Uses: the same regulations as are provided for residential uses in the least restrictive contiguous residential district.

Off-Street Parking Uses: as provided in Section 3.10.

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.

2.4.2 Uses Permitted in the Office District

Uses permitted in the Office District shall be as follows:

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

Any other professional or business service which does not produce more noise, odor, dust, vibration, or traffic than those above, by conditional use permit.

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 are provided for nonresidential uses in the least restrictive contiguous residential district.

2.4.4 Screening

All sides of a lot zoned for office shall be screened as provided in Section 4.1.3 of these regulations.

Section 2.5 Commercial District Provisions

2.5.1 Description of the Commercial Districts

The purposes 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 the stability of retail development by encouraging continuous retail frontage and by excluding local service establishments 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 (1) 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; and (2) 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 the 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 the various commercial districts are as set forth in Table 5.1. Where an "X" appears in the column of a district, 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 Adjustments, in accordance with the provisions of Article 6.

Table 5.1 Uses Permitted in Commercial Districts^a

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
ACCESSORY STRUCTURES AND USES					
X	X	X	X	X	002 Accessory buildings.
X	X	X	X	X	010 Accessory living quarters.
X	X	X	X	X	046 Accessory off-street loading and parking facilities subject to Sections 3.9 and 3.10.
X	X	X	X	X	063 Accessory signs, subject to Section 3.13 and 3.14.
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 work is completed.
X	X	X	X	X	099 Accessory uses for commercial establishment, NEC.
RESIDENTIAL USES					
					12 Group Quarters
	X	X	X	X	122 Membership Lodgings

^aNEC means "not elsewhere classified in this table".

For meaning of P and X, see paragraph preceding this table.

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
		X	X	X	15 Transient Lodgings
				X	151 Hotels, tourist courts, and motels.
				X	152 Travel trailer parks.
MANUFACTURING USES					
					21 Food and Kindred Products: Manufacturing.
					215 Bakery products - manufacturing.
	X	X	X		2151 Bakery products - manufacturing, limited to 2,000 square feet of floor area.
					217 Confectionary and related products - manufacturing.
		X	X		2171 Candy and other confectionery products - manufacturing, limited to 2,000 square feet of floor area.
		X	X		2185 Bottling and canning soft drinks and carbonated waters.
		X			27 Printing, Publishing, and Allied Industries.
	X				2701 Printing, publishing, and allied industries, limited to 7,000 square feet of floor area.
					39 Miscellaneous Manufacturing.
				X	391 Jewelry, silverware, and plated ware - manufacturing.
				X	3911 Jewelry and precious metals - manufacturing, limited to 7,000 square feet of floor area.
		X	X		3193 Lapidary work.
	X	X			3913.1 Lapidary work, limited to 7,000 square feet of floor area.
		X			397 Motion picture production.
					399 Other miscellaneous manufacturing.
		X			3997 Signs and advertising displays - manufacturing limited to 7,000 square feet of floor area.
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES					
					40 Transportation, Communication, and Utilities: General.
P	P	P	P	P	400 Transportation, communication and utility facilities, NEC.
X	X	X	X	X	401 Facilities 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.
X	X	X	X	X	402 Other transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats.

Table 5.1 (continued)

Districts					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
X	X	X	X	X	46 Automobile Parking, as a principal or accessory use.
					47 Communication.
					473 Radio communication.
		X	X	X	4731 Radio broadcasting studio (only).
					474 Television communication.
		X	X	X	4741 Television broadcasting studio (only).
					48 Utilities.
P	P	P	P	P	484 Sewage disposal.
P	P	P	P	P	485 Solid waste disposal, subject to Section 3.12.
					49 Other Transportation, Communications, and Utilities.
					492 Transportation services and arrangements.
			X		4921 Freight forwarding services.
			X		4922 Packing and crating services.
	X	X	X	X	4923 Travel arranging services.
	X	X	X	X	4924 Transportation ticket services.
			X		4929 Other transportation services and arrangements, NEC.
TRADE					
					51 Wholesale Trade.
	X		X		510 Wholesale trade without stocks.
			<u>X</u>		<u>511 Motor vehicles and automotive equipment - wholesale.</u>
			X		512 Drugs, chemicals, and allied products - wholesale.
			X		513 Dry goods and apparel - wholesale.
			X		514 Groceries and related products - wholesale.
			X		516 Electrical goods - wholesale.
			X		517 Hardware, plumbing, heating equipment and supplies - wholesale.
			X		518 Machinery, equipment, and supplies - wholesale.
			X		5183 Professional equipment and supplies - wholesale.
			X		5184 Equipment and supplies for services establishments - wholesale.
					519 Other wholesale trade, NEC.
			X		5194 Tobacco and tobacco products - wholesale.
			X		5195 Beer, wine, and distilled alcoholic beverages - wholesale.
			X		5196 Paper and paper products - wholesale.
			X		5197 Furniture and home furnishings - wholesale.
					52 Retail Trade: Building Materials, Hardware and Farm Equipment
			X		521 Lumber and other building materials - retail
			X		522 Heating and plumbing equipment - retail

Table 5.1 (continued)

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
X	X	X	X		523 Paint, glass, and wallpaper - retail.
X	X	X	X		524 Electrical supplies - retail.
					525 Hardware and farm equipment - retail.
X	X	X	X		5251 Hardware - retail
			X		5252 Farm Equipment - retail.
					53 Retail Trade: General Merchandise.
	X	X	X		531 Department stores.
		X	X		532 Mail order houses.
X	X	X	X		533 Limited price variety stores.
X	X	X	X	X	534 Merchandise vending machine operators.
		X	X		535 Direct selling organizations - retail.
			X		539 Other retail trade - general merchandise, NEC.
X	X	X	X	X	54 Retail Trade: Food
					55 Retail Trade: Automotive, Marine Craft, Aircraft, Related Products.
			X		551 Motor vehicles.
	X	X	X	X	552 Tires, batteries, and accessories.
			X	X	553 Gasoline service stations.
	P				555 Self-service gasoline pumps.
					559 Other Retail Trade - Automotive, Marine Craft, Aircraft, and Accessories - retail.
			X	X	5591 Marine craft and accessories - retail.
			X	X	5592 Aircraft and accessories - retail.
			X	X	5593 Mobile homes, travel trailers, and similar vehicles.
	X	X	X		56 Retail Trade: Apparel Accessories.
	X	X	X		57 Retail Trade: Furniture, Home Furnishings, and Household Equipment, NEC.
					58 Retail Trade: Eating and Drinking.
					581 Eating places
	X	X	X	X	5811 Eating places other than drive-in.
			X	X	5812 Eating places, drive-in.
	P	X	X	X	582 Taverns - Subject to Section 3.16.
					59 Other Retail Trade, NEC.
X	X	X	X		591 Drug and proprietary - retail.
X	X	X	X		592 Liquor - retail.
		X	X		593 Antiques and secondhand merchandise - retail.
					594 Book and stationery - retail.
X	X	X	X	X	5941 Books - retail.
	X	X	X		5942 Stationery - retail.

Table 5.1 (continued)

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
	X	X	X		595 Sporting goods and bicycles - retail.
					596 Farm and garden supplies - retail.
			X		5961 Hay, grains, and feed - retail.
	X	X	X		5962 Other farm and garden supplies - retail.
	X	X	X		597 Jewelry - retail.
					598 Fuel and ice - retail.
X	X	X	X	X	5981 Ice - retail.
			X		5983 Bottled gas - retail.
					599 Other retail trade.
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 Cameras and photographic supplies - retail.
X	X	X	X	X	5995 Gifts, novelties, and souvenirs - retail.
	X	X	X		5996 Optical goods - retail.
			X		5999 Other retail trade, NEC.
SERVICES					
		X	X		60 Office of any kind.
	X	X	X		61 Finance, Insurance, and Real Estate Services.
					62 Personal Services.
					621 Laundering, dry cleaning, and dyeing services.
X	X	X	X	X	6214 Laundering and dry cleaning: pick up or self-service.
					622 Photographic services, including commercial.
	X	X	X		6221 Photographic (portrait) studios.
		X	X		6222 Industrial photography.
X	X	X	X	X	6223 Film pickup.
X	X	X	X	X	623 Beauty and barber shops.
					624 Funeral and crematory services; cemeteries.
			X		6241 Funeral and crematory services.
X	X	X	X		625 Apparel repair and alteration, shoe repair services.
					63 Business Services.
					631 Advertising services.
	X	X	X		6311 Advertising services, general.
			X	X	6312 Outdoor advertising signs, subject to Sections 3.13 and 3.14.
		X	X		632 Credit reporting services; adjustment and collection services.
	X	X	X		633 Duplicating, mailing, stenographic, blueprinting, and photocopying services.
			X		634 Dwelling and other building services.
			X	X	635 News syndicate services.
			X	X	636 Employment services.

Table 5.1 (continued)

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
			X		637 Warehousing and storage services.
			X		6373 Refrigerated warehousing (except food lockers).
					6374 Food lockers (with or without food preparation facilities).
			X		6375 Household goods warehousing and storage.
			X		6376 General warehousing and storage
					639 Other business services.
		X	X		6392 Business consulting services.
		X	X		6393 Detective and protective services.
		X	X		6394 Equipment rental and leasing service.
		X	X		6395 Photo finishing services.
		X	X		6396 Trading stamp services.
					6397 Automobile and truck rental services.
	X	X	X	X	6397.1 Automobile rental services.
			X	X*	6397.2 Truck rental services.
	X	X			6398 Motion picture distribution.
					64 Repair Services.
					641 Automobile repair and services.
			X	X*	6411 Automobile repair services
			X	X	6412 Automobile wash services.
					649 Other repair services.
		X	X		6491 Electrical repair services, except radio and television.
	X	X	X		6492 Radio and television repair services.
	X	X	X		6493 Watch, clock, and jewelry repair services.
		X	X		6494 Reupholstery and furniture repair services.
			X		6496 Locksmith and gunsmith shops.
					65 Professional Services.
X	X	X	X		651 Medical and other health services.
	X	X	X		652 Legal services.
	X	X	X		659 Other professional services, NEC.
					66 Contract Construction Services.
					662 Special construction trade services.
			X		6621 Plumbing, heating, and air conditioning services.
	X	X	X		6622 Painting, paperhanging, and decorating services.
		X	X		6623 Electrical services.
			X		6624 Masonry, stonework, tile setting, and plastering services.
			X		6625 Carpentering and wood flooring.
					67 Governmental Services.
		X	X		671 Executive, legislative, and judicial functions.
P	P	X	X	X	672 Protective functions and their related activities.
X	X	X	X	X	673 Postal services.

*Only in unincorporated area.

Table 5.1 (continued)

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
P	P	P	X		68 Educational Services.
P	P	P	X		681 Schools: nursery, primary, and secondary.
					682 Schools: university, college, junior college, and professional school education.
					683 Special training and schooling.
		X	X		6831 Vocational and trade schools.
		X	X		6832 Business and stenographic schools.
		X	X		6833 Barber and beauty schools.
	X	X	X		6834 Art and Music schools.
	X	X	X		6835 Dancing schools.
		X	X		6836 Driving schools.
		X	X		6837 Correspondence schools.
					69 Miscellaneous Services.
X	X	X	X	X	691 Religious activities.
P	P	X	X		693 Welfare and charitable services.
					699 Other miscellaneous services.
		X	X	X	6990 Membership associations, NEC.
		X	X	X	6994 Civic, social and fraternal organizations.
					Private club, excepting those whose chief activity is a service customarily carried on as a business.
					CULTURAL, ENTERTAINMENT, AND RECREATIONAL
P	P	X	X	X	71 Cultural Activities and Nature Exhibitions.
					72 Public Assembly.
					721 Entertainment assembly.
P	X	X	X	X	7211 Amphitheaters.
	X	X	X	X	7212 Motion picture theaters.
				X	7213 Drive-in movies.
P	X	X	X	X	7214 Legitimate theaters.
		P	P	P	7219 Other entertainment assembly, NEC.
					722 Sports assembly.
			P	P	7221 Stadiums.
			P	P	7222 Arenas and field houses.
	P	X	X	X	723 Public assembly, miscellaneous.
					73 Amusements.
			P	P	731 Fairgrounds and amusement parks.
					7311 Fairgrounds.
					739 Other amusements.
		X	X	X	7391 Penny arcades.
	X		X	X	7392 Miniature golf.
			X	X	7393 Golf driving ranges.
P	P	X	X	X	7394 Billiards, pool, and similar games.

Table 5.1 (continued)

District					Uses Permitted in the Indicated Districts
C1	C2	C3	C4	C5	
					74 Recreational Activities.
					741 Sports activities.
P	X		X	X	7412 Golf courses.
P	X	X	X	X	7413 Tennis courts.
P	X	X	X	X	7414 Skating.
P	X	X	X	X	7417 Bowling.
P	P	X	X	X	742 Playgrounds and athletic areas.
P	P	X	X	X	743 Swimming areas.
P	P	X	X	X	744 Marinas.
					749 Other recreation, NEC.
P	P	X	X	X	7491 Camping and picnic areas.
P	P	X	X	X	76 Parks.
RESOURCE PRODUCTION AND EXTRACTION					
					81 Agriculture.
X	X	X	X	X	810 The erection of use of the usual farm buildings for agricultural purposes.*
X	X	X	X	X	811 The planting of agricultural crops.
					819 Other agricultural and related activities, NEC. Subject to Section 3.4.
X	X	X	X	X	8192 Horticultural specialties.
					82 Agricultural Related Activities.
					822 Animal husbandry services.
		X	X		8221 Veterinarian services (no outside runs or boarding of animals allowed).
			X		8222 Animal hospitals.
					8222.1 Animal hospitals for household pets, subject to Section 3.4
			X		829 Other agricultural related activities, NEC.
			X		8291 Horticultural services (including landscape contractors).
			X		8292 Kennel.
					85 Mining Activities and Related Services.
X	X	X	X	X	852 Extraction of oil or natural gas.*

*Only in unincorporated area.

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 Table 5.2 and to the modifications thereof set forth in Article 4.

Table 5-2 Bulk and Area Requirements in Commercial Districts

Yards (feet), min.					
Dis- trict	Front Yard	Exterior Side Yard	Rear Yard & Interior Side Yard		
			Abutting Pro- perty in an AG, RS, RM, RT, or O District	Not Abutting Property in an AG, RS, RM, RT, or O Dist.	Floor Area Ratio max.
C1	25	20	10	-	0.3
C2	25	20	10	-	0.4
C3	-	-	10	-	10.0
C4	-	-	10	-	6.0
C5	75	20	10	-	0.5

Where a lot in a Commercial District abuts property in an AG, RS, RM, RT, 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 set back in the same manner as is provided herein for structures in such other district.

2.5.4 Screening

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

Section 2.6 Industrial District Provisions

2.6.1 Description of the 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.

Purposes of the I1 District. The I1 District is designed primarily to provide an environment conducive to the development and protection of modern administrative facilities, research institutions, specialized manufacturing plants, and similar enterprises, which uses are ordinarily free of objectionable influence on most other uses.

Purposes of the I2 District. The I2 District is designed primarily to provide areas suitable for uses similar to those in the I1 District, but at a greater intensity of use. This district is also designed to permit the industrial utilization of land which has been platted into lots too small to meet the requirements of the I1 District.

Purposes of the 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.

Purposes of the 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 the various industrial districts are as set forth in Table 6.1. Where an "X" appears in the column of a district, 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.

Table 6.1 Uses Permitted in Industrial Districts^a

District			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
ACCESSORY STRUCTURES AND USES			
X	X	X	002 Accessory buildings.
X	X	X	010 Accessory living quarters.
X	X	X	046 Accessory off-street loading and parking facilities, subject to Sections 3.9 and 3.10.
	X	X	054 Accessory retail sales: farm products raised on the premises.
X	X	X	063 Accessory signs, subject to Section 3.13 and 3.14.
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 work 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 3.10.
	P	P	070 Temporary accessory office or limited shop* facilities, portable or mobile, for periods in excess of 120 days, subject to Section 3.10.
X	X	X	099 Accessory uses for industrial establishment, NEC.
MANUFACTURING USES ^b			
			21 Food and Kindred Products - Manufacturing.
	X	X	211 Meat products - manufacturing.
X	X	X	212 Dairy products - manufacturing.
			213 Canning and preserving of fruits and vegetables.
X	X	X	2130 Canning and preserving of fruits and vegetables, NEC.
	X	X	2135 Pickling fruits and vegetables; salad dressings - manufacturing.
	X	X	214 Grain mill products - manufacturing.
X	X	X	215 Bakery products - manufacturing.
	X	X	216 Sugar - manufacturing products - manufacturing.
	X	X	217 Confectionery and related products - manufacturing.
	X	X	218 Beverage - manufacturing.
X			2185 Bottling and canning soft drinks and carbonated waters.
X			2186 Flavor extracts and flavoring syrups - manufacturing NEC.

^a NEC means "not elsewhere classified in this table".

For meaning of P and X, see paragraph preceding this table.

^b See also Agricultural Processing

*Only in unincorporated area.

Table 6.1 Uses Permitted in Industrial Districts

District			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
			219 Other food preparations and kindred products - manufacturing
	X	X	2191 Cottonseed oil milling.
	X	X	2192 Soybean oil milling.
	X	X	2193 Vegetable oil milling, (except cottonseed and soybean).
		X	2194 Animal and marine fats and oils (including grease and tallow) - manufacturing.
X	X	X	2195 Roasting coffee and coffee products - manufacturing.
	X	X	2196 Shortening, table oils, margarine, and other edible fats and oils, NEC - manufacturing.
X	X	X	2197 Ice - manufacturing.
X	X	X	2198 Macaroni, spaghetti, vermicelli, and noodles - manufacturing.
	X	X	2199 Other food preparations and kindred products, NEC - manufacturing.
			22 Textile Mill Products - Manufacturing.
X	X	X	220 Textile mill products - manufacturing, NEC.
			229 Other textile goods - manufacturing.
		X	2295 Artificial leather and oil cloth - manufacturing and other impregnating and coating fabrics (except rubberizing).
			23 Apparel and other finished products made from fabrics, leather, and similar materials - manufacturing.
X	X	X	230 Apparel and other finished products made from fabrics, leather, and similar materials - manufacturing, NEC.
			236 Leather and leather products - manufacturing.
X	X	X	2360 Leather and leather products - manufacturing, NEC.
	X	X	2361 Leather tanning and finishing.
			237 Fur goods - manufacturing.
			24 Lumber and Wood Products (except furniture) - manufacturing.
X	X	X	240 Lumber and wood products (except furniture) - manufacturing, NEC.
		X	242 Sawmills and planing mills.
			249 Other lumber and wood products (except furniture) - manufacturing, NEC.
		X	2491 Wood preserving.
X	X	X	25 Furniture and Fixtures - Manufacturing.

Table 6.1 (continued)

Districts			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
			26 Paper and Allied Products - Manufacturing
	X	X	260 Paper and allied products - manufacturing, NEC.
		X	261 Pulp - manufacturing.
		X	262 Paper - manufacturing.
X	X	X	27 Printing, Publishing, and Allied Industries.
		X	28 Chemicals and Allied Products - Manufacturing.
		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	X	283 Drug - manufacturing.
	X	X	284 Soap, detergents, and cleaning preparations, perfumes, 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.
		X	289 Other chemicals and allied products - manufacturing, NEC.
		X	29 Petroleum Refining and Related Industries.
		X	290 Petroleum refining and related industries, NEC.
		X	299 Other petroleum refining and related industries, NEC.
	X	X	2991 Lubricating oils and greases - manufacturing.
			31 Rubber and Miscellaneous Plastic Products - Manufacturing.
	X	X	310 Rubber and miscellaneous plastic products - manufacturing, NEC.
		X	313 Reclaiming rubber.
	X	X	314 Miscellaneous plastic products - manufacturing.
			32 Stone, Clay and Glass Products - Manufacturing.
	X	X	321 Flat glass - manufacturing.
	X	X	322 Glass and glassware (pressed and blown) - manufacturing.
		X	323 Cement (hydraulic) - manufacturing.
	X	X	324 Structural clay products - manufacturing.
			325 Pottery and related products - manufacturing.
	X	X	3250 Pottery and related products - manufacturing, NEC.

Table 6.1 (continued)

Districts			Uses Permitted in the Indicated Districts	
I1	I2	I3	I4	
X	X	X		3255 Pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
				326 Concrete, gypsum, and plaster products - manufacturing.
		X	X	3261 Concrete brick and block - manufacturing.
		X	X	3262 Concrete products (excluding brick and block) - manufacturing.
		X	X	3263 Concrete (ready mixed) - manufacturing.
			X	3264 Lime products - manufacturing
			X	3265 Gypsum products - manufacturing.
		X	X	327 Cut stone and stone products - manufacturing.
			X	328 Abrasive, asbestos, and miscellaneous nonmetallic mineral products - manufacturing.
			X	33 Primary Metal Industries.
			X	331 Blast furnaces, steel works, and the rolling and finishing of ferrous metals.
		X	X	332 Iron and steel foundaries.
			X	333 Primary smelting and refining of nonferrous metals and alloys.
		X	X	335 Rolling, drawing, and extruding of nonferrous metals.
		X	X	336 Nonferrous foundaries.
			X	339 Other primary metal industries, NEC.
			X	334 Secondary smelting and refining of nonferrous metals and alloys.
				34 Fabricated Metal Products - Manufacturing.
				341 Ordinance and accessories
		X	X	3411 Guns, howitzers, mortars, and related equipment - manufacturing.
				3412 Ammunition (except small arms) manufacturing and complete assembling of guided missiles and space vehicles.
			X	3412.1 Ammunition (except small arms).
		X	X	3412.2 Guided missiles.
		X	X	3412.3 Space vehicles.
		X	X	3413 Tanks and tank components - manufacturing.
X	X	X	X	3414 Sighting and fire control equipment - manufacturing.
X	X	X	X	3415 Small arms - manufacturing.
			X	3419 Other ordinance and accessories - manufacturing, NEC.
				342 Machinery (except electrical) - manufacturing.
		X	X	3420 Machinery (except electrical) - manufacturing, NEC.

Table 6.1 (continued)

Districts			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
X	X	X	3427 Office, computing, and accounting machines - manufacturing.
			343 Electrical machinery, equipment, and supplies - manufacturing.
	X	X	3430 Electrical machinery, equipment, and supplies - manufacturing, NEC.
X	X	X	3433 Household 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	344 Transportation equipment - manufacturing.
	X	X	3440 Transportation equipment - manufacturing, NEC.
	X	X	3443 Ship and boat building and repairing.
	X	X	3443.1 Ship and boat building and repairing.
	X	X	3443.2 Boat building and repairing.
	X	X	3445 Motorcycles, bicycles and parts - manufacturing.
	X	X	349 Other fabricated metal products - manufacturing, NEC.
	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.
			39 Miscellaneous Manufacturing, NEC.
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	396 Tobacco - manufacturing.
X	X	X	397 Motion picture production.
			399 Other miscellaneous manufacturing, NEC.
X	X	X	3991 Brooms and brushes - manufacturing.
		X	3992 Linoleum, asphalted-felt base, and other hard surface floor cover - manufacturing, NEC.
		X	3993 Matches - manufacturing.
X	X	X	3994 Lamp shades - manufacturing.
X	X	X	3995 Morticians's goods - manufacturing.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts
I1			
I2	I3	I4	
	X	X	3996 Fur dressing and dyeing.
X	X	X	3997 Signs and advertising displays - manufacturing.
X	X	X	3998 Umbrellas, parasols, and canes - manufacturing.
TRANSPORTATION, COMMUNICATION AND UTILITIES			
X	X	X	400 Transportation, communication, and utility facilities, NEC.
X	X	X	401 Facilities of electric cooperatives or public utilities subject to jurisdiction of the Corporation Commission of the State of Oklahoma or other similar state or federal body.
X	X	X	402 Other transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats.
X	X	X	403 Property of a terminal company used for terminal purposes.**
			42 Motor Vehicle Transportation.*
			421 Bus transportation.
P	X	X	4210 Bus transportation, NEC.
	X	X	4214 Bus garaging and equipment maintenance.
	X	X	422 Motor freight transportation.
	X	X	44 Marine Craft Transportation.*
X	X	X	46 Automobile Parking, as a Principal or Accessory Use.
			48 Utilities
P	P	P	484 Sewage disposal.
P	P	P	485 Solid waste disposal, subject to Section 3.12.
		P	486 Industrial waste disposal on public and private land, subject to Section 3.12.2.
			49 Other Transportation, Communication and Utilities.
X	X	X	492 Transportation, services and arrangements.
		<u>X</u>	493 Airports.
			Railroad, Rail Rapid Transit and Street Railway Transportation.**
X	X	X	Property of a railway company used for railway purposes.
X	X	X	Telephone exchange buildings.**

*Only in unincorporated area.

**Only in the City of Wagoner

^aAllowed only in the I2 District.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
			TRADE
			51 Wholesale Trade.
X	X	X	510 Wholesale trade, without stocks.
<u>X</u>	<u>X</u>	<u>X</u>	511 Motor vehicles and automotive equipment - wholesale.
X	X	X	512 Drugs, chemicals, and allied products - wholesale.
X	X	X	513 Dry goods and apparel - wholesale.
X	X	X	514 Groceries and related products - wholesale.
			515 Farm products (raw materials) - wholesale.
	X	X	5151 Cotton - wholesale.
	X	X	5152 Grain - wholesale.
	X	X	5153 Hides, skins, and raw furs - wholesale.
	X	X	5154 Leaf tobacco - wholesale.
		X	5155 Wool and mohair - wholesale.
		X	5156 Livestock - wholesale.
		X	5157 Horses and mules - wholesale.
		X	5159 Other farm products, NEC - wholesale.
X ^a	X	X	516 Electrical goods - wholesale.
X ^a	X	X	517 Hardware, plumbing, heating equipment, and supplies - wholesale.
X ^a	X	X	518 Machinery, equipment and supplies - wholesale.
			519 Other wholesale trade, NEC.
	X	X	5191 Metals and minerals (except petroleum products and scrap) - wholesale.
	X	X	5192 Petroleum bulk stations and terminals - wholesale.
	X	X	5193 Scrap and waste materials - wholesale, subject to Section 3.11.
X	X	X	5194 Tobacco and tobacco products - wholesale.
X	X	X	5195 Beer, wine, and distilled alcoholic beverages - wholesale.
X	X	X	5196 Paper and paper products - wholesale.
X	X	X	5197 Furniture and homefurnishings - wholesale.
	X	X	5198 Lumber and construction materials - wholesale.
		X	5199 Other wholesale trade, NEC.

**Only in the City of Wagoner

^aAllowed only in the I2 District.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts
I1	I3	I4	
X ^a	X	X	52 Retail trade - building materials, hardware and farm equipment.
X	X	X	53 Retail trade - general merchandise. Direct selling organizations - retail.
X ^a	X	X	54 Retail Trade: Food. 543 Fruits and vegetables - retail. 5431 Fruits, vegetables, and nuts grown on the premises - retail.
X ^a	X	X	55 Retail Trade - Automotive, Marine Craft, Aircraft, and Accessories.
X	X	X	59 Other Retail Trade, NEC. 596 Farm and garden supplies - retail. 598 Fuel and ice - retail.
X ^a	X	X	Bottled gas - retail.
			SERVICES
X	X	X	62 Personal services.
X	X	X	621 Laundering, dry cleaning, and dyeing services.
X	X	X	622 Photographic services (including commercial).
X	X	X	624 Funeral and crematory services; cemeteries.
X	X	X	6241 Funeral and crematory services.
X	X	X	625 Apparel repair, alteration and cleaning pickup services; shoe repair services.
X	X	X	63 Business Services.
X	X	X	631 Advertising services.
X	X	X	6311 Advertising services (general).
X	X	X	6312 Outdoor advertising signs, subject to Sections 3.13 and 3.14.
X	X	X	632 Credit reporting services; adjustment and collection services.
X	X	X	633 Duplicating mailing and stenographic services.
X	X	X	634 Dwelling and other building services.
X	X	X	635 News syndicate services.
X	X	X	636 Employment services.
	X	X	637 Warehousing and storage services.
X	X	X	6371 Farm products warehousing and storage (excluding stockyards).
X	X	X	6372 Stockyards.
X	X	X	6373 Refrigerated warehousing, including food lockers.
X	X	X	6375 Household goods warehousing and storage.

^aAllowed only in I2 Districts.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts
I1 I2	I3	I4	
X	X	X	6376 General warehousing and storage.
	X	X	6379 Other warehousing and storage, NEC.
			639 Other business services, NEC.
X	X	X	6391 Research, development and testing services.
X	X	X	6392 Business and management consulting services.
X	X	X	6393 Detective and protective services.
X ^a	X	X	6394 Equipment rental and leasing services.
X	X	X	6395 Photofinishing services.
X ^a	X	X	6396 Trading stamp service.
X	X	X	6397 Automobile and truck rental services.
X	X	X	6398 Motion picture distribution and services.
X	X	X	6399 Other business services, NEC.
			64 Repair Service.
X ^a	X	X	641 Automobile repair and services.
X	X	X	6411 Automobile repair services.
	X	X	6412 Automobile wash services.
			6413 Repair services for trucks, tractors, similar vehicles, and construction equipment.
			649 Other repair services.
X	X	X	6491 Electrical repair services (except radio and television).
X	X	X	6492 Radio and television repair services.
X	X	X	6493 Watch, clock, and jewelry repair services.
X ^a	X	X	6494 Reupholstery and furniture repair services.
X	X	X	6495 Armature rewinding services.
		X	6496 Locksmiths and gunsmiths shops.
			6499 Other repair services, NEC.
X	X	X	65 Professional Services.
			66 Contract Construction Services.
X ^a	X	X	661 General contract construction services.
	X	X	662 Special construction trade services.
			67 Governmental Services.
X	X	X	671 Executive, legislative and judicial functions.
X	X	X	672 Protective functions and their related activities.
X	X	X	673 Postal Services.
	X	X	675 Military bases and reservations.

^aAllowed in I2 District only.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts	
I1	I2	I3	I4	
				68 Educational Services.
X	X			682 University, college, junior college, and professional school education.
X	X	X		683 Special training and schooling.
				69 Miscellaneous Services.
				691 Religious activities.
X	X			Churches, synagogues and temples.
X	X			692 Welfare and charitable services.
				699 Other miscellaneous services, NEC.
X	X			6991 Business associations.
X	X			6992 Professional membership organizations.
X	X			6993 Labor unions and similar labor organizations.
X ^a	X			6994 Civic, social, and fraternal associations.
		X		6999 Other miscellaneous services, NEC.
				CULTURAL, ENTERTAINMENT, AND RECREATIONAL
X	X	X		71 Cultural Activities and Nature Exhibitions.
				72 Public Assembly.
	X	X		721 Entertainment assembly.
				722 Sports assembly.
	P	P		7221 Stadiums.
	P	P		7222 Arenas and field houses.
		X		7223 Race tracks.
		X		7229 Other sports assembly, NEC.
X	X	X		723 Public assembly, miscellaneous purposes.
		X		724 Rodeo arena.
				73 Amusements.
				731 Fairgrounds and amusement parks.
P	P	P		7311 Fairgrounds.
	X	X		7312 Amusement parks.
				739 Other amusements, NEC.
	X	X		7392 Miniature golf.
	X	X		7393 Golf driving ranges.
		X		7394 Go-cart tracks.
		X		7399 Other amusements, NEC.
	X	X		74 Recreational Activities.
X	X	X		76 Parks.
		X		79 Other Cultural, Entertainment, and Recreational.

^a Allowed in I2 District only.

Table 6.1 (continued)

District			Uses Permitted in the Indicated Districts
I1	I2	I3	I4
			RESOURCE PRODUCTION AND EXTRACTION
			81 Agriculture, subject to Section 3.4.
X	X	X	810 The erection or use of the usual farm buildings for agricultural purposes.*
X	X	X	811 The planting of agricultural crops.
X	X	X	815 Farms: dairy.
			816 Farms and ranches: livestock other than dairy.
			8161 Farms and ranches: livestock - cattle.
		X	8161.1 Feed lots.
X	X	X	8161.9 Farms and ranches: cattle, NEC.
		X	8162 Farms and ranches: hogs, subject to Section 3.4.
X	X	X	8169 Farms and ranches: other livestock, NEC.
			819 Other agriculture and related activities, NEC.
X	X	X	8192 Horticultural specialities.
		X	8193 Apiary farms.
		X	8199 Other agriculture and related activities, NEC.
			82 Agricultural Related Activities.
	X	X	821 Agricultural processing, other than cotton ginning.
			822 Animal husbandry services.
X	X	X	8221 Veterinarian services. No keeping of animals overnight.
	X	X	8222 Animal hospitals, subject to Section 3.4.
X ^a	X	X	8222.1 Animal hospitals for household pets subject to Section 3.4.
X	X	X	829 Other agricultural related activities, NEC.
X	X	X	83 Forestry Activities and Related Services.
	X	X	84 Fishing Activities and Related Services.
	X	X	852 Extraction of Oil or Natural Gas.*

^aAllowed in I2 District only.

*Only in unincorporated areas.

2.6.2 Bulk and Area Requirements in Industrial Districts

Every permitted use in an Industrial District shall be subject to the requirements set forth in Table 6.2 and to the modifications thereof set forth in Article 4.

Table 6.2 Bulk and Area Requirements in Industrial Districts

Yards (feet) min.							
Rear Yard & Interior Side Yard							
Dis- trict	Lot Width (feet) min.	Lot Area (sq.ft.) min.	Front Yard	Exter- ior Side Yard	Abutting Pro- perty in an AG, RS, RM, Rt, or O District	Not Abutting Property in an AG, RS, RM, RT, or O District	Floor Area Ratio, max.
I1	150	30,000	75	20	25	25	0.3
I2	-	-	25	20	26	--	0.5
I3	-	-	25	20	50	--	0.5
I4	-	-	25	20	75	--	0.5

Where a lot in an Industrial District abuts property in an AG, RS, RM, RT, 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 set back in the same manner as is provided herein for structures in such other district.

2.6.3 Screening

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

Section 2.7 Mining District Provisions

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

2.7.1 Uses Permitted in the Mining District

Uses permitted in the M District are as follows:

The following mining uses, as uses of right: mining activities and related services. Mining activities

shall include Underground mining, surface mining and strip mining as defined as follows:

A. Underground mining means those 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 their openings.

B. Surface mining means those mining activities carried out on the surface, including strip mining, auger mining, quarrying, dredging, pumping, or the use of hydraulic methods.

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. Surface mining shall not include excavations or grading conducted for forming on-site road construction or other on-site construction, or the extraction of minerals other than anthracite and bituminous coal by a landowner for his own noncommercial use from land owned or leased by him; nor 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; nor 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 bond, contract and specifications which substantially provide for and require reclamation of the area affected; nor to the handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.

C. 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 excludes auger mining, quarrying, dredging, pumping or the use of hydraulic methods.

D. Ton means 2000 pounds avoirdupois (.90718 metric ton).

2.7.2 Bulk and Area Regulations in the Mining District

Bulk and area regulations in the M District shall be the same as in the AG District.

2.7.3 Access

Road access to such uses shall be controlled by means of a gate. A sign warning of hazardous conditions, if such exists, 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 plantings of vegetation to shield mining operations. These plantings shall be made generally along roadsides and property lines, but not necessarily limited to these areas.

2.7.5 Yard and Setback Requirement

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 excepted from this provision, but shall not be located closer than 25 feet 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 manner as to minimize dirt, noise, and vibration. Mufflers shall be installed on internal combustion engines used within 1000 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 of 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 requirement.

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

Section 2.8 Floodplain Districts (FD & FW)

The purpose of the Floodplain Districts is to prevent building hazards and threats to life and property created by flooding. The flood hazard zone (FD) designates the land in a floodplain subject to a one percent or greater chance of flooding in any given year. The floodway zone (FW) designates the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the flood having a one percent or greater chance of occurring in any given year. It is the intent of the policies and standards to protect life

and property by reducing building intensity in these areas, by requiring special construction techniques or by requiring the study of such areas by a qualified person prior to construction. The policies and standards of this section are based on technical information contained in the Comprehensive Plan.

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

Section 2.9 Solid Waste Disposal District

The Solid Waste Disposal District is designed to regulate the location of Solid Waste Disposal sites in a manner that will (a) protect the public health, safety and welfare, (b) conserve valuable land and other natural resources, (c) prevent injury to neighborhoods, (d) be in harmony with the spirit and intent of this Ordinance and (e) prevent the concentration of this land use in any one general location.

2.9.1 Uses Permitted in Solid Waste Disposal District

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

All uses permitted by the Oklahoma State Department of Health according to the Oklahoma Solid Waste Management Act, Title 63 Oklahoma Statutes 1981, as amended, here in after referred to as "The ACT", as a use of 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 mile (1) 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 dwellings, school or church within one (1) mile of the site, evidencing consent and acceptance of the location of the proposed site.

.Within one (1) mile of a ground water supply hydraulically down gradient of the site, if such ground supply is classified as Class 1 in Regulation 2.1.2.1 of the Act.

.Within one (1) mile upgradient of streams, ponds, springs, reservoirs, impoundments or lakes suitable for use as potential water supplies for domestic consumption.

.Within two (2) miles of a platted residential subdivision.

.Within five (5) miles of either an existing or closed

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 of whether or not such use is identified in the district provisions 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 the construction of the main building has been actually 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 building 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 principal buildings.

A detached accessory building shall be located:

On the rear two-thirds of the lot, but this limitation shall not apply to carports, provided that the required front yard is observed;

At least six feet from any existing dwelling or dwelling under construction;

At least three feet from any interior lot line; and

If on a corner lot, shall not project in front of the front building line required or existing on the adjacent lot, nor closer than 25 feet to the street line from which vehicular access is gained.

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

Section 3.3 Accessory Commercial Uses in Multi-Family Residential Districts and Office Districts

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

Retail Trade Establishments:

- Merchandise vending machines
- Food
- Eating places
- Drug and proprietary
- Liquor
- Book and stationary
- Florist
- Tobacco products
- Newspaper and magazines

Personal Services Establishments:

- Beauty and barber shops
- Pressing, alteration and garment repair; laundry and dry cleaning pickup services

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 (1) are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said buildings, (2) do not occupy more than ten percent of the gross floor area of the building in which located, (3) have no signs or other advertising visible from outside the zoning lot on which located, (4) are located in or contiguous to the lobby of the principal buildings, and (5) have at least one lobby entrance.

Section 3.4 Animals

3.4.1 General Provisions

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

3.4.2 Separation Provisions

The following uses, where permitted shall be conducted no nearer than 50 feet to the boundary of a Residential, Parking of Office Districts or to a dwelling on the same premises: animal hospital serving household pets and similar small animals; breeding, raising, or boarding of household pets and similar small animals for commercial purposes; kennel; egg farm.

The following uses, where permitted, shall be conducted no nearer than 100 feet to the boundary of a Residential or Office District or to a dwelling on the same premises: animal hospital serving livestock and similar animals; apiary; boarding or training of horses; dairy farms; poultry farm; farm for raising cattle, goats, horses, sheep, rabbits, or poultry.

The following uses, where permitted, shall be conducted no nearer than 200 feet to the boundary of a Residential or Office District, or to a dwelling on the same premises; fur animal raising; hog raising; livestock assembly; breeding, feeding, sales, or shipment; stockyard.

3.4.3 Additional Provisions for Animal Hospitals

Animal hospitals located within 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 wall. 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 (a) where dwelling groups are permitted, or (b) in the case of a garage apartment to the rear of a single family dwelling, not more than one dwelling may be erected or placed on any lot.

In those districts where dwelling groups are permitted uses, the inspecting officer 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 greater than the aggregate of the minimum lot areas otherwise required for the individual buildings in the group.

Separation Other Than Fronting: In each case, the distance between principal buildings, other than the distances specified immediately above, 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.

Separation From Lot Lines: The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than twenty feet.

Access to a Public Street: Every residential structure in the dwelling group shall be within sixty feet of a public street or a private access roadway or drive having a minimum paved width of twenty feet, provided that the length of such private access road be a maximum of 300 feet, measured from the street to the end of a turnaround. Pavement design,

including turnaround, shall comply with the adopted Subdivision Regulations.

Compliance with Other Zoning Requirements: Except as modified in this Section, such dwelling group shall conform to all the requirements of the zoning regulations for the district in which it is to be located.

Section 3.6 Home Occupations

3.6.1 General Provisions

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

3.6.2 Home Beauty Shops

A home beauty shop shall be a permitted home occupation only if it is located in the main dwelling, is operated only by inhabitants of such dwelling, has only one operator on duty at any time, and has at least two off-street parking spaces meeting the requirements of Section 3.10 in addition to the spaces required for the residential use of the dwelling.

Section 3.7 Mobile Home Parks

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

3.7.1 Bulk and Area Requirements

Mobile Home Park Tract: Each mobile home park tract shall meet the following minimum requirements:

Area	5 acres
Area per mobile home space	4,000 square feet
Width at principal entrance area	50 feet
Width elsewhere	100 feet

The Board of Adjustment may permit a mobile home park on a tract of less than five acres but not less than two acres, if it is contiguous for at least one-sixth of its boundary with a mobile home park which meets the requirements of this section. The mobile home tract 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 acre.

Individual Mobile Home Spaces: Each individual mobile home space in a mobile home park shall meet the following minimum requirements.

Area	4,000 square feet
Setback from internal street or drive	20 feet
Separation between mobile home and boundary of mobile home space	5 feet

3.7.1 Common Recreation Space

There shall be at least six hundred 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 feet. Each required common recreation area shall be within three hundred 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 feet to any property line. Each required common recreation area shall be graded and drained so as to dispose of all surface waters accumulated within the recreation area and shall be surfaced with turf or other dustless surface.

3.7.3 Off-Street Parking Areas

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 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 square feet.

3.7.4 Interior Driveways

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

3.7.5 Accessory Commercial Facilities

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

- (1) the gross floor area of such accessory uses shall not exceed twenty-five square feet for each mobile home space in the park; and
- (2) all commercial uses shall be governed by the requirements of this Ordinance, but shall be so located and arranged that their commercial character is not evident from the street or from any other residential development.
- (3) no such structure shall be closer than fifty feet to any residential or office development outside the development.

3.7.6 Other Regulations

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

3.7.7 Individual Mobile Home Location

No mobile home shall be placed or erected unless:

It is located in a mobile home park which either, (1) meets the requirements of these regulations, or (2) was in existence at the effective date of these regulations and meets the requirements of the City-County Health Department, or

It has been converted to a permanent improvement or structure supported on a permanent masonry foundation and is completely enclosed beneath or skirted with masonry or material matching the mobile home siding, except for necessary openings for access and ventilation (not to exceed 10 percent of the skirt wall), used as a single family dwelling, and meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and is placed on land owned by the owner of the mobile home thereof and is listed and assessed for ad valorem taxation and shall not be placed nearer than 165 feet to another residence, except within the boundary of the City of Wagoner, where mobile homes will be governed by the requirements of the ordinances of the City of Wagoner relating thereto, or

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 year unless granted a permit by the Board of Adjustment, and must meet the health codes and other ordinances; and must have a parking permit issued by the Director of the Planning Commission. The parking permit may be revoked at any time if the project is not

bona fide or has failed to progress. The Director of the Planning Commission may refuse to issue a parking permit if, in his/her opinion, the presence of such a unit would be detrimental to the neighborhood in question.

It is a mobile home sales or service establishment for the purpose of sales, service or storage of mobile homes.

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 month per year at any one location or tract unless:

It is located on a mobile home park, a travel trailer park, or an area specifically designated as a camp ground 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 a period of time not to exceed one year unless granted a permit by the Board of Adjustment, and must meet health codes and other ordinances, and must have a parking permit issued by the Director of the Planning Commission. The permit may be revoked at any time if the project is not bona fide or has failed to progress. The Director of the Planning Commission may refuse to issue a parking permit if, in his opinion, the presence of such a unit would be detrimental to the neighborhood in question.

3.7.9 Modular Homes

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

The modular home's manufacturer and model shall have been approved by the Planning Commission.

The modular home shall be placed on a permanent masonry foundation wall, under all exterior walls, enclosed, except for necessary openings for access and ventilation, not to exceed 10 percent of the foundation wall.

The completed unit shall have a width (least dimension) of twenty feet or over; the main body of the unit must be at least forty feet in length.

The exterior finish shall be of a flat variety, not creating excessive reflection.

3.7.10 Mobile or Portable Temporary Accessory Office or 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 days subject to the owner securing a temporary parking permit from the Planning Commission.

Provided the unit is supported on a foundation and is completely enclosed beneath or skirted with masonry matching the siding except for necessary openings for access and ventilation (not to exceed 10 percent of the skirt wall). Used as a temporary accessory office or limited shop, and meets all the requirements of these regulations, the construction code and other pertinent codes of the local unit of government; and is placed on land owned by the owner of the mobile or portable office or limited shop and is in an I3 or I4 District.

For continued placement of the unit as set out above in this section the Board of Adjustment may grant a Conditional Use Permit for any period of time in excess of the initial one hundred and twenty days but in no case shall the Conditional Permit be granted for a period of time in excess of twenty-four months.

Section 3.8 Nonresidential Uses in Residential Areas

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

Type of Structure or Element of the Facility	Minimum Separation (feet)
<u>Outdoor Facility or Use</u>	
Eating on 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 window unit	50

*NEC = Not Elsewhere Covered

Type of Structure or
Element of the Facility

Minimum Separation
(feet)

Indoor Facility or Use

Auditorium, ballroom, dining room or meeting room having a floor area of more than 1200 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

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.

Square Feet of Aggregate Gross Floor Area	Required Number of Berths
10,000 up to 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

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.

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
784,001 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 feet by twelve feet, and shall have an unobstructed height of fourteen and one-half feet and shall be made permanently available for such purpose, and shall be adequately improved and properly maintained. Such facilities shall be so located that trucks using them shall not interfere with areas reserved for off-street parking nor project into any public right-of-way, and shall be adjacent the building to be served. Any floor area provided by addition to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space. No required off-street loading area shall be eliminated or made inaccessible so long as the uses are continued for which it was originally required.

Section 3.10 Off-Street Parking

3.10.1 General Intent and Application

It is the intent of these requirements that adequate parking be provided off the street easement for each use of land within the territorial jurisdiction. 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 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 required front and exterior side yards shall be permitted only on driveways or other areas surfaced as required by this section, and not more than one vehicle shall be parked in such yard per twenty feet of abutting street. No driveway entrance serving a dwelling shall be more than twenty-four feet wide, and no parking area other than a driveway shall be within four 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 hours loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

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

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 requirements may be complied with by providing a 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 feet by twenty 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 beds.

Hospital: One space for each two patient beds exclusive of bassinets.

Medical or Dental Clinics or Offices: One and one-half spaces per one hundred fifty square feet of floor area.

Sanatoriums, Convalescent, or Nursing Homes: One space for each four patient beds.

Community Center, Theater, Auditorium, or Church Sanctuary: One space for each four seats, based on maximum seating capacity.

Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One space for each fifty 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 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building services.

Commercial Establishments Not Otherwise Classified: One space for each one hundred fifty 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 employees.

For all uses not covered above the Board of Adjustment shall make a determination of the parking demand to be created by the proposed use and the amount of parking thus determined shall be the off-street parking requirement for the permitted use, except that no off-street parking shall be required for uses in the L3 District.

All required parking spaces and all parking spaces in front and exterior side yards shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from continued use.

3.10.8 Parking Lots in Residential Areas

Whenever off-street parking lots for more than six 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 having a height of not less than five or more than six 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 feet back of 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 and shrubs and maintained in good condition the year around.

Driveways used for ingress and egress shall be confined to and shall not exceed twenty-four feet in width, exclusive of curb returns.

All of 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 and terms of the use of the lots. Only nonintermittent white lighting of signs shall be permitted.

Section 3.11 Scrap Material

Scrap material handling and storage, including junk yards, auto salvage and scrap metal processing, shall, if not conducted within enclosed buildings, be completely enclosed by an eight foot high solid fence, in accordance with Section 4.1, and the storage of the material shall not exceed the height of the fence. A gate for ingress and egress shall be permitted. The height of the fence may be reduced to six feet when the use is conducted at an elevation two feet or more above the crown of the adjacent roadway. A steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths of the use when the use abuts property used for industrial purposes and such portion cannot be seen from a public street or road, which fact shall be determined by the Inspecting Officer. The fence shall be set back at least ninety feet from the center line of any abutting major thoroughfares and at least ten feet from the street line of such thoroughfares. No temporary or permanent building shall be erected within the required setback. All uses of this type shall be located at least two hundred feet from any property line of a residential and office development.

Section 3.12 Solid Waste Disposal

~~Solid waste disposal shall be completely enclosed by a six foot high fence in accordance with Section 4.1. A gate for ingress and egress shall be permitted. A screen wall in accordance with Section 4.1 shall be erected where a solid waste disposal plant abuts a public street or road or where it can be seen from a residential development, which fact shall be determined by the Inspecting Officer. The fence shall be set back at least ninety feet from the center line of any abutting major thoroughfares and at least ten feet from the street line of such thoroughfares. No temporary or permanent building shall be erected within required setback. All solid waste disposal areas shall be located at least one thousand feet from any platted residential subdivision.~~

3.12.1 Operation of Site

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

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

3.12.2 Industrial Waste Disposal

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

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

~~All operation of actual disposal site shall be confined to as near the center of the site as practical and in no case in violation of any Oklahoma State Department~~

Delete from New Books. pg. 3.14

*Sections - { 3.12
3.12.1
3.12.2 }*

of Health Rules and Regulations or in violation of any other regulatory requirements. The operator of the industrial waste disposal site shall own in fee both the land (surface) and the minerals.

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

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

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 also comply with all applicable provisions of other regulations of the local unit of government.

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 on 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 sign or signs. For this purpose, the term "frontage" shall be considered as referring to all abutting streets, whether they abut 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.

Legal Notice

(Published in the Wagoner Tribune April 12, 1987)

WAGONER METROPOLITAN AREA PLANNING COMMISSION
Pursuant to O.S. 19, 866.1 to 866.36, a public hearing will be held by the Wagoner Metropolitan Area Planning Commission on Tuesday April 28, 1987 at 7:30 p.m. at the Planning Commission Office, 306 E. Cherokee, Wagoner, Oklahoma, to hear AN AMENDMENT TO THE WAGONER METROPOLITAN PLANNING COMMISSION ZONING ORDINANCES Sec. 3.12.2 Page 3.14 and 3.15

Be it enacted by the people of the County of Wagoner of the State of Oklahoma.

Section 1.

The following are definitions of terms used in this AMENDMENT, unless the context otherwise requires:

1. "Controlled industrial waste" is defined as waste materials and byproducts, either solid or liquid, which are to be discarded by the generator, and which are toxic to human, animal, aquatic, or plant life and which are generated in such quantity that they cannot be safely disposed of in properly operated, state-approved sanitary landfills, waste or sewage treatment facilities. Controlled industrial waste may include but is not limited to explosives, flammable liquids, spent acids, caustic solutions, poisons, containerized gasses, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals, infectious materials, and materials such as paper, metal, cloth or wood which are contaminated with controlled industrial waste, and excludes domestic sewage.
2. "Disposal" means the final disposition of controlled industrial waste.
3. "Department" means the State Department of Health.
4. "Disposal site" means the location where any final disposition of controlled industrial waste occurs. Disposal sites include but are not limited to injection wells and surface disposal sites.
5. "Division" means the Controlled Industrial Waste Management Division.
6. "Person" means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, federal, state or local governmental instrumentality, agency or body or any other legal entity however organized.
7. "Treatment" means the detoxification, neutralization, incineration or biodegradation of controlled industrial waste in order to remove or reduce its harmful properties, characteristics or volume.
8. "Treatment facility" means any location where treating of controlled industrial waste occurs, but does not include a facility engaged only in recycling.
9. "Recycling" means the reuse, processing, treating, neutralizing or re-refining of materials and byproducts which, if discarded, would be controlled industrial waste into a product of beneficial use.
10. "Recyclable materials" means those materials and byproducts which if discarded would be controlled industrial waste.
11. "Storage facility" means any location where the temporary holding of controlled industrial waste or recyclable materials occurs, including any tank, pit, lagoon, pond, or other specific place or area.
12. "Controlled industrial waste facility" as used herein shall mean and include any tank, pit, lagoon, pond, or other specific place or area.
13. "Board" means the State Board of Health.
14. "Council" means the Controlled Industrial Waste Management Council.
15. "Site" or "Proposed Site" means the surface area of a disposal site, or other controlled industrial waste facility, as applied for in the application for a permit for the facility.
16. "On-site treatment, storage or disposal" means the treatment, storage, or disposal at a controlled industrial waste facility of controlled industrial waste generated by the owner of the facility.
17. "Off-site treatment, storage or disposal" means the treatment, storage or disposal at a controlled industrial waste facility of controlled industrial waste not generated by the owner of the facility.
18. "Affected property owners" means any person as defined above having property within one mile of the perimeter of the site.
19. "Commissioners" means the Wagoner County Board of County Commissioners.

Section 2.

A. The practice of plowing controlled industrial waste into the soil surface for the purpose of disposal is hereby prohibited except pursuant to a plan approved by the Department for biodegradable or inert material. In addition, the site used for such disposal shall not be subject to flooding or extensive erosion.

B. A controlled industrial waste facility for on-site treatment, storage or disposal shall not be sited in or over a principal groundwater resource or recharge area as defined by the Oklahoma Geological Survey except pursuant to a plan approved by the Department and Commissioners. The plan shall contain such design criteria and groundwater monitoring provisions as deemed necessary by the Department and Commissioners to protect the quality of said principal groundwater resource or recharge area.

C. A controlled industrial waste facility for off-site treatment, storage or disposal shall not be sited in or over a principal groundwater resource or recharge area as defined by the Oklahoma Geological Survey. A controlled industrial waste facility for off-site treatment, storage or disposal shall not be sited in any other area of the County without the prior written approval of a plan by the affected property owners as such term is defined in Section 1 of this amendment. Such plan shall provide for the minimization of hazards to the health and property of such affected property owners from emergency situations or from sudden or nonsudden release of controlled industrial waste or constituents thereof.

D. The Provisions of this section shall apply to:

1. Applications for future proposed sites;
2. Pending applications for construction permits;
3. Applications and Pending Applications for construction permits required to modify existing facilities; and
4. Applications and Pending applications for construction permits to modify interim status facilities. Those who may have an interest in the above described matter may appear and be heard.

Signed: Wagoner Metropolitan Area Planning Commission

Amended: 5-4-87

Deleted:
Jan. 1988

MAXIMUM NUMBER AND AREA OF SIGNS

Type of Use and Type of Control	Controls by District				
	RS, RM RT	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

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 signs shall not extend nearer than two feet to the curb line or edge of pavement. No horizontal projecting sign shall exceed fifty square feet in area, and no vertical projecting sign shall exceed one hundred square feet in area.

No sign shall extend more than one 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 square feet identifying a shopping center or industrial park whose site area is at least two and one-half acres,

Identification and direction signs, each not exceeding three square feet in area,

Customary gasoline service station signs, identifying the gasoline company so that for each street frontage, one such sign having two faces of not more than sixteen 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 forth in the following table:

District	Maximum Height (feet)
AG,RS,RM,RT,P,O,C1	20
C2,C4,I1	25
C3,C5,I2,I3,I4,M	30

No sign shall be painted on or mounted on the roof of any structure. Any sign or sign structure located within one hundred and sixty-five 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 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 property 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:

Illumination or Animation Permitted	Zoning District								
	AG	RS	RM, RT	P, O	C1, C2	C3, C4, C5	I1	I2, I3, I4	M
A. Not illuminated	X	X	X	X	X	X	X	X	
B. Illuminated									
1. Not flashing - intermittent:									
a) Without bulb or tube visible from outside the lot on which located:									
1) reflected light	X		X	X	X	X	X	X	X
2) light passing through translucent materials	X				X	X	X	X	X
b) With bulb or tube visible from outside the lot on which located.							X	X	X
2. Flashing or intermittent							X	X	X
C. Animated							X	X	X

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

3.13.5 Areas Having Less Restrictive Regulations

Where a lot is across a 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 sixty feet of street frontage on which such signs are located. No advertising sign shall be located less than one hundred fifty feet from a Residential District or less than twenty-five feet from any property line other than a street line.

Section 3.15 Location of Sexually-Oriented Businesses

3.15.1 Definitions

As used in this Section, the terms 'sexual conduct' and 'specified anatomical areas'

shall mean as follows:

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

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

1. Adult Amusement or Entertainment: Amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to 'Sexual Conduct' or 'Specified Anatomical Areas', as defined herein, including but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. 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'.
3. Adult Mini Motion Picture Theater: An enclosed place with a seating capacity of less than 50 persons used for displaying motion pictures distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
4. 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'.
5. 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'.

6. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing 'Sexual Conduct' or 'Specified Anatomical Areas'.
7. 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 manipulation of the human body occurs as part of or in connection with 'Sexual Conduct' or where any person providing such treatment, manipulation or service related thereto exposes 'Specified Anatomical Areas'.
8. 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.
9. Sexual Encounter Groups: 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 personal contact with or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.

3.15.2 Prohibition

No person shall or permit the establishment of any of the 'sexually-oriented businesses' as defined above in an area zoned other than I-IV or I-V. In addition, no person shall cause or permit the establishment of any of the 'sexually-oriented businesses' as defined above within one thousand (1000) feet of any other sexually-oriented business, church, school, park, playground, or areas developed or platted as residential.

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

3.15.3 Nonconforming Uses

Any business existing as of the effective date of this Ordinance that is in violation hereof shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue for a period not to exceed five (5) years, unless sooner termin-

ated 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 (1000) feet of one another and otherwise in a permissible zone, the first such sexually-oriented business licensed and continually operating 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 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 residents of the development. The area of such recreation area shall be as set forth in the following table:

District	Minimum Area (sq. ft.) of Recreation Area	
	Per Dwelling Unit	Each Area
RM6	1,600	10,000
RM4, RF	800	5,000
RM1.5	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.

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 type (barbed wire not permitted), at least six 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 a solid fence of the stockade type or a masonry wall not less than six 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 which is to be screened. The fence, wall, or hedge shall be designed and constructed in such a way as to (1) facilitate maintenance and (2) 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 erected on the outer side of the wall or fence.

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 feet of a major street or highway or within two hundred 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 substations 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 station or similar facility, unless required by the Board of Adjustment
- Plants, living, including trees and shrubs
- Signs
- Sports, play, and similar equipment, customarily used outdoors
- Structures attached to the ground or a building
- Transit vehicles
- Transportation equipment in operation of goods being transported
- Trucks and trailers
- Utility facilities, not elsewhere classified.

Section 4.3 Height Exceptions

Any building may exceed the height limits set forth in the district provisions provided that the portions of the building whose height exceeds such limits shall be set back in accordance with the pertinent tables of the district provisions. 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 required side yard for such building.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend 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 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 street, at least fifty feet in width, for at least thirty-five 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 feet six 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 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

4.5.1 Approval

On recommendation by the Planning Commission, after public hearing, the governing body may approve a plan for a planned development for a tract of land which lies in one or more of an R or O Zoning District.

4.5.2 Modification of Requirements

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

The total number of dwelling units to be built on the tract shall not exceed the number which could be built on the tract under the district provisions, counting one-fifth of the tract area for streets, regardless of the area actually used for streets.

The total area of the tract covered by structures shall not exceed the sum of the areas that would be permitted under the district provisions, counting one-fifth of the tract area for streets.

All lots in the tract contiguous to property in an AG or R District outside the tract shall meet the provisions of the districts in which they are located.

No mobile homes shall be permitted except in mobile home parks.

4.5.3 Assurances for Common Area and Density

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

4.5.4 Requirement by Plat

Following approval of a plan for a planned development as provided by this section, no structure shall be built in such development, nor shall any permit be issued for any construction therein, until a plat for the planned development has been approved by the Planning Commission and filed for record.

Section 4.6 Lot Area and Width

4.6.1 Substandard Lot of Record

In any district where dwellings are permitted, if any lot is smaller than the minimum requirements 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 yards and increase of permitted lot coverage.

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

4.6.2 Lots 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 such minimum for such individual facility and the Planning Commission may approve a plat containing a lot so reduced.

Section 4.7 Street Access

No dwelling shall be erected on a lot which does not abut on at least one street with right-of-way at least fifty feet in width for at least thirty-five 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, window sills, and belt courses may project into any required yard a distance not to exceed two feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet. Fences, walls, and hedges in residential developments may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or

hedge located in front of the front building line shall exceed three feet in height and no other wall or fence shall exceed seven 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 feet wide (or half right-of-way less than twenty-five feet wide), the required front or exterior side yard shall be measured from a line twenty-five feet from the center line of such street.

4.8.3 Coverage of Rear Yard

Accessory buildings which are not a part of the main building may be built in the rear yard, but shall not cover more than thirty 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.

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 grounds 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.

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 such structure may be enlarged or altered in a way which increases its nonconformity.

Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

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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.

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No such structure may be enlarged or altered in a way which increases its nonconformity.

Should such structure be destroyed by any means to an extent of more than 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 such 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 of 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 in 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, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

If any such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

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 Areas 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 purposes 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 equalling five percent of the total estimated construction cost had been incurred and would be lost if construction were not permitted to proceed.

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 City of Wagoner Board of Adjustment

Section 6.2.1 Appointment

The governing body of the municipality shall provide by ordinance for the appointment of a Board of Adjustment. The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the governing body, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Section 6.2.2 Meetings and Rules

The Board of Adjustment shall adopt rules in accordance with the provisions of this ordinance and other pertinent statutes. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall be subject to the open meeting laws of the state and all meetings, deliberations and voting of the board shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be public records.

6.2.3 Powers

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance;
2. To hear and decide special exceptions to the terms of the ordinance upon which the Board of Adjustment is required to pass under such ordinance;
3. To authorize in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the

provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done; and

4. Exceptions and/or variances may be allowed by the Board of Adjustment only after notice and hearing as provided in Section 6.2.7 of this ordinance.

6.2.4 Extent of Relief

- A. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of the ordinance, reverse or affirm, wholly or partly, or 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.
- B. The concurring vote of at least three members of the Board of Adjustment shall be necessary to reverse any order, requirement and decision or determination of any such administrative officer, or to decide in favor of the applicant, or to decide any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

6.2.5 Special Exceptions

The Board of Adjustment is hereby authorized to make special exceptions to the terms of this ordinance in appropriate cases and subject to appropriate conditions and safeguards in harmony with its general purpose and intent and only in accordance with general provisions contained in this ordinance.

The Board shall hold a hearing and may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a special exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee of bond as it may deem necessary to enforce compliance with the conditions attached. A special exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

6.2.5.1 Power of the Board to Grant Conditional Use Permits

The Board shall have the power to hear and decide applications for conditional use permits for only such uses for which these regulations require such a permit. Where a conditional use permit is required and granted, it shall be issued prior to issuance of a building permit or a certificate of occupancy, and shall be

issued subject to the specific conditions upon which the Board has determined to grant the permit.

The applicant shall submit a written application for a conditional use permit indicating the section of these regulations under which the permit is sought, stating the grounds on which a permit is requested, and submitting a site plan showing the proposed development. The Board shall hold a public hearing as provided in paragraph 6.2.7.

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

1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
2. Safety from fire hazard and measures for fire control.
3. Protection of adjacent property from flood or water damage.
4. Noise producing elements and glare of vehicular and stationary lights and effects of such lights on the established character of the neighborhood.
5. Location, lighting, and types of signs and relation to signs to traffic control and adverse effects on adjacent properties.
6. 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.
7. Adequacy of parking as determined by requirements of these regulations for off-street parking facilities in the use 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.
8. 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 conditional use permit shall expire two years after the granting of the conditional use permit, except when the following conditions have been met:

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

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

6.2.6 Variances

A variance from the terms of this ordinance may be granted, as provided in this article, only upon a finding by the Board of Adjustment that:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved; and
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance or the comprehensive plan.

6.2.7 Notice and Hearings -- Contents of Notice -- Minors Variance or Exceptions

Notice of a public hearing before the Board of Adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the Board of Adjustment to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. A copy of the published notice may be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

The notice, whether by publication or mail, of a public hearing before the Board of Adjustment shall contain:

1. Legal description of the property and the street address or broad and approximate location in the municipality;
2. Present zoning classification of the property and the nature of the appeal, variance or exception requested; and
3. Date, time and place of the hearing.

On hearings, involving minor variances or exceptions, notice shall be given by the clerk of the Board of Adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in the above paragraph. The Board of Adjustment shall set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the municipal governing body.

6.2.8 Procedure for Appeals to the Board of Adjustment

Appeals from the action of any administrative officer to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer.

An appeal shall be taken within ten (10) days by filing with the officer from whom the appeal is taken and by filing with the Board of Adjustment a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of the matter, together with a copy of the ruling or order from which the appeal is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown; and

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as personal, written notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

6.2.9 Appeals From the Board of Adjustment

An appeal from any action, decision, ruling, judgement or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the municipality to the district court in the county in which the situs of the municipality is located.

The appeal shall be taken by filing with the municipal clerk and with the clerk of the Board of Adjustment, within fifteen (15) days after the decision of the Board of Adjustment, a notice of appeal. The notice shall specify the grounds for the appeal. No bond or deposit for costs shall be required for such appeal.

Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the court clerk the original, or certified copies, of all papers con-

stituting the record in the case, together with the order, decision or ruling of the board.

The appeal shall be heard and tried do novo in the district court. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

An appeal to the district court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the board, from which the appeal is taken, certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of the ordinance, and upon notice to the chairman of the board from which the appeal is taken, and upon due cause being shown.

The district court may reverse or affirm, wholly or partly, or modify the decision brought up for review. Costs shall not be allowed against the Board of Adjustment unless it shall appear to the district court that the Board acted with gross negligence or in bad faith or with malice in making the decision appealed from. An appeal shall lie from the action of the district court as in all other civil actions.

Section 6.3 County Board of Adjustment

The Board of County Commissioners shall appoint a County Board of Adjustment composed of five (5) members, residents of Wagoner County, two (2) of whom shall reside outside the corporate limits of the City of Wagoner, for a term of three (3) years, except that when the first appointment is made hereunder, the term of office of two (2) of said members shall be one (1) year, the term of two (2) of said members shall be two (2) years, and the term of office of one (1) of said members shall be three (3) years. A member of such County Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after a hearing held before the Board of County Commissioners. In the event of the death, resignation or removal of any such member before the expiration of his term, a successor shall be appointed by the Board of County Commissioners to serve his unexpired term. All members of the County Board of Adjustment shall serve as such without compensation.

The County Board of Adjustment shall elect its own Chairman and shall adopt rules or procedures consistent with the provisions of this Act. The Chairman, or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Four (4) members of the County Board of Adjustment shall constitute a quorum. All meetings of the County Board of Adjustment shall be open to the public and a public record shall be kept of all proceedings.

The County Board of Adjustment may, with the approval of the Board of County Commissioners, appoint such employees as may be necessary and may incur necessary

expenses, within the limits of the appropriations authorized by the Board of County Commissioners.

For each petition and for each request for a public hearing, the County Board of Adjustment shall collect a fee the amount thereof to be fixed by the respective Boards of County Commissioners which such fees shall be deposited with the County Treasurer as required by law, and credited to the General Fund of the county, and report thereof made to the Board of County Commissioners each month. Publication notices and transcripts on appeal shall be paid for by parties requiring or requesting the same.

6.3.1 Appeals to Board — Powers and Duties

Appeals to the County Board of Adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decision of the County Inspecting Officer in administering the county zoning regulations or building line and setback regulations. Such appeals shall be taken within a period of not more than ten (10) days, by filing written notice with the County Board of Adjustment and the County Inspecting Officer, stating the grounds thereof. An appeal from the County Board of Adjustment shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The County Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the County Inspecting Officer in the enforcement of the county zoning regulations.
2. To hear and decide requests for map interpretations or for decisions on other special questions upon which it is authorized to pass by the regulations adopted by the Board.
3. Where, by reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan or other element of the comprehensive plan as embodied in the zoning regulations and map.

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

1. A written application for a variance is submitted demonstrating:
 - (a) 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.
 - (b) That said special conditions and circumstances do not result from actions of the applicant;
 - (c) That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
 - (d) 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.
2. The Board shall hold a public hearing as provided in Paragraph 6.3.1.
3. The Board shall make a finding that the representations in the application responding to the requirements of Paragraph 6.3.1 are valid.
4. The Board shall further make a 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, building, or structure.
5. The Board shall further make a 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 districts 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 involved, or any use expressly or by implication 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 regulations and punishable under Article 7.

In exercising the above powers, such 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 and decision thereon, apply the principles, standards and objectives set forth and contained in all applicable regulations, ordinances 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 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 the Board.

The Board shall hold the hearing, and upon the concurring vote of three members may grant the special exception after finding that the special exception will be in harmony with the spirit and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a special exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached. A special exception which has not been utilized within two years from the date of the order granting same shall thereafter be void. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

6.3.2.1 Power of the Board to Grant Conditional Use Permits

The Board shall have the power to hear and decide applications for conditional use permits for only such uses for which these regulations require such a permit. Where a conditional use permit is required and granted, it shall be issued prior to issuance of a building permit or a certificate of occupancy, and shall be issued subject to the specific conditions upon which the Board has determined to grant the permit.

The applicant shall submit a written application for a conditional use permit indicating the section of these regulations under which the permit is sought, stating the grounds on which a permit is requested, and submitting a site plan showing the proposed development. The Board shall hold a public hearing as provided in paragraph 6.3.4.

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

1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
2. Safety from fire hazard and measures for fire control.
3. Protection of adjacent property from flood or water damage.
4. Noise producing elements and glare of vehicular and stationary lights and effects of such lights on the established character of the neighborhood.
5. Location, lighting, and types of signs and relation to signs to traffic control and adverse effects on adjacent properties.
6. 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.
7. Adequacy of parking as determined by requirements of these regulations for off-street parking facilities in the use 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.
8. 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 conditional use permit shall expire two years after the granting of the conditional use permit, except when the following conditions have been met:

1. Building permits have been issued, materials have been acquired, and the foundation of at least one building has been placed on the site, or

2. Where no construction is required, an occupancy permit has been issued, and actual operation of the use has been started.

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

6.3.3 Appeals to District Court

An appeal to the District Court from any decision, ruling, judgement or order of the County Board of Adjustment may be taken by any person or persons, firm or corporation, jointly or severally, aggrieved thereby, or any department, board or official of government by filing with the clerk of the Board within ten (10) days a notice of such appeal. No bond shall be required for such appeal, but costs may be required in the District Court as in other cases. Upon filing of such notice, the clerk of the Board shall forthwith transmit to the clerk of the District Court the originals or certified copies of all papers constituting the record in such case, together with the order, judgement or decisions of said Board. Said cause shall be tried de novo in the District Court and said Court shall have the same power and authority as the County Board of Adjustment, together with all other powers of the District Court in law or in equity. An appeal to the Supreme Court from the decision of the District Court shall be allowed as in other cases.

6.3.4 Notice of Public Hearing

Notice of all public hearings herein provided for shall be given by one (1) publication in a newspaper of general circulation in the municipality and the county at least fifteen (15) days prior to the date of such hearing.

ARTICLE 7

ENFORCEMENT AND ADMINISTRATION

Section 7.1 Zoning Clearance Permit

The Zoning Clearance Permit is a permit issued by the Zoning Administrator which states that a particular development meets all of the requirements of the Zoning Ordinance. It is not a building permit and does not authorize construction, it simply clears the land and structure in terms of zoning and authorizes the Building Inspector to issue the building permit. This permit also 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 building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued even though such building, structure or use does not conform with the provisions 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 the use of any land or building or other structure be changed without a Zoning Clearance Permit issued authorizing such construction, alteration, repair or use changes as being in compliance with the provisions of this Ordinance.

7.1.2 Application

An application for a Zoning Clearance Permit shall be made to the Zoning Administrator by the owner or proposed occupant of the building or land to be occupied or used, and said application shall state the location and legal description of said property and set out in detail the character and nature of the use to be conducted thereon. Within three days the Zoning Administrator shall grant or deny said Zoning Clearance Permit in accordance with the terms of this Ordinance.

7.1.3 Accompanying Material

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

7.1.4 Fees

Zoning Clearance Permits shall not be issued until a fee of five dollars (\$5.00) shall have been paid.

7.1.5 Penalties

Any persons, firm or corporation violating any provisions of this Ordinance is guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00)

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nor more than twenty dollars (\$20.00) each day the violation exists. Each day constitutes a separate offense.

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 inspecting officer, 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 Section 9.4.

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 inspecting officer. Except for uses exempt from these regulations, as set forth in Section 9.4, 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 inspecting officer. Permits for moving buildings shall be as provided in Section 7.2.4.

7.2.1 Application for Building Permit

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

Plans in duplicate, drawn to scale, showing the shape 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, and an application for a certificate of occupancy as provided in Section 7.3.

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

7.2.2 Action on Application for Building Permit

No building permit shall be issued by the inspecting officer except in conformity with the provisions of these regulations, unless he receives a written order from the appropriate Board of Adjustment in the form of an administrative review, conditional use permit, variance, or finding as provided by these regulations.

One copy of the plans shall be returned to the applicant by the Inspecting Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Inspecting Officer.

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.

7.2.3 Expiration of Building Permit

If the work described in any building permit has not begun within ninety days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Inspecting Officer and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the Inspecting Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

7.2.4 Building Permit for Moving a Building

Any person desiring to move a building shall first file with the Inspecting Officer a written application setting forth the following information:

Type and kind of building to be moved.

The original cost of such building.

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 Inspecting Officer, the moving of any buildings will cause serious injury to persons 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 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 Inspecting Officer 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 of an existing use, except as provided 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 Section 9.4.

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 Inspecting Officer. The certificate of occupancy shall state specifically wherein 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 months to apply for certificates of occupancy. Failure to make such application within three 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 Application for and Issuance of Certificate of Occupancy

Each application for a certificate of occupancy shall be on form supplied by the Inspecting Officer, which form may be combined with the application for a building permit and shall include such information as may be required by the Inspecting Officer for determining compliance of the proposed use with these regulations.

No certificate of occupancy shall be issued by the Inspecting Officer 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 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 Inspecting Officer for a period not exceeding six 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 Inspecting Officer 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 Inspecting Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations and punishable as provided in Section 7.5.

Section 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 Inspecting Officer. He shall record properly such complaint; immediately investigate, and take action thereon as provided by these regulations.

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 conditional use permits, 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 not less than five dollars nor more than thirty-five dollars including costs for each offense. Each day such violation continues shall be considered a separate offense.

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 suffer the penalties herein provided.

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

Section 7.6 Amendment of Zoning Regulations

7.6.1 Application for Amendment

Any person, association, firm or agency of government may apply for amendment of these regulations. An application for a zoning map amendment shall be in such

form and have such content as the Planning Commission may, by resolution, establish.

Each application shall be filed with the Planning Commission at least (30) days prior to the date of the public hearing at which it is to be considered, unless the Planning Commission by a two-thirds vote permits a shorter period for reasons shown.

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

7.6.2 General Action on Application for Amendments

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

1. Where an application is made directly to the governing body it shall be referred by the governing body to the Planning Commission for processing in the same manner as if the application has been made to the Planning Commission, except that the Planning Commission shall make a report to the governing body on each application, regardless of whether it holds a public hearing thereon.
2. With respect to each application received, either directly or by referral from the governing body, the Director of the Planning Commission shall review the application, and he may set the application for public hearing before the Planning Commission.
3. If the Director does not set the application for public hearing, he shall report it to the Planning Commission, who shall vote to set the application or modification thereof for public hearing or deny it.
4. Prior to recommending approval of an application or approval subject to modification, the Planning Commission shall hold a public hearing thereon, as provided below; following the public hearing, the Planning Commission shall within a reasonable time vote to (1) recommend to the governing body that the application be approved or approved as modified or (2) deny it.
5. 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 days appeal the Planning Commission's action to the governing body.

6. In the event of such appeal, the governing body may approve the application, return it to the Planning Commission for further study and report, or deny it. If the Application is returned to the Planning Commission, the governing body may hereafter recall it and approve it or deny it.
7. 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 subsequent to receipt of the Planning Commission's recommendations on the application.
8. After approval of any amendment to these regulations, the Director shall file the amendment in his office, 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.

7.6.3 Action on Application for Amendment if Property Located Within the City of Wagoner

1. Parties in interest and citizens shall have an opportunity to be heard at a public hearing before any regulation, restriction, or district boundary shall become effective. At least fifteen (15) days' notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the municipality.
2. Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements of this section on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.
3. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:

(a) the owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or

(b) the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change;

then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths of all the members of the municipal governing body where there are more than seven members in the governing body, and by three-fifths favorable vote where there are seven or less numbers in the governing body.

4. In addition to the notice requirements above, notice of a public hearing on any proposed zoning change shall be given twenty (20) days prior to the hearing by mailing written notice by the secretary of the Planning Commission to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property. The notice shall contain:

- (a) Legal description of the property and the street address or approximate location in the municipality;
- (b) Present zoning and classification of the property and the classification sought by the applicant; and
- (c) Date, time and place of the public hearing.

In addition to written notice requirements, notice may also be given by posting notice of such hearing on the affected property at least twenty (20) days before the date of the hearing.

5. In cases of proposed zoning reclassifications, the governing body may require additional notice of the public hearing by posting a sign on the property affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces. The notice shall contain:

- (a) The date, time and place of the public hearing;
- (b) By whom the public hearing will be conducted;
- (c) The desired zoning classification;
- (d) The proposed use of the property; and
- (e) Other information as deemed necessary to provide adequate and timely public notice.

7.6.4 Action On Application for Amendments if Property Located Within the Unincorporated Areas of Wagoner County

1. Notice of all public hearings herein provided for shall be given by one (1) publication in a newspaper of general circulation in the municipality and the county at least fifteen (15) days prior to the date of such hearing.
2. 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.

3. All projects or matters that fall within the purview of the duties of the Planning Commission for investigation and report before any final action shall be taken thereon; provided, however, that if the Planning Commission fails to make an investigation and report on any matter or subject referred to it for a period of thirty (30) days, such failure shall be considered a refusal to approve the proposed plan or project and the Board of County Commissioners shall be under no obligation to wait longer for reports or recommendations concerning said projects.

7.6.5 Effect of Protest

In case of a protest against such proposed amendment signed by the owners of twenty 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 become effective except by the favorable vote of two-thirds of all members of the Board of County Commissioners.

Section 7.7 Classification of Certain Areas

7.7.1 Classification of Deannexed Areas

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

Therefore, the following provisions are hereby adopted:

1. All territory that is deannexed by any incorporated city within the planning area after the effective date of these regulations, if it has prior thereto been zoned for that city, shall thereupon be placed in the same or most nearly corresponding zoning district classification under these regulations until otherwise classified by amendment of these regulations.
2. All territory that is deannexed by any incorporated city within the planning area after the effective date of these regulations, if it has not prior thereto been zoned by that city, shall be an Agricultural District, unless otherwise classified by the Board of County Commissioners at the time of deannexation.
3. 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 district classification under these regulations until otherwise classified by amendment of these regulations.

4. 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 a 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.

ARTICLE 8
DEFINITIONS

Section 8.1 General

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

Section 8.2 Definitions

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

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

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

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

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

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

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

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

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

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

CLERK: The clerk of the unit of government.

COMMISSION: The Planning Commission.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Metropolitan Area.

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

COUNTY: Wagoner County, Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Beauty Shops

Fine Art Studios

Professional Offices

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

Home occupations do not include:

Barber Shops

Commercial Stables or Kennels

Interior Decorators' Offices or Workshops

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

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

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

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

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

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

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

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

LOT FRONTAGE: The length of a front lot line.

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

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

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

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

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

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

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

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

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

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

M DISTRICT: A mining district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN, ADVERTISING: See SIGN, OUTDOOR ADVERTISING.

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

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

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

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

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

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

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

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

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

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

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

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

SUBDIVISION REGULATIONS: The subdivision regulations of the Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 9

INVALIDITY AND REPEAL

Section 9.1 Invalidity of a Part

In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid, but shall remain in full force.

Section 9.2 Repeal of Conflicting Regulations

All regulations, ordinances, orders, resolutions, or parts thereof in conflict with these zoning regulations, or inconsistent therewith, are hereby repealed to the extent necessary to give these regulations full force and effect.

Section 9.3 Emergency Clause

It being immediately necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

Section 9.4 Exemption From Zoning Regulations

9.4.1 Uses Exempted Within the City of Wagoner

In no event shall any provisions of this ordinance apply to any property of any railway company or terminal company. In addition, nothing in this ordinance shall apply to telephone exchange buildings.

9.4.2 Uses Exempted Within the Unincorporated Areas of Wagoner County

The zoning power conferred herein shall not apply to the erection or use of the usual farm buildings for agricultural purposes or to the planting of agricultural crops, nor to the extraction of oil or natural gas. The power of the Board to establish building and construction codes shall not apply to a single family residence located on a separate parcel of land under own ownership, containing twenty (20) acres or more in areas; nor shall the provision of this Act apply to any lands which, as of the effective date hereof, (a) are devoted to manufacturing and/or industrial use, or (b) have been acquired by any owner for expansion of facilities devoted to manufacturing and/or industrial use, so long as such use or ownership continues; nor shall the provisions of this Act apply to the acquisition of property or easements for or the installation, construction, maintenance or use of structures, facilities and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar State or Federal body.